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Sent: Monday, 4 May 2026 11:50 PM
To: Kingborough LPS
Cc: John Voss
Subject: submission - [REDACTED] J&J Voss
Attachments: LETTER - KCC LPS - Submission [REDACTED] Neika JJ Voss - Response to Ireneinc Review.pdf

The attached submission is lodged on behalf of John and Jacqueline Voss – [REDACTED], Neika.

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4 May 2026

Submission to the Tasmanian Planning Commission

Draft Kingborough Local Provisions Schedule Response to Direction 69 and Ireneinc Review

Landowners: John Voss and Jacqueline Muir
Land: [REDACTED], Neika, Tasmania
Area: approximately 7.4 hectares

Prepared by: Justine Brooks – pitt&sherry

**Requested outcome: Apply the Rural Living Zone (Area C) in place of the
proposed Landscape Conservation Zone**

Executive Summary

This submission is made on behalf of John Voss and Jacqueline Muir in response to the draft Kingborough Local Provisions Schedule (LPS) and the proposed application of the Landscape Conservation Zone (LCZ) to [REDACTED], Neika, arising from Ireneinc's review prepared in response to Direction 69.

The landowners object to the proposed application of the LCZ and request that the land be zoned Rural Living Zone (Area C) instead.

This submission acknowledges Ireneinc's municipality-wide strategic landscape work. However, at the individual title scale, the proposed application of the LCZ would impose a conservation-led base zone on land that is already lawfully developed, occupied and actively managed as a rural lifestyle holding.

[REDACTED] is not vacant bushland or unmanaged conservation land. It is an established rural lifestyle property containing:

- a lawfully approved dwelling and garage;
- established access;
- significant water storage and firefighting infrastructure;
- retaining, drainage and erosion control works;
- native landscaping and revegetation;
- ongoing bushfire hazard management; and
- more than 20 years of continuous occupation and active land stewardship.

Accordingly, the key question is not whether the land contains vegetation, contributes to scenic character, or has

environmental values (it does). The question is whether those matters justify applying a landscape-conservation-focused base zone to land whose dominant existing and intended purpose is rural living and residential occupation. For this title, they do not.

In summary, this submission contends that:

- the proposed LCZ does not reflect the dominant existing and intended purpose of the land;
- the title is already lawfully developed and occupied for rural living;
- the landowners have made substantial, long-term investment in environmentally sensitive land management and bushfire preparedness;
- the site is not pristine, unmanaged or conservation-led land;
- the proposed LCZ would duplicate matters addressed through codes and overlays;
- the proposed LCZ would introduce avoidable uncertainty for essential land management, life safety and future rebuild outcomes; and
- the Rural Living Zone (Area C) is the correct strategic and statutory fit.

The Rural Living Zone (Area C) is the most appropriate planning outcome because it aligns zoning with how the land functions: an established rural lifestyle holding in a bushfire-prone setting that requires practical, ongoing land stewardship.

1. Response to Ireneinc / Direction 69 Review

This submission relates to [REDACTED], Neika. It responds to the draft Kingborough LPS and the proposed application of the LCZ to the subject land following Ireneinc's review prepared in response to Direction 69.

The landowners are directly affected by Ireneinc's recommendation that land in this locality, including [REDACTED], be zoned LCZ. The landowners object to that recommendation. While the submission acknowledges that the land contains landscape values, vegetation and environmental constraints, it submits that the recommended zone does not appropriately respond to the land's existing lawful development, established use, practical occupation, future resilience and the statutory purpose of the zone provisions.

2. The land and its existing character

[REDACTED] comprises approximately 7.4 hectares and has been continuously occupied by the current landowners since 2004. It is not vacant or undeveloped land; it is an established rural lifestyle holding that has been lawfully improved, occupied and actively managed for more than two decades. The title contains:

- a lawfully approved dwelling (completed circa 2005);
- a lawfully approved garage/outbuilding (completed circa 2011);
- established vehicular access and internal pathways;
- significant water storage infrastructure, including two dedicated 20,000-litre Tasmania Fire Service (TFS) compliant tanks;
- firefighting pumps and associated preparedness infrastructure;
- retaining walls, drainage works and erosion controls;
- managed native landscaping and revegetation; and
- ongoing private land management works to support safe occupation.

The approved dwelling is modest in scale (approximately 136 m²), single-storey and visually subdued, finished in

woodland grey Colorbond to recede into the surrounding bushland setting.

The dwelling is located on the only practical buildable area of the title: a relatively narrow, gently graded section in the south-east corner of the site, capable of accommodating safe access and lawful construction.

At the time of purchase, the building area had already been disturbed and degraded (including historic clearing, prior tree removal and dumped material). The property was not acquired as pristine conservation land; it was a degraded and partly disturbed bush block that has been carefully improved and rehabilitated over time for safe and sensitive occupation.

3. Response to Ireneinc review (Direction 69)

The proposed application of the LCZ to [REDACTED] arises from Ireneinc's review undertaken in response to Direction 69. That review performs an important municipality-wide strategic role by identifying broad landscape character, scenic values and constraints, and by guiding where the LCZ may be appropriate.

However, the Ireneinc review is not determinative at the individual title scale. Zoning must reflect the land's dominant purpose and settlement pattern, having regard to existing lawful use and development, physical constraints, practical land management needs (including bushfire risk), future resilience, and the purpose of the zone under the Tasmanian Planning Scheme.

For [REDACTED], the strategic landscape method has produced a misaligned zoning outcome because it gives insufficient weight to the land's established rural-living function and lawful development footprint.

The site is not undeveloped landscape or passive conservation land. It is an established and occupied rural lifestyle property with lawfully approved structures, substantial bushfire-preparedness infrastructure, long-term rehabilitation works, and ongoing land management associated with safe human occupation. That existing function is central to the zoning question and should be afforded substantial weight.

4. Landscape value does not mean Landscape Conservation Zone

This submission acknowledges that the land contains landscape values and contributes to the visual and environmental character of Neika. However, the presence of vegetation and scenic character does not, of itself, justify applying the LCZ as the base zone. The LCZ is intended to protect, conserve and manage landscape values as the dominant purpose for land; that is not the dominant purpose of this title.

Under the State Planning Provisions, the purpose of the Landscape Conservation Zone is to provide for the protection, conservation and management of landscape values, and to provide for compatible use or development that does not adversely impact on those values. By contrast, the purpose of the Rural Living Zone is to provide for residential use or development in a rural setting where services are limited or where existing natural and landscape values are to be retained, while also providing for compatible agricultural uses and other compatible development that does not cause an unreasonable loss of amenity. On this title, these Rural Living Zone purposes better align with the established lawful residential occupation and rural lifestyle use, while still retaining landscape values through the relevant codes and overlays.

Vegetation on the site contributes to matters such as:

- scenic character;
- habitat value;
- slope stability;

- privacy and local amenity;
- bushfire behaviour; and
- visual screening.

These matters are relevant and can be appropriately managed through the applicable codes. They do not convert a lawfully developed rural lifestyle holding into land whose dominant purpose is landscape conservation. For [REDACTED], the dominant purpose is rural living and residential occupation supported by practical land stewardship and life-safety management.

5. Long-term land stewardship and sensitive management

The landowners have not simply occupied the land; they have actively stewarded it. Over more than 20 years, they have undertaken continuous work to balance:

- safe occupation;
- bushfire preparedness;
- visual amenity;
- ecological sensitivity;
- erosion control; and
 - low-impact land use.

Examples of works undertaken include:

- manual and small-tool hazard reduction;
- mosaic fuel management;
- selective weed management (hand and brush cutter);
- low-flammability planting and replanting;
- drainage improvements and erosion control works;
- stone pathways and dry-stone retaining walls;
- endemic and Tasmanian native revegetation; and
- plant selection informed by flammability, root depth, slope stability and local conditions.

This is the kind of balanced land management the planning system should support. It should not be made more difficult through the application of a less appropriate and more restrictive base zone.

6. Bushfire risk, life safety and practical land management

Bushfire is the dominant practical planning constraint affecting this land. The site is in an extreme bushfire environment and has historically been subject to bushfire exposure (including a local bushfire event in approximately 1999, as noted by the landowners). This is not a peripheral issue; it is a defining land management reality for the site.

The dwelling and its immediate setting have been assessed within the Bushfire Attack Level (BAL) framework (BAL-40 to BAL-FZ). The landowners have implemented extensive measures to reduce risk, including:

- defensible space management;
- mosaic fuel management;
- hazard reduction around buildings and infrastructure;
- weed control;
- access maintenance;
- water storage and firefighting preparedness;
- drainage and erosion management; and
- regular liaison with Tasmania Fire Service.

These works are essential life-safety measures in a bushfire-prone area. The planning framework should not create unnecessary barriers to ongoing, lawful risk-reduction and land management required to support safe occupation.

7. The proposed LCZ changes the planning position

A key consequence of the proposed zoning change is that it would materially alter the planning position applying to a title that has already been lawfully developed and occupied.

The dwelling and associated improvements at [REDACTED] were lawfully approved and constructed under the planning framework in place at the time, and were located in the only practical buildable area on the title. Council has previously recognised the site's physical constraints, including through setback flexibility associated with the approved garage. The landowners have relied on that framework in good faith.

This is particularly relevant to future repair or rebuild outcomes following bushfire or other natural hazard events. The landowners are concerned that applying the LCZ could introduce additional discretion and constraints that, in practice, may make future rebuilding (if required) more complex and uncertain in a high bushfire-risk locality.

8. Duplication of control and misuse of zoning

The proposed LCZ would also duplicate matters that are appropriately managed through the Tasmanian Planning Scheme's codes and overlays.

In the Tasmanian Planning Scheme, the role of the base zone is to identify the dominant purpose for land. The role of codes and overlays is to manage specific constraints and values.

On this title, the LCZ appears to be proposed to regulate matters already capable of being addressed through the scheme, including:

- native vegetation and habitat;
- scenic and landscape values;
- slope and landslip hazard;
- bushfire risk; and
- other environmental constraints.

These matters are addressed through applicable codes and overlays, including the:

- Natural Assets Code;
- Scenic Protection Code;
- Bushfire-Prone Areas Code; and
- Landslip Hazard Code.

Applying the LCZ primarily to deal with these matters would duplicate control and blur the intended function of zoning. It would also introduce a conservation-led assessment filter before the relevant, targeted code provisions are applied, which is neither efficient nor proportionate for an already established rural living holding.

9. Why the Rural Living Zone (Area C) is the correct outcome

The Rural Living Zone is the most appropriate planning outcome for [REDACTED] because it reflects how the land exists and functions as an established rural lifestyle holding. It recognises:

- established residential occupation in a rural environment;
- rural lifestyle character;
- domestic-scale land management and stewardship;
- low-intensity productive and ancillary rural living activities;
- practical vegetation and fuel management; and
- the need to balance environmental values with safe occupation.

The title area (approximately 7.4 hectares) is consistent with Rural Living Area C and would not facilitate inappropriate residential intensification.

The landowners are not seeking subdivision. They seek a zoning outcome that accurately reflects the existing and intended use of the land, supports ongoing rural living and land management, and preserves reasonable flexibility for repair, rebuilding and continued occupation (if required) in a high bushfire-risk environment.

This is the planning outcome the Rural Living Zone is intended to support, with landscape and hazard matters managed through the relevant codes and overlays.

10. Conclusion

The proposed LCZ is not the most appropriate zone for [REDACTED] Neika.

While Ireneinc's strategic landscape work is acknowledged, applying the LCZ to this title would impose a conservation-led zoning outcome on land that is already lawfully developed, occupied and actively managed for rural living.

The land is an established rural lifestyle holding in a high bushfire-risk environment, shaped by long-term lawful occupation, practical stewardship and environmentally sensitive land management. Its dominant strategic purpose is rural living rather than landscape conservation. For these reasons, the appropriate planning outcome is to apply the Rural Living Zone (Area C) in place of the proposed LCZ.

[insert signature]

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