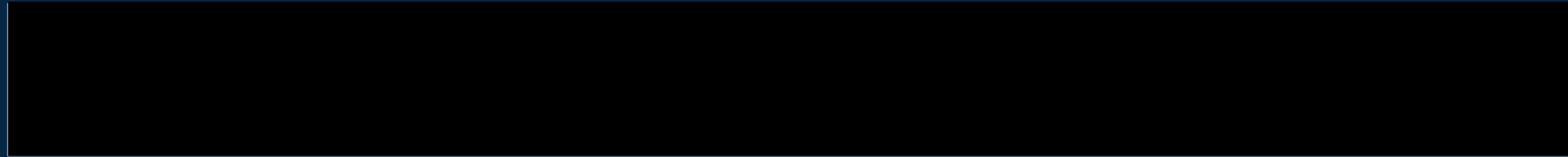


REPRESENTATION No. 114

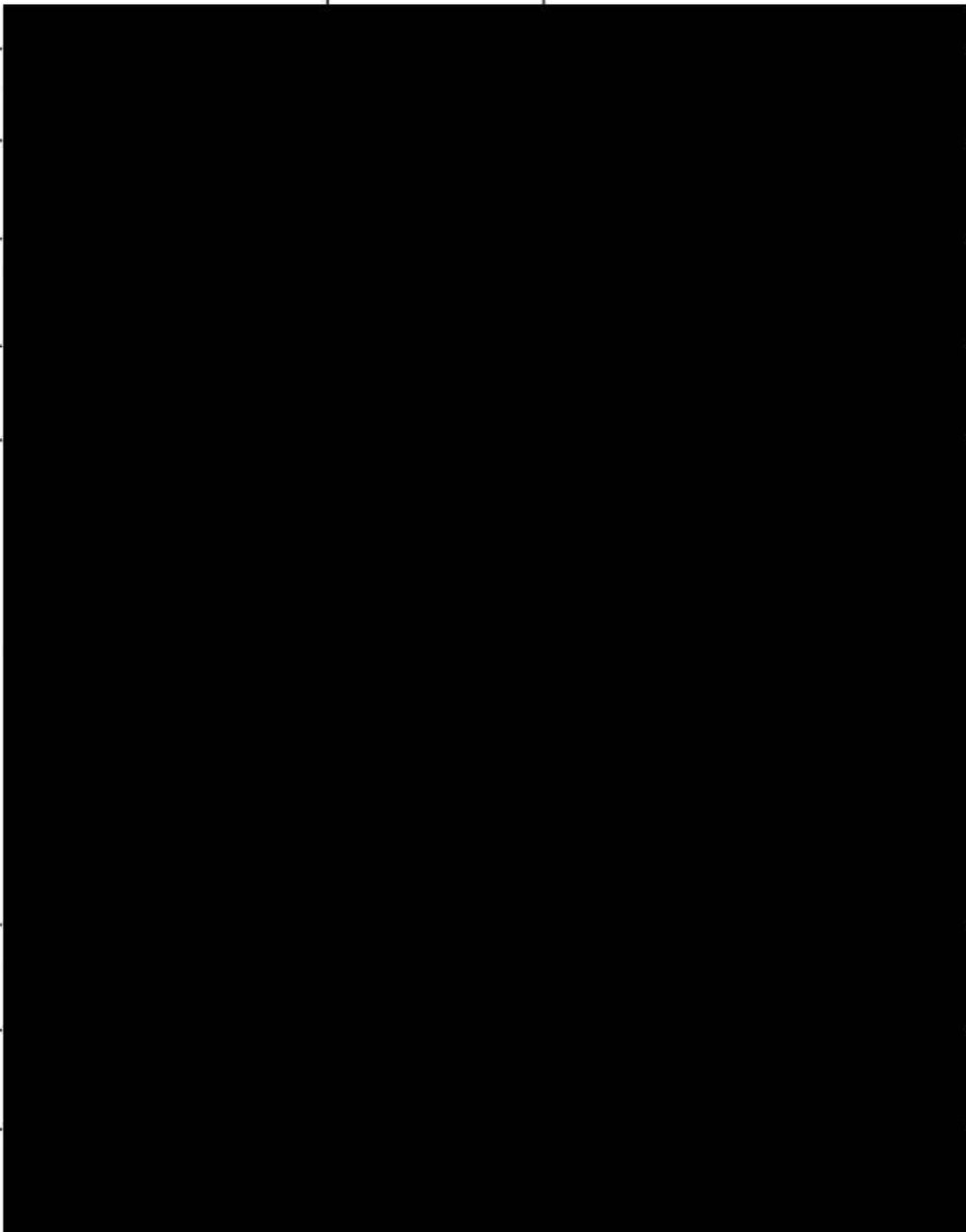


Katie Pickering & Mathew Muskett

OPPOSING Landscape Conservation Zone
SEEKING Rural Living Zone D

Speaking as one

- We speak for our family and for neighbours across Snug Falls, O'Brien's and Palmers Roads
- Most did not know the scheme was being exhibited. They were blindsided; their property, rights and future thrown into uncertainty
- As a collective we have been caring for this land since 1901
- **We value our land and the values it holds. What we object to is what this zone does to our rights and our future.**

Name	Sub No.	Signature
		

[illegible]

Five objections

- LCZ has been applied against the guidelines
- RLZ is a better fit according to its priority and guidelines
- That LCZ is unnecessary on our land
- That LCZ takes away our ability to use our land as intended when purchasing and replaces clear rules with discretion
- LCZ effects the future livelihoods of not only us, but our children, neighbours and community.

OUR ASK

Reject the Landscape Conservation Zone for our property and the Snug Falls settlement.

Apply Rural Living Zone A-D.

Our history

2013

Bought under the 2000 Scheme, zoned Environmental Management - to balance living with caring for the land.

2014

DA approved after surveyors, environmental and bushfire assessments to meet council requirements.

2015

Rezoned to Environmental Living without our knowledge.

2018

Finished building our off-grid home ourselves.

2018- Current

Lived there ever since.

*The primary and only use has always been residential
This is our HOME*



1

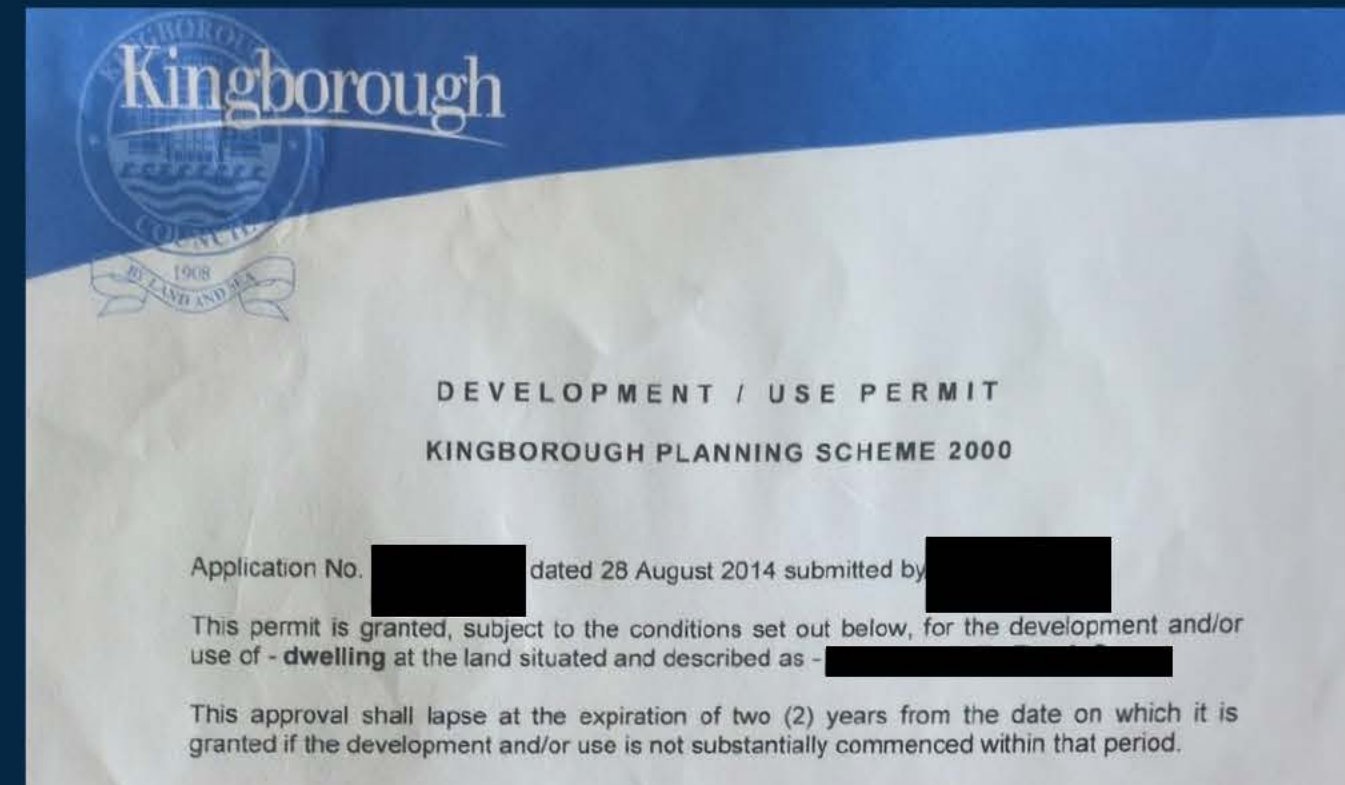
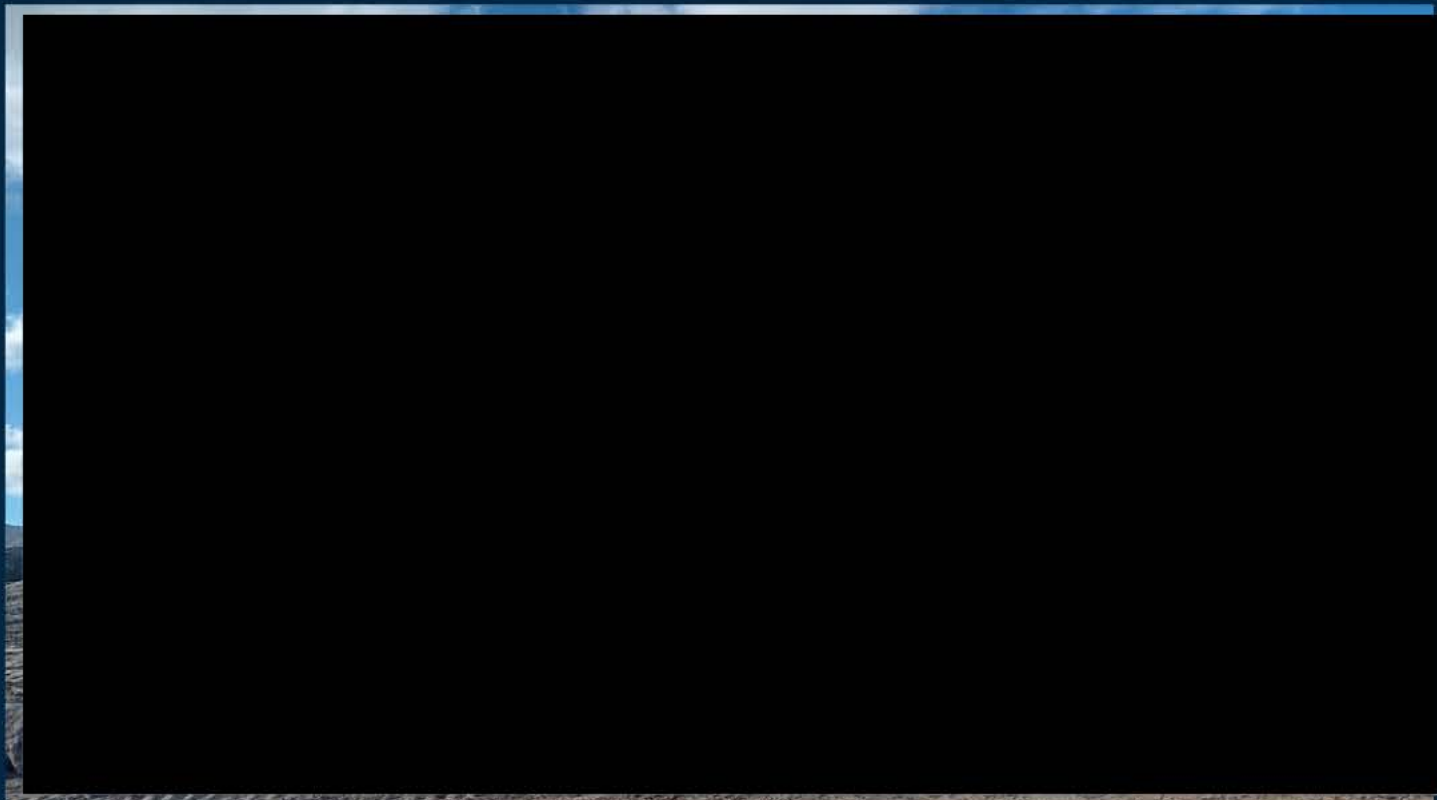
LCZ has been applied against the guidelines

Residential Priority

“
The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development.

Section 8A Guidelines — Guideline No. 1, LCZ 4

Both us and the council -
The priority is and always has been residential



Three details show LCZ was never a straight swap

"...land within an interim planning scheme
Environmental Living Zone
AND the primary intention is for the protection and conservation of landscape values."

Both limbs. ELZ alone is not enough.

“Not a replacement zone”

Not a straight swap for Environmental Living, or any zone. It must be justified in its own right.

“Not a large lot residential zone... in areas characterised by native vegetation cover.”

That describes our properties exactly.

22.0 Landscape Conservation Zone  Red 150, Green 146, Blue 0	The purpose of the Landscape Conservation Zone is: 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.	LCZ 1	The Landscape Conservation Zone 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.
		LCZ 2	The Landscape Conservation Zone 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.

Zone Application Guidelines	
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.
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 zone for the Environmental Living Zone in 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 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. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.	

ELZ and LCZ have different purpose and priorities

Kingborough Interim Planning Scheme 2015

Part D Zones

14.0 Environmental Living Zone

14.1 Zone Purpose

14.1.1 Zone Purpose Statements

- 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.

22.0

Landscape Conservation Zone



Red 150, Green
146, Blue 0

The purpose of the Landscape Conservation Zone is:

- 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.

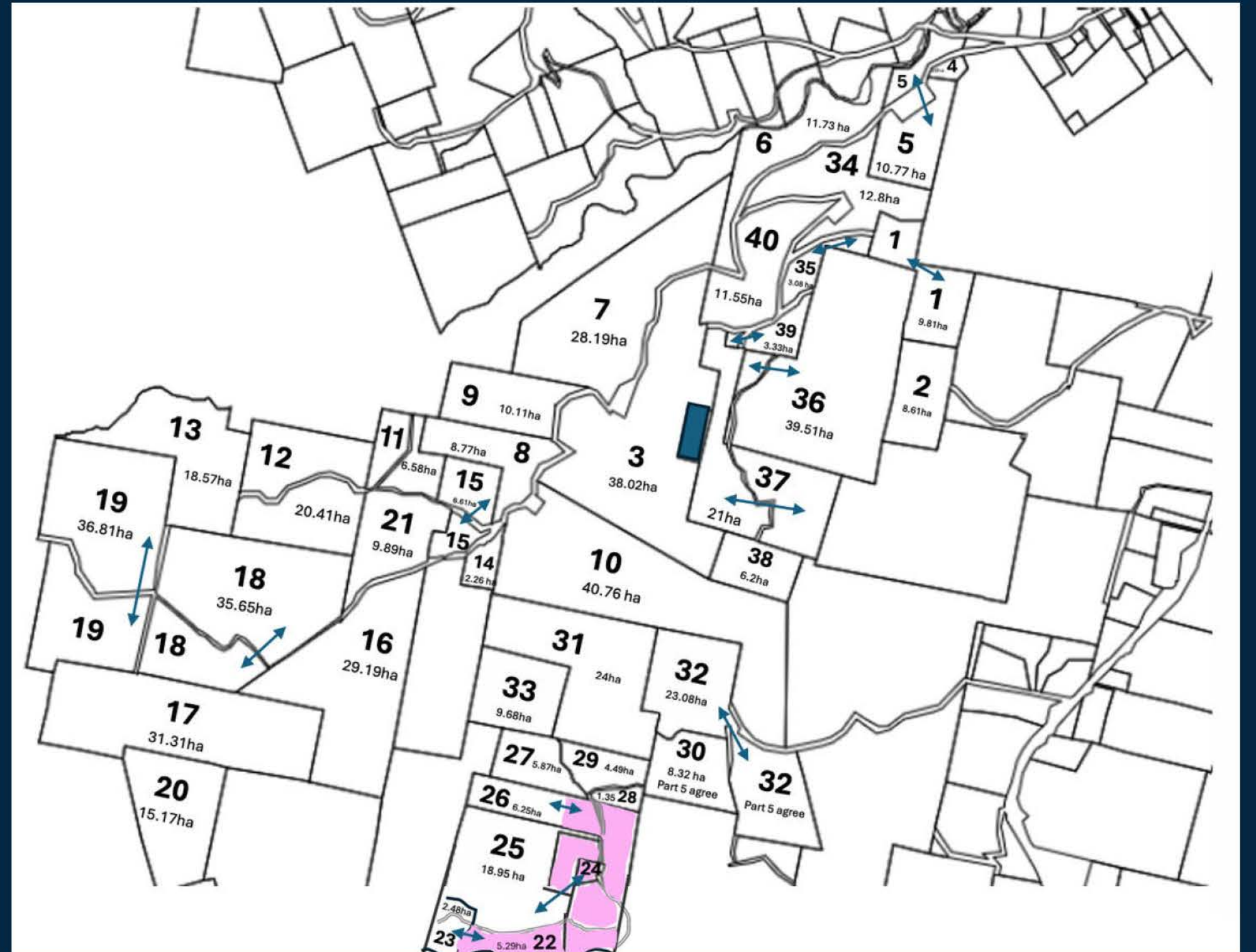
*No site-specific reasons were given for changing our land's priority.
Only general values and broad judgements, with no community input.*

WHAT THE ZONE WAS BUILT AROUND

A 50-hectare zone achieved by grouping us “COLLECTIVELY”

50 ha *vs* 0.96–40 ha

LCZ minimum lot size our settlement



The minimum lot size is a subdivision control — but it plainly shows the zone was designed for large, lightly-fragmented holdings.

STATEWIDE INCONSISTENCY

The rest of the state didn't do this

78.6%

**councils applied LCZ
minimally or not at all**

Including councils with country just like
ours: hills, bush, mountains, coast,
national park.

Most translated Environmental Living
straight into Rural Living.

2

THE RIGHT ZONE

Rural Living Zone D fits this land

Both describe us

Zone	Zone Purpose	Zone Application Guidelines
11.0 Rural Living Zone  Red 255, Green 201, Blue 210	The purpose of the Rural Living Zone is: 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.	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 (e.g. 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. 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 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; 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 ha or greater. RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C and Rural Living Zone D should be based on : (a) a reflection of the existing pattern and density of development within the rural living zone area; or (b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant 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.

“Rural living zone should be applied to

...residential areas with larger lots where the existing and intended use is a mix between residential and lower order rural activities, with priority given to the protection of residential amenity.”

Section 8A Guidelines — RLZ 1(a)



Section 8A Guidelines — RLZ 2(b)

(a) the number of lots is no more than 1 lot per 10ha, or 1 lot per 20ha on Bruny Island; except for:

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 (e.g. 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.

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 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; 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 ha or greater.

Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:

- a. Recognition of existing rural living or environmental living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to rural living or environmental living provided:
 - (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and
 - (ii) only limited subdivision potential is created by rezoning.
- b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agricultural) with other land better suited for rural living purposes, in accordance with the following:

LOCALITY BASELINING AND ALTERNATIVE ZONE EVALUATION

KATE HECKLEMAN - IRENE INC

3.4.2 Part B - Zone Evaluation

3.4.2.1 Decision point evaluation

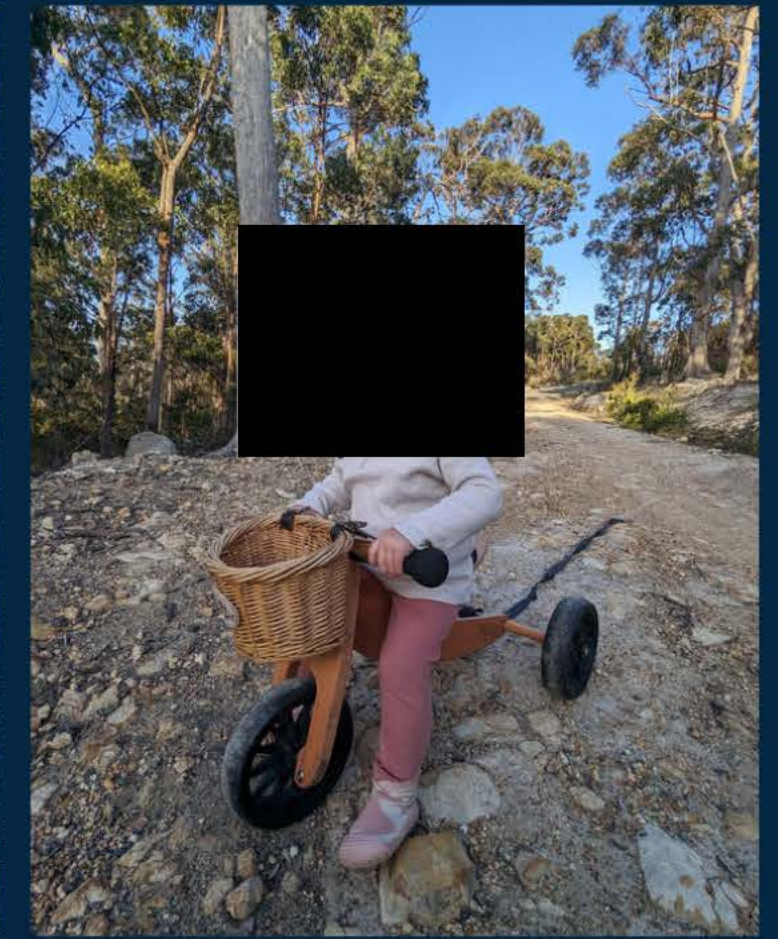
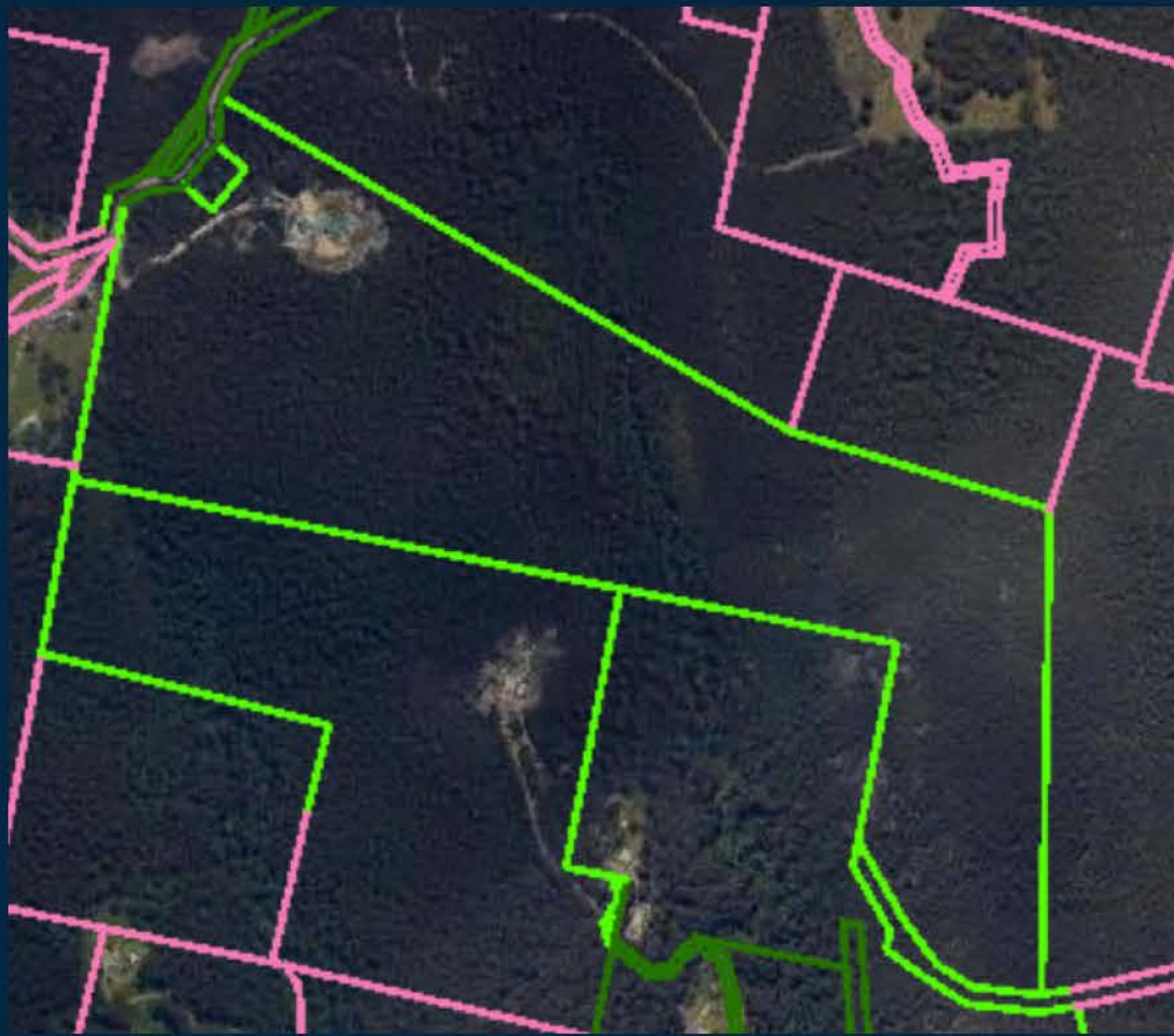
	Decision point	Indicators	Evaluation
1	Is there a strategic intention for any Residential use to occur?	- Visual evidence in aerial mapping of existing for residential use. - Known strategic intention for residential use.	Throughout this locality, there is evidence of residential uses scattered throughout and located on a variety of lot sizes which generally have an identified residential dwellings and associated area of cleared land on otherwise heavily vegetated blocks, in some instances residential uses are associated with existing farming activities. There are some parcels which appear free of any residential uses which are mostly identified along the fringes of the locality.

Snug is already a recognised settlement

- Snug is listed as a “minor Satellite”
- **Same postcode. Same school. Same shops. Same community.**

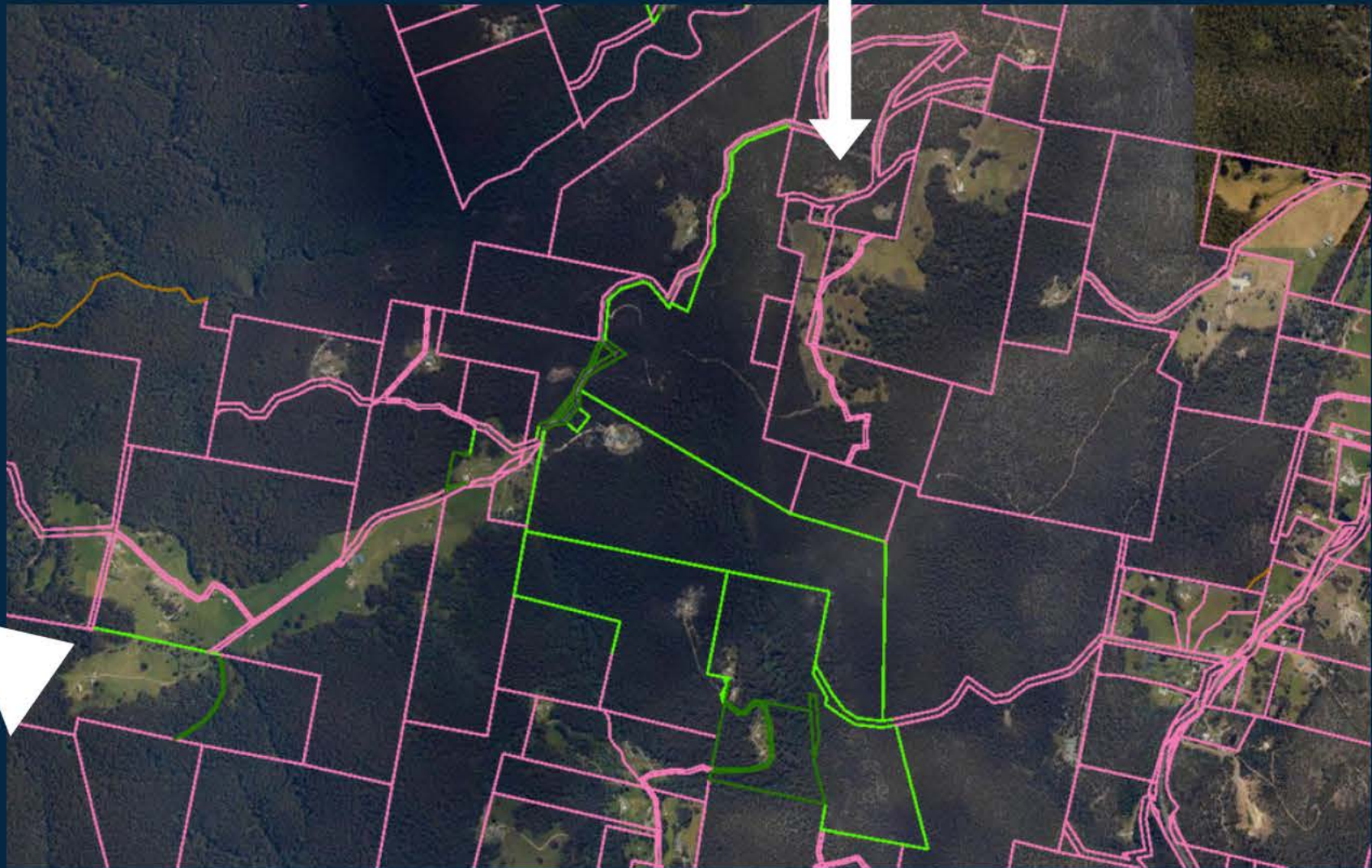
SETTLEMENT	PROPOSED REGIONAL FUNCTION	GROWTH STRATEGY**	GROWTH SCENARIO
Greater Hobart	Primary urban centre for the region, providing for significant housing and employment opportunities for the broader region.	See Map 10	See Map 10
Sorell	Major Satellite of Greater Hobart		
Brighton			
Margate			
Lauderdale	Minor Satellite of Greater Hobart		
Midway Point			
Seven Mile Beach			
Snug			

What a desktop analysis misses:





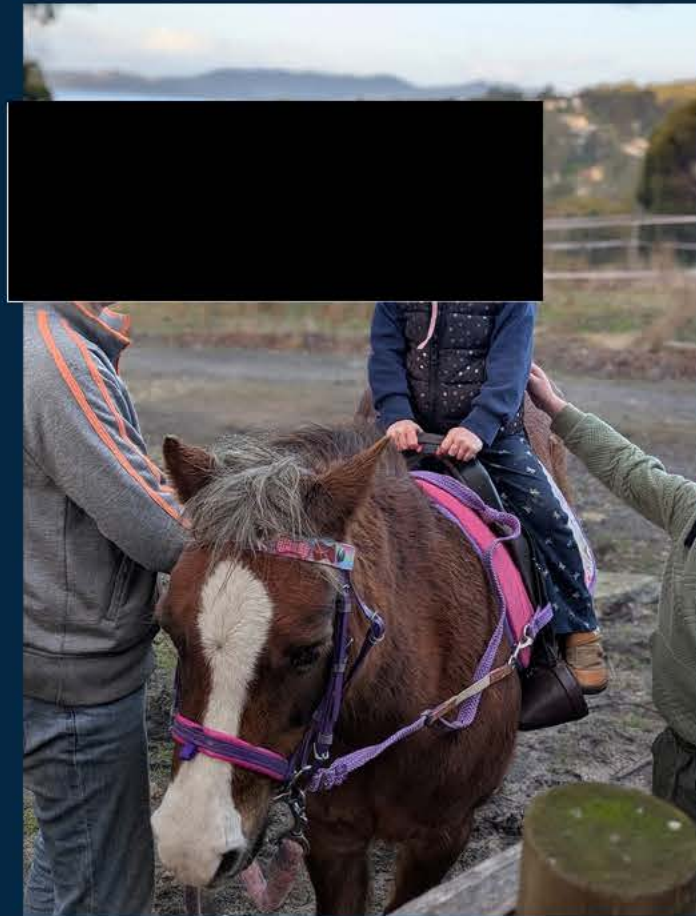
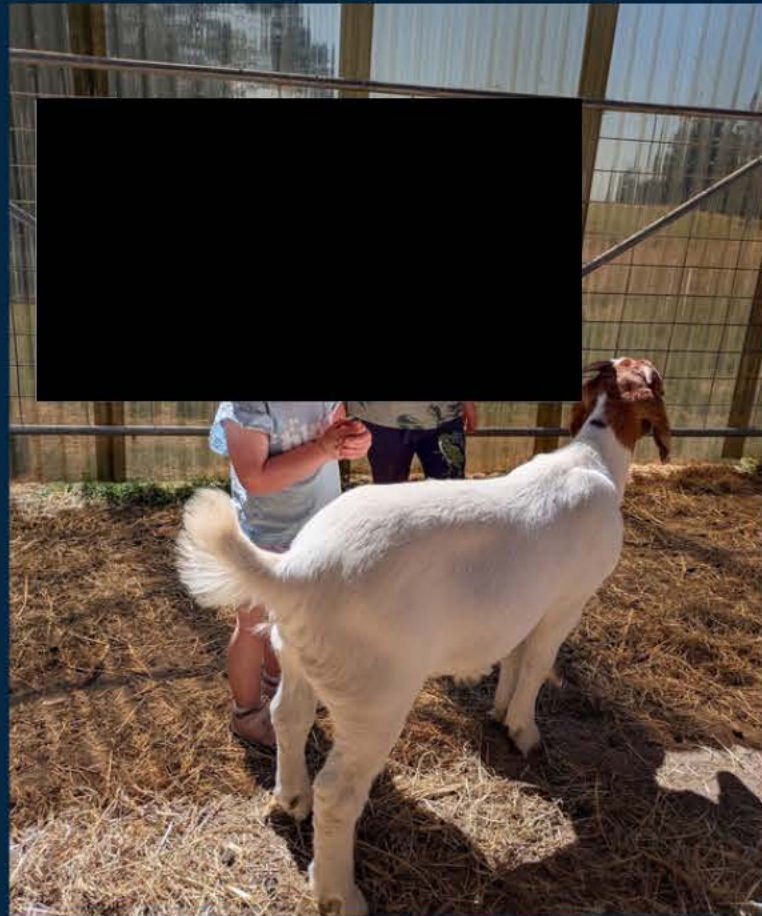
Not economically viable for farming due to limited size and land quality



Hobby farming happening beyond a cleared area



A rural living community



Our kids exploring and learning at
neighbouring hobby farms



Dinners with Neighbours
A community formed in the hills

“Dwellings are scattered and limited in number”

106 properties are outlines
for assessment (excluding the
4 circles in conningham)

70% of these
properties have
dwellings



We ARE a Rural Living Settlement

TO JUSTIFY LCZ

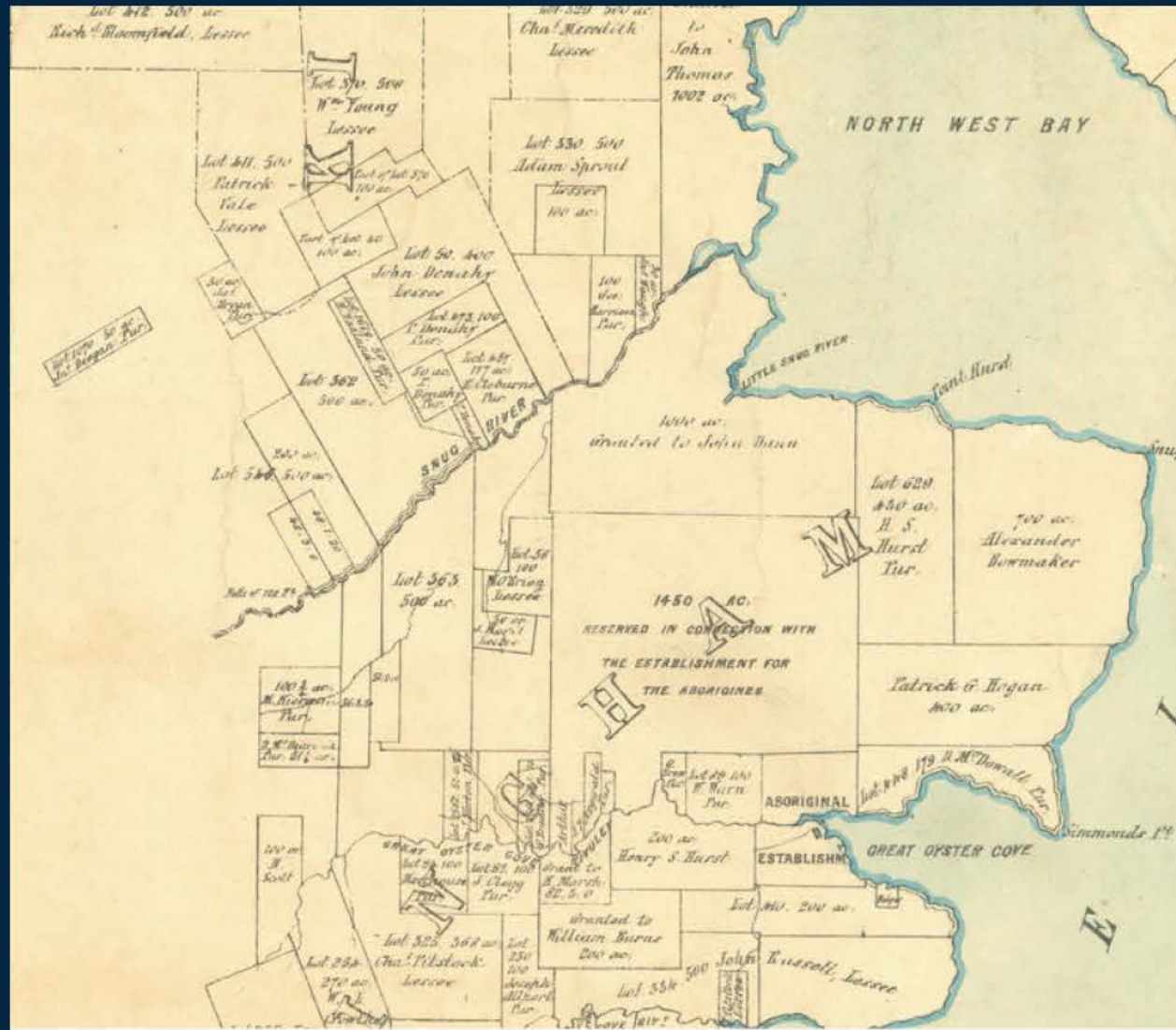
LCZ 3 "The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone."

TO DENY RURAL LIVING

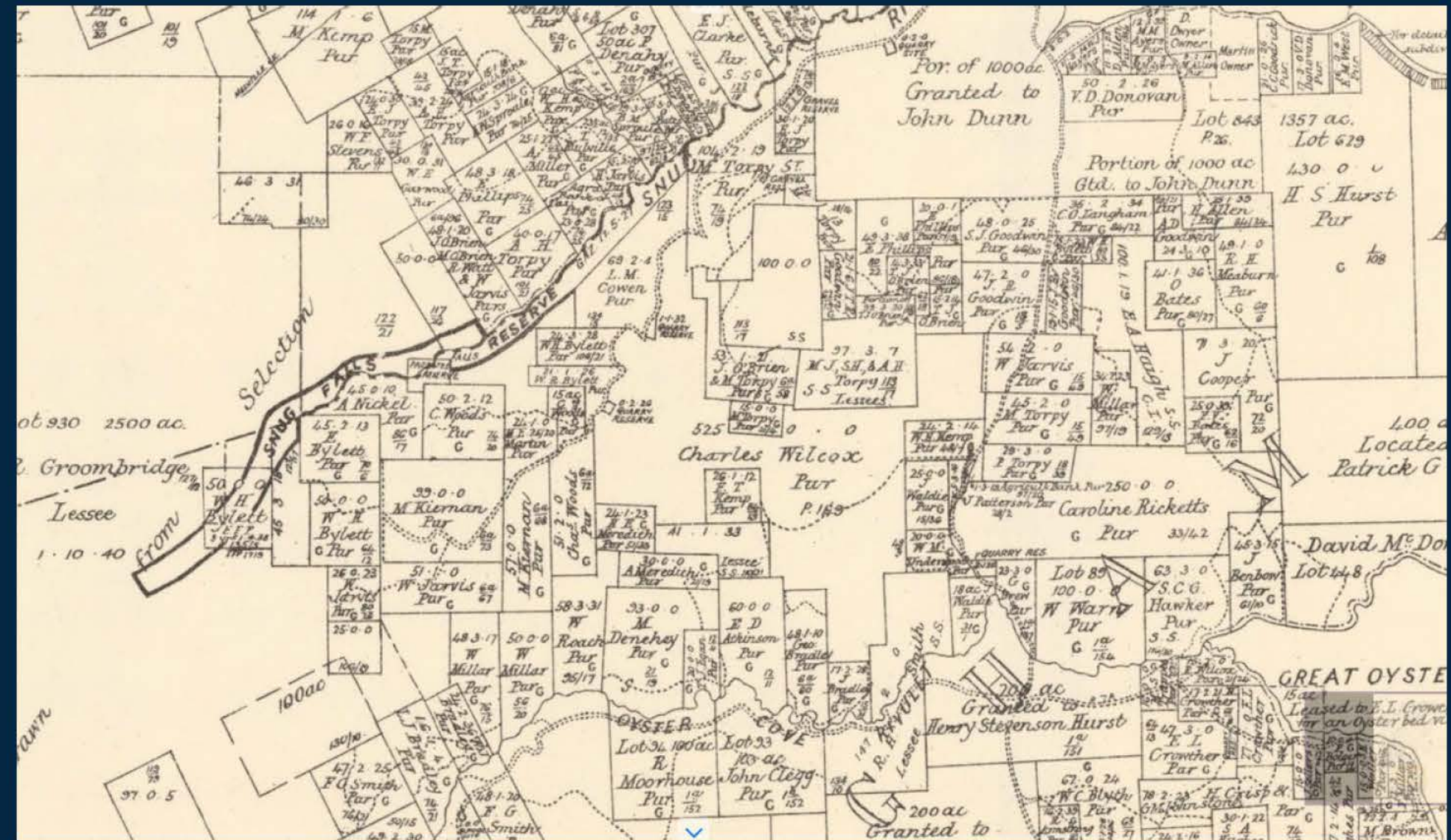
"For the majority of the locality there is no consistent subdivision pattern with lots of the size which would contribute to a rural living settlement."

- Ignores the allowance for a large variety between RLZ A and D
- Forgets that there is no maximum size limit in RLZ D
- Favours consistent urban patterns like cul de sacs and coastal lots

The History of Snug Falls



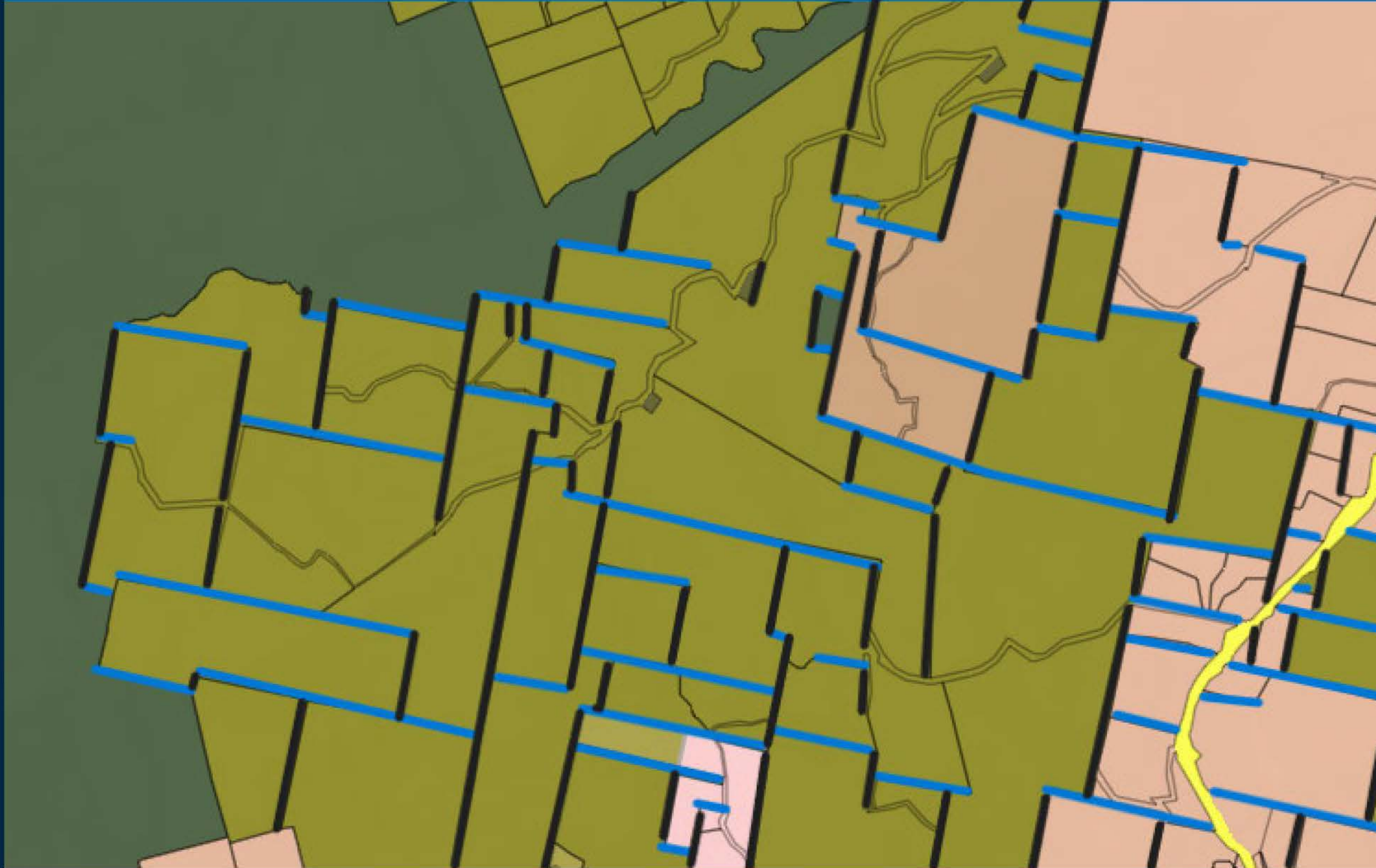
1863



1940

12 DA's Approved + 2 Pending in the last 12 years = Strategic Priority for residential use

“A consistent settlement pattern in Snug Falls”



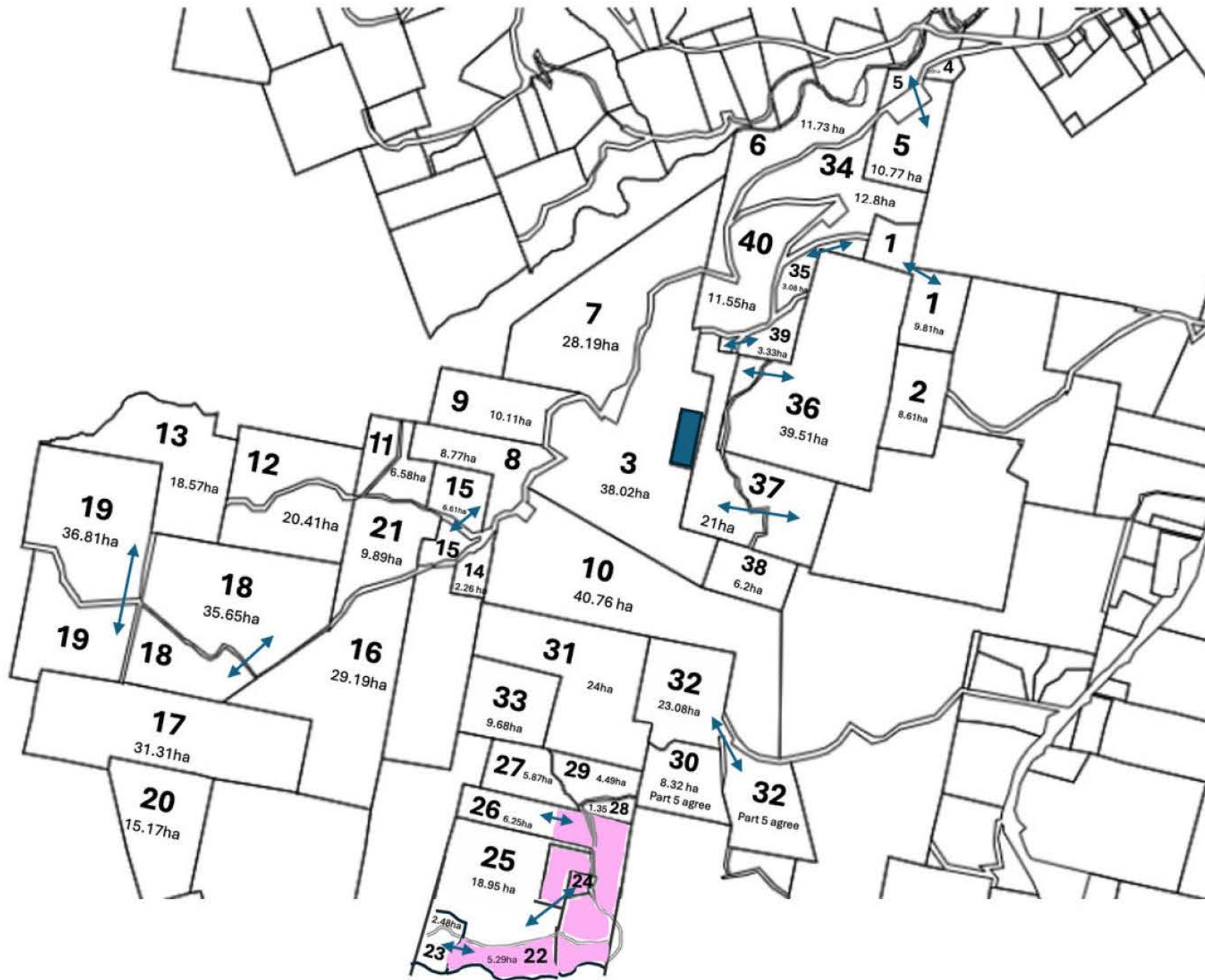
“Evidence of existing settlement pattern and activities akin to a Rural Living in terms of lot size and density could indicate RLZ may be appropriate.”

Evident subdivision pattern of at least 10 smaller blocks generally ranging in size between 1-15ha with lots contributing to a consistent lot pattern.

Consistent pattern of detached dwellings with associated outbuildings.

Visual evidence in aerial mapping of rural activities occurring (i.e. cleared areas providing for resource development/grazing/ hobby farming etc).

“Evident subdivision pattern of at least 10 smaller blocks generally ranging in size between 1- 15ha with lots contributing to a consistent lot pattern.”



SNUG FALLS SETTLEMENT

Average lot size in Snug Falls settlement - 14.7HA

80% of titles in Snug Falls/Tiers Settlement is between 0-19.99HA

72.5% titles in snug falls have a dwelling and outbuildings or intent to build.

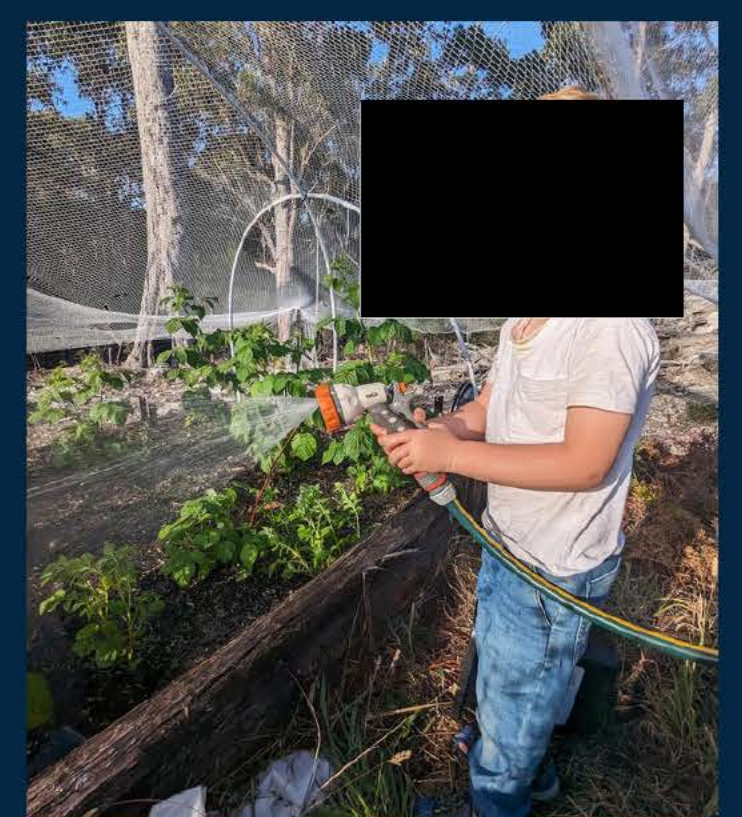
“Consistent pattern of detached dwellings with associated outbuildings”

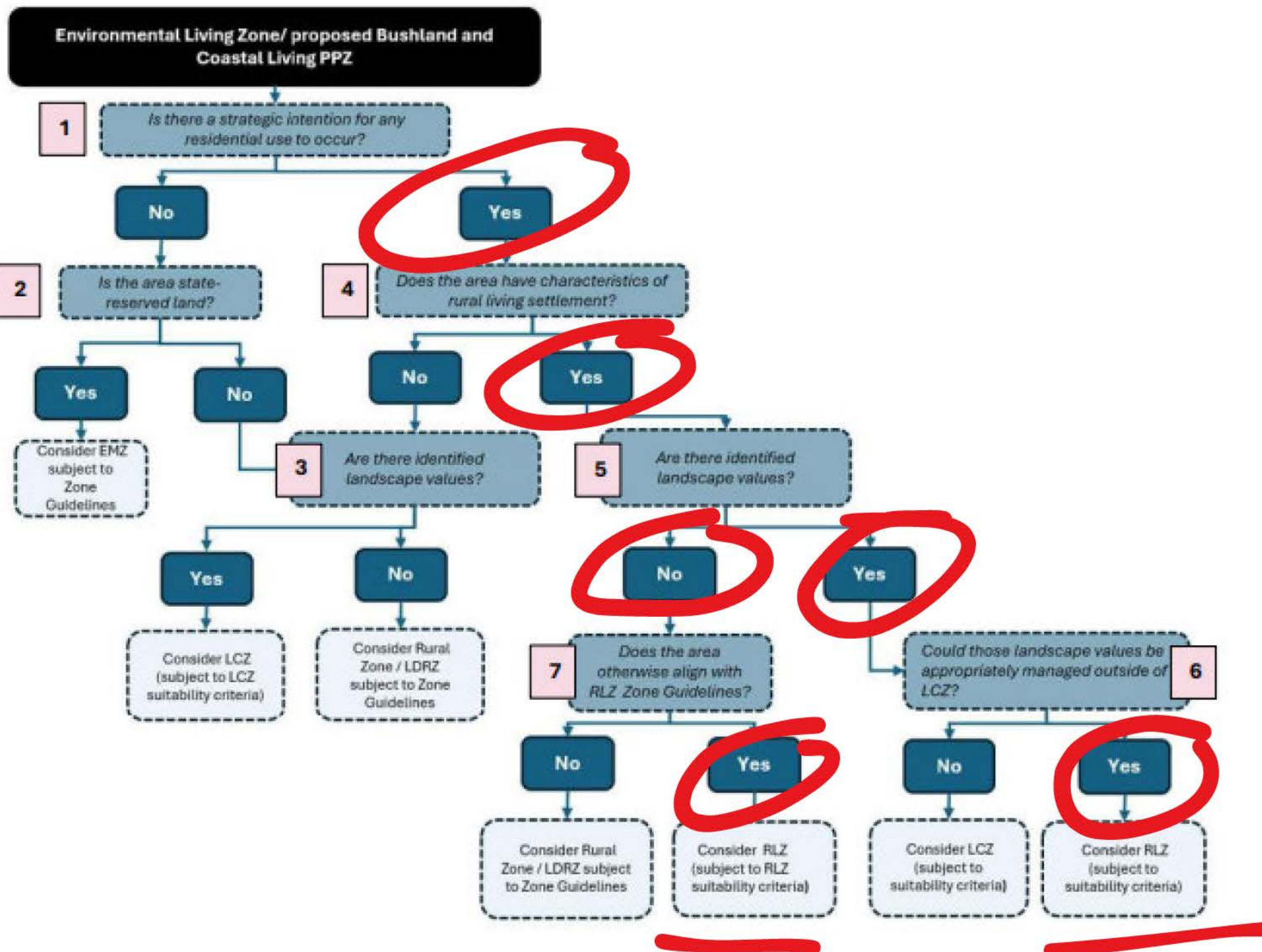
40 titles across Snug Falls
29 owners.

26 titles have a dwelling
3 have an approved DA, or intent
to build in near future.



“Visual Evidence of Rural Activities”





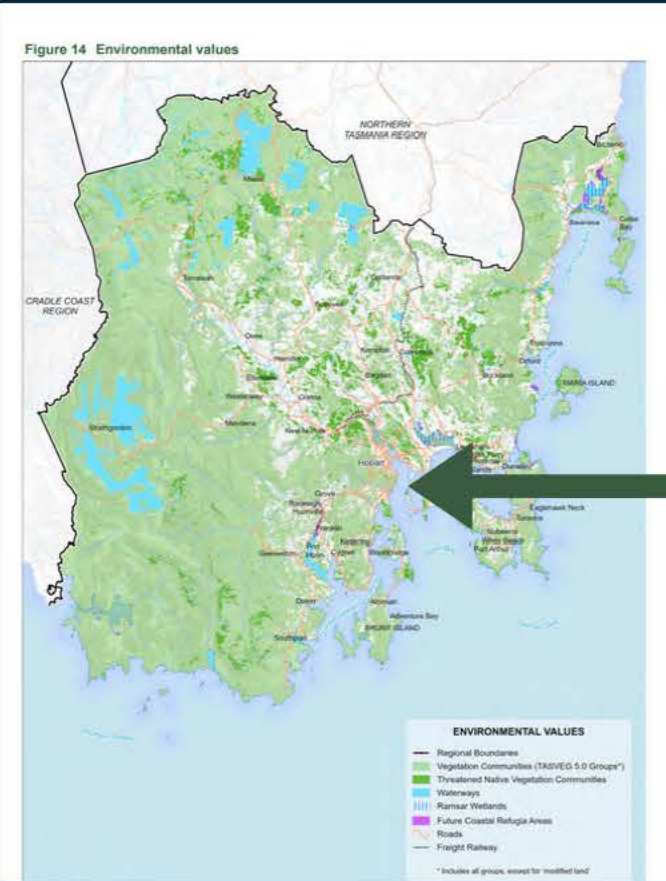
3

What is the purpose of LCZ?

You don't need a conservation zone to protect the 'values'

Our own assessment found nothing of significance

- No flora or fauna of high conservation significance.
- No special management actions required.
- Marginal potential habitat noted for devil, stag beetle, swift parrot but none found.
- **Neighbours’ reports reach the same conclusion.**



STRLUS 2026
Kingborough showing
minimal environmental
values- which when
defined in the same
document includes
landscapes

environmental values	means the specific attributes or qualities of the natural environment that are considered important for ecological, cultural, social, or economic reasons. These may include biodiversity, coasts, estuaries, geodiversity, landscapes, waterways and wetlands.
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SUMMARY

This report was commissioned by Anthony Sullivan of IC21 Design to assist in the assessment of a Development Application for the proposed construction of a new dwelling, associated infrastructure and vehicular access on the subject property at Snug Falls Rd, Snug. The subject property was surveyed on June 4 2014.

Key Findings

- A total of twenty one vascular plant species were recorded from within the study area. No flora or fauna species of high conservation significance were recorded from within the study area. No special management actions required.
- No flora or fauna species listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, were recorded from within the study area. No special management actions required.
- Marginal potential habitat is present for the tasmanian devil, mount mangana stag beetle, and swift parrot but field survey did not detect any evidence of these species. It was concluded that the study area either does not support the species and/or is not critical to the persistence of the species in the area. No special management actions required.
- The study area supports one non-priority TASVEG vegetation community – *Eucalyptus obliqua* dry forest. This community is not classified as threatened under Schedule 3A of the Tasmanian *Nature Conservation Act 2002* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Nor is it considered a priority vegetation type under Schedule 10 of the *Kingborough Planning Scheme 2000*. No special management actions required.
- No plant species classified as Declared Weeds under the Tasmanian *Weed Management Act 1999* or listed as environmental weeds under Schedule 9 of the *Kingborough Planning Scheme 2000* were recorded from within the study area, however the proposed development will increase the risk of weed introduction to the site. As such it is recommended that a Weed Management Plan and a weed Hygiene Plan be developed for the subject development site.
- No evidence of plant pathogens was recorded from within the study area, however the proposed development will increase the risk of pathogen introduction to the site. As such management prescriptions to minimise the risk of introducing pathogens to the site are recommended.

Recommendations

- Clearly define the extent of vegetation clearance required for the project, and ensure that any additional impacts are minimised.

The works area should be clearly marked and all works, vehicles and materials should be

The Codes and Overlays Protect the Values

“

...unless the values can be appropriately managed through the application and operation of the relevant codes.

Section 8A Guidelines — RLZ 4(b)

Many of the parcels which are identified as having rural living settlement characteristics are identified as having significant landscape values, however it is acknowledged that much of this land is within the Priority Vegetation and Scenic Protection Mapping which would provide for appropriate management of landscape values which also exist within this area.

Locality Baseline and Evaluation Report Pg 261

1. What is the LCZ actually for?

Chair Nick Heath [05:44:11]

"The LCZ is not to protect the vegetation — that's the Natural Assets Code's job. The LCZ is to protect landscape values."

This compartmentalisation is the single most important signal from Day 1. The panel drew a clear line between vegetation protection (handled by codes and overlays) and landscape-values protection (the only legitimate purpose of the LCZ).

2. Can overlays do the job instead of the LCZ?

Delegate Dan Ford [05:40:24]

"Why do we care what the underlying zone is if we're protecting the trees through the code? What use are we scared about that would compromise a landscape value?"

Kate Heckelmann's response was a notable concession: **"I probably agree with you — it's not so much the use..."** The panel pressed Council to identify specific land uses that an LCZ would prevent but a Rural Living Zone (RLZ) plus overlays would not. No clear answer was provided.

And they can be

The codes and overlays already protect the values in every zone, including Rural Living.

2026 STRLUS:

landscape values

means the aesthetic, cultural or natural features of a place that contribute to its scenic appeal, identity or character.

When commuting from Bruny Island to Hobart I enjoy driving through a dichotomy of environments. Rural areas representing small farm holdings and sustainable living homesteads, as well as bush land and a variety of housing styles.

Jenene Oates - Bruny Island

I love how Kingborough mixes rolling paddocks, tucked-in homes, small farms and open grassy hills. It's that blend of semi-rural living and real community connection. you can see it all around you, and it's part of what makes the place feel so special.

Clare Mudron - Kingston

"My favorite views are of the paddocks and houses that are amongst the trees on the back of Margate. When travelling down the channel, the creative ways people integrate living with being amongst nature. Healthy maintained clearings are much more visually appealing than a blanket of trees.

Katie Pickering - Snug

I like a mix of bushland with pastures, farm land with animals, interesting architecture and landscaping. I like the idea of natural ridgelines, so the top of mountains aren't bare they show the ridges or treetops. Together, this combination provides a great balance of maintaining natural Tasmanian landscape, being liveable, and being beautiful

Bec Hopson - Margate

*When I travel around my community, I like to see people living in harmony with landscape, caring and respecting land.
I like to see they are supported to live in creative and innovative ways.
I think that what makes Tasmania and in particular Kingborough, unique and desirable to live in is the ability to live amongst nature but also still be close to resources.*

Dr Anna Stam - Blackmans Bay

"I love that Kingborough's landscape isn't just a backdrop. The water shapes the towns, the hills shape the weather, the farms shape the communities, and the mountains shape the way we see ourselves. It's one of the very few places where wilderness, industry, agriculture and small town life all occupy the same view. It's not just scenery, it's a working landscape with a story in every direction"

Matt Cocker - Kingston

Examples used of “Views of Snug”

View to 307 Snug Tiers Road looking north:



(Source: realestate.com.au)

View of 510 Snug Tiers Road looking southwest:



(Source: realestate.com.au)



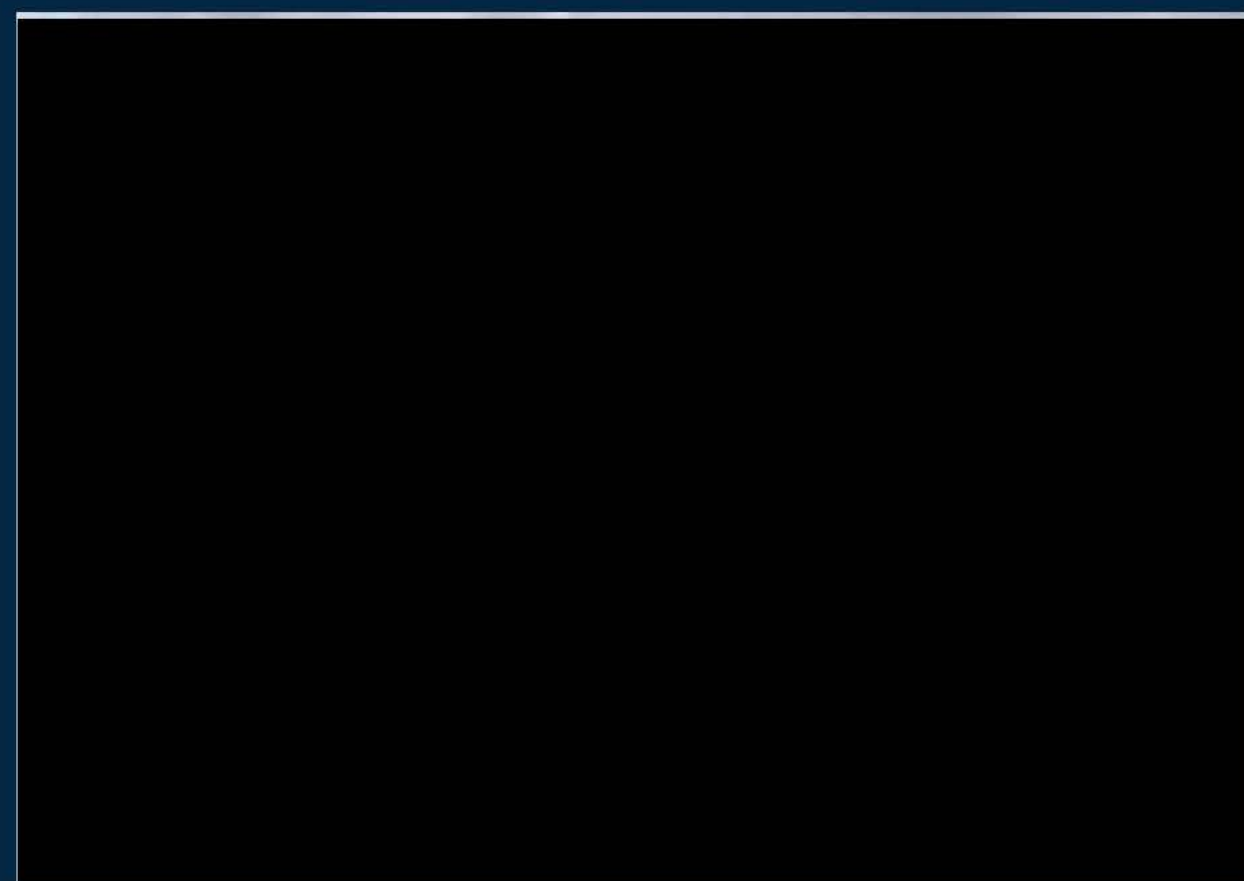
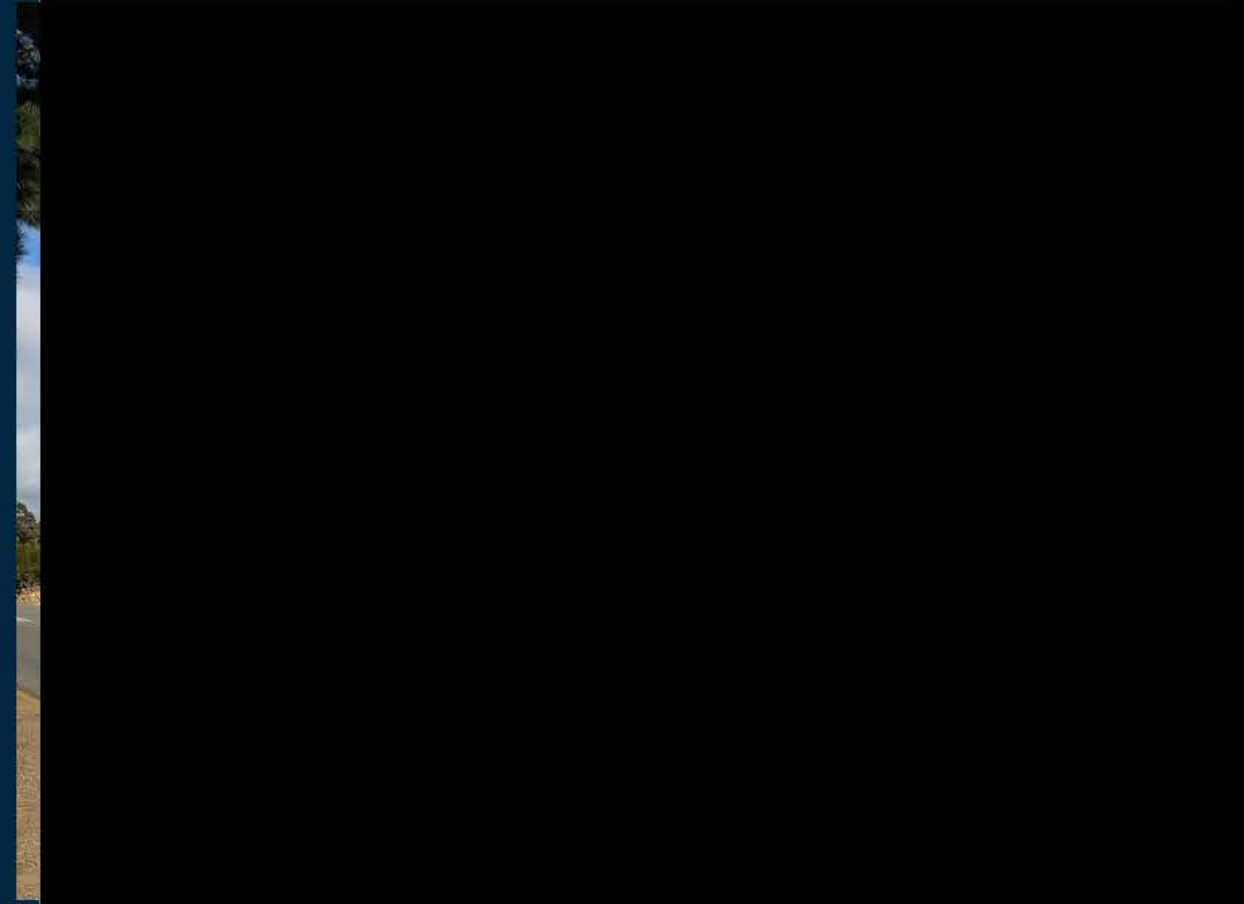
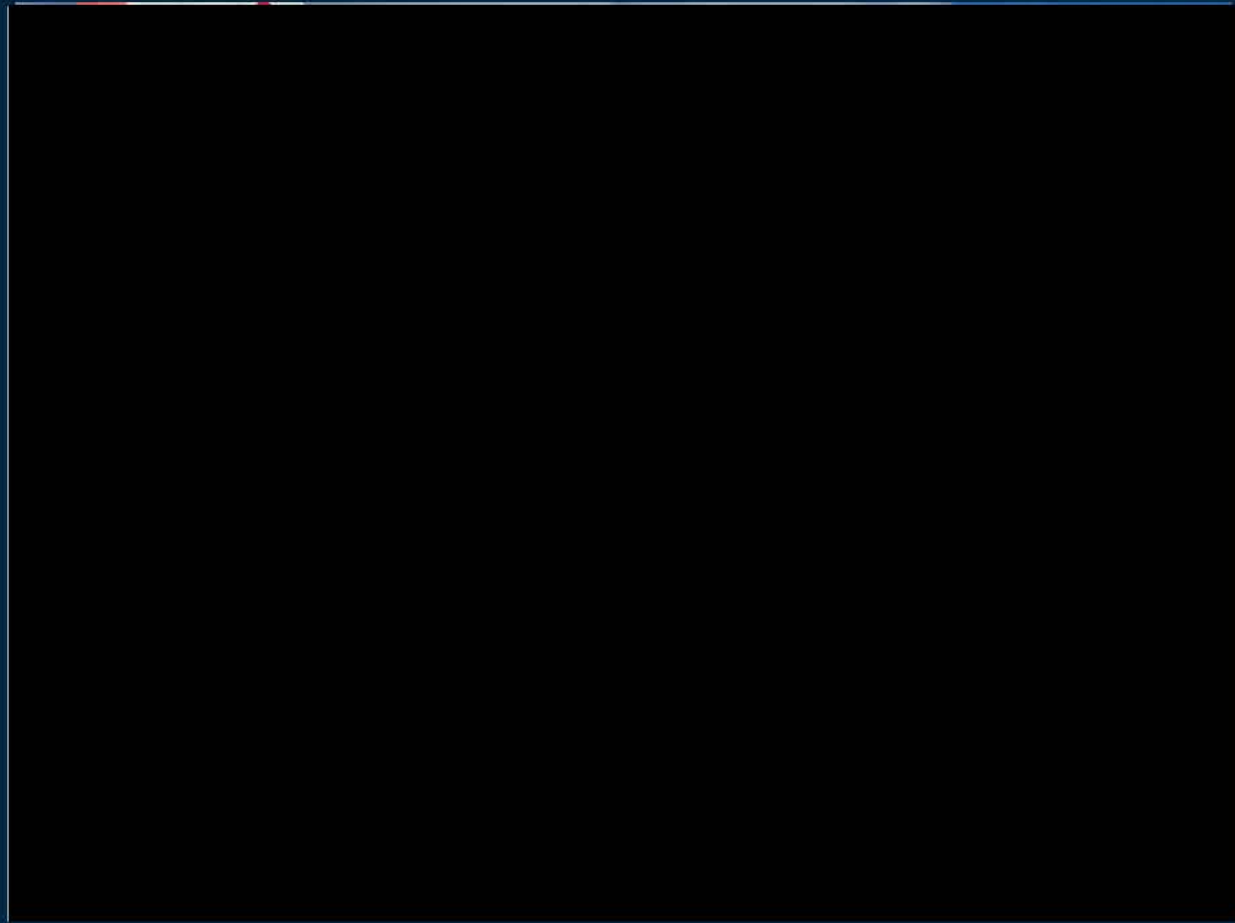
(Source: realestate.com.au)

View of 250 Old Station Road looking in a southern direction:



(Source: realestate.com.au)

Actual views of our property



4

Implications of LCZ

FAIR, ORDERLY, SUSTAINABLE

THREE TESTS - FAILED ON EACH

NOT FAIR

Applying this zone removes permitted residential use. It is a net reduction in existing land use rights, imposed on people who bought, built and invested under a different set of rules, and who were never asked or adequately informed.

NOT ORDERLY

There were 620 representations on the draft LPS, the overwhelming majority opposing zoning, followed by 523 letters to the Commission after individual notification. When that many people say the same thing, something isn't in order.

NOT SUSTAINABLE

Schedule 1 defines sustainable development as managing resources in a way that lets people and communities provide for their social, economic and cultural well-being.

Rural development spread over time and place **is sustainable.**

Clear rules replaced by one uncertain word

The word “Discretionary”

“

Able to be decided by a particular person or group in a particular situation, rather than being controlled by rules or being the same for everyone.

Cambridge Dictionary

“

Left to individual choice or judgment.

Merriam-Webster

6.8 Discretionary Use or Development

6.8.1 The planning authority has a discretion to refuse or permit a use or development if:

- (a) the use is within a Use Class specified in the applicable Use Table as being a use which is Discretionary;
- (b) the use or development relies on a Performance Criterion to demonstrate compliance with an applicable standard; or
- (c) it is Discretionary under any other provision of this planning scheme.

6.8.2 The planning authority has a discretion under clause 7.10 to refuse or permit a development that is not required to be categorised under sub-clause 6.2.6 of this planning scheme if:

- (a) there are no applicable standards that apply to the development, or the development relies on any Performance Criteria to demonstrate compliance with an applicable standard; and
- (b) the development is not Prohibited under any other provision of this planning scheme.

Our question

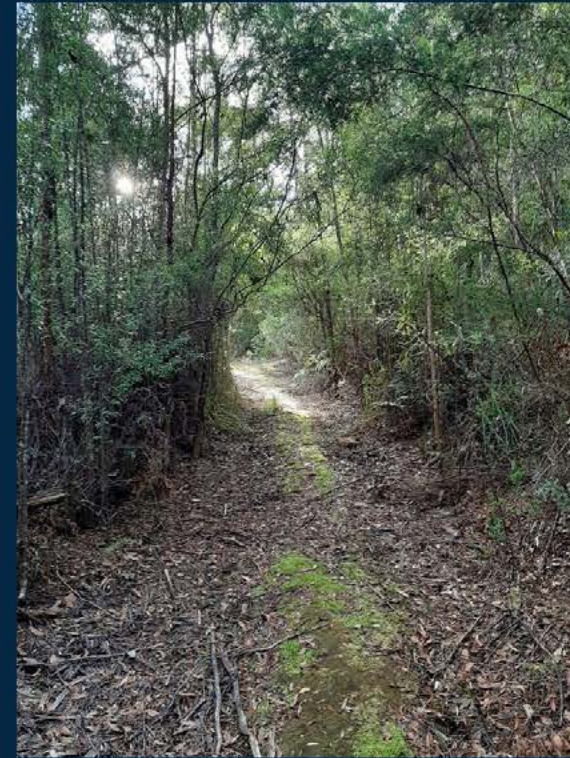
What safeguards stop personal bias from influencing these decisions.

Without set rules, how does Council guarantee fair and equal treatment of landowners?

How can you say this is part of a consistent statewide planning scheme?

Removing a free workforce - Our Land Management

We manage land and minimise risk for the community



Before and after Fox Glove Removal



To assume this zone is the only way to protect landscape values ignores the land management, bushfire mitigation and biodiversity work already happening here, and runs against the stated intent - to balance landscape protection with existing land use.



Financial Impact

- Impacts on Insurance
- Banks refusing to finance
- Uncertainty of permitted development

= Reduced Property Value and Saleability

The Regional Land Use Strategy, page 27

"a reasonable lifestyle and standard of living for all."

34. LPS criteria

(1) In this section –

relevant planning instrument means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

(b) is in accordance with [section 32](#) ; and

(c) furthers the objectives set out in [Schedule 1](#) ; and

2. In clause 1 (a) , *sustainable development* means managing the [use, development](#) and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems;
and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

5

HOUSING & THE FUTURE

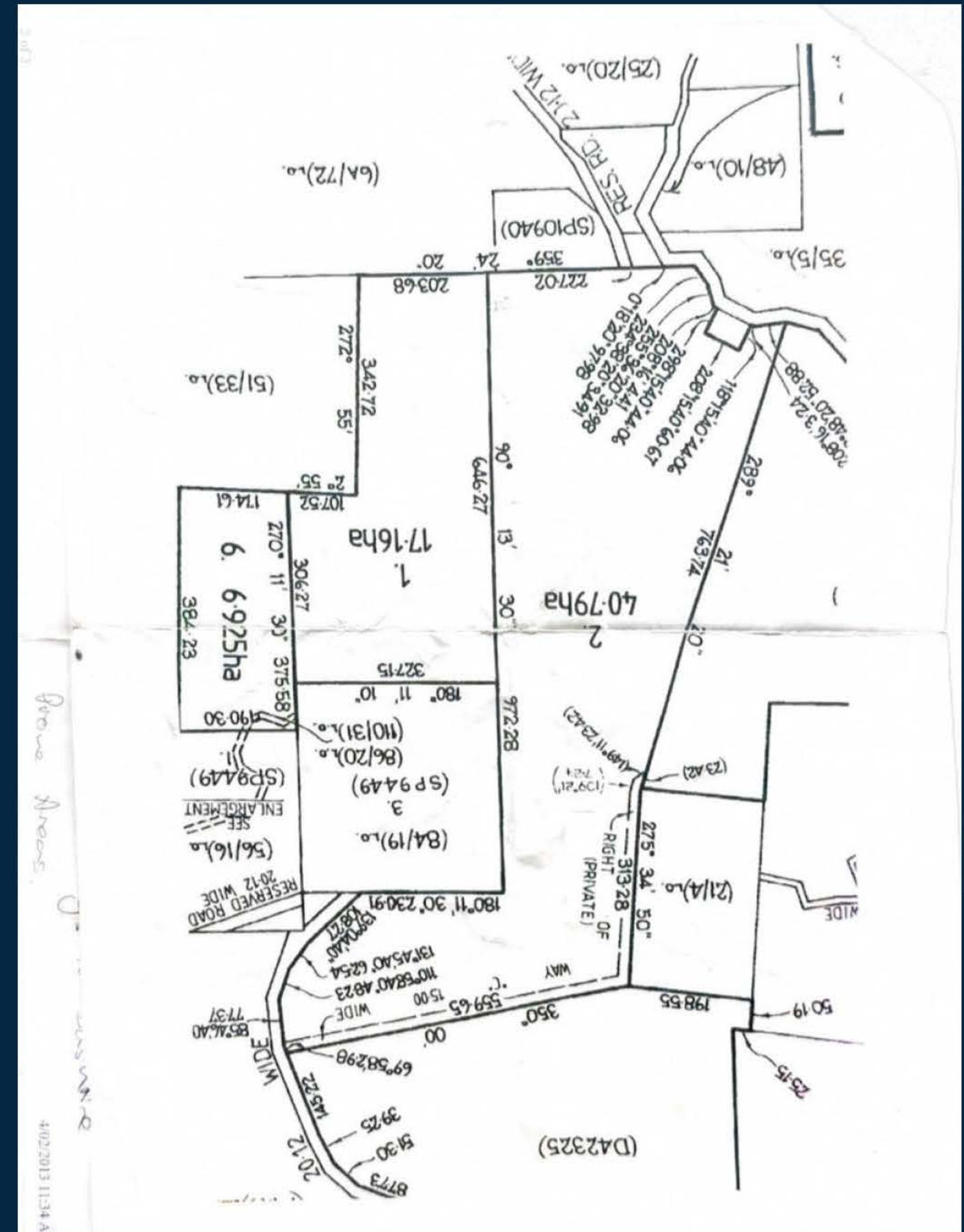
Impacts on our community and our future

Our future intentions

- Subdivide a lower section for our children.
- Access already there via Right of Way of Waldies Drive
- Under 5 acres cleared total
- 95+ Acres untouched
- Not visible from any major road.

95+ acres

left untouched



Rural Living Zone is the most appropriate zone

- **It matches our original purchase and our intended use, where the priority is living.**
- **RLZ allows safe, sustainable land management and bushfire protection.**
- **Environmental and landscape values are protected through the existing overlays and codes.**
- **Landscape Conservation Zone was never meant to be applied to properties like ours.**
- **It doesn't achieve any further protection for our land.**
- **Replaces clear rules with discretion**
- **Brings real social and economic risks to our families**
- **Reduces the protection from bushfire to communities**
- **IS THE REQUESTED ZONE OF LAND OWNERS IN SNUG FALLS, SNUG TIERS, O BRIENS RD and PALMERS RD**

THE ASK

**Reject the Landscape Conservation Zone and apply
Rural Living Zone D.**

For

