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Sent: Monday, 4 May 2026 11:47 PM
To: Kingborough LPS
Cc: Patti Virtue
Subject: Submission - P Virtue [REDACTED]
Attachments: KCC LPS - Submission P Virtue [REDACTED] - Ireneinc review report - JB030426.pdf

A cover letter forms part of the attached submission.

pitt&sherry

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4 May 2026

Tasmanian Planning Commission
Via email: Kingboroughlps@planning.tas.gov.au

Dear Commissioners

**Re: Submission - Draft Kingborough Local Provisions Schedule (LPS)
(Direction 69) - [REDACTED], Neika**

Please find enclosed a submission made on behalf of Ms Patti Virtue (Property Owner) regarding the Draft Kingborough Local Provisions Schedule (LPS), prepared in response to Direction 69 and the Ireneinc review commissioned by Kingborough Council.

The submission focuses on the proposed application of the Landscape Conservation Zone (LCZ) to land at [REDACTED], Neika (five titles totalling approximately 28 hectares), and submits that the Rural Living Zone (RLZ) is the more appropriate best-fit base zone having regard to the land's prevailing use as an occupied and actively managed rural living property. Should the Commission require any further information or wish to discuss any aspect of this submission, please contact the undersigned.

Yours sincerely

Justine Brooks RPIA
on behalf of Ms Patti Virtue (Property Owner)

Submission to the Tasmanian Planning Commission

Draft Kingborough Local Provisions Schedule (LPS)

Response to Direction 69 and the Ireneinc Review

Land: [REDACTED], Neika, Tasmania

Executive Summary

This submission responds to the Ireneinc review prepared for Kingborough Council in relation to Direction 69 and the draft Kingborough Local Provisions Schedule (LPS). It addresses the proposed application of the Landscape Conservation Zone (LCZ) to land at [REDACTED], Neika.

The land comprises five titles with a combined area of approximately 28 hectares and includes an established dwelling. The site is occupied and managed as a rural living property.

The land is actively managed, including vegetation management, weed control and bushfire fuel reduction. It is not an unmanaged conservation reserve, and its prevailing use and management are consistent with rural living.

For these reasons, the proposed application of the LCZ to [REDACTED] is not supported.

The proposed LCZ is not the appropriate base zone for this land because:

1. the land contains an established dwelling and is used for rural living;
2. the land is actively managed and has been modified over time, including weed control, bushfire fuel reduction and management of plantation pine;
3. the land does not present as pristine or conservation-reserve land, but as a managed rural holding;
4. the owner intends to continue the established rural living use and introduce modest, compatible rural activities over time; and
5. relevant constraints and values (including vegetation, scenic values, bushfire and natural assets) can be managed through applicable overlays and codes without applying a conservation-led base zone.

The core issue is not whether the land contains landscape value: it does.

The issue is whether landscape conservation is the land's dominant strategic purpose.

At [REDACTED], it is not.

The Rural Living Zone (RLZ) is the better fit because it:

- reflects the prevailing rural living use of the land, including the established dwelling
- supports practical land management, including weed control and bushfire fuel reduction
- accommodates modest, small-scale rural activities compatible with a rural living setting

- is consistent with the site's established use and the broader Neika locality; and
- allows natural values, scenic character and environmental constraints to be managed through the relevant overlay and code framework.

Requested outcome: Zone [REDACTED] as Rural Living Zone (RLZ) rather than Landscape Conservation Zone (LCZ).

1. Introduction

This submission is made on behalf of Patti Virtue (Property Owner) for land at [REDACTED], Neika. It responds to Direction 69 of the Tasmanian Planning Commission, which requires Council to review and justify elements of the draft LPS, including whether the proposed zones represent the most appropriate planning fit for the land. In practical terms, this requires identifying the base zone that best reflects the land's dominant strategic purpose and intended planning outcome.

The draft LPS proposes to apply the LCZ to [REDACTED].

For the reasons set out below, that outcome is not supported.

The key issue is whether the LCZ is the most appropriate base zone when tested against:

- the current use of the land
- the intended future use of the land
- the purpose of the zone; and
- the land's physical characteristics and management context.

Having regard to these matters, the Rural Living Zone is the more appropriate and defensible zoning outcome.

Planning context / statutory framework: Direction 69 requires Council to review and justify draft LPS outcomes, including whether the proposed zoning represents the most appropriate planning fit for the land. The Section 8A Guidelines similarly require a best-fit assessment against the purpose of each zone, having regard to the land's dominant strategic purpose and intended planning outcome.

2. The Land and Current Use

[REDACTED] comprises five separate titles with a total land area of approximately 28 hectares.

The land contains an established dwelling and is occupied as a rural living property.

It is not vacant, remote or unmanaged land.

The site includes:

- an established dwelling
- access tracks
- sheds and associated outbuildings
- areas of modified and managed land
- vegetation requiring ongoing management; and
- ongoing bushfire fuel management and general property maintenance.

The land is occupied and actively managed on a day-to-day basis.

This is relevant because zoning should reflect the prevailing use and character of land.

At [REDACTED], the prevailing use is rural living.

3. Site Conditions and Land Management

Much of the land is vegetated; however, it is not an untouched or pristine conservation landscape.

It is a modified and actively managed rural holding.

The site includes:

- areas of radiata pine plantation
- areas affected by weed infestation
- modified access tracks and managed land
- areas subject to ongoing fuel reduction; and
- evidence of long-term active intervention and management.

These features demonstrate that the land has been altered, used and managed over time.

It is not passive conservation land.

The owner undertakes regular land management activities, including the control of:

- Spanish heath
- foxglove; and
- other weed species that increase fuel loads and reduce land usability.

This work is ongoing and necessary for safe occupation and effective land management.

The presence of plantation pine is relevant in demonstrating that parts of the land have been previously modified and used, rather than retained in a wholly natural state.

The owner has also observed feral cats on and around the property.

This observation is consistent with the site functioning as a lived-in and managed rural property rather than a conservation reserve.

Overall, the land requires active and practical management.

At the time of writing, a review of LISTmap does not identify mapped threatened species records on the site. This does not confirm the absence of natural values; however, it indicates the land is not currently mapped as a priority conservation area where conservation should be the dominant planning outcome.

3.1 Vegetation does not, of itself, justify LCZ

The presence of vegetation is not, of itself, evidence that landscape conservation is the dominant strategic purpose of land.

That distinction is important for this site.

Vegetation may contribute to:

- visual character
- screening
- bushfire behaviour
- local amenity; and
- ecological value.

These matters are relevant.

However, they do not convert an occupied and managed rural living property into land whose dominant strategic purpose is conservation.

At [REDACTED], vegetation is one attribute of the land.

It is not the defining strategic function.

4. Bushfire Safety and Practical Land Management

Bushfire is not a secondary issue at [REDACTED]; it is a defining land management consideration.

The land is located within a bushfire-prone setting and requires practical, ongoing intervention to remain safe and functional.

This includes:

- maintaining clear accessways
- managing vegetation around the dwelling and along access routes
- reducing fuel loads
- treating weeds that contribute to fine fuels; and
- ongoing practical vegetation management.

These are not discretionary landscape works.

They are necessary life-safety measures.

The planning framework should enable these actions and avoid creating unnecessary barriers to ongoing hazard reduction.

The RLZ best reflects these day-to-day management needs while still allowing landscape and natural values to be managed through targeted provisions.

4.1 Bushfire should inform zoning, not only permit assessment

In strategic planning, bushfire is sometimes addressed primarily at the permit stage rather than being fully considered as an upfront zoning consideration.

This can result in zoning outcomes that do not adequately reflect on-the-ground land management requirements.

At sites such as [REDACTED] bushfire should inform the zoning decision itself.

The need for practical and ongoing hazard reduction is central to how the land must function.

This supports the conclusion that a conservation-led base zone is not the most appropriate planning response for the site.

5. Planned Future Use

The owner intends to continue the land's established rural living function and, over time, introduce modest and compatible rural activities that build on how the land currently functions.

These include:

- small-scale blueberry production; and
- small-scale, low-impact nature-based visitor accommodation.

These are not intensive land uses.

They represent logical, low-impact extensions of the land's established rural living function.

The primary use of the land remains rural living.

Any future activities would be secondary, modest in scale and capable of being designed to sit within the site's rural living setting.

This future use profile aligns more closely with the RLZ than the LCZ.

6. Response to the Ireneinc Review

The Ireneinc review notes that RLZ may be appropriate where there is an established rural living pattern and where zoning would not facilitate materially more intensive use than what already exists.

[REDACTED] meets that test.

The land contains an established dwelling and is occupied as a rural living property.

Applying RLZ would recognise and continue that prevailing use.

The intended future uses do not represent a substantial intensification of the site.

The primary land function remains rural living, supported by small-scale, compatible and low-impact rural activities.

6.1 LCZ is not the default successor to Environmental Living

The current planning framework does not establish the LCZ as the default successor to Environmental Living land.

This distinction is relevant to the zoning outcome for [REDACTED].

Large-lot, vegetated or semi-rural land does not automatically warrant LCZ merely because it contains vegetation.

The Section 8A Guidelines require the best-fit zone to be applied, having regard to the land's dominant strategic

purpose.

At [REDACTED], the purpose is rural living rather than landscape conservation.

7. Section 8A Guidelines: Zone Fit

The Section 8A Guidelines require the proposed zone to be tested against the zone purpose and whether it represents the best-fit outcome for the land.

On that basis, the RLZ is the better-fit outcome.

The Rural Living Zone is intended for:

- residential use in a rural setting; and
- associated small-scale rural and lifestyle activities.

That aligns directly with both the current and intended use of [REDACTED].

The LCZ is intended for land where conservation and landscape protection are the dominant planning purposes.

That is not the prevailing function of this site.

The prevailing function is:

- rural living
- practical land management
- safe occupation; and
- modest, small-scale rural activity.

Accordingly, the RLZ is the best-fit zone for the site.

8. Duplication of Control

A key issue with the proposed LCZ is that it appears to duplicate matters already managed through existing codes and overlays in the planning scheme.

The role of the base zone is to identify the land's dominant strategic purpose, while overlays and codes manage specific constraints and values that apply to that land.

At [REDACTED], the proposed LCZ appears to be used to regulate matters already addressed through:

- the Natural Assets Code
- the Scenic Protection Code
- the Bushfire-Prone Areas Code; and
- related overlay controls.

These tools already exist to regulate:

- vegetation

- scenic values
- bushfire hazard; and
- natural assets.

Using the LCZ to regulate those same matters duplicates control and distorts the role of zoning.

The relevant planning question is not whether these matters apply, but whether they change the land's dominant strategic purpose.

At [REDACTED], they do not change the land's dominant strategic purpose.

9. Why the LCZ is Not the Best Fit

The proposed LCZ does not suit this land because it treats the site as though conservation is its primary planning purpose.

That is not the land's prevailing function.

The land is:

- occupied and lived on
- regularly managed and maintained
- modified by past and present use
- subject to ongoing weed and fuel management; and
- intended to support modest, low-impact rural activities.

The proposed LCZ would impose a conservation-led planning framework over land that is already functioning as a rural living property.

In these circumstances, the RLZ is the more appropriate planning outcome.

10. Evidence Relied On

This submission relies on:

- property details for [REDACTED], including that the land comprises five titles and totals approximately 28 hectares
- the existence of an established dwelling and associated rural living improvements
- site observations and Property Owner information regarding current use and land management
- site conditions, including plantation pine and weed infestation
- Property Owner information regarding intended future use
- a LISTmap review and available mapping; and
- the Ireneinc review and Direction 69 material.

11. Conclusion

██████████ is an occupied and actively managed rural living property, containing an established dwelling, modified land and ongoing land management obligations.

The key issue is not whether the land contains landscape value, but whether landscape conservation is the land's dominant strategic purpose. At ██████████, it is not.

For these reasons, the Rural Living Zone is the more appropriate and defensible zoning outcome.