
From: Scott and Lynette <[REDACTED]>
Sent: Monday, 4 May 2026 8:07 PM
To: Kingborough LPS
Subject: Submission - Kingborough LPS Direction 69 - [REDACTED] Allens Rivulet
Attachments: Submission for RLZ.pdf

Please find attached our submission for [REDACTED], Allens Rivulet,

Title reference [REDACTED]

Thank you very much,

Lynette

Lynette Kay and Scott Fairbrother

[REDACTED]

4/5/2026

TPC@planning.tas.gov.au

To the Tasmanian Planning Commission,

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

We did not make a formal representation during the public exhibition period, however we understand that the Commission has received correspondence from us in relation to the draft LPS. We understand that this letter provides us the opportunity to formally participate in this stage of the LPS process by making a written submission. We understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite us to discuss the matters raised.

We take up that opportunity and submit as follows.

Landowner name(s)	Scott Andrew Fairbrother and Lynette Helen Kay
Property address	[REDACTED] Allens Rivulet
Title reference (folio)	[REDACTED]
Lot size (approx.)	48.5 ha
Locality	Allens Rivulet
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone - unchanged
Zone sought in this submission	Rural Living Zone (RLZ) - D

We are one of the landowners in Allens Rivulet who have jointly lodged a collective submission dated 4/5/2026. We adopt the arguments in that collective submission and incorporate them into this individual submission by reference.

The number of people in this representation and across the municipality who believe their property is incorrectly zoned should be a clear indicator to decision makers that change is required.

We request that the Commission determines that the Rural Living Zone is the appropriate zone for our property under the draft Kingborough Local Provisions Schedule (LPS). The specific sub category we seek is Rural Living Zone D (minimum lot size of 10 ha).

Our property is located in the residential settlement of Allens Rivulet. This area is characterised by people living in semi-rural and bush settings for lifestyle reasons.

We have retained ownership of this property for the primary long-term purpose of residential development in a bush setting. This is consistent with land use in the area.

We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

The LCZ is not a replacement zone for the ELZ

The Ireneinc report says there is a requirement for land to be translated into the same or equivalent zone in the new planning scheme. The Zone Guidelines state expressively: "The LCZ is not a replacement zone for the ELZ in interim planning schemes". There are key policy differences between the two zones.

According to the Kingborough Interim Planning Scheme 2015 the primary purpose of the ELZ is: "To provide residential use or development in areas where existing natural and landscape values are to be retained". The focus is on residential use in a way that considers the environment.

The primary purpose of the LCZ is to "provide for the protection and management of landscape values". Its focus is on landscape protection before residential use.

Kingborough Council has formally resolved that where more than one zone is appropriate, the least restrictive alternative should be applied. RLZ is appropriate and is less restrictive than LCZ.

The Ireneinc evaluation framework, applied correctly to my property, supports RLZ;

Our property has a strategic residential intention

We have owned our land for 22 years. Our long-term retirement plan is for it to be used for residential living in a bush setting. The property has road access to a potential location for development. We hope to subdivide the land into 3 blocks of around 16 hectares.

Building on the lower elevations of the land will not impact on the scenic values of the property. The majority of neighbouring properties have houses in rural and bush settings and there are several houses close by on comparable elevations to our potential development area.

The identified landscape values can be managed outside of LCZ

The proposed overlays for our property include the Scenic Protection Code (SPC), Priority Vegetation Code (PVC) and Waterway and Coastal Protection Code (although there are no permanent creeks and water is only shed off the property during major rain events).

The above overlays provide landscape protection and cover the protection of hillsides and skyline as well as the protection of threatened native vegetation communities, threatened flora species, conservation of habitat and protection of biodiversity values.

These overlay controls provide appropriate management of any landscape values present, without the need for the more restrictive Landscape Conservation Zone.

The TPC panel acknowledged on Day 20 [02:33:54] that the PVC overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas.

The risk of degradation of the land under an alternative zone is very low due to the topography of the land and the protective overlays.

The skyline and elevated areas of the hillside are too steep, inaccessible and not practical to develop. The lower elevations on our block are accessible and appropriate for development.

Fragmented LCZ application should be resolved in favour of the surrounding zone

The Ireneinc report identifies avoidance of fragmented LCZ application as a key principle.

Our property borders 9 other properties. Six of those 9 properties are proposed to be RZ (Rural Zone) or RLZ.

We should be one community, one lifestyle and one zone.

Conclusion and relief sought

For the reasons set out above, we submit that:

1. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for our property.
2. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resorting to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone D, ie Title [REDACTED] at [REDACTED] Allens Rivulet.
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

Lynette Kay & Scott Fairbrother _____ Full name

Date: 04/05/2026 _____ Contact email / phone
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*To the best of our knowledge the information in this submission is true and correct.