
From: Prue Brancher <[REDACTED]>
Sent: Sunday, 3 May 2026 3:12 PM
To: Kingborough LPS
Cc: Prue Brancher
Subject: Submission regarding the rezoning of [REDACTED] and adjoining area
Attachments: Pru and Adam TPC Letter template NO LCZ - SNUG FALLS .docx - Google Docs.pdf

Please find attached our submission regarding the extreme interpretation of rezoning laws in Tasmania. If there are any issue or you need to contact us, please use my Gmail address not the iCloud one or alternatively, call us on [REDACTED].

Sent from my iPhone

Name(s)	Prue (Prudence) and Adam
Date	01/05/2026
Property Address	[REDACTED], Snug
Requested Zone	Rural Living Zone

To the Tasmanian Planning Commission,

Hello, our names are Prue and Adam Brancher. Thank you for the chance to speak about my property at [REDACTED] Snug.

I object to its rezoning under the Kingborough Draft LPS and/or IreneInc review to the Landscape Conservation Zone. Applying LCZ is inconsistent with section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the LPS Section 8A Guideline No. 1, and the Southern Tasmania Regional Land Use Strategy (STRLUS) and is in our view an extreme and unintended interpretation of this legislation.

Rural Living Zone (RLZ) Over 20ha – minimal or no intent for subdivision potential would be more suitable. I respectfully ask the Commission to apply this zone, in line with the original purchase, zoning allowances, and the site's current or future residential use. RLZ is also proposed for adjoining properties to our rural community settlement at 128 Snug Tiers Road, 59, 69 and 80 Palmers Road, and 2274 Channel Hwy.

We purchased the property a couple of years ago and have thoroughly enjoyed glamping on it. We have never failed to sleep well, and feel rested when we occasionally stay there. We have had plans drawn up for a container home that would be completely self-contained and have a minimal footprint. We used the sale of our business to buy it and would very much like to build the home we had architecturally designed and retire to the block once we have finished exploring the mainland. Our plan is to leave it as untouched as possible so that we can continue to be a safe haven for tassie devils and the like (that we have captured on our trail cam) and live as unobtrusively as possible in harmony with the beautiful environment. We do not (and really could not) intend to subdivide the block as we would like this property to be our legacy - leave as many wild places as possible on this Earth of ours.

Whilst we agree that Tasmania's landscapes should be protected, we believe it can be done best through RLZ as it has been done historically through ELZ and Rural Residential zonings. Rezoning to LCZ would harm our continuous use of the land as allowed when purchased. It also means that people can stay connected to the natural environment - not possible in built up areas.

LCZ DOES NOT COMPLY WITH LUPAA ZONE GUIDELINES

Section 34 of LUPAA says the Commission must check if the LPS meets the Act's criteria, including zone guidelines. LCZ 4(a) states that LCZ should NOT be used where the land's **'priority is for residential use and development'**. The guidelines say LCZ is not for large residential lots 'characterised by native vegetation cover and other landscape values.'

We would like our property to have its original zoning as its **primary use and strategic intention of the land is and has always been residential**. It has a structure on it - built many years ago that has been used for glamping (not suitable for living permanently in but the council is aware of it) but there are dwellings surrounding us and for this reason we believe the same zoning should apply to us as them. These approved dwellings have been continuously occupied, as would ours once approved and built. There is no evidence that we are aware of that this area has

been anything other than residential in nature for decades. We had thought our architect had submitted our plans for DA, we recently discovered that this was not the case and though we are disappointed as we would like to have shown our firm resolve to live there, we also are concerned that we might no longer be able to because of the extreme (in our view) of these new regulations.

LUPAA guidelines also state LCZ is not a replacement for ELZ. The priorities don't match: ELZ Living priority permits dwellings, but LCZ prioritises conservation with discretionary dwellings.

In correspondence with the Planning Authority, the TPC noted that the LCZ "appears to have been used ...to replace ELZ", a policy or strategy shift which should be 'comprehensively justified'. Neither the draft LPS nor Irenelnc's review has provided detailed, site-specific reasons for changing my land's priority. They based their decision on general landscape values and rural settlement judgments, neither had community input.

LCZ DOES NOT COMPLY WITH LUPAA OBJECTIVES

LUPAA Schedule 1, Objective (b), aims for 'fair, orderly, and sustainable' land use. Applying LCZ conflicts with this objective. It is unfair to remove permitted residential use; applying LCZ represents a **net reduction** in existing land use rights. The clear majority of Tasmanian councils moving to the Statewide Planning Scheme applied the LCZ sparingly or not at all. Only a few used it moderately or heavily. Most councils (such as Tasman) translated ELZ directly to the Rural Living Zone, yet Irenelnc chose as their model three councils that applied LCZ heavily.

Many councils, including Kingborough in 2019, recognised that LCZ could lower property value, affect insurance and finance, and prevent future dwellings on empty blocks – not meeting the goal of sustainable development that supports communities to provide for their **social, economic** and cultural well-being...' (clause 1 (a), Schedule 1 – Objectives).

RLZ IS THE APPROPRIATE ZONE

RLZ Guideline RLZ 1(a) suggests the RLZ should be applied to residential areas with larger lots used for residential and lower order rural activities, while prioritising residential amenity. This fits my property.

RLZ Guideline RLZ 2(b) states RLZ may be applied to ELZ land where the primary strategic intention is for residential use in a rural setting and a **similar** minimum allowable lot size is being applied. My property's size of almost 38ha aligns with RLZ 10 with a minimum lot size of 10 ha.

THE IRENEINC EVALUATION PATHWAY (DECISION TREE)

Irenelnc uses a decision tree to decide zones. On Day 2 of the review hearing, the Commission was told that it's a tool, not a rule [Kate Heckelmann, 05:53:00], and alternatives can be used with good evidence. Even so, applying the evaluation pathway correctly, my property meets the RLZ criteria rather than LCZ.

EVIDENCE OF STRATEGIC INTENT FOR LIVING

Both the original LPS and Irenelnc's report lack clear definitions of "primary strategic intent." They ignore existing rural-residential settlements, historical land use, cultural attachment, community ties, and intergenerational living.

Neither STRLUS nor the Kingborough Strategic Plan restrict rural living growth. Past land allocations, subdivision approvals, and development applications show that residential use is the 'strategic intent' of the land.

The review for my locality (Snug/Coningham) is stated as generally meeting strategic intent for living. We intend to submit plans to for a development application for a dwelling, confirming our intent to live there.

EVIDENCE OF RURAL LIVING SETTLEMENT

IreneInc's review states that the Snug Falls community meets the 'strategic intent for living' because there is 'evidence of residential uses scattered throughout'. However, Rural Living Settlement status has been mostly denied, with the report citing a 'lack of consistent subdivision pattern with lots of the size which would contribute to a rural living settlement'.

This assessment appears biased, primarily due to two judgments. First, it favours smaller lot sizes, disregarding RLZ subcategories that limit subdivision of lots under 20ha and also minimises development on larger lots through needs of access and services (note: there is NO maximum lot size in RLZ).

Secondly, the 'consistent pattern' is only recognised if it resembles urban cul-de-sacs or road clusters, ignoring rural and lifestyle properties that are naturally sited around topographical features, inherited large lots, or purchased with future rural living in mind. For example, in Snug Falls there's a clear pattern of large lot subdivision facing into the valley, on a Northeast to Southwest placement around the topography.

These biases overlook the fact that residents live just minutes from Snug township, where they shop, support local businesses, send children to school, recreate, and work. The reliance on a desktop analysis, which can't see beyond tree canopies and often lacks on-the-ground insight, leads to subjective judgments about rural settlements. For example, the IreneInc report notes that three adjoining properties on Snug Tiers Road display 'a consistent pattern of rural living,' as does my property, yet it is still proposed to be part of the LCZ.

Without applying rural living settlement criteria consistently and with ground-truthing, the evaluation then fails to consider whether landscape values can be managed through planning codes **nor recommends any other outcome than LCZ**, unless the area has no landscape values, which is unlikely given its rural nature and the subjective, non-consulted definition of 'landscape values'.

Homeowners in my area **strongly disagree** with IreneInc's narrow assessment. We can demonstrate that the Snug Falls] community meets all three rural living settlement characteristics:

1. A pattern of **at least** 10 smaller blocks, **generally** between 1–15 ha, with a consistent lot pattern. The attached map shows my property among 23 others in Snug Falls, with lot sizes from 0.96ha to 40, a pattern established since the early 1800s. As you can see all properties can be managed by available RLZ lot sizes to minimise subdivision potential. Our settlement at Snug Falls adjoins property proposed for RLZ at 128 Snug Tiers Road, 59, 69 and 80 Palmers Road, and 2274 Channel Hwy
2. A pattern of 'detached dwellings and outbuildings', which IreneInc admits is "generally met, as many lots have identified residences and cleared areas". As you can see from the attached map, you can see that dwellings and outbuildings are located on nearly every property in my community. This also includes properties with development applications or strategic plans for living on empty blocks.
3. Visual evidence of rural activities such as 'clearings, grazing and hobby farming etc'. IreneInc states that "some residential uses are associated with farming", yet at the review hearing, it was clarified that the criteria list is only an example. My property has evidence of gardens and temporary structures.

ASSESSING LANDSCAPE VALUES

The STRLUS CV 4.1 states that **community consultation** should determine landscape values. IreneInc admits in review hearings that they didn't consult. This means the assessment of whether properties meet 'landscape values' is now entirely based on the Planning Authority's judgment.

IreneInc's choice of dictionary terms 'hilly places' and 'bushland,' and focus on tree-centric descriptions, i.e.: 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are ... nestled into vegetation,' and 'bushland backdrop' are the main basis for our locality's landscape values.

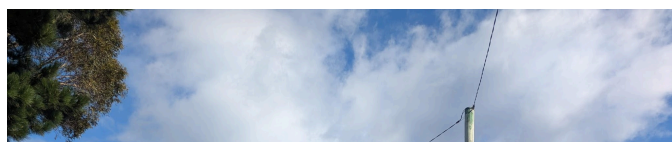
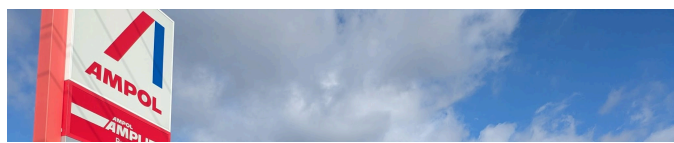
This overlooks the value of other features like waterways, fields, foraging areas, and the importance of varied terrain (grasslands, clearings, open areas, trails) for different species habitat. Such diversity is vital for a healthy rural or biodiverse landscape and aligns with evidence that people prefer varied scenery, including homesteads, sheds, and domestic animals.

The lack of consultation and reliance on terminology that favours the Planning Authority's narrow definition results in a flawed or biased assessment:

1. Large areas of bushland and vegetation alone do not justify LC zoning. As confirmed at the TPC review hearing on 14/4/26, "LCZ is not for managing vegetation—that is the role of the Natural Assets Code", which applies to all properties. IreneInc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify.
2. Describing dwellings and large lots around topography as 'scattered' implies no strategic planning or intent, which is untrue. You can see on the attached map that there's intent/logic.
3. Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, as set by development criteria) is worded in the report as though this is a choice or evidence that OUR preference was conservation over living: "integration of residential use ... is largely within a small proportion of a parcel", "the remaining natural setting reinforces the area's natural values".
4. Owning private property in natural settings doesn't mean residents prioritise landscape conservation over residential amenity. IreneInc implies this repeatedly, both in review references to "built form" being "secondary to the natural landscape" and, in hearings, that lots in bushland reinforce or "contribute" to the area's "natural values". Snug Falls residents purchased homes in natural areas because they **value the contribution this makes to their Rural Living**, not to add to Kingborough's undefined scenic or "landscape values".
5. IreneInc relied on overlays in a desktop assessment to identify landscape or environmental features across the locality, ignoring the challenges of topography and identifying these (i.e., through the tree canopy) by aerial images alone. Evidence-based alternative reports or maps of individual properties' natural settings are needed.
6. The scenic protection overlay is broadly applied to properties over 100m above sea level. The photos used in the report, sourced from realestate.com, are aerial shots intended for sale and don't accurately reflect what is seen from local roads, towns, or waterways. Even IreneInc admits that in the locality "bushland, landform, and ridgeline features ... remain visually intact," and the reality is that the siting of almost all homes on Snug Falls Road cannot be seen from vantage points and the scenic protection overlay will continue to protect these landscapes..

7.

Channel Highway Central and Lower Snug



Channel Highway Kettering and Kettering Jetty



SPOT ZONING, SPLIT ZONING AND FRAGMENTATION

The TPS aims to prevent spot zoning, yet IreneInc suggests Rural/LCZ split zones on some properties in my locality, which could cause mismatched zone priorities and land use. It's also **more logical** that the rural activity forms part of an **overall Rural Living community pattern**. There is arguably less fragmentation created by leaving one spot zoned Rural property within an RLZ settlement, than proposing multiple restrictive split zonings.

IreneInc have also shown that their application of this method is inconsistent. For example, a large lot of 108.84ha at 2274 Channel Highway is split zoned Rural/RLZ and abuts ELZ, RLZ, and Low Density Residential zones, while smaller ELZ parcels have been denied RLZ at all.

My property's location next to a spot zoned rural property shows previous zoning errors or more likely, that a lot showing intense rural activity is better matched to adjacent **living zones like ELZ or RLZ**.

BALANCING LANDSCAPE VALUES AND LAND USE

In their S35F report, Kingborough council states that applying the Rural Living zone to rural residential areas **may** "risk that the predominant land use pattern and characteristics of the area could be eroded over time...". This ignores the long-standing rural nature of the area and the fact that rezoning to LCZ would significantly restrict ongoing private land use, **absolutely guaranteeing** a change in "character and amenity".

The report notes a "medium/high" risk of RLZ uses in this locality but doesn't specify what those risks are, how **likely** they are considering the topography, vegetation, and existing settlement patterns, or whether they could be managed through overlay codes, SAPs, or other mechanisms. IreneInc acknowledged that future reviews could reconsider RLZ decisions, and that any short-term risks could be mitigated. This supports the case that RLZ is appropriate for my property, not LCZ.

At the review hearings, Kate Heckelmann admitted there are **no land uses** that would impact landscape values which aren't already managed by building codes or overlays. This suggests overlaps through stricter zoning isn't necessary because landscape "values can be appropriately **managed through the application and operation of the relevant codes**" (Kingborough LPS guidelines, RLZ 4b).

Assuming LCZ is the only way to protect generic 'landscape values' ignores existing land management, bushfire mitigation efforts, biodiversity initiatives, and conflicts with the intent of the evaluation pathway of **balancing** landscape protection with existing land uses. It is illogical to rezone properties to LCZ to 'protect' the landscape that we've proven we can already care for on our own.

IreneInc suggest that LCZ zoning near Snug Recreation Area is necessary to provide connectivity to the EMZ and act as a buffer between living zones. Not only have National Parks (EMZs) already been put aside for state management, nearly every other Tasmanian council placed other living zones: Rural Living, Residential, Rural, Agricultural, and even Industrial zones next to National Parks or EMZs. It is also contradictory to the placement of Low Density Residential lots beside Coningham's EMZ reserve.

Rural Residential owners provide a significant free workforce to manage areas on the interface of bush, coast, country and town. They need to be able to continue to mitigate natural disaster, care for native species, maintain trails, carriage ways and fire access, and remove invasive pests, which is at risk in the LCZ. Our efforts help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all - work that cannot be replaced by council staff or State Parks and Wildlife service.

SUMMARY

Throughout the LPS process, Kingborough Council has failed to consult the community and has not followed the objectives of LUPAA, which emphasise fair land use and community involvement. Their focus on environmental protection seems aimed at removing private land rights, risking long-term harm to residents' well-being and creating potential future financial and legal challenges.

I appreciate the TPC taking heed of the concerns within this letter and respectfully ask for rezoning properties from ELZ to more restrictive zones to stop. Specifically, I request that the TPC direct my property to be zoned from the ELZ to the Rural Living Zone , with environmental priorities managed by existing natural values codes.

Yours sincerely,

Prue and Adam Brancher

01/05/2026

[REDACTED]

Snug

We do have a Snug PO Box but can also be contacted via email: [REDACTED]

or [REDACTED], Eulo, Qld 4491 (for a short time)