
From: Sophie Clarke [REDACTED]
Sent: Sunday, 3 May 2026 8:45 PM
To: Kingborough LPS
Subject: 'Submission — Kingborough LPS Direction 69 - [REDACTED]
Attachments: Submission for [REDACTED].pdf

Hi,

Please see our submission for [REDACTED] in response to LPS Direction 69.

Kind regards
Sophie and Ryan Johnston

To the Tasmanian Planning Commission,

I write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends my property remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

I did not make a formal representation during the public exhibition period, as we hold this land as an investment and all communication went to the property and not to the landowners. We are not avid readers of the Mercury and therefore had no real way of knowing that these changes were proposed. I understand that the Commission has received correspondence from me in relation to the draft LPS. I understand that this letter provides me the opportunity to formally participate in this stage of the LPS process by making a written submission.

Landowner name(s)	Sophie Genevieve Hilda Johnston and Ryan Andrew Johnston
Property address	██████████
Title reference (folio)	██████
Lot size (approx.)	2ha
Locality	<i>Fern Tree</i>
Current IPS zone	<i>Environmental Living Zone (ELZ)</i>
Draft LPS exhibited zone	<i>Landscape Conservation Zone (LCZ)</i>
Ireneinc recommended zone	<i>Landscape Conservation Zone (LCZ) — unchanged</i>
Zone sought in this submission	<i>Rural Living Zone (RLZ) — Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality</i>

I submit that the application of the Landscape Conservation Zone (LCZ) to my property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

Our lot size is 2ha and is grouped with 2 other lots of the same size.

We present this submission with the main claims to be re-assessed as RLZ B.

1. The lot has continuously used for residential purposes and was purchased under good faith with a living zone attached to it.
2. The location of the property means that it is not visible on the mountain vista and located in a ditch between two hillsides and that it does not contribute significantly to the landscape around it.
3. Properties higher up on ██████████, in the Hobart City Council district, with similar land use have been zones as Rural Living.
4. The property sits within a high fire danger area and should retain the ability to maintain safe zones and clearances

Further reasoning for this submission is provided in conjunction with outcomes from recent hearings and under review of the Irenic report.

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary use and strategic intention of the land is and has always been residential.

The property contains a dwelling that was constructed in the 1990's and has been continuously occupied as a residence. There is no evidence to suggest the primary use is anything other than a residence. This parcel of land was purchased in good faith with the expectation that we would be able to upgrade/renovate the residence without significant financial burden which under current proposed LCZ seems un-likely.

The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for my property. The Ireneinc report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title.

My site is one of three 2ha lots within a grouping of lots that are 20ha+. The difference of property size is not considered in the application of LCZ. This property is also low down on the mountain in Fern Tree and the vegetation on the property is not able to be observed when looking at the mountain. The land is situated in a ditch of the mountain and its vegetation isn't observable as part of the vista of the mountain.

The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower order rural activities, with priority given to the protection of residential amenity. This description accurately characterises my property.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the ELZ in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied. My property satisfies both elements of this criterion.

My property has an area of 2ha. This is consistent with the RLZ B minimum lot size of 2ha and does not provide for further subdivision under that subcategory.

Inconsistency with adjoining or comparable properties

The Zone Guidelines require that the spatial application of zones be, as far as practicable, consistent with and coordinated across the LPS. Where neighbouring properties with substantially similar

characteristics have been recommended for RLZ, the application of LCZ to my property is inconsistent and not supported by evidence of any material difference.

Residences of similar sizes in the neighbouring Hobart City Council area have been zoned as rural living zone A. These are higher up on the mountain than our property and are used in the same way we use our parcel of land. There is no identified difference in landscape values, or vegetation cover that would justify the different treatment of my property.

For the reasons set out above, I submit that:

1. The application of the LCZ to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for my property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the Rural Living Zone [specify subcategory B];
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

I request that the folio of the register [REDACTED] at [REDACTED] be included within the Rural Living Zone C in the Kingborough Local Provisions Schedule.

Date:

03/05/2026

Contact email / phone:

[REDACTED] [REDACTED]