
From: Dave G [REDACTED] >
Sent: Friday, 1 May 2026 3:09 PM
To: Kingborough LPS
Subject: Response to letter re LCZ zoning in draft LPS
Attachments: TPC letter NO LCZ - Snug Tiers DGroves.pdf; Snug Tiers Settlement by lot - map a.pdf; Snug Tiers Living Intent - map b.pdf

To the Tasmanian Planning commission,
Please find attached a letter regarding the proposed rezoning of my land at [REDACTED], Snug.
Thank you,
David Groves

Welcome to [REDACTED], Snug



Name(s)	David Groves (Owner) Karen Groves (Ratepayer)
Date	1.5.26
Property Address	[REDACTED], Snug PID: [REDACTED]
Requested Zone	Rural Living Zone

To the Tasmanian Planning Commission,

Hello, my name is David Groves. Thank you for the chance to speak about my land and home at [REDACTED] Snug, regarding the Kingborough Draft LPS and Irenelnc Review.

I do not consent to its proposed rezoning under both the Draft LPS and Irenelnc review to the Landscape Conservation Zone (LCZ). Applying the LCZ to my land 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).

Rural Living Zone (RLZ) B (minimum lot size 2ha) or C (min. lot size 5ha) would be more suitable. I respectfully ask the Commission to apply **RLZ B**, in line with the original purchase and zoning allowances, and the site's current and planned intergenerational residence. This zone is also in keeping with RLZ proposals for adjoining land to the Snug Tiers settlement at [REDACTED]

I purchased my land in 1996 as a father of three young boys, looking for a family home. A new dwelling had been completed, on the site of the original residence dating back to 1978. Before this the lot was owned by W Lilley and included a right of carriageway through the neighbouring land (owner Edward Phillips). I have lived here for thirty years in September. I enjoy the peace, space and natural setting of my home and believe such rural living is

becoming rare. In my lifetime I aim to provide ongoing living for my family (wife, children and parents) and pass on my custodianship to the next generation.

Utilising forty four years of horticultural experience including knowledge of sustainable living practice learned from First nations elders, SETAC fire management teams, bush teacher training and Snug Primary School's 'Stephanie Alexander' Garden expert and trainer for twelve years, I have been a dedicated caretaker for country and feel connected to it deeply. I have lived on, maintained and improved the amenities on my land, whilst ensuring a healthy and biodiverse landscape. By myself and with my wife I have raised our children here, and we have enjoyed 'small-scale agriculture and other rural activities', as provided for in Rural Living Zones.

If placed under the proposed LCZ, I would be overly restricted in my ability to provide shelter for my growing family (the land's future caretakers), to maintain a healthy biodiverse country, continue our rural activities and to adequately conduct bushfire mitigation, crucial to maintaining insurance and land value.

While I agree that Tasmania's landscapes should be protected, I believe it can be done best through Rural Living Zones as it has been done historically through ELZ and Rural Residential zonings. Rezoning to LCZ would harm our continuous and intergenerational use of the land as allowed when purchased.

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 applied to: "**land where the 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.'

When purchased, my property was zoned Rural Residential. After two rezonings, without any consultation, my property is currently zoned Environmental Living (ELZ). The **primary use and strategic intention of the land is and has always been residential**. A dwelling has been occupied continuously since 1978 and the current home is serviced by metered electricity and satellite internet. There's no evidence the land's primary use is anything other than residential, as you can see from attached photos.

LUPAA guidelines also state LCZ is not a replacement for ELZ. The priorities don't match: ELZ has a priority for living and 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 whole of settlement judgments, neither of which 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 majority of Tasmanian councils moving to the Statewide Planning Scheme did not apply LCZ at all or did so only sparingly. A few applied 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 negatively affect landowners financially: lower property value, increase insurance premiums and the risk of insurance and finance refusal. It would prevent future dwellings on empty lots bought with future living intent – none of which meet the goal of sustainable development that supports communities to provide for their social, economic and cultural well-being...' (clause 1 (a), Schedule 1 – Objectives).

Specifically, the road access requirement LCZ introduces (SPP clause 20.4.3) fundamentally alters my land use and rights for new development. The current scheme explicitly allows access via private rights of carriageway, while

the LCZ requires dwellings to have frontage or legal access to a road maintained by a recognised road authority. This excludes long-standing and physically adequate private access arrangements. Importantly, this constraint arises solely from the zoning change rather than any change in the land itself.

In contrast, the Rural Living Zone (RLZ) avoids this loss of rights by using a flexible, merits-based approach under clauses 11.5.1 P2 and P3. It does not require access to a council-maintained road, instead assessing suitability based on factors like topography, emergency access, and existing development. This enables privately accessed land to be judged on its merits and retains reasonable development potential. The evidence therefore supports RLZ — not LCZ — as the appropriate zoning, as it reflects established residential use and avoids unjustified loss of development rights.

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 definitely fits my land type.

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 land size of 6.43 ha aligns with RLZ B or C with minimum lot sizes of 2 and 5 ha respectively.

THE IRENEINC EVALUATION PATHWAY (DECISION TREE)

IreneInc 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 land meets the RLZ criteria rather than LCZ.

EVIDENCE OF STRATEGIC INTENT FOR LIVING

Both the original LPS and IreneInc'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. My land has an established dwelling, outbuildings, and signs of rural residential activity.

EVIDENCE OF RURAL LIVING SETTLEMENT

IreneInc's review states that the Snug/Coningham locality meets the strategic intent for living because there is "evidence of residential uses scattered throughout". However, Rural Living Settlement status has mostly been 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 judgements. First, it favours smaller lot sizes, disregarding RLZ subcategories that limit subdivision of lots under 20ha and the minimal development available on larger lots due to access and service requirements (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 lots that are naturally sited around topographical features, inherited large lots, or purchased with future rural living in mind. For example, in Snug Tiers there's a clear pattern of large lot subdivision from original farming, facing into the valley on a Northwest to Southeast alignment, 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 Irenelnc 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”.

Landowners in my locality (particularly Snug Tiers/Snug Falls) **strongly disagree** with Irenelnc’s narrow assessment. The Snug Tiers community I am part of 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 (a)* shows my property with 41 others in Snug Tiers; lot sizes range from 0.18ha to 29.89ha, the clear majority between <1ha to 15ha, the NW/SE large lot subdivision pattern mentioned earlier being established since the early 1800s. All properties suit the available RLZ subcategory lot sizes (but not one meets the minimum lot size of 50ha required for LCZ). Our settlement at Snug Tiers also adjoins property proposed for Rural Living Zone at [REDACTED]
2. A pattern of ‘detached dwellings and outbuildings’, which Irenelnc admits is “generally met, as many lots have identified residences and cleared areas”. As you can see from the *attached map (b)*, you can see that dwellings and outbuildings are located on nearly every lot in my community. This also includes



land with development applications or strategic plans for living on empty lots. From attached photos, you can see my land has the following residential amenities: 1 dwelling, 1 large shed, a small garden shed and a swimming pool.



3. Visual evidence of rural activities such as ‘clearings, grazing and hobby farming etc’. Irenelnc states that “some residential uses are associated with farming” in our locality, yet at the review hearing, it was clarified that the criteria list is only an example.



Underneath the tree canopy, my property has large, cleared fields and lawns (grazed by native animals), a vegetable garden, and fire resistance rock and gravel gardens with plantings interspaced. There is evidence of the saw milling history of the area such as wood clearings and saw pits. Over the years I have kept farm animals such as chickens, ducks, turkeys, pigs, sheep, goats and domestic pets, and currently a dog.

ASSESSING LANDSCAPE VALUES

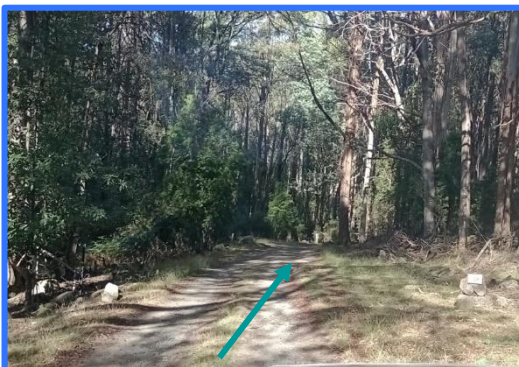
The STRLUS CV 4.1 states that **community consultation** should determine “landscape values”. Irenelnc admitted in review hearings that they didn’t consult. This means the assessment of whether properties meet ‘landscape values’ is now entirely based on the Planning Authority’s subjective judgement.

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.

These choices overlook **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 Landscape Conservation 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 most land in the area. IreneInc stated that for properties in our locality that are proposed to move to the 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 inaccurate. You can see on the *attached map (b)* that there's overwhelming strategic intent and logic.
3. Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, which is 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 Tiers residents purchased homes in natural settings because they **value the contribution this makes to their Rural Living**, not to add to Kingborough's undefined "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, such as those available from The Department of Natural Resources and Environment Tasmania.
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 reflect what is seen from local roads, towns, or waterways. Even IreneInc admits that in the locality "bushland, landform, and ridgeline



View of our home from [REDACTED]



View of Snug Tiers from Beach Road, Snug

features ... remain visually intact”; the reality is that the siting of my land and most others in Snug Tiers makes it almost unviewable from all public vantage points.

SPOT ZONING, SPLIT ZONING AND FRAGMENTATION

The TPS aims to prevent spot zoning, yet Irenelnc 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.

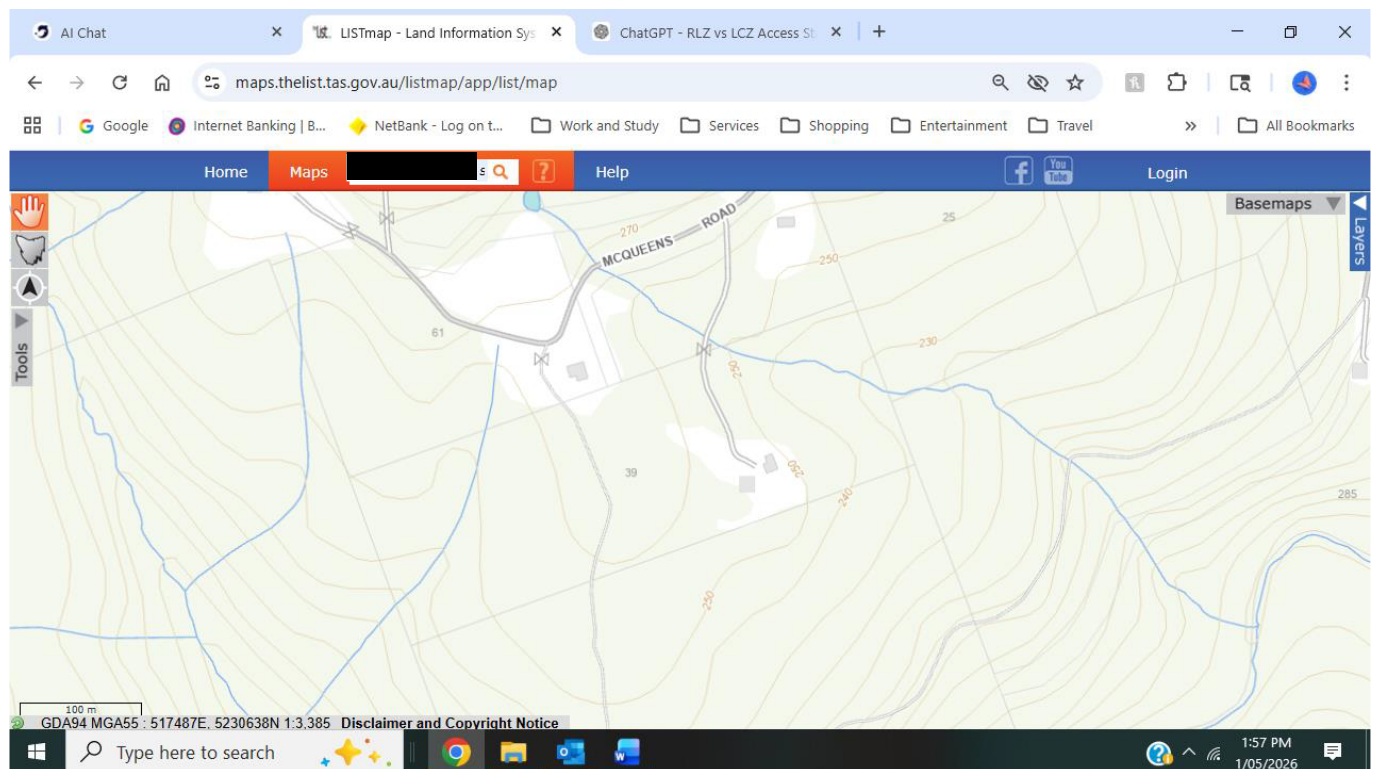
Irenelnc have also shown that **their application** of their own methodology is inconsistent. For example, a large lot of 108.84ha at 2274 Channel Highway is split zoned Rural/RLZ and abuts ELZ, Rural, RLZ, and Low Density Residential zones, while smaller ELZ parcels have been denied RLZ at all.

UNNECESSARY OVERLAYS

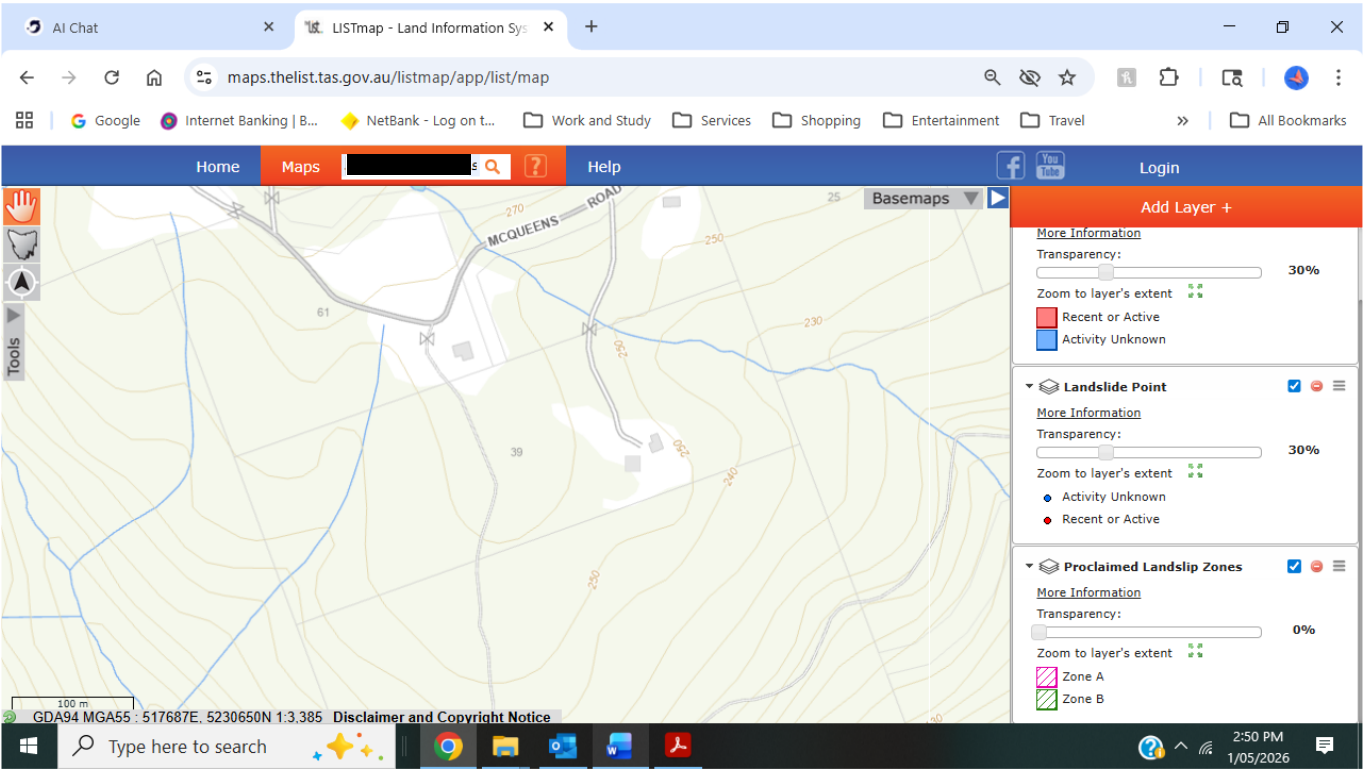
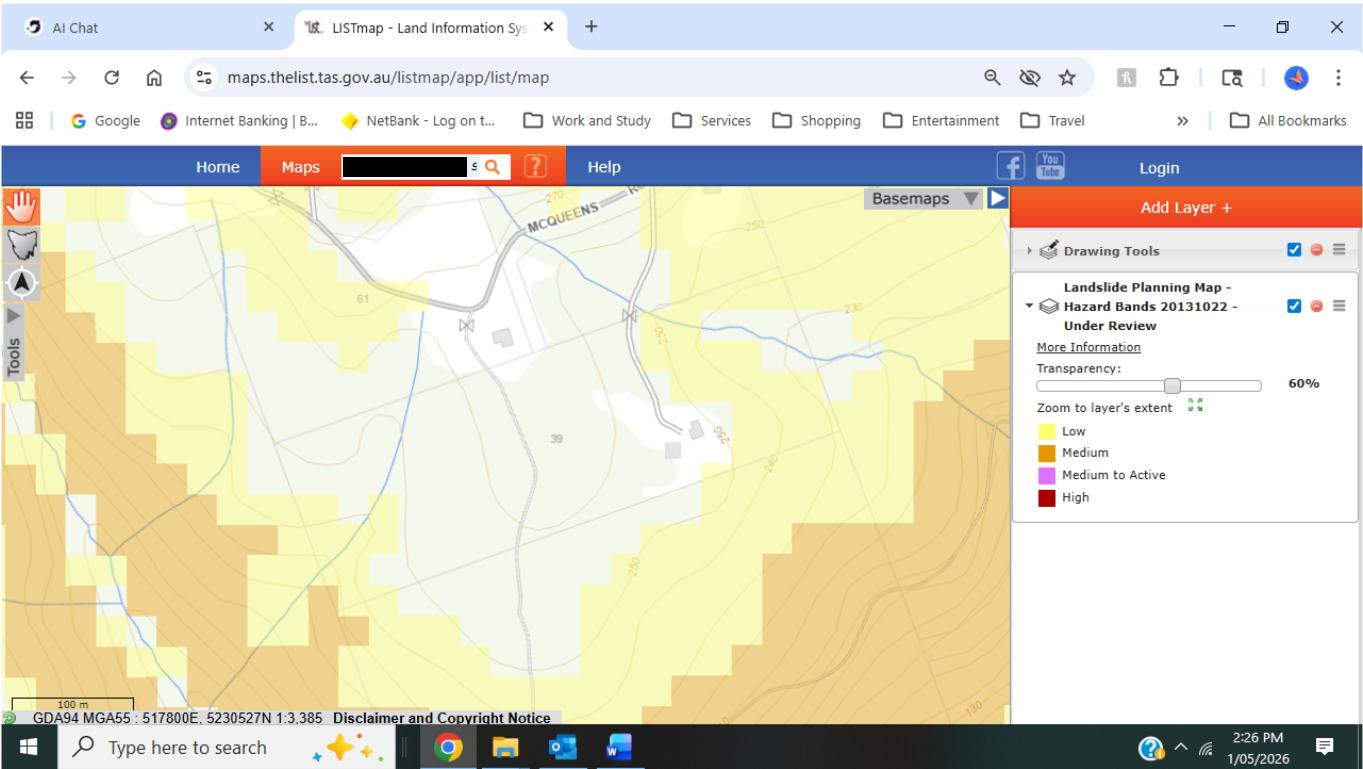
When establishing overlays these are most fair when based on current scientific evidence and methods. The burden of proof should also be on the planning authority to attend sites and identify that natural assets are in evidence on the ground. Without correct training it is inappropriate to place the onus on the homeowner to prove that they are **not** relevant or bear the cost of expert reports, especially when overlays are applied due to a 'potential' for values to be there. A presumption of 'innocence' (non-existence) unless proven otherwise is fairer to landowners and saves time and money for all parties.

Utilising evidence based systems and mapping, it can be seen that the Coastal/Waterway Hazard, Landslip Hazard and Scenic Protection codes are unnecessary on my land and I request that they not translate across into the SPS.

Waterway and coastal hazard: the dried up creek on the Northeast of the lot and a drain on the west of the land are both extremely unlikely to pose a waterway hazard as they obviously veer away from the homestead, the waterways being at least 15 metres below the dwelling and the closest 80-100 metres away. The 'waterways' feed directly into Snug River approx. 230-250 metres below.



Landslide Hazard: From TheList you can see there is very little chance of landslip or landslide. Mapping shows a low hazard band ONLY in front of our building envelope, in a gently sloping clearing. The land has no recent or active landslide and is not in any proclaimed landslip zones.



The Scenic Protection Overlay: is inappropriately applied here. The nature of and unique siting of [REDACTED] is so that it's **unable to be viewed** from any other 'homes, roads, public places, elevated areas or nearby waters', as the attached photos prove. The only way to see our home is by overhead aerial surveillance. In addition, in Snug Tiers the only people viewing homes from the roads are landowners and their visitors gaining



View of Snug Tiers from the D'Entrecasteaux Channel



View of Snug Tiers from Beach Rd, Snug

access to their private properties. Regardless, glimpsing homes amongst the hills can be appealing scenically; it's a matter of opinion, as is the council's definition of "landscape values".

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. At the review hearings, Kate Heckelmann admitted she could think of **no land uses** that would impact landscape values which aren't already managed by building codes or overlays and acknowledged that future reviews could reconsider RLZ decisions, and that any short-term risks could be mitigated.

In their submission of the Irenelnc report to the TPC, elected councillors (acting as the Planning Authority) stated that where there was another viable option for zoning, they had a high risk appetite, and that LCZ should not be applied. This supports the case that RLZ is appropriate for my property and that overlaps through stricter zoning aren'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.

In hearings, Irenelnc suggest that LCZ zoning near EMZs (i.e., Snug Recreation Area) is necessary to provide connectivity to the Environmental Management Zone (EMZ) in the new scheme and act as a buffer between living zones. Not only has over 50% of Tasmanian land already been put aside for conservation in the National Parks system (EMZ), 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 Kingborough Planning Authority's own local allocation of Low Density Residential lots beside Coningham reserve's EMZ.

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.

DISASTER RESILIENCE

In their report on the STRLUS review (council meeting 16.2.26) Kingborough Council ask how adaptation, land-use transition or managed retreat could be used in areas with environmental hazards such as bushfire. Council have stated publicly that they prefer to avoid new development in areas with high fire risk (due to increased ignition sources) and instead transition land-use. Not only has there been no historical ignition (bushfire) near my home for 32 years; with 96% of Tasmania having a bushfire prone overlay, any analysis of risk must consider more than just ignition potential, such as how these risks can be mitigated in areas where settlement already exists.

The fire risk matrix ISO 31000 utilised by Tasmanian Fire Service is an excellent example of how to assess not only the consequence (of loss) but also the likelihood due to bushfire. The consequence of losing manmade and natural assets is given a hierarchical scoring based on the most valuable assets first (value at risk). This would prioritise multiple human life as highest (i.e. hospitals), followed by individuals, their dwellings and then natural values. The likelihood is then ascertained by considering historical ignition source (natural and human), suppression capability (i.e. ability to see fires, speed of response and available firefighting resources) and fire intensity (a combination of fuel load and weather).

Kingborough PA's propensity to only consider greater ignition sources and pressure on services due to more people living in high bushfire prone areas completely discounts the ability of those same people to aid in fuel reduction and suppression capability. Humans can also be educated about reducing ignition sources (i.e. electric/batteries instead of fuel operated tools, how to ensure fires are out correctly).

The application of conservation zoning (LCZ) will further reduce the Rural communities' ability to provide suppression (being present to see and respond to fires) and manage fuel loads which reduce fire intensity, two essential and manageable components in lowering the likelihood of fire risk. It also potentially removes a buffer of managed and manageable areas between heavily treed or recreation areas and towns, ensuring fire risk increases for all. And while it may be pleasant to contemplate returning Tasmania to a totally 'natural' utopia, this begs the question of whose version of 'natural' is being used (**not** the community as they weren't consulted) and negates the decades of European colonising efforts and the influence of First Nations custodians.

Section 13(1) of the former provisions of LUPAA came into effect on 20 July 2022. Planning Directive 5.1 Bushfire Prone Area Code (which covers 96% of Tasmania) states for both vulnerable and hazardous uses, as well as for subdivisions, a bushfire hazard management plan is required to ensure sufficient separation between building areas and bushfire-prone vegetation. The required separation distances must be equal to or greater than those specified for BAL 19 in Table 2.6 of Australian Standard AS 3959:2018 (Construction of buildings in bushfire-prone areas). This area is intended to provide access to a fire front for firefighting, must be maintained in a minimal fuel condition, and should not contain other hazards that could contribute to the spread of bushfire.

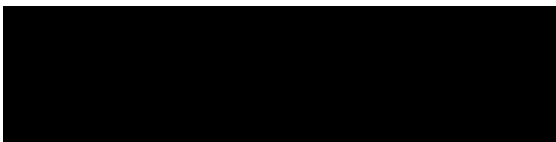
If other planning codes (e.g., priority vegetation) conflict with necessary bushfire hazard management, the requirement to manage bushfire risk for human safety often takes precedence under this Code (and TFS service guidelines). LCZ application to a previous living zone changes that priority to that of landscape conservation and makes the necessary vegetation removal a breach of the zone provisions, working in direct contradiction to the bushfire management area required for all land use and development applications, making for a costly or negative outcome for landowners.

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 that the TPC direct my property to be zoned **Rural Living Zone B**, with environmental priorities managed by the appropriate natural values codes.

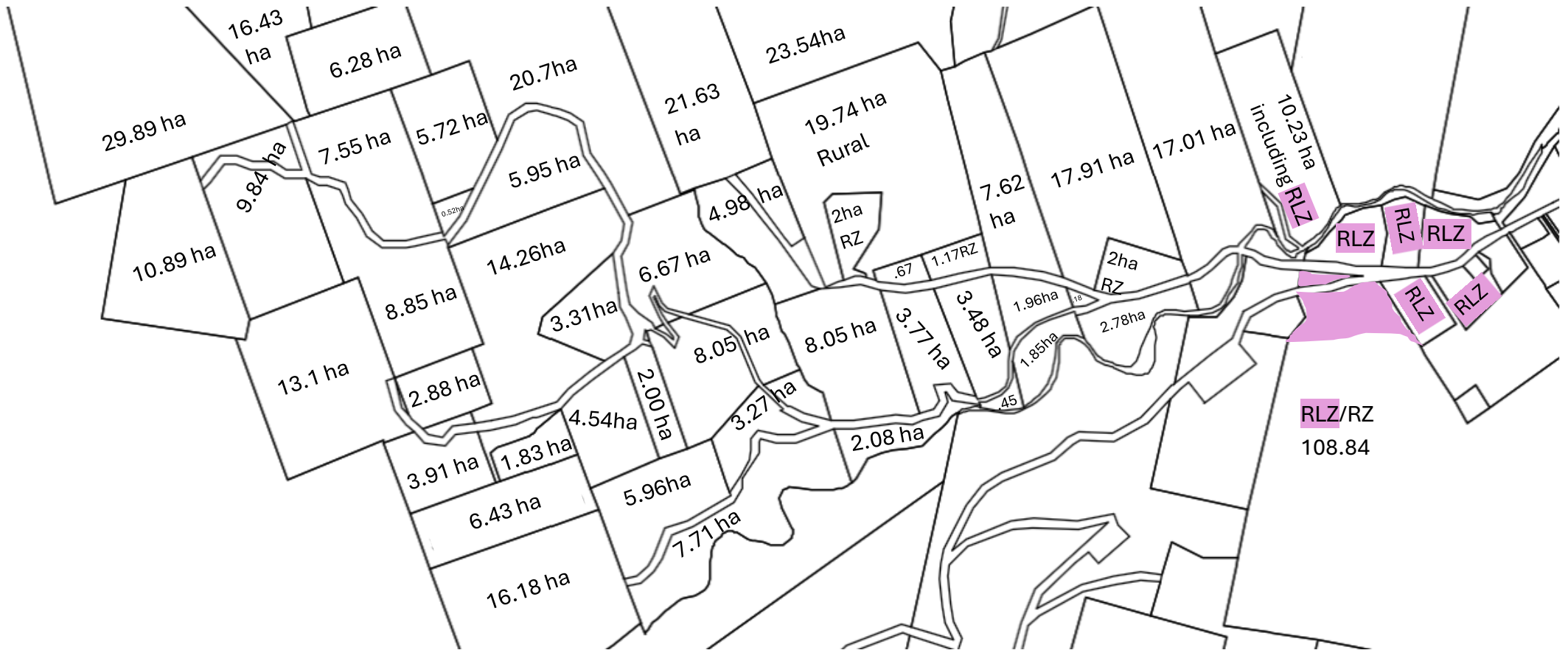
Yours sincerely,

A large black rectangular redaction box covering the signature area.

David Groves

, Snug

1st May 2026



SNUG TIERS SETTLEMENT - LOT SIZE



SNUG TIERS RURAL LIVING STRATEGIC INTENT
