

From: [REDACTED]
To: [TPC Enquiry; Development Applications](#)
Subject: Incoming Tasmanian Planning Scheme
Date: Wednesday, 15 October 2025 5:30:23 PM
Attachments: [REDACTED]

To Whom it may concern,

With regards to my representation #4, in response to the Draft Kingborough LPS, for the Tasmanian Planning Scheme, please consider the attached material as it relates to the hearing on Monday 20 October, 2025.

With thanks,

Eugene.

Representation #4: [REDACTED] ([REDACTED])

Eugene Lehmensich, 20 October 2025



Representation #4: [REDACTED] ([REDACTED])

Tasmanian Planning Scheme – Kingborough Draft Local Provisions Schedule Representation under Section 35F of the Land Use Planning and Approvals Act 1993

1. Context and Purpose

This representation is made in relation to the draft *Kingborough Local Provisions Schedule (LPS)* and its proposed zoning of [REDACTED], Woodbridge as **Landscape Conservation Zone (LCZ)**.

The subject land forms part of a cluster of semi-rural properties, accessed via Crown licence over a road reserve from Woodbridge Hill Road. Under the *Kingborough Interim Planning Scheme 2015 (KIPS 2015)*, all lots within the cluster were zoned Environmental Living. The draft LPS proposes most of these lots as **Rural Zone (RZ)** and two, including [REDACTED] as **Landscape Conservation Zone (LCZ)**, creating an inconsistent zoning outcome over otherwise comparable land.

This representation demonstrates that the **Rural Living Zone** is the appropriate and defensible zoning outcome, consistent with the land use, servicing context, environmental characteristics, and the translation principles established in **Section 8A Guidelines**.

2. Zoning History and Evidence

A **Certificate of Council Rights/Powers Over Land** was issued in 2003, signed by Manager of Corporate Services, Kingborough Council, confirming that the property was zoned **Rural C** under the Kingborough Planning Scheme at that time. Additionally, the property has an established residential use with an approved dwelling, and an ancillary dwelling approved via DA.

This established pattern of residential use alongside the rural historical zoning aligns with the Rural Living Zone under the *Tasmanian Planning Scheme*, which provides for residential use in a rural setting with limited services and compatible small-scale rural pursuits.

The subsequent Environmental Living Zone in *KIPS 2015* maintained that intent, establishing the clear zoning lineage:

**Rural C (1988 Scheme) → Environmental Living (2015 Interim Scheme) =
Rural Living (Tasmanian Planning Scheme)**

At no time has the land been zoned for environmental management or as a conservation reserve. The proposed LCZ departs from over thirty years of consistent strategic and statutory intent.

A copy of the 2003 Certificate issued by Kingborough Council (including zoning under question 25(b)) is attached as Annexure A.

3. Bridging Statement

The property's established **rural-residential function** and zoning lineage align with the **Rural Living Zone** criteria. The proposed LCZ introduces a new conservation-based policy direction unsupported by historical precedent, established land use, or servicing realities. The following analysis demonstrates that **Rural Living Zone** is the most appropriate translation under the SPPs.

4. Policy and Statutory Framework

4.1 Land Use Planning and Approvals Act 1993 (LUPAA)

Under **section 32.1(f)**, any amendment to a planning scheme must:

“have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms..”

This statutory obligation ensures planning instruments consider impact on people, on communities, and on economies, balancing these considerations with environmental factors. The Kingborough Council and Tasmanian Planning Commission (TPC) must consider translation of zones, but also the **social and economic implications** for affected areas.

Further, under LUPAA, section 32.1(e), an amendment of a planning scheme must:

“as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area....”

The proposed LCZ over [REDACTED], surrounded by rural zoning, fails to meet that requirement. The proposed spot zoning disregards the **established residential use** of the land and the **social and economic consequences** of applying incompatible land uses, creating a use conflict within an otherwise cohesive rural-residential cluster.

This representation demonstrates that the Rural Living Zone is the appropriate and defensible zoning outcome—consistent with the intent of *LUPAA*, and the guiding principles of fairness, consistency, and sustainable land use under the *Tasmanian Planning Scheme*.

4.2 Southern Tasmania Regional Land Use Strategy (STRLUS)

STRLUS identifies Woodbridge as suitable for **rural-residential consolidation** on marginal agricultural land with limited servicing. The Rural Living Zone directly implements this policy intent.

5. Zone Purpose Comparison and Translation Context

Zone	Purpose Statement (abridged)	Intent	Alignment for 7494/2
Environmental Living – KIPS 2015	Provide for residential use and development in areas where natural and landscape values are to be retained; not for agriculture or intensive rural activity.	Residential zone with landscape sensitivity.	Interim zoning; recognising rural-residential function.
Rural Living Zone (SPP 11.0)	Provide for residential use in a rural setting where services are limited; allow compatible small scale rural pursuits. Existing natural and landscape values are to be retained. Maintains visitor accommodation use as permitted.	Residential use in a rural setting, preserving resource use and natural values.	Matches existing use, suits access and maintains natural values.
Rural Zone (SPP 20.0)	Provide for use or development in rural locations where agriculture is limited or marginal; requires rural location for operational reasons.	Development at scale and intensity appropriate for rural location.	Inappropriate – no lawful frontage or access in perpetuity. Also incompatible land uses in close proximity.
Landscape Conservation Zone (SPP 22.0)	Protect, conserve and manage landscape values while allowing limited compatible use.	Conservation zone for land with high scenic and natural values.	Inappropriate: Not justified – partly cleared, forestry regrowth with moderate biodiversity value and limited public scenic amenity.

6. Access and Servicing Constraints

Access to the properties listed is via Crown road reserve issued under *Crown Lands Act 1976*, and used under licence from the Crown. While providing legal and physical access for owners, this does not constitute legal frontage under the *State Planning Provisions* as the reserve remains Crown land and has not been dedicated as a public road under the definition of road under the TPS.

Whilst Right of Carriageway under the *Land Titles Act 1980* does not exist over the parcel of Crown land; formalisation could be achieved by vesting in Council (including maintenance) or transfer to private ownership, further exacerbating access issues for other users.

This constraint is manageable under RLZ (rural-residential use) but unsuitable for the Rural Zone or Landscape Conservation Zone, which assumes permanent public road frontage for operational reasons. By contrast, the **Rural Living Zone** expressly accommodates shared or licensed access where it is safe and serviceable, including for domestic and emergency vehicles. The shared road was surveyed, engineered and constructed in line with the Bushfire Hazard Management Plan which considered passing bays for shared access by occupied properties, as these recommendations were then mandated by Council, lending further evidence of the understanding that these properties are for occupation.

Additionally, significant private investment has been made by landholders working together to construct the shared access road along with the passing bays, satisfying the requirements for residential development and use. Whilst this further demonstrates the area's intended rural-living purpose, removing the residential entitlement from properties will place landowners who have invested in infrastructure and utility upgrades for residential development at economic disadvantage.

It remains that the existing use best aligns with the development provisions of the **Rural Living Zone**.

7. Existing Use and Development History

A residential dwelling has been constructed on the property at 7494/2 and an ancillary dwelling has been approved by Kingborough Council through the development application process. Both residential and visitor accommodation are permitted uses under the current Environmental Living Zone. These approvals confirm the established and lawful residential use of the land.

During the development process, Council mandated a Part 5 Conservation Agreement, permanently reserving a section of the property to offset the clearing of the minimum area prescribed for a bushfire hazard management area. Following an initial reluctance to covenant the balance of the property (approx. 15 acres), then refusal of a financial levy (exceeding \$20000) were met with indication that development approval would otherwise be refused. Given

the significant financial investment in surveying, engineering, assessments and site visits to this point, I agreed to a Part 5 Agreement at 4:1 in order to secure approval for a **permitted use development**.

This demonstrates:

- Council recognises the residential use of the property;
- Whilst the conservation obligations were procedural rather than ecological (exercised over land with only moderate biodiversity value, see Annexure B), it indicates that conservation objectives can be met using overlays (KIPS) or codes (TPS) without zoning for conservation.
- The land forms part of an established rural-residential cluster and not a conservation precinct.

This development history further reinforces that the appropriate zone translation is **Rural Living**, not Landscape Conservation.

8. Natural Values and Environmental Assessment

A Natural Values Assessment prepared by Lark & Creese Pty Ltd (May 2021) assessed the site's ecological characteristics, including vegetation communities and fauna habitat, to support the approved dwelling development. The report found:

- The property supports wet Eucalyptus obliqua forest over Leptospermum (WOL) – a non-threatened community.
- No threatened flora or fauna species were recorded and habitat values were low to moderate.
- The Natural Values Assessment identifies part of the property classified as FAG - Agricultural Land under TASVEG 4.0. Further, the site supports evidence of previous disturbance resulting from clearance and harvesting practices including an area occupied by a significant Gorse infestation. (See Annexure B)
- The access corridor crosses previously disturbed terrain with no significant riparian values affected.

Interpretation: The study confirms that the land's environmental values are modest and the site does not contain threatened communities nor form part of a regionally significant landscape corridor – key criteria for LCZ application. Accordingly, the **Rural Living Zone** can achieve appropriate environmental outcomes while reflecting the land's true function and character.

9. Social Considerations of Zoning Consistency

Zoning is not only a technical instrument but also a social signal influencing how landholders perceive and manage their properties. When adjoining or similar properties are zoned inconsistently — for example, some as Rural and others as LCZ — it creates uncertainty about permissible uses, expectations of management, and the long-term future of the area.

This inconsistency can lead to:

- Unnecessary tension between neighbours regarding vegetation management (weeds), noise, and development;
- Reduced confidence in the fairness and transparency of the planning system; and
- Fragmented community identity, as residents operate under differing obligations and expectations.

Consistent zoning supports predictable behaviour, co-operative land management, and the wellbeing of residents.

In the [REDACTED] residential cluster, where all owners share a single access and comparable lot characteristics, applying a consistent **Rural Living Zone** promotes harmony, environmental responsibility, and social cohesion.

By contrast, the proposed mix of inappropriate Rural and LCZ zonings would create divergent expectations, regulatory complexity, and potential conflict.

10. Sustainable Resource Management

The Rural C Zone under the *Kingborough Planning Scheme 1988* balanced sustainable resource use, permitting low-intensity rural and residential activities provided it did not materially change landscape character.

The shift to LCZ therefore represents a substantive policy change, not a mere “translation.” It effectively transitions land from rural with environmental awareness to landscape conservation with residential tolerance — reversing the hierarchy of purposes.

In the case of [REDACTED], the use of locally sourced wood from the property (for example, from fallen or thinned trees in fire management zones) represents a sustainable heating practice with a smaller carbon footprint than liquefied petroleum gas (LPG) or electricity from non-renewable sources. Such practices are consistent with the sustainability principles in Schedule 1, Part 1(a) of LUPAA — “to promote the sustainable development of natural and

physical resources” — and are entirely aligned with the original intent of the Rural C Zone and the preferred successor, Rural Living.

If the property is retained within a Landscape Conservation Zone, these traditional, low-impact sustainability practices would become discretionary or discouraged, despite being compatible with both the site’s ecology and its historical use and zoning for forestry.

Further, the application of LCZ undesirably constrains land management that is critical for resident safety in a zone with a severe bushfire risk. Zoning overlays indicate the real threat and identify the ongoing need for human intervention/management rather than conservation to protect people and property.

Accordingly, the **Rural Living Zone** provides a better framework for balancing environmental protection with local resource efficiency, energy resilience, and self-sufficiency, in keeping with the heritage and practical expectations of the area’s long-standing zoning history.

11. Additional Zoning Rationale and Response to Guideline

The *Section 8A Guideline No. 1* (v3 2022) states:

“The Landscape Conservation Zone is not a large-lot residential zone... It provides a clear priority for the protection of landscape values with residential use largely discretionary.”

Kingborough Council’s own LPS Supporting Report (2024) adds that LCZ should apply to “elevated bushland areas or areas of important scenic value... such as well-vegetated headlands and ridgelines.”

The [REDACTED] does not display these characteristics: it is significantly cleared, not publicly visible, and not part of a ridgeline or headland landform. Mapping appears based on elevation and vegetation rather than any demonstrated scenic or biodiversity value.

Existing controls already protect biodiversity through the Biodiversity Protection Overlay (KIPS 2015) and the incoming Natural Assets and Waterways and Coastal Protection Codes (TPS). LCZ designation is therefore redundant, inconsistent with the land’s primary residential function and creates unnecessary overlap and duplication of environmental controls.

12. Conclusion and Recommendation

The proposed **Landscape Conservation Zone** for [REDACTED] ([REDACTED]) is neither appropriate nor defensible. The land:

- Has a documented zoning lineage of Rural C → Environmental Living = Rural Living;
- Contains a **lawful dwelling and approved ancillary dwelling**, confirming established residential use;
- Relies on **Crown-licence access** not suitable for Rural or LCZ application;
- Is **subject to a Part 5 Agreement** created as a development condition rather than inherent environmental merit;
- Lies within a **cluster of rural residential properties** warranting consistent treatment.
- Is **partially cleared and residential in use**, not of exceptional scenic value as a result of topography; and
- Is already **subject to binding conservation and overlay/code controls**.

Applying LCZ would impose unnecessary complexity, inconsistent treatment, and division among landholders, contrary to the objectives of the TPS and Section 8A Guidelines.

Recommendation:

Modify the draft Kingborough LPS to zone Lot 2 on Plan [REDACTED] [REDACTED]), along with the similar neighbouring properties, as Rural Living Zone. Further, given the topography of properties along Woodbridge Hill Saddle, modify the draft LPS to remove the Scenic Protection Code over these properties or at least, apply it judiciously.

The application of **Rural Living Zone**:

- Provides for the **fair, orderly and sustainable use** of land consistent with historic zoning;
- Ensures ongoing access for residential purpose over the crown road reserve;
- Maintains **environmental protections** through existing codes and covenants; and
- Supports the **social and economic wellbeing** of the community while aligning with the objectives of balanced and participatory planning.

(End of Representation – Annexure A Council Powers Certificate and Annexure B Natural Values Assessment attached.)