
From: Bernadette Henry <[REDACTED]>
Sent: Sunday, 3 May 2026 10:27 AM
To: Kingborough LPS
Cc: Bernadette Henry; Patrick Henry
Subject: Submission for [REDACTED] Gordon
Attachments: Additional LPS submission.docx

Hi

Please find attached our submission for [REDACTED]

We have the written consent of 3 neighbours which I will bring to the hearing. Please let us know if you would prefer these consents prior to the hearing.

Thank you

Bernadette and Patrick Henry

Bernadette Henry

Additional submission addressing the Ireneinc report – [REDACTED]

[REDACTED] Gordon

I write in response to the letter advising that the Ireneinc report recommends our property remains within the Landscape Conservation zone under the draft Kingborough Local Provisions Schedule.

We previously made a representation on the draft LPS. We understand that our representation has not yet been heard and will be heard at a future hearing. We understand that this letter provides us with the opportunity to make a further written submission specifically in relation to the Ireneinc recommendations, and that we may speak to this submission when we appear before the Commission.

We take up the opportunity and submit as follows.

We would like to present this additional submission on our property in 6 parts:

1. A description of our property (and nearby properties) with photos that clearly demonstrate our residential use, our rural living characteristics and the settlement pattern of this area of the Gordon locality
2. The arguments against rezoning our property and nearby properties Landscape Conservation zone
3. The compatibility of our property and nearby properties with the Rural Living zone
4. Some observations about potential inconsistencies and inaccuracies with the Ireneinc Report and presentation
5. A request to remove the Priority Vegetation overlay over that part of our property that is fenced
6. A final conclusion

Description of [REDACTED] Gordon and surrounds

Our property is an 8 acre lot on the coastal strip at Gordon. We have just over 1 acre of developed land, with a 2 bedroom dwelling, a large outbuilding and a shipping container. We have 2 small garden sheds and a temporary carport. We have a large vegetable garden and an extensive fruit orchard. We have numerous garden beds containing both flowers and flowering native bushes. Around this developed residential area, we have a fence which keeps our dog contained as per Kingborough Council's dog laws and which also protects the native flora and fauna.

We have a development application for a further 2 small outbuildings, as well as for a roof over the front deck. This development application expired last month, but it is our intention to instigate the process again within the next month.

The remaining part of our property is native vegetation. The majority of this vegetation is Eucalyptus pulchella trees, Eucalyptus obliqua trees and Extra-urban miscellaneous. There are a very small number of Eucalyptus ovata trees (black gums) which are restricted to the far southeastern corner of the property. There is evidence that the property has been subject to

native forest silviculture in a much earlier period and anecdotal evidence points to much of the slopes of Mount Royal being subject to logging. Our property also has recorded evidence of being affected by the 1967 Tasmanian bushfires and the January 1982 Garden Island bushfires. These combined wildfire events are strongly reflected in the structure and composition of the vegetation.

Ground-truthed vegetation mapping has been done recently by a certified Ecological Consultant. He made specific note that his updated mapping varies quite differently to both TASVEG and Kingborough Council mapping. The majority of vegetation is not classified as threatened under Schedule 3A of the Tasmanian Natural Conservation Act 2002, does not equate to threatened ecological communities under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and as vegetation types are classified as low priority biodiversity value under table E10.1 of the Biodiversity Code of the Kingborough Interim Planning Scheme 2015.

The black gums are classified as threatened under Schedule 3A of the Tasmanian Nature Conservation Act 2002 and are also classified as a high priority biodiversity value under table E10.1 of the Biodiversity Code of the Kingborough Interim Planning Scheme 2015. However, the black gum population is under the nominal 0.5 hectare threshold to qualify. Regardless, the vegetation is fully protected under the Natural Assets Code, Council's discretionary planning pathway, as well as our Environmental Management Plan for the property.

 – aerial view



██████████ – ground view



Our neighbours to the south – ██████████ – both around 8 acres.



Both these properties are proposed to be zoned Landscape Conservation zone. Alongside these neighbours to the south, properties are zoned Low Density Residential due to the smaller lot size.

Arguments against Landscape Conservation zone

LCZ purpose

21.1.1 to provide for the protection, conservation and management of landscape values

21.1.2 to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values

We argue:

- the draft LPS did not identify any specific landscape values to be conserved or managed through local area objectives or any other specific mechanisms such as scenic protection overlays or specific area plans
- the Supporting Report did not identify any landscape values to be managed at Gordon or for this property specifically, aside from a general reference to native bush areas between the foreshore and elevated parts of the community
- the lack of identification of any specific values for management under the LPS through use or development raises questions over the use of LCZ in this property and other properties in this locality
- as discussed in the hearings, there is no clear definition of landscape values by Council or Ireneinc. No community consultation has occurred about the definition of landscape values, so therefore any argument based on perceived landscape values are purely subjective and are therefore invalid (Southern Tasmanian Regional Land Use Strategy criterion CV4.1 requires landscape values to be developed in consultation with the community)

LCZ1 should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate

We argue:

- neither the Interim Scheme nor the LPS identified landscape values for protection (as previously noted)
- the definition of landscape values has not been clearly defined and no community consultation has occurred, so as previously noted, arguments based on landscape values are subjective and therefore not valid
- our property is not large at 3.11 ha, where the zone provides for titles greater than 20 hectares, or 50 hectares under acceptable solution
- the Natural Assets Code protects the native vegetation on our property. Our development pathway to date has been discretionary and this further protects native vegetation by requiring a development application and council approval for any future use and development

LCZ2 may be applied to:

- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation*
- (b) land that has significant constraints on development through the application of the Natural Assets code or Scenic Protection code or*
- (c) land within an interim planning scheme Environmental Living zone and the primary intention is for the protection and conservation of landscape values*

We argue:

- the primary purpose of [REDACTED] is for residential use, as enabled by the Environmental Living zone of the Interim Planning Scheme, and enacted by us as the owners
- development of the house demonstrates that the existing natural values of this site can be accommodated with ongoing residential use
- there are no constraints to the ongoing use of the property through overlays under the Natural Assets Code (Priority Vegetation) or Scenic Protection Code (either areas or corridors), nor through other mechanisms established under the Interim Planning Scheme or the draft LPS. [REDACTED] therefore cannot be considered as significantly constrained in supporting its primary residential use
- the primary intention for the future use of this property is therefore not for the protection or conservation of landscape values, but continuation of the existing and approved residential use

LCZ 3 The Landscape Conservation zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone

We argue:

- no landscape values were identified for protection or management for Gordon and no clear definition of landscape values has been validated
- despite not wanting to spot zone, it appears that the 10 properties along the coastal strip at Gordon ([REDACTED]) have been clustered together to make up the 20 hectares for the Landscape Conservation Zone threshold. If these 10 properties were zoned Rural Living, it would be consistent with adjoining Rural Living properties to the north – and would complement the Low Density Residential Living zone to the south. This would then be in line with Kingborough Council 2019 Supporting Report which states that Gordon should be a mix of Rural Living and Low Density Residential zone

These 10 properties:

- have no differing landscape values than properties further north, and further south on the highway
- demonstrate a rural living settlement pattern. 6 of the 10 properties have full time permanent residents. The majority of these houses have been established and lived in for many decades
- have single dwellings along with other outbuildings, shipping containers, vegetable gardens and fruit trees
- are of differing lot sizes - around the 3 hectare lot size as an average. They have come about as a result of farmers' subdividing their land at some point in the past

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)*
or
- (b) state-reserved land (see Environmental Management zone)*

*Note: The Landscape Conservation zone is not a replacement for the Environmental Living zone in the interim planning schemes. There are key policy differences between the two zones. **The Landscape Conservation zone is not a large lot residential zone, in areas characterized 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.*

We argue:

- the primary use of [REDACTED] is to support the existing, approved and ongoing residential use
- the same could be argued for nearby properties
- the LCZ guideline clearly identifies it is not suitable for large lot residential lands with native vegetation cover and refers to the change in status from residential use from the Environmental Living zone of the Interim Schemes. This is relevant to this property as well as the other properties clustered together to make the Landscape Conservation zone threshold. The Natural Assets code (Priority Vegetation) along with Council's discretionary planning pathway more than adequately provides for the protection and management of native vegetation on these 10 properties

We have identified that [REDACTED] does not comply with the specific guidelines for the Landscape Conservation zone, with the primary residential use specifically identified for the Rural Living zone under LCZ4. This arguably applies to the 10 titles (4966 – 5144).

Alternate zones

Both the Commission and Council websites identify that Gordon contains the following zones:

- Landscape Conservation
- Low Density Residential for smaller titles [REDACTED]
- Rural Living zones for similar properties on [REDACTED] – [REDACTED]
[REDACTED]
- Rural

The Low Density Residential zone provides for residential use at different intensities on lots down to 0.12 ha to reflect the intended residential outcomes. This density of development is not considered compatible with the existing land use pattern for this property or similar properties nearby.

The Rural zone provides for a range of use or development around agricultural land and protects soil quality. This zone is not considered compatible with the existing land use pattern for this property or similar properties nearby.

The Rural Living zone provides for residential use at lower densities in rural settings, restricted to single dwellings down to 1, 2, 5 or 10 hectares. The density of development is consistent with the existing land use character of this property and similar properties.

Compatibility with Rural Living zone

Rural Living zone purpose

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 or 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

We argue:

- our property and nearby properties provide for residential use at a density that is consistent with a rural lifestyle area with natural values that are managed through the Natural Assets code and Kingborough Council's discretionary development pathway

- there is no reticulated water, sewer or stormwater services managed by a public authority. These are all developed, approved by Kingborough Council, and managed by property owners onsite
- agricultural uses are limited in the area, use of adjoining lands for rural lifestyle and native bush are compatible with the intended form and density of residential use in the zone
- provision for visitor accommodation nearby is consistent with the existing character of the area and intensity of residential use
- any use or development of our property and nearby properties is subject to Kingborough Council's very thorough development application and discretionary pathway. They have control measures in place to prevent any use or development they consider is not compatible with a rural living lifestyle
- nearby properties have similar characteristics (residential as the primary use of the land adjoining the road with native vegetation over the balance of the properties)
- at the recent Ireneinc presentation, the TPC stated that vegetation does not equal landscape values

Compliance with the zone purpose statements is consistent with the primary land use and the natural values of this property.

RLZ 1 The Rural Living zone should be applied to:

- (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (eg. Hobby farming), but priority is given to the protection of residential amenity; or*
- (b) land that is currently a Rural Living zone within an interim planning scheme or a section 29 planning scheme, unless RLZ 4 below applies*

We argue:

- the existing Environmental Living zone provides a single dwelling as a permitted use, which is consistent with the Rural Living zone of the SPP and provides for ongoing residential use
- our property is a larger lot size of 3.11 ha. We have a single dwelling with several outbuildings. We have lower order rural activities such as our fruit orchard (currently contains 31 fruit trees which we add to each winter), an extensive vegetable garden and numerous flower and flowering native garden beds
- RLZ 4 does not apply

RLZ 2 The Rural Living zone should not be applied to land that is not currently within an interim planning scheme Rural Living zone, unless:

- (a) consistent with the relevant land use strategy, or supported by more detailed local strategic analysis consistent with the relevant land use strategy and endorsed by the relevant council; or*

(b) the land 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, such as applying the Rural Living zone D where the minimum lot size is 10 hectares or greater

We argue:

- properties within the Environmental Living zone were specifically recognised for inclusion within the Rural Living zone
- our primary strategic intention is residential use and development
- we are in a rural setting
- Kingborough Council's own Land Strategy 2019 states Gordon should be a mix of Rural Living and Low Density Residential
- no further detailed local strategic analysis has been completed and endorsed by Kingborough Council

RLZ 3 The differentiation between Rural Living A, Rural Living B, Rural Living C and Rural Living D should be based on:

- (a) a reflection of the existing pattern and density of development within the rural living area; or*
- (b) further strategic justification to support the chosen minimum lot sizes consistent with the regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council*

We argue:

- there is no known strategic basis for intensification of land use
- Rural Living C would seem the most appropriate sub-category, given existing land use pattern and density of development within the area

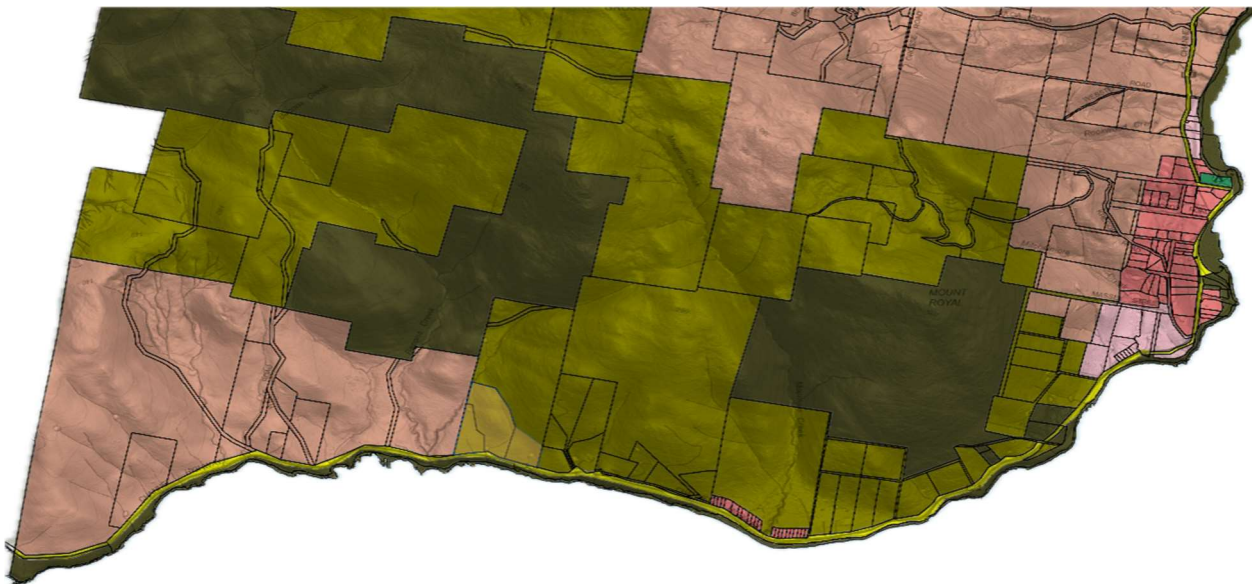
RLZ 4 The Rural Living zone should not be applied to land that:

- (a) is suitable and targeted for future greenfield urban development;*
- (b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or*
- (c) is identified in the 'Land Potentially Suitable for Agricultural Zone' available on the LIST, unless the Rural Living zone can be justified in accordance with the regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council*

We argue:

- our land is neither suitable nor identified for greenfield development or as agricultural lands
- as previously noted, the LPS did not identify any specific landscape values to be conserved or managed through local area objectives or any other specific mechanisms such as scenic protection overlays or specific area plans
- native vegetation on the property is managed through the Natural Assets code, Kingborough Council's stringent development application process and our own Ecological Management Plan
- the same could be argued for other properties nearby and other Gordon properties proposed to be zoned LCZ

Potential Inconsistencies & Inaccuracies with the Ireneinc Report and Presentation



1. Gordon is historically a shack community and remains so today
 - historically, Gordon was a whaling and logging community. Later, it became a region known for its fruit orchards. The construction of the Gordon jetty made it easier to ship all produce to Hobart
 - the majority of houses in the locality are older wooden farm houses. As the land was subdivided into smaller acreage lots, more modern houses have emerged
2. There are not enough rural living characteristics
 - the locality of Gordon **is** set in a rural setting. There is a low population density, it is dominated by natural surroundings, large open spaces and a strong connection to nature
 - the lot sizes are varied with lots either small (around 0.12 hectare), lots ranging from 1 – 15 hectares, and then some larger lots of many hectares

- farming/logging land has been sub-divided at some time into the smaller acreage lots we see today
- the majority of properties have single dwellings, with numerous outbuildings. Lower order farming activities are evidenced with most properties having fruit orchards, vegetable gardens, flower gardens and/or farm animals onsite. Several properties have produce or flower stalls at the end of their driveways
- most properties have an area of clearing around their dwellings and outbuildings, with the rest of the land covered in native vegetation

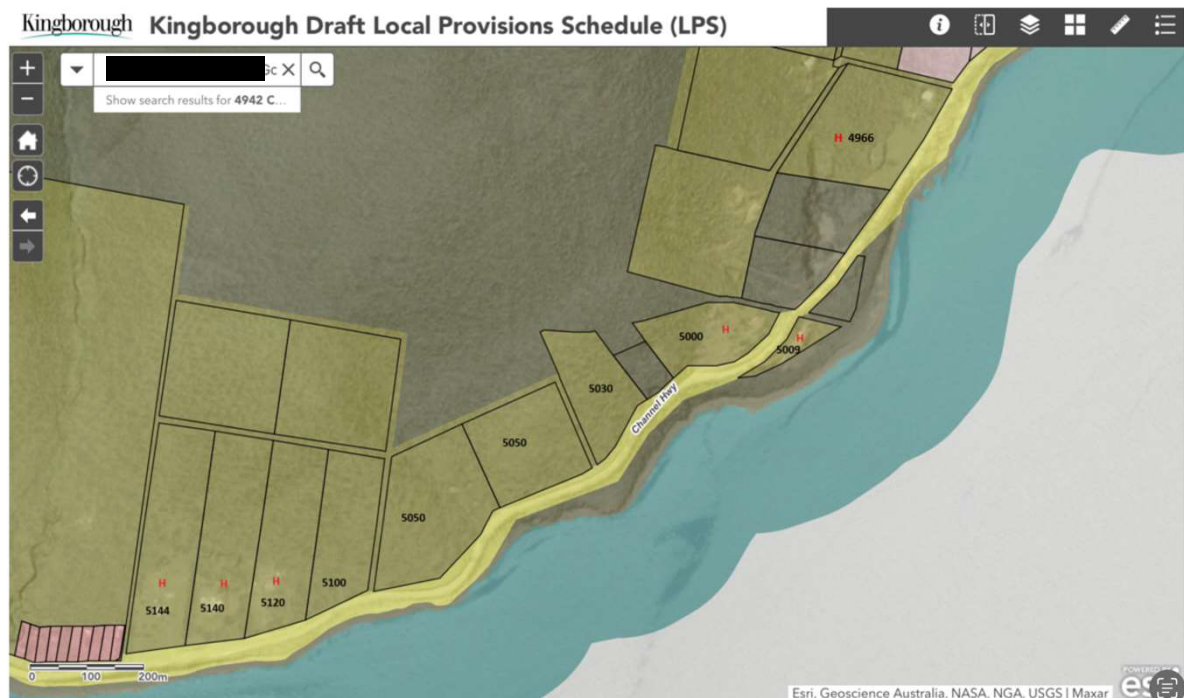
3. There is not enough evidence of an existing settlement pattern

- Gordon locality comprises lots of differing sizes, with the majority of properties having a single dwelling with numerous outbuildings with permanent residents
- Some properties have not yet been developed. One could argue that these properties should be allowed to be developed at some time in the future. People buy land generally for the purpose of building a dwelling at some time in the future when their plans and finances allow them to
- although only a small population, Gordon has a strong community. Typically, it is an aging population, one that has predominantly full time residents
- people choose to live in this community to get away from the hustle and bustle of city or suburban life. Most are retirees who have chosen to live a fairly simplified community life; however there are also young families who choose to travel into larger centres for work and school
- it is a community where neighbours look out for each other and help each other without having to ask
- it is a community characterized by simple events such as catchups at the beach at 4 pm daily to run the dogs and have a chat; “men’s shed” catchups on every second Thursday; along with similar catch ups for the women/partners on the same day; Melbourne Cup at the same house each year; New Years Eve spent down at the waterfront having a catchup and drink; Cancer Council morning teas; where going to the local shop in Middleton means not just buying groceries and checking mail, but catching up with friends and neighbours. We may have a small population – but we are a real community

4. Properties backing onto conservation areas are zoned Landscape Conservation

- in the Ireneinc presentation on day 2, it was inferred that properties in Gordon that adjoined Mount Royal were zoned Landscape Conservation because of this conservation reserve. I have been unable to find any reference in the rules and guidelines to support this statement. I would question whether this is a subjective opinion about these properties, or one based on stated rules and guidelines
- when looking through the mapping for the municipality, there are examples where properties adjoining conservation or state reserves have not been zoned Landscape Conservation

5. 10 blocks along the coastal strip have been combined to reach the 20 hectare threshold to be zoned Landscape Conservation



- The 10 coastal properties [REDACTED] appear to have been clustered together to make up the 20 hectare threshold required for the Landscape Conservation zone
- 6 of the 10 properties have dwellings with full time permanent residents
- These 10 lots adjoin Rural Living properties to the north, and Low Density Residential properties to the south. If these properties were zoned Rural Living, there would be consistency with the northern properties, and would complement those adjoining properties to the south. This then would avoid the spot zoning of these 10 properties to Landscape Conservation
- These 10 properties have the same rural living characteristics and settlement patterns as those adjoining properties both north and south
- These 10 properties contribute to the same landscape value of Gordon, as those adjoining properties north and south. It seems illogical that **some** coastal properties contribute more significantly to the landscape values of the locality than others that adjoin these 10 properties
- The same inconsistencies apply to other properties zoned Landscape Conservation in Gordon

6. Heavily vegetated properties = landscape values
 - as stated by the Tasmanian Planning Commission in the recent Ireneinc presentation days, heavily vegetated properties do not equate to landscape values. Native vegetation is effectively protected and managed through the Natural Assets code, Scenic Protection code and Kingborough Council's development process and the discretionary planning pathway
7. Ireneinc state that our property is high risk if zoned Rural Living
 - Potential subdivision risk – we do not wish to subdivide. We purchased this land so that we would have space away from neighbours. Our land is unsuitable for subdivision anyway as it is a long, narrow block and our dwelling and outbuildings take up a large proportion of the width of the land. We are unable to develop any more of the property without gaining Council approval because of the Natural Assets code and our discretionary planning pathway. At the end of the day, if this property is ever sold and has new owners, any decision to subdivide would need to be approved by Council, so they hold the right to refuse any development application. The risk is low
 - Other use or development – we do not intend to further develop our land except for the additional 2 small outbuildings and roof for the front deck. This is for our residential use. We do not wish to open a service station or graze livestock. Besides being economically unviable in a community like Gordon, our property is simply not suited to any further development that would cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts. Any of these activities would require a development application and would not be approved due to the protections of the Natural Assets code and Council's development process. This risk is therefore low
 - Ireneinc has not provided any justification or criteria for their risk ratings. The risk ratings appear to be subjective, and therefore provide for an invalid argument
8. Zoning properties Landscape Conservation will provide better protection and management of native bushland
 - Bushfire management – having land where reasonable bushfire management practices is carried out (within the rules of the various codes), ensures that there will be less chance of the entire area being consumed by wildfire
 - Having people living on properties also means they are self sufficient with their own water tanks and firefighting equipment, so there is some chance that properties can be protected against devastating wildfires. Gordon is the end of the line. We will be left to fend for ourselves in a bushfire, as roads will close and there simply are not enough resources to get to the most southern mainland community of the municipality
 - When properties are cared for by the people living in them, there is less likelihood of weeds such as gorse, blackberries and pine trees choking out our waterways and

taking over our native vegetation. In the years we have been living down here, we have successfully removed all the gorse and blackberries from our property. You just have to travel a couple of kilometres north and south on the highway to see lots of waterways choked with weeds. Gorse, blackberries, pine and willow trees are very quickly taking over large parts of native vegetation within Kingborough municipality

Priority Vegetation Area

The Priority Vegetation Area overlay was proposed for the entire title under the exhibited LPS under C7 Natural Assets Code, consistent with the Biodiversity Protection Area under the Interim Scheme.

The Biodiversity Protection Area was subject to a transitional provision declaration, issued by the Minister for Planning under section 8D of Schedule 6 of the Land Use Planning and Approvals Act 1993, which normally means that the subject provision cannot be open for representation.

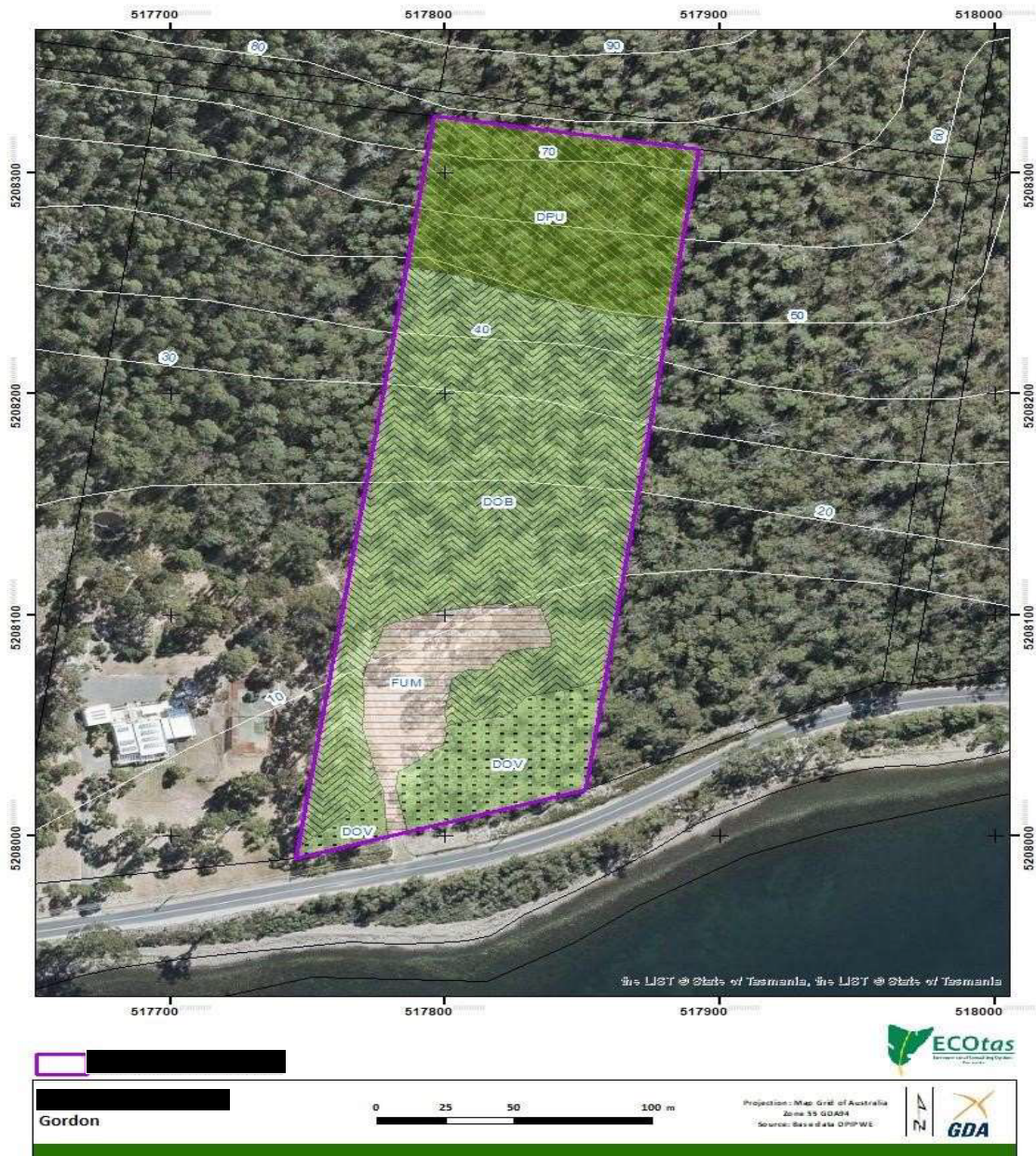
It is noted that the house approval contains conditions that related to the maintenance of vegetation during construction of the dwelling (DA2020-100, condition 3, 4 and 5). This permit was supported by a detailed Ecological Assessment of the site, prepared by Environmental Consulting Options Tasmania, dated 7 May 2020 (Ecotas Report). This report was prepared in response to an information request from the Council when assessing DA2020-100.

The Ecotas Report included detailed site surveys and mapping of vegetation types, with a detailed response to the Interim Scheme requirements within the Environmental Living zone and Biodiversity Protection Area under the relevant code.

The Ecotas Report that supported the house approval identified:

- the front portion of the title contained *Eucalyptus ovata* forest and woodland (TASVEG code: DOV), which was protected under legislation; and
- that the remainder of the vegetation onsite was *Eucalyptus obliqua* dry forest (TASVEG code: DOB), *Eucalyptus pulchella* forest and woodland (TASVEG code: DPU), and urban areas (TASVEG code: FUR), none of which were protected under legislation

The map locating these vegetation types is reproduced below.



Both the Interim Scheme and State Planning Provisions provide exemptions for landscaping and vegetation management within a private garden, where not protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant (refer to clauses 5.4.3 and 4.4.2 respectively).

Guideline No.1 provides the following guidance for application of the Priority Vegetation Area overlay:

NAC 7 The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the LIST.

NAC 8 For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas as published DPIPWE's website and available on the LIST.

NAC 9 In applying the priority vegetation area overlay for threatened flora species, the overlay map may include an area that around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority

NAC 10 For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat should be based on the threatened fauna data from the Natural Values Atlas, as published on DPIPWE's website

NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:

- (a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or*
- (b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above*

It is submitted that the Ecotas Report provides the detailed field verification, analysis and mapping identified under Guideline NAC11 for the Planning Authority and the Commission to consider as a more recent and detailed assessment of the sources identified in Guidelines NAC7, 8 and 9.

Given the impact of these exemptions, it is suggested that the Priority Vegetation Area overlay is removed from a portion of the title that comprises the private garden area around the house, which avoids the Eucalyptus Ovata Forest land across the front of the title. The overlay serves no purpose in this area given the exemptions under the Scheme(s).

It is suggested that the Priority Vegetation Area overlay is removed from the subject property as shown by the shaded area identified on Figure 3. If supported, the Commission may require the exact area to be confirmed by expert advice and located by GPS to maintain the integrity of the source data.



Figure 2 - detailed vegetation value mapping
Source: modified from LISTmap

As the Priority Vegetation Area overlay is subject to transitional status under the Act, this can only be done through a substantial modification as part of the decisions on the Local Provisions Schedule under sections 35K and 35 KA of the Land Use Planning and Approvals Act 1993.

It is submitted that this is appropriate, as both the request and the suggested mechanism are consistent with the Schedule 1 Objectives for the Act and the Resource Management and Planning System, and specifically further objectives for the sustainable development and processes established under Part 1 (1 a, b, c, and e, 2 a, b and c) and Part 2 (a, c, d, e, f and g).

Conclusion

We purchased our land under Environmental Living Zone where residential use and development is the primary purpose. Should we be rezoned Landscape Conservation, this would substantially change the primary intention of our land use. We certainly would never have purchased land where the primary purpose was conservation, when our present and future intention was to live on the property. This is our only property and we wish to maintain reasonable use of our land. Our property clearly has the primary intention as residential use, so clearly does not comply with LCZ4.

Our vegetation is very adequately protected and managed through the Natural Assets code, the discretionary planning pathway that exists for this property and our own Environmental Management Plan.

Our property is no different in settlement pattern or rural characteristics than those properties less than 1.5 km north, that are zoned Rural Living. We ask that you don't disadvantage us because it is Council's opinion that the risk is too high for the Rural Living zone.

This submission identified that application of the Landscape Conservation zone to [REDACTED] is questionable when considered against the zone purpose statements and LCZ series of guidelines under Guideline No.1.

Review of the Rural Living zone Category D (10 hectare minimum lot size) identified that the RLZ series guidelines provided for the primary residential use of the site and ongoing management of the identified natural values, consistent with the zone purpose statements and requirements of Guideline No.1.

It is suggested that the Planning Authority and/or the Commission may wish to consider Rural Living Zone category C for this property and other titles in the area. While not strictly compliant with RLZ2b, it provides for the same outcome through a 5 hectare minimum lot size.

The conclusions of this assessment arguably apply to other properties in the area. This would overcome the proposed spot zoning of these 10 properties.

In addition, it is suggested that the Planning Authority and/or Commission considers use of a substantial modification under Division 5 of the Land Use Planning and Approvals Act 1993 to remove a portion of the Priority Vegetation Area overlay over [REDACTED] to reflect the exemptions available under the relevant planning schemes for vegetation management in private gardens.

Throughout this whole zoning process, we have attended public meetings as well as individual meetings. At the first meeting, we simply listened and were told that we would be better off under LCZ. For subsequent meetings, when we asked questions and tried to express some concerns, we simply felt shut down and dismissed. When asked about consultation on the new scheme, we were told that THIS process WAS the consultation with the community. Well - we believe the community has spoken and provided feedback – we simply do not wish our private land to be zoned Landscape Conservation.

As our neighbours are very old and one under care, they have given us written consent to speak on their behalf. These letters of consent are attached with this submission, as is our planners letter of support. Other neighbours to the north are representing their own properties for Rural Living zone.

Thank you for your consideration in this matter.