
From: Adam Smee [REDACTED]
Sent: Monday, 4 May 2026 11:39 AM
To: Kingborough LPS
Cc: Douglas Lumb
Subject: TPS - Kingborough draft LPS: Submission Regarding [REDACTED] Kingston.
Attachments: SP Letter.pdf

Dear TPC,

Please see attached submission regarding the Kingborough draft LPS and the above property.

Please contact me if you require further information.

Regards,

Adam

Adam Smee
Planning Consultant
M: [REDACTED]



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4 May 2026

Mr Nick Heath
Delegate (Chair)
Tasmanian Planning Commission

Dear Nick,

**Tasmania Planning Scheme - Kingborough draft Local Provisions Schedule:
[REDACTED] Kingston.**

I have been engaged by the owner of the above property, Mr Douglas Lumb, to provide a submission regarding the proposed zoning of the property. We thank the Commission for its letter dated 2 April 2026 and welcome the opportunity to make a submission regarding this issue.

The property is currently intended to be within the Landscape Conservation Zone (LCZ) once the Tasmanian Planning Scheme (TPS) is introduced in the Kingborough Municipal Area. We submit that the property should instead be partly within this zone but also partly within Area B of the Rural Living Zone (RLZ).

The property includes two titles. The larger title (CT [REDACTED]) contains the dwelling on the property. The smaller title (CT [REDACTED]), to the south-east of the dwelling, is vacant. This submission relates only to the larger title, although I provide some limited comments regarding the zoning of the smaller title at the end of this submission.

The property is at the northern edge of the Kingston township. Browns River runs through the property from its westernmost corner to approximately the mid-point of its south-eastern boundary. The part of the property on the southern side of the river has been mostly cleared of native vegetation. The dwelling on the property is within this part. There is also a cleared area within the part on the northern side of the river, although this part is mostly bushland that is contiguous with the large area of bushland generally to the north.

Access to the property is via a driveway off [REDACTED] to the south. There is an established residential area further to the south, on the opposite side of [REDACTED]. The nearby land to the west of the site, between this road and Browns River, has been mostly cleared of native vegetation. There are houses upon this land contained within lots that are approximately 2ha to 6ha in area. This land is currently within Area A of the Rural Living Zone and is proposed to be within Area B of this zone once the TPS is introduced.

The property is currently within the Environmental Living Zone of the *Kingborough Interim Planning Scheme 2015*. The proposed zoning of the property therefore appears to be an attempt to replicate the current zoning once the TPS is introduced. However, as highlighted in the explanatory note included in the application guidelines provided for the LCZ in the *Guideline No. 1 Local Provisions Schedule (LPS)* (the Guidelines):

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.

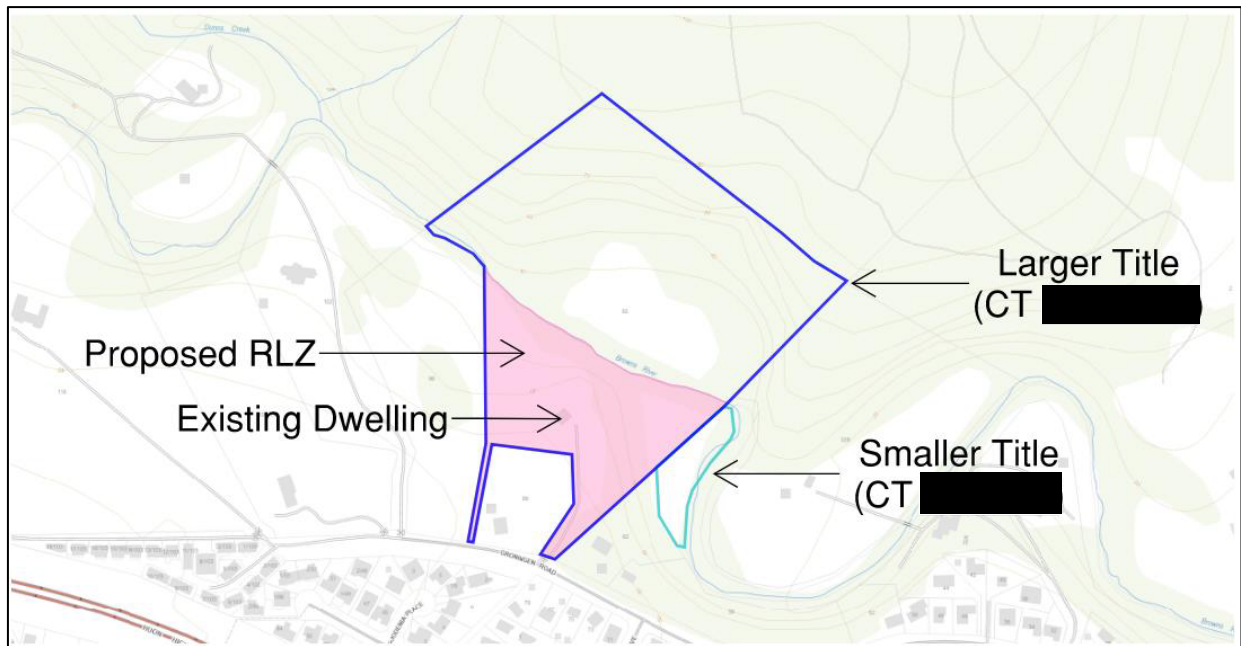
I have reviewed the recent *Review of the LCZ – Kingborough Council* prepared by Ireneinc Planning and Urban Design (the Review). I note that this review states that:

There was no intention for a like-for-like transition from the ELZ to the LCZ... it would be necessary for council to further consider and propose alternate zoning for this land as part of the preparation of the draft LPS (page 30).

We submit that both the LCZ explanatory note and the recent review suggest that a more detailed consideration of the appropriateness of the application of the LCZ to land currently within the ELZ is required. We suggest that a more detailed consideration of the subject property indicates that it would be more appropriate for the part that is to the south of Browns River to be within the RLZ and for the part north of the river to be within the LCZ (please see below aerial image and topographical relief). The property would therefore have a “split zoning”.



Aerial view of subject property and surrounding area, overlaid with proposed zoning (source: LISTmap accessed 30/4/2026).



Topographical relief of subject property and surrounding area, overlaid with proposed zoning.

While we acknowledge the Commission's previous position that split zoning of a property should generally be avoided, we suggest that there is practical and strategic justification for this approach to be followed in the zoning of the subject property. Browns River provides a clear, physical separation between the residential use that occurs within the southern part of the property and the predominantly bushland area within the northern part. While there is some remnant native vegetation within the southern part of the property, the majority of this vegetation would continue to be within the Waterway and Coastal Protection Area that is contiguous with the river, regardless of which zone applies to the property. Any impacts upon this vegetation as a result of future development within the southern part of the property would therefore require assessment against the Natural Assets Code.

I note that the Review refers to the Commission's assessment of Huon Valley LPS and provides the following observation regarding split zoning:

In many cases, it became clear that the characteristics of a site were such that the appropriate zoning was a split between two zones. This occurred mostly in a split between the LCZ and the Rural Zone. Considerations in making these decisions were:

- *the site conditions;*
- *the nature of the vegetation on the land and its extent;*
- *the prominence of the land in the landscape;*
- *the past historical usage of the land;*
- *the current use of the land and whether it is for or associated with rural purposes;*
- *the intended future use of the land;*
- *the surrounding zones and neighbouring uses;*
- *the potential to introduce land use conflict;*
- *the desire to achieve consistent land use zoning patterns; and*
- *the avoidance of spot zoning.*

While the above observation was referring to a "split between the LCZ and the Rural Zone", I suggest that the above considerations also provide justification for the proposed split zoning of the subject property. I consider that in this case, the site conditions, the nature and extent of the native vegetation on the property, and the limited prominence of the land within the surrounding landscape suggest that it is inappropriate for the southern part of the property to be within LCZ.

As per the Guidelines, the LCZ is intended to apply 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.

The southern part of the property does not have landscape value – i.e., it is not prominent within the surrounding landscape given the topography. This part is below the level of most of the surrounding land so is only visible from immediately adjacent areas. This part of the property does not contain bushland or large areas of native vegetation and does not have scenic value. The property is not currently within a Scenic Protection Area and is not proposed to be within such an area once the TPS is introduced.

The past historical, current, and likely future use of the southern part of the property also provides justification for the proposed split zoning. The residential use within the southern part of the property is well established and is likely to continue for the foreseeable future.

As noted earlier, the southern part of the property is adjacent to the area to the west that is currently, and would continue to be, within the Rural Living Zone. The adjacent property to the south, generally between the subject property and [REDACTED] is also within this zone and would continue to be within the Rural Living Zone once the TPS is introduced. There are dwellings upon the majority of the properties within the adjacent rural living area. Therefore, the proposed split zoning would ensure that the zoning of the southern part of the subject property is consistent with surrounding zones and neighbouring uses, without introducing potential land use conflict or spot zoning.

I note that the Review included an evaluation pathway to guide consideration of the zoning of properties that are currently within the ELZ. I consider that the proposed split zoning of the subject property would result in a pattern of zone application that is consistent with the suitability indicators provided within the pathway. Specifically, the proposal would result in the LCZ being applied to the land within the northern part of the property that has landscape value and would border other land within this zone.

The proposal would result in the RLZ being applied to land within the southern part of the property that would border the existing rural living land to the west, while allowing for only limited further subdivision potential. Given the area of the part of the property that would be within the RLZ (approximately 2.1ha), the minimum lot size prescribed for Area B of the RLZ (i.e. 2ha) would not allow for this part to be further subdivided.

However, given the general provision 7.15 *Subdivision of a lot in more than one zone* recently introduced into the TPS, there is potential for the northern part of the property within the LCZ to be subdivided from the RLZ land within the southern part. However, it is not the owner's intent to subdivide the property in this manner. Given that the LCZ land would not have frontage to a road and is on the northern side of Browns River, it is difficult to see how frontage and access would be provided to a lot containing this land. Therefore, even limited further subdivision of the subject property is unlikely if our proposal is accepted.

Finally, I wish to make some brief comment regarding the smaller title included in my client's property (CT [REDACTED]). While this submission relates only to the larger title (CT [REDACTED]), I note that if the Commission determined that the property should be split zoned, as discussed above, then it may be appropriate for the smaller title to also be within the RLZ.

Reconsidering the proposed zoning of the smaller title would be appropriate if the zoning of the properties between [REDACTED] and Browns River to the south-east of the subject property is also to be reconsidered. I note that the smaller title is likely to be susceptible to flooding given its elevation and proximity to the river, so is likely to have limited development potential.

Please contact me via [REDACTED] if you require clarification of any of the advice provided in this letter or require further information. We look forward to your consideration of our submission.

Yours sincerely,

[REDACTED]

ADAM SMEE
PLANNING CONSULTANT