
From: [REDACTED]
Sent: Monday, 4 May 2026 8:11 PM
To: Kingborough LPS
Cc: Travis Holmes
Subject: Opposition to LCZ [REDACTED] Fern Tree, Holmes
Attachments: Appendix Meffre [REDACTED] zoning submission.pdf; Meffre [REDACTED]
[REDACTED] zoning submission.pdf

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To whom it may concern,
Please find attached my Submission and Appendix.
Regards Lelia Meffre Holmes

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

To the Tasmanian Planning Commission,

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

I did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission regarding the draft LPS. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. I understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite me to discuss the matters raised.

I take up that opportunity and submit as follows.

PROPERTY DETAILS

Landowner name(s)	Lelia Meffre
Property address	██████████, Fern Tree, TAS 7054
Title reference (folio)	45320/1
Lot size (approx.)	11 ha
Locality	Fern Tree
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone (RLZ) C

STATEMENT OF POSITION

I submit that the application of the Landscape Conservation Zone (LCZ) to my property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

The Ireneinc report which recommended that my property should remain LCZ failed to account for the most basic elements relating a zoning assessment and came up with a conclusion that contradicts with both the spirit and the letter of the Act. Specifically the Ireneinc report failed to consider:

- The current and longstanding primary use of the property: Residential
- Failed to apply the Section 8a assessment criteria

- Failed to identify what specific natural values exist on this property
- Failed to identify what specific natural values on this property need to be protected
- Failed to justify why LCZ was the most appropriate zoning to protect those unspecified values
- Failed to address why it ignored section 34 of the LUPAA criteria
- Failed to address why it ignored council's resolution favouring the "least restrictive alternative"

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone C (minimum lot size 5 ha)

GROUND FOR THIS SUBMISSION

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property has been residential for over a century. Remains of residential dwellings on the property dating back to the 1920's exist and residential use likely existed much earlier. The original land grant in 1857 was given to a pardoned convict and skilled sawyer and the land was initially used for commercial timber production. Remains of the timber loading docks from this area are still visible today and are presented in the appendix.

By the 1880's it had been cleared and settled for farming. The Upper Summerleas Road region of Fern Tree was an established agricultural district producing primarily berries, apples, pears and other orchard fruits. Strawberry mounds from this era are still visible today. A petition from the residents of this area to the council (then Queenborough council) to improve Summerleas road to aid in the transport of produce from farms in this area is dated 1883 and is attached.

Later on the property was used for grazing and subsequently for plantation timber. Loading structures for livestock and Radiata Pine still survive today. As late as the 1960's the land was effectively clear-felled for tall timber which is one of the reasons the residential dwelling in place on this property at the time survived the 1967 bushfires. More recently it has been used for grazing sheep and alpacas and for small scale gardening. Today the property is my primary residence and like the residents of this property before me I have livestock, collect firewood and I still grow strawberries in my garden.

It is inconceivable that an "independent" consultant (Ireneinc) can simply disregard without any justification the very specific and strongly worded section of section 8a LCZ4:

*"The Landscape Conservation Zone **should not be applied** to:*

(a) land where the priority is for residential use and development (see Rural Living Zone);”

Such flagrant disregard for the Act without identifying location specific values for protection or giving any written justification as to why LCZ should be applied to land which has been residential and agricultural since before the time of federation speaks to the competency, the motives and/or the independence of the consultant.

My property does contain bushland. However, that single fact alone does not require the application of LCZ zoning, in fact LCZ 4(a) specifically prohibits it where the priority is for residential use. The current ELZ is a planning designation for residential use. The residential nature of the land is undisputed and not discretionary. I live there, my home exists and I pay rates to prove it! I have lived here for over 30 years and my tenure as a resident on this property predates the prior rezoning to ELZ. Changing zoning from one where the primary use is residential to one where residential use is discretionary without identifying any specific site specific values to protect or a justification requiring LCZ to protect them is inconsistent with the Act.

The primary purpose of ELZ zoning is to provide residential opportunities while protecting environmental and landscape values. Given that LCZ should not be applied to land where the priority is for residential use (as per 8a LCZ4) it is incompatible with the purpose of ELZ and the blanket rezoning of ELZ to LCZ is completely inappropriate in the absence of any specifically identified values.

The residential and agricultural nature of this property predates Fern Tree (gazetted in 1967). It also predates the formation of the Kingborough municipality (1907) and the federation of Australia (1901).

D1.2 — The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for my property. The Ireneinc report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title.

The Ireneinc Locality Report fails to identify any specific landscape values on my title beyond a general reference to dense bushland. Not only is this an inadequate justification for LCZ it is misleading as most of the bushland on the property is not dense in nature. A combination of back burning conducted by the TFS, weed control, grazing by domestic livestock and native animals and a regime of maintaining the property to bushfire prevention standards recommended by the TFS have created a landscape which contains large areas of open understory as well as completely cleared areas for bushfire protection surrounding my residence see appendix.

In the absence of any specific natural values identified by the Ireneinc report a search of the natural values atlas returns a result that include:

- No protected flora have been identified on the property
- No trees of significance have been identified
- Weeds have been identified and are known to exist on the property

Furthermore, as my property is located at the bottom of a steep valley no part of my property is visible from Summerleas Road or from any public space within Kingborough council. Therefore, any scenic values (none are specified in the Ireneinc report) would be very limited. RLZ contains more than ample provisions to preserve scenic values.

The forest canopy on my property is almost entirely regrowth and is in the stages of recovering from the eras of commercial harvesting and plantation. Likewise, the understory is a mix ranging from dense to open to completely clear. In the absence of any identified endangered flora or scenic values in need of protection and given the land has been used for residential and agricultural purposes for over 150 years the rationale for applying a zoning that applies the maximum protection for landscape values and regards residential uses as discretionary is entirely inappropriate.

D1.3 — The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

Zone Guideline RLZ 1(a) provides that the RLZ 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. This description accurately characterises my property.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the ELZ in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied. My property satisfies both elements of this criterion. My property has an area of 11.4 ha. This is consistent with the RLZ C minimum lot size of 5 ha and provides for limited subdivision under that subcategory and is consistent with the average lot size in the area.

D2 — The Ireneinc evaluation framework, applied correctly to my property, supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00]. Representations can depart from it with good evidence. However, I submit that even applying the framework as intended, my property satisfies the criteria for RLZ rather than LCZ.

D2.1 — My property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators. My property clearly satisfies this criterion.

My property contains my dwelling! I should know, I live there and so does the rest of my family! There have been a series of dwellings on this same location going back to the 1920's and probably longer. My previous house burned down on the same location in a 1998 bushfire and I rebuilt the current house in the same location because it was my residence and I intended to maintain my residence in this location.

D2.2 — My property has the characteristics of a rural living settlement

The Ireneinc framework identifies rural living settlement characteristics as: at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern; a consistent pattern of detached dwellings with associated outbuildings; and visual evidence of rural activities (cleared areas, hobby farming, grazing etc.). The Ireneinc report's own locality baseline confirms that the broader settlement in which my property sits displays these characteristics.

My property is situated within a cluster of 20 properties along Summerleas Rd, each with lot sizes ranging from approximately 1 ha to 22 ha. The settlement pattern is consistent and has been established since the 1870's. Neighbouring properties contain detached dwellings with associated rural activities including hobby farming / grazing / orchards / etc.

Local Land use history:

- logging : Photos of area prior to 1967 bushfire show extensive clears area on many properties in this area.
- farming for past 160 years: 1890's apples and berries. Irrigation trenches, and planting mounds and commuting tracks remain visible on various properties. 1883 Petition regarding request to upgrade Summerleas Rd. to transport the 40-45 tons of small fruit to market
- Later converted to Grazing: Cattle and sheep
- Some properties have continued grazing with Sheep, goat, alpacas, draft horses, riding horses and pig farming, as well as fowl and geese and even a Tasmanian Devil enclosure.
- Properties in this area are mostly fenced for grazing.

D2.3 — The identified landscape values can be managed outside of LCZ

The Ireneinc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of LCZ, specifically through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission itself accepted this argument in

relation to Kettering West at Day 20, where the panel effectively found that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone [Transcript, Day 20, 02:33:54].

D2.4 — The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ C to my property achieves this outcome, as the minimum lot size under that subcategory is consistent with the average surrounding lot size in the Summerleas Road / Fern Tree Locality.

My property has an area of 11.4 ha. Under RLZ [C], the minimum lot size is 5 ha. Subdivision of my property under this subcategory would be limited to the average lot size of the locality.

D3 — The TPC panel's own statements support RLZ for properties like mine

The following exchanges from the Day 19 and Day 20 TPC hearings directly support the argument that the RLZ is more appropriate than the LCZ for my property. These statements were made by TPC Commissioners and are on the public record.

D3.1 — The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by its application in any individual case and must assess my property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

D3.2 — Risk ratings are judgement calls, not defined thresholds

At Day 20, the low/medium/high risk ratings applied by Ireneinc to LCZ recommendations were described as judgement calls, not defined thresholds. Ireneinc's position was that these ratings are a rule of thumb only [Day 20 guide]. The Commission has not yet determined what weight to give these ratings. Where the risk rating applied to my locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

D3.3 — Visible rural activity is not required for RLZ

The TPC panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This was applied consistently across multiple localities including Howden, Albion Heights, and Kingston West [Day 20 guide]. Properties need not demonstrate active farming or grazing to satisfy the RLZ criteria — residential use in a rural setting is sufficient. Regardless, our area does show rural living. We have had sheep, alpacas and a variety of fowl in addition to a veggie garden and greenhouse. My property is fenced for grazing and subdivided by fencing into several distinct grazing paddocks. Although my property is not visible from the public road my property demonstrates rural activities in line with most of our neighbours such as hobby farming, raising livestock, domestic firewood collection and gardening.

D3.4 — Analogy to accepted RLZ localities

The Ireneinc report recommended full ELZ to RLZ transitions for a number of localities, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission. The characteristics of those localities — established residential settlement, lots generally between 1 and 15 ha, mixed residential and rural activities, limited evidence of significant landscape values requiring LCZ protection — are shared by my property and the Fern Tree/Summerleas Road locality.

Summerleas road in the vicinity of my property crosses into Hobart council where the properties on the Hobart side are split zoned RLZ around the house and driveway access. Likewise in Ridgeway, Fern Tree and Huon road.

D5 — Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a significant evolution — and inconsistency — in Council's approach to the application of the LCZ to ELZ land. At the time the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC noted that this approach was often inconsistent with the Zone Guidelines and that 'often when assessing particular sites the zone proposed does not seem to match these criteria or those of Guideline No.1.' By the time of public exhibition the proportion had been reduced to approximately 75%, with the balance transitioning to RLZ, RZ, and other zones.

This history demonstrates that the initial presumption in favour of LCZ was not well-founded and that the LCZ application has been progressively narrowed as the evidence base has been tested. The Ireneinc report represents a further iteration of this process, but where the evidence specific to my property supports RLZ, the LCZ recommendation should not be allowed to stand.

D6 — Any landscape values present can be managed without LCZ

Where landscape values are present on or near my property, I submit that they can be appropriately managed through the application of the relevant overlay controls, without the need for LCZ. The TPC panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas.

Ireneinc itself acknowledged in the LCZ Review report that a future rural living settlement review may reconsider current RLZ decisions, and that any short-term risk is 'not something that's a definitive or a risk that can't be mitigated with future action' [Transcript, 03:06:18]. This acknowledgement of residual risk mitigation further supports the appropriateness of RLZ rather than LCZ for my property.

My property is within the [SPA / PVA overlay / subject to the NAC].

- Scenic Protection Area. A mapped overlay that applies to land with important scenic values — usually elevated or visually prominent land. Where this overlay applies, extra rules control building height and design to protect scenic views. Ireneinc used the presence or absence of this overlay as one reason for recommending LCZ or Rural Living Zone in some localities.
- Priority Vegetation Area. A mapped overlay that identifies land containing important native vegetation, for example, threatened plant species or significant habitats. The Natural Assets Code (see below) applies to land within this overlay and limits how much vegetation can be cleared. These controls restrict clearing of native vegetation within Priority Vegetation Areas and protects waterway. It applies regardless of what zone the land is in.
- Natural Assets Code. A state-wide planning code that controls clearing of native vegetation within Priority Vegetation Areas and protects waterways and coastal areas. It applies regardless of what zone the land is in.

The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values identified in the locality baseline without resort to LCZ. In the absence of any specific values identified which required LCZ protection RLZ zoning is the most appropriate.

PART E — LOCALITY-SPECIFIC CONTEXT

The Fern Tree community along Summerleas Road have prepared a group submission opposing to the proposal for LCZ zoning and recommending RLZ. At the time of writing the group submission has been endorsed by 20 landholders representing at least 23 land titles in the locality. This represents an overwhelming majority of the residents of this locality and shows a very strong indication of community sentiment towards this proposal. Please refer to the Summerleas Road/Fern tree locality group submission for full details.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The application of the LCZ to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for my property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the Rural Living Zone C;
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.
-

I request that the folio of the Register 45320/1 at [REDACTED], Fern Tree, 7054, be included within the Rural Living Zone C in the Kingborough Local Provisions Schedule.

Signed: [REDACTED]	Date: 3/5/2026
____ Lelia Meffre Holmes	[REDACTED]
Full name:	Contact email / phone:

LODGE: Email your completed submission to tpc@planning.tas.gov.au with the subject line: 'Submission — Kingborough LPS Direction 69 — [your property address]'. Include your title reference in the body of the email. The deadline is midnight Monday 4 May 2026.

PART G — ACRONYMS / TERMS USED IN THIS SUBMISSION

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
LCZ	Landscape Conservation Zone
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

Appendix to submission for Lelia Meffre
[REDACTED], Fern Tree

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Images of rural land uses past and present	4-7

(No 88.)



1883.

TASMANIA.
HOUSE OF ASSEMBLY.

SUMMERLEAS ROAD:
PETITION.

Presented by Dr; Crowther, August 8, 1883, and ordered by the House to be printed,
August 9, 1883..



To the Honorable the Members of the House of Assembly, in Parliament assembled.

The humble Petition of the Residents of Summerleas, in Tasmania, and its vicinity.

RESPECTFULLY - STIEWETH :

THAT your Petitioners reside at Summerleas, in the Electoral District of Kingborough, and in the adjoining District of Queenborough, and are engaged in fruit growing and agricultural pursuits.

That your Petitioners raised during the season which has just expired, in Summerleas proper and in the immediate vicinity thereof, between forty-four and forty-five tons of small fruit and about two thousand and fifty bushels of apples and pears, besides a considerable quantity of vegetables, root, and other crops, all of which have to be taken to market by the road via Kingston, which involves a journey varying from thirteen and a half to fifteen miles, whilst some of your Petitioners residing on the eastern side of Brown's River have only a rough bush track to the Tluon Road, over which traffic is most difficult, and upon which a sum of twenty-two pounds or thereabouts has ever been expended.

That your Petitioners are in a position to indicate a line of road from Summerleas to Hobart of a perfectly practicable gradient, and over country presenting no necessity for expensive works, which will bring the residents of Summerleas within seven and a half miles of the centre of the City of Hobart, and furnish an additional and picturesque drive for visitors from the other Colonies.

That your Petitioners believe that for want of means of communication by the direct route the progress of settlement in that part of Kingborough in which your Petitioners reside is greatly retarded, and that, in the event of direct communication with the City by the shorter route being established, a very large increase in the production of fruit, especially small fruit and vegetables, to the extent of quite twice the amount now produced, would be the result; and inasmuch as fruit and vegetables can be grown at Summerleas at a later period in the year than other places in the vicinity of Hobart, a direct means of communication with the City by the shorter route would enable the residents of Hobart to obtain a better supply of fruit and vegetables later in the season than they can at present.

That the Honorable C. O'Reilly, in the year One thousand eight hundred and seventy-nine, then Minister of Lands and Works, visited the locality and indicated his opinion of the wants of the district by placing a sum of money on the scheme of Public Works for that year, which was submitted to and passed by your Honorable House, but was rejected by the Legislative Council.

Your Petitioners therefore humbly and respectfully pray that your Honorable House will be pleased to take the premises into your favourable consideration.

And your Petitioners will ever pray, &c.

[Here follow 46 signatures.]

WILLIAM THOMAS STRUTT,
GOVERNMENT PRINTER, TASMANIA.

The petition above demonstrates that the Summerleas Road / Fern Tree locality was an active agricultural community two decades before confederation. Noting it gained 46 signatures it would suggest that the population in 1883 was roughly about the same as the current population of the locality. In the ensuing 143 years since submission of this petition Hobart council has upgraded the road to bitumen while Kingborough council has gone to great lengths to preserve much of the original character of the road.



Figure 1. Summerleas Road, Fern Tree within Hobart Council has been upgraded to modern standards including bitumen



Figures 2-4. Summerleas Road, Fern Tree within Kingborough Council has retained much of its original character. Namely steep, tight curves on an irregular gravel surface. Recent installation of safety wire by the council has prevented most (but not all) vehicle traffic from falling off the edge of the road.



Alpaca's awaiting shearing from several property in the Summerleas Road Locality

Open paddock can be seen typical of properties in this area.



Sheep Grazing on Property 1995.
Note the open understory



Historic Timber loading dock



Land cleared for historic farming c1880



Alpacas grazing in cleared paddock around residence. The area around the house has been cleared for bushfire protection