

From: [REDACTED]
To: [Development Applications; TPC Enquiry](#)
Cc: [REDACTED]
Subject: Re: Response to Incoming Tasmanian Planning Scheme
Date: Wednesday, 15 October 2025 5:24:15 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)
[Representation #68 TPC Hearing 20 October 2025.pdf](#)

To Whom it may concern,

With regards to our collective representation #68, in response to the Draft Kingborough LPS, for the Tasmanian Planning Scheme, please consider the attached material as it relates to our hearing on Monday 20 October, 2025.

With thanks,

Eugene.

On Fri, Nov 29, 2024 at 12:34 PM Development Applications <Development@kingborough.tas.gov.au> wrote:

Letterhead (top)



Dear Sir/Madam

ACKNOWLEDGEMENT OF REPRESENTATION ON THE KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE

Thank you for your representation regarding the Kingborough Draft Local Provision Schedule (Kingborough's component of the Tasmanian Planning Scheme).

At the conclusion of the exhibition period, all representations will be considered and summarised in a report to Council (to be considered at a public Council Meeting, most likely in early 2025). The Council report will also include responses, feedback and any recommendations to alter to the draft Local Provisions Schedule that was exhibited that arise from the content of the representations. That report is then required to be forwarded to the Tasmanian Planning Commission for the process to continue.

The representations and Council's recommendations will be published on the Commission's website.

Following submission of the recommendation report, representors will be invited to attend public hearings hosted by the Commission. The public hearing process enables representors and Council to present its views/arguments in support or against changes to the Kingborough Draft Local Provisions Schedule before a final decision is made and before the Tasmanian Planning Scheme comes into effect in Kingborough.

For updates on the above process, please view [Council's website](#) or the [Tasmanian Planning Commission's website](#).

If you have any further queries regarding the above, please contact Council on (03) 6211 8200.

Yours sincerely



TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES

Letterhead (bottom)



Our ref: LPS Representations 17.272

From: Kate & Euge Lehmensich <[REDACTED]>
Sent: Thursday, 28 November 2024 11:57 AM
To: KC Mail <KC@kingborough.tas.gov.au>
Cc: [REDACTED]; Amy Ivey [REDACTED]; Robyne Kerr [REDACTED]; troy silvester [REDACTED]; [REDACTED] Kate & Euge Lehmensich [REDACTED]; Paul <[REDACTED]>
Subject: Response to Incoming Tasmanian Planning Scheme

Good morning,

Please see attached correspondence regarding the incoming Tasmanian Planning Scheme. Could all responses from Council or other agencies please be copied to all parties listed?

With thanks,

Eugene.

TPC Hearing relating to Woodbridge Hill Saddle

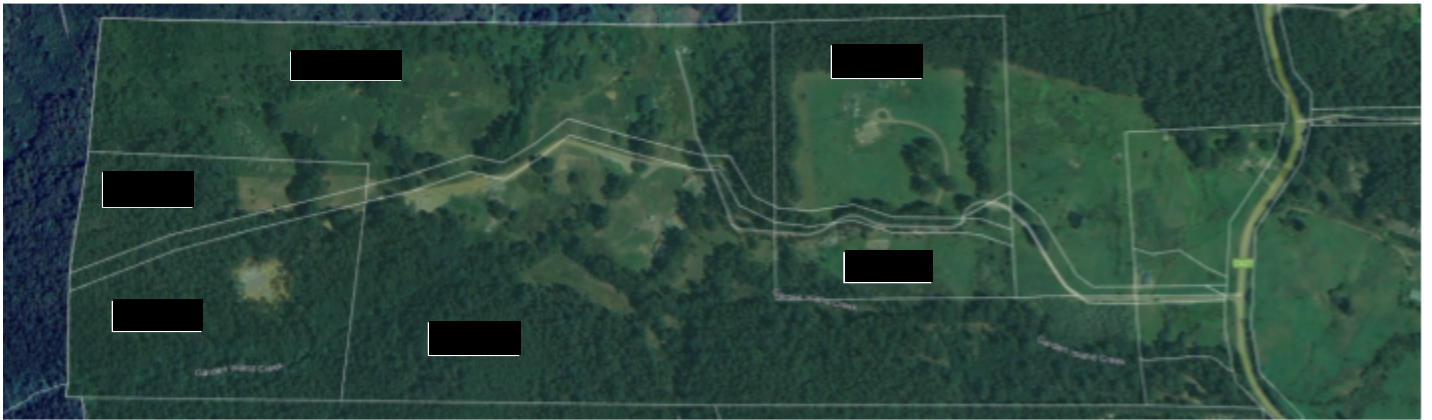
Representation # 68 - Lots ([REDACTED] and [REDACTED])

Tasmanian Planning Scheme – Kingborough Draft Local Provisions Schedule

October 20, 2025

1 Properties Affected, Current and Proposed Zoning

Lot	Address	Current Zone (KIPS 2015)	Proposed Zone (Draft LPS, TPS 2025)
[REDACTED]	[REDACTED]	Environmental Living	Rural Zone (RZ)
[REDACTED]		Environmental Living	Rural Zone (RZ)
[REDACTED]		Environmental Living	Rural Zone (RZ)
[REDACTED]		Environmental Living	Rural Zone (RZ)
[REDACTED]		Environmental Living	Landscape Conservation (LCZ)
[REDACTED]		Environmental Living	Landscape Conservation (LCZ)



Satellite Image of the Properties Represented



Current Zoning - Demonstrating Consistent Application of Environmental Living under KIPS 2015



Proposed Zoning - Under the Kingborough Local Provisions Schedule TPS 2025

2 Issue and Grounds for Representation

The draft Kingborough LPS applies two different zones to adjoining properties of currently identical zoning, access and servicing. This creates inconsistent spot zoning where the two southernmost lots (██████ and ██████) are LCZ, while the others are Rural Zone. Further, the primary purposes of the proposed zonings and current use are incompatible and create land use conflicts. Applying an inconsistent and arbitrary pattern of zoning across these lots results in spot zoning and is not aligned with the principle of consistency, neither across nor within municipalities under the Guidelines.

These lots:

- All share the same Crown road access to ██████████;
 - All have cleared/partly-vegetated land with gentle slopes;
 - Support (or are capable of supporting) rural residential dwellings on on-site services; and
 - Form a distinct rural-residential cluster separate from productive agricultural or rural land, that is not primarily consistent with a conservation purpose.
 - Have linear historical zoning as rural and many already have an established residential use.
-

3 Requested Outcomes

1. That the Tasmanian Planning Commission modify the draft Kingborough LPS so that all of the properties along the shared access are zoned Rural Living, securing alignment between the purpose, use and character of the area. Whilst noting the proposed Kingborough Bushland and Coastal Living Zone, we reject the need for a new zone over an area which is well served by its historic zoning, and current use for rural living.
 2. That the Tasmanian Planning Commission reconsiders the draft Kingborough LPS to remove the Scenic Protection Code over these properties.
-

4 Justifications

1. **Use and Purpose** – The current function of the collective properties is rural residential in nature (See Attachments 3.1-3.4). None of the properties are presently used for commercial primary production, resource development (excepting the established Private Timber Reserve on 7493/2) or have significant landscape features or high conservation values with the exception of Garden Island Creek. Rather, the use is primarily residential alongside small-scale hobby farming.

Zone Purpose Statement Comparison (LPS: Zone Application)

Environmental Living Zone – Kingborough Interim Planning Scheme 2015 (cl. 14.1)	14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities. 14.1.1.2 To ensure development is reflective and responsive to the natural or landscape values of the land. 14.1.1.3 To provide for the management and protection of natural and landscape values, including skylines and ridgelines. 14.1.1.4 To protect the privacy and seclusion that residents of this zone enjoy. 14.1.1.5 To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity. 14.1.1.6 To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages. 14.1.1.7 To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.
Rural Living Zone (SPP 11.0)	11.1.1 To provide for residential use or development in a rural setting where: (a) services are limited; or (b) existing natural and landscape values are to be retained. 11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity. 11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts. 11.1.4 To provide for Visitor Accommodation that is compatible with residential character.
Rural Zone (SPP 20.0)	To provide for a range of use or development in a rural location: (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics; (b) that requires a rural location for operational reasons; (c) is compatible with agricultural use if occurring on agricultural land; and (d) minimises adverse impacts on surrounding uses. 20.1.2 To minimise conversion of agricultural land for non-agricultural use. 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.
Landscape Conservation Zone (SPP 22.0)	22.1.1 To provide for the protection, conservation and management of landscape values. 22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

2. Zone Application for the Woodbridge Hill Saddle

a. Rural Living Zone (SPP 11.0) is appropriate as:

- i. It aligns with “existing residential use on larger lots where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity” (11.0 RLZ1(a)). Additionally, these lots meet the identified purpose for Rural Living Zone as they currently have limited services (no mains electricity, reticulated plumbing, sewerage or waste collection) and existing natural values which are to be retained (SPP 11.1.1 (a) and (b)).
- ii. Within the Zone Application Guidelines, RLZ may be applied to “land which is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied.” (RLZ 2(b)).
- iii. Maintaining residential use and visitor accommodation as permitted developments are an important consideration for these parcels where such a zoning has previously applied.

b. Rural Zoning (SPP 20.0) is not appropriate as:

- i. SPP 20.4.3 States “New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.” Noting that under (P1) it is an acceptable performance solution that “New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate.” The TPS defines a road as “land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.” Given that the properties use a Crown licence to traverse Crown land, they fail to meet the TPS performance solution: right of carriageway to a road. As neither the acceptable solution or performance criteria are able to be met, this would effectively extinguish the right to construct a dwelling on these properties.
- ii. The Rural Zone is designed for development that “requires a rural location for operational reasons” (20.1(b)). 20.1(d) - It fails to consider the current sensitive (residential) use of adjacent properties and the impact of rural zoning against existing sensitive uses. The more appropriate zoning of Rural Living includes features to protect residential amenity, for example, Hours of Operation; these do not exist within the Rural Zone.
- iii. Noting that the impact of creating a new proposed Rural Zone within the Saddle will have an impact on capacity for neighbouring properties (slated for LCZ) to site a future dwelling - “Buildings for a sensitive use must be separated from the boundary of an adjoining Rural Zone or Agriculture Zone a distance of: not less than 200m” (SPP 22.4.2 A4). This would be particularly problematic for [REDACTED] for it would no longer be possible to site a dwelling more than 200m from a rural boundary, noting that it is surrounded by such on three sides (including land in the Huon Valley Council Municipality). The same oversight would also establish the incursion of a rural boundary within the 200m suggested buffer for the existing dwelling on [REDACTED].

c. Landscape Conservation Zoning (SPP 22.0) is not appropriate as:

- i. SPP 22.4.3 States “New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.” Noting that under (P1) it is an acceptable performance solution that “New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate.” The TPS defines a road as “land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.” Given that the properties use a Crown licence to traverse Crown land, they fail to meet the TPS performance solution: right of carriageway to a road. As neither the acceptable solution or performance criteria are able to be met, this would effectively extinguish the right to construct a dwelling.
- ii. Under the TPS Zone Application Guidelines, 22.LCZ 4 “The Landscape Conservation Zone should not be applied to: (a) land where the priority is for residential use and development (see Rural Living Zone)”. Further it notes that *“The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.”* (TPC Section 8A Guideline for Zone Application) This is not consistent with current land use practices..
- iii. The proposed lots ([REDACTED]) lack landscape and natural values of high significance, or, primary conservation purpose. This is reflected in the Natural Values Assessment (Lark and Crease, 2021) demonstrating “moderate biodiversity value” and no records of any threatened or endangered species within the area assessed (see Attachment 1). Additionally, the report identified previous land use has degraded the land and resulted in significant infestations of Gorse, Spanish Heath and other weeds of significance. Council identified an interest in protecting large sections of visually significant terrain - essentially, vegetated and over 100m elevation (p.6 Council response to TPC directions 1-26). The broad zoning brushstrokes that have been applied ignore the fact that these properties are effectively invisible from roads and waterways have been inadvertently caught within unfavourable zonings and associated overlays.
- iv. Existing stands of timber that have been selectively thinned, pruned and cultivated, offering the future prospect of harvest are now slated for conservation. Zoning land that was historically identified for forestry and suitable for Private Forest Reserves effectively extinguishes an existing use right. The restrictive nature of the LCZ prohibits long established land uses.

3. **Consistency** – Under the TPS Guidelines, consistency is identified as a priority, indicating that like circumstances should be zoned alike. The proposed zoning of Rural and LCZ creates a situation that is arbitrary, inconsistent and results in spot zoning.

4. **Strategic Alignment** – STRLUS (2010 amended 2025) SRD1.3 asserts that recognised rural living communities can be zoned Rural Living regardless of current zoning. It also identifies Woodbridge for low growth - the shift to Rural Living will create limited subdivision opportunity, due to the small size of lots in the area. Uniform RLZ zoning provides strategic alignment with the STRLUS.

5. **Interoperability of Zonings** - This application of the TPS would create land use conflict between existing residential uses and a proposed new rural zone.
- a. It is not appropriate to commingle existing residential land use with intensive rural pursuits due to noise, hours of operation and traffic. Under the TPS 2025, the acceptable standard for development under the LCZ would be 200m between a dwelling and the nearest rural property. This is not the case for existing sensitive use (residential) buildings and would not be feasible for a future possible dwelling on [REDACTED], effectively extinguishing their current right to construct a dwelling without relying on performance criteria in a zone where a residential dwelling is proposed to be discretionary.
 - b. Whilst small scale rural pursuits may be permitted under the Rural Living zone, more appropriately, it includes hours of operations provisions that balances the needs of rural endeavour with the current residential amenity of the Saddle.

6. **Removal of the Scenic Protection Code**

From the TPS: *“The purpose of the Scenic Protection Code is: C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.”*

The properties in question are tucked in a secluded saddle, sheltered behind a ridgeline, and are not directly visible like the surrounding forested ridges that are typically associated with scenic or landscape conservation values in the broader Woodbridge area. While we acknowledge the environmental significance of the ridgelines that surround the Saddle, the properties themselves are not within direct view of these scenic landscapes and do not impact the broader visual or ecological character of the area in the same way that more exposed or prominent locations might.

The protection of the forested ridgelines surrounding Woodbridge is undeniably important, but the properties hidden within the Saddle do not alter or detract from these views and are well-integrated into the landscape in a manner that respects the natural environment. As such, the Scenic Protection Code is unnecessarily applied and not warranted in this instance. Along with Rural Living zoning, the removal of the SPC better reflects the area's unique characteristics, allowing for residential occupation that coexists with the environment without unnecessarily imposing restrictive land use controls that do not align with the topographical reality of the site.

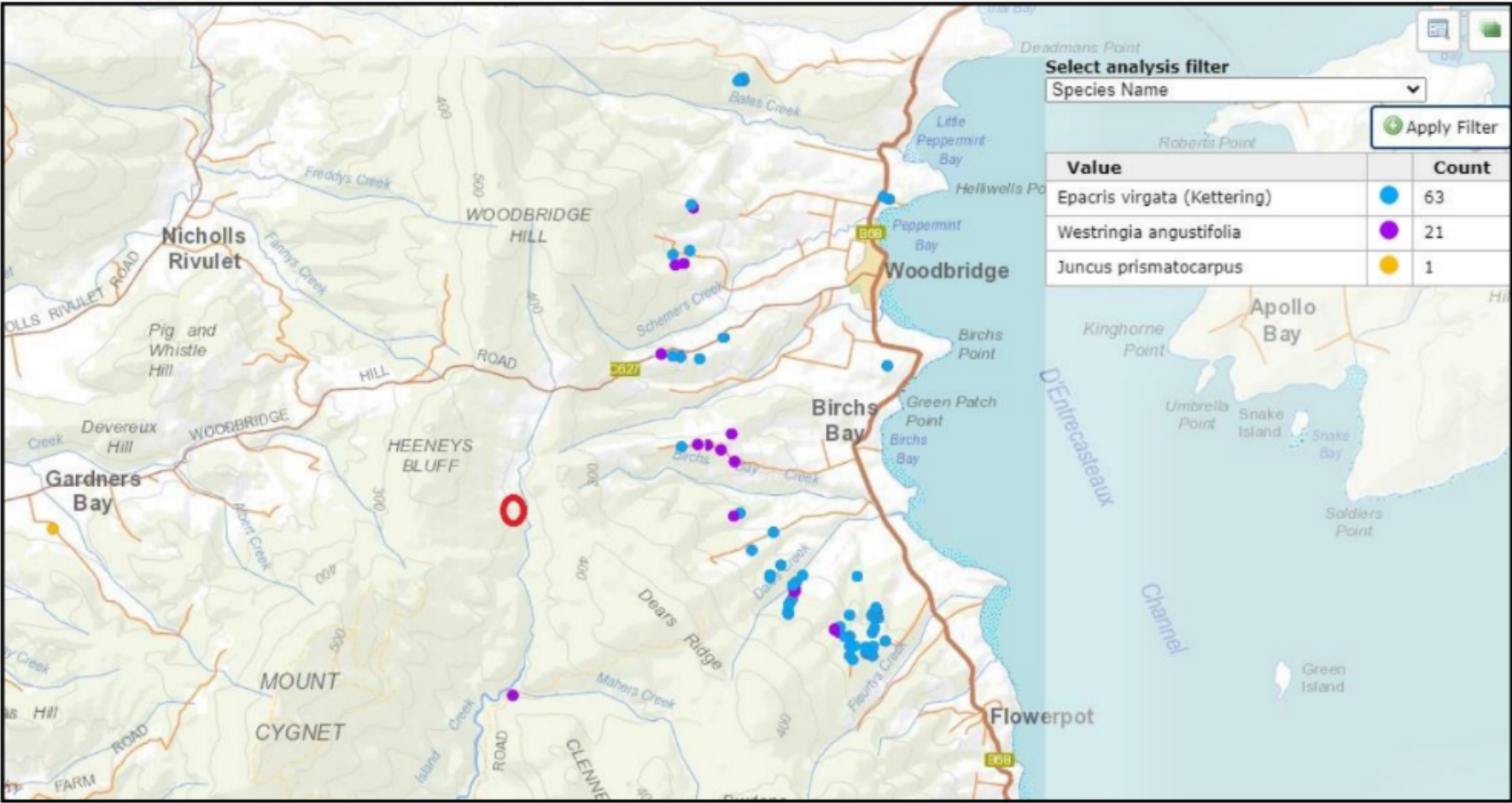
5 Conclusion

Applying zonings inconsistently across parcels within an otherwise uniform rural-residential cluster is arbitrary, unjustified and fails to align with the Tasmanian Planning Scheme's translation principles.

All lots within the Woodbridge Hill Saddle should be zoned for **Rural Living** to achieve orderly and equitable planning outcomes and align with identified strategic planning intentions.

Attachments

1.0) Recorded Threatened Flora from Natural Values Assessment (Lark and Crease, 2021)



2.0 Distribution of Threatened Fauna from Natural Values Assessment (Lark and Crease, 2021)



Attachment 3.1 - Establishing Residential Land Use at ([REDACTED]) [REDACTED] (Source: TheList)

PREMIUM PROPERTY Information Report

PROPERTY DETAILS - [REDACTED] WOODBRIDGE

Property Name:

Land Use:

Improvements:

Improvement Sizes
(Top 3 by Size):

Residential - VACANT-RURAL RESIDENTIAL (valuation purposes only)

VACANT

Improvement:

Area:

OTHER IMPROVEMENTS

Attachment 3.2 - Establishing Residential Land Use at ([REDACTED]) [REDACTED] (Source: TheList)

PREMIUM PROPERTY Information Report

PROPERTY DETAILS - [REDACTED] WOODBRIDGE

Property Name:

Land Use:

Improvements:

Improvement Sizes
(Top 3 by Size):

Residential - VACANT-RURAL RESIDENTIAL (valuation purposes only)

GROUND IMPROVEMENTS

Improvement:

Area:

BARN

Attachment 3.3 - Establishing Residential Land Use at ([REDACTED]) (Source: TheList)

PREMIUM PROPERTY Information Report

PROPERTY DETAILS - 413 WOODBRIDGE HILL RD WOODBRIDGE

Property Name:

Land Use:

Improvements:

Improvement Sizes
(Top 3 by Size):

Improvement:

Area:

Residential - VACANT-RURAL RESIDENTIAL (valuation purposes only)

Attachment 3.4 - Establishing Residential Land Use at ([REDACTED]) (Source: TheList)

PREMIUM PROPERTY Information Report

PROPERTY DETAILS - [REDACTED] WOODBRIDGE

Property Name:

Land Use:

Improvements:

Improvement Sizes
(Top 3 by Size):

Improvement:

Area:

Residential - VACANT-RURAL RESIDENTIAL (valuation purposes only)