
From: Jenny [REDACTED]
Sent: Monday, 4 May 2026 2:36 PM
To: Kingborough LPS
Cc: Andrew Sinclair
Subject: Submission [REDACTED], Fern Tree (Title [REDACTED])
Attachments: TPS_[REDACTED].pdf

Dear Ms Graham,

Please find attached our submission in response to the TPC's letter of 2 April 2026 (ref: DOC/26/36829).

We object to the proposed Landscape Conservation Zone and request that [REDACTED] be rezoned to the Rural Living Zone.

We would be grateful if you could provide confirmation of receipt.

Kind regards
Jennifer & Andrew Sinclair

Jennifer and Andrew John Sinclair

Fern Tree TAS 7054

4 May 2026

The Presiding Member
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart TAS 7000

By email: KingboroughLPS@planning.tas.gov.au

Attention: Linda Graham (ref: DOC/26/36829)

Matter: Kingborough Draft Local Provisions Schedule – LPS-KIN-TPS

Re: Response to TPC notification of 2 April 2026 – Objection to Ireneinc recommendation to retain Landscape Conservation Zone at [REDACTED], Fern Tree (Title [REDACTED]) – Request for Rural Living Zone

Dear Presiding Member,

We write in response to the Tasmanian Planning Commission's letter of 2 April 2026 (ref: DOC/26/36829), advising that the Ireneinc report recommends retention of the Landscape Conservation Zone (LCZ) over our property at [REDACTED], Fern Tree (Title [REDACTED]) – 25.86 ha).

We respectfully but firmly contest that recommendation. The application of LCZ to this property is inconsistent with the State Planning Provisions, unsupported by the actual characteristics of the land, and results in an inappropriate and unsafe planning outcome. We request that the Commission rezone the property to the Rural Living Zone (RLZ).

1. The Ireneinc Recommendation Does Not Reflect the Property and Was Made Without Site-Specific Input

We note that Ireneinc did not contact us at any stage to obtain information about this property, its land use, or its management history. The recommendation therefore appears to have been made without site-specific verification and instead relies on broad locality-level assumptions.

That approach is materially flawed in this case.

Title [REDACTED] is a long-established rural-residential holding, not a conservation landscape. The property:

- contains an established dwelling (constructed 1996), outbuildings, dams, fencing, access tracks and utility infrastructure;
- supports approximately 9 hectares of fenced paddocks with watering points actively managed for grazing;
- has been in continuous productive and residential use for over 170 years.

This is not recent or incidental clearing. Historical aerial imagery (Fig 1) confirms clearing was already present in 1967. Contemporary imagery (Fig 2) shows established residential and agricultural infrastructure, including paddocks, dams and buildings. This demonstrates long-standing, continuous rural-residential use.

The current land use is therefore not transitional or emerging — it is established, enduring, and consistent with Rural Living Zone intent.

2. LCZ Is Not Supported by the State Planning Provisions

Section 8A of the State Planning Provisions (LCZ 4) is explicit: the Landscape Conservation Zone must not be applied to land “**where the priority is for residential use and development (see Rural Living Zone)**”.

The priority use of this property is clearly residential and rural-residential. The application of LCZ is therefore inconsistent with the Zone Guidelines and does not satisfy the requirements of section 34 of LUPAA. The Commission should not apply LCZ in circumstances where the statutory criteria are not met.

LCZ is not a general-purpose replacement for the former Environmental Living Zone. It is intended for land where conservation is the primary purpose. That is not the case here.

3. Inconsistency in the Application of the Ireneinc Framework

The Ireneinc framework has produced materially inconsistent zoning outcomes across Kingborough.

Localities with comparable characteristics — including bushland setting, residential occupation, lot size and scenic values — have been recommended for RLZ (e.g. Howden, Kettering East and Oyster Cove), while others have been retained in LCZ without a clear distinction in underlying evidence.

There is no principled basis on which to treat [REDACTED] differently from these comparable areas. In the absence of a clear and evidence-based distinction, differential zoning outcomes cannot be justified.

This inconsistency is directly relevant to the Commission’s task under section 34 of LUPAA, which requires coordinated and consistent application of zones. It reinforces the need for site-specific assessment rather than reliance on generalised locality classifications.

4. Landscape Values Can Be Managed Without LCZ

Any landscape or vegetation values on this property can be managed through existing controls such as the Natural Assets Code and overlays, without requiring LCZ zoning.

The application of LCZ is therefore not necessary to achieve landscape protection outcomes. It represents a blunt and disproportionate response where more targeted controls already exist and are capable of managing those values.

5. Bushfire Risk Requires RLZ, Not LCZ

Fern Tree is a high-risk bushfire environment. The catastrophic fires of 7 February 1967 demonstrate the consequences of inadequate fuel management in this locality.

Effective land management on this property requires:

- fuel load reduction
- vegetation thinning
- maintenance of access tracks
- management of defensible space

These are not optional activities — they are essential for life safety. The planning framework must facilitate, not hinder, compliance with bushfire risk management obligations.

The LCZ introduces discretionary assessment and potential constraints on precisely these activities, creating a direct conflict with the Bushfire Prone Areas Code. A planning framework that impedes hazard-reduction work in a known bushfire-prone area is not fit for purpose. The RLZ enables ongoing land management consistent with both safety obligations and the established use of the land.

6. Established Rural-Residential Settlement Pattern

[REDACTED] is characterised by an established pattern of privately owned rural-residential holdings in a bushland setting. The presence of vegetation does not negate the established residential function of the land.

This is not undeveloped conservation land. It is a settled landscape where:

- residential occupation is established
- land is actively managed
- vegetation coexists with rural-residential use

This is precisely the context the Rural Living Zone is designed to manage — balancing landscape values with legitimate residential use.

7. Relief Sought

We respectfully request that the Commission:

1. Rezone Title 157116/[REDACTED], Fern Tree) to the Rural Living Zone;
2. Provide the specific reasoning applied by Ireneinc to this title;
3. Afford us the opportunity to be heard at a Commission hearing; and
4. Reject any zoning outcome that restricts necessary bushfire hazard-reduction activity on privately managed land in this locality.

8. Conclusion

The application of LCZ to this property:

- is inconsistent with the Zone Guidelines;
- is not required to achieve landscape protection;
- conflicts with bushfire safety requirements; and
- does not reflect the actual, long-established use of the land.

Title [REDACTED] is a working rural-residential property. The Rural Living Zone is the only zone that aligns with the statutory framework and the established use of the land.

Kind regards

[REDACTED]

[REDACTED] Fern Tree TAS 7054

[REDACTED]



Figure 1. Aerial imagery dated 1967 showing established clearing across the property.

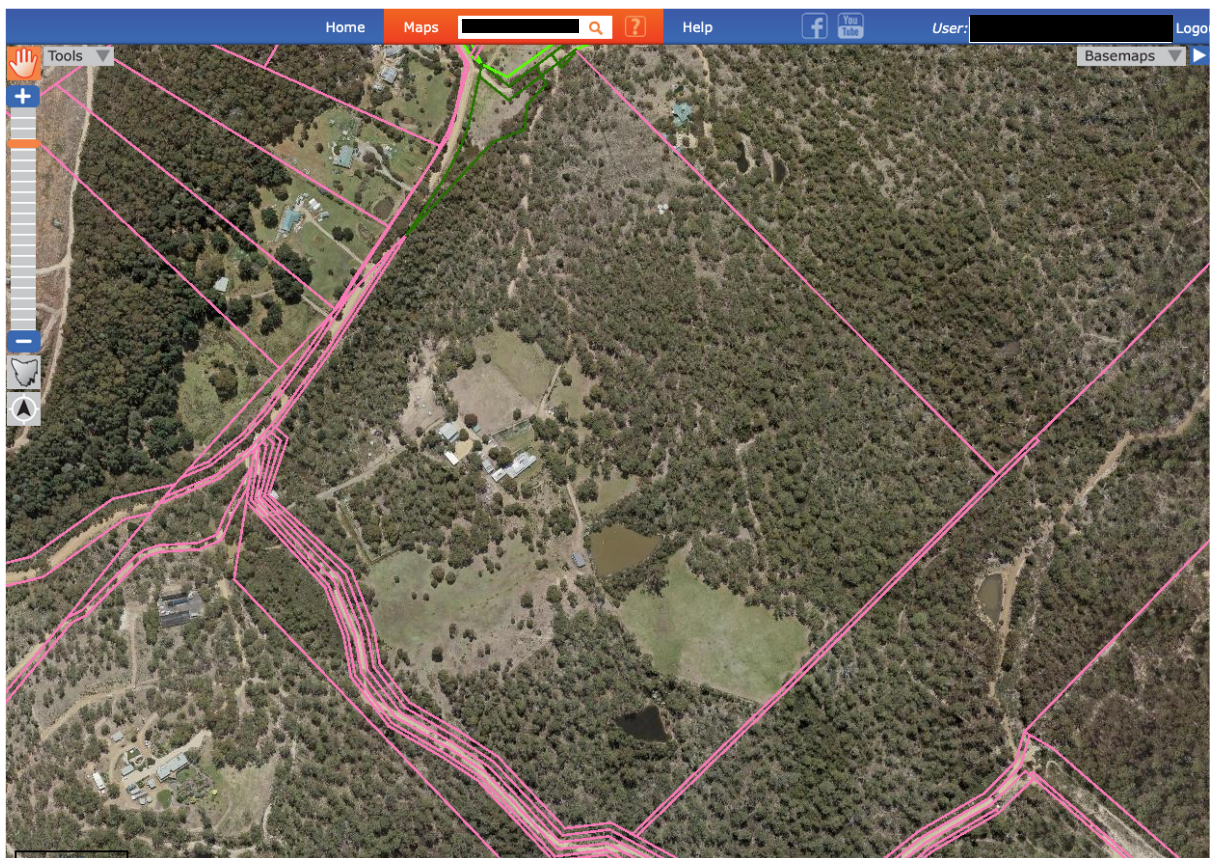


Figure 2. Aerial imagery dated 2016 showing established residential and agricultural land use, including paddocks, dams and infrastructure.