

Local Provisions Schedule

Fact Sheet 2– Clause 22 Landscape Conservation Zone

Why is the Landscape Conservation Zone being introduced in Kingborough?

Kingborough will be moving to the State Government's Tasmanian Planning Scheme soon and one of the new zones in the planning scheme is the [Landscape Conservation Zone](#) (LCZ). The purpose of the LCZ is:

- *To provide for the protection, conservation, and management of landscape values.*
- *To provide for compatible use or development that does not adversely impact on the protection, conservation, and management of the landscape values.*

The [State Government's Guidelines](#) provide the criteria Council must take into account when it considers the application of the LCZ to properties in the municipality. With regard to the guidelines, the approach Council took with the drafting of Kingborough Draft Local Provision Schedule (LPS) is to maintain the land use and development outcomes in the rural or bush area parts of Kingborough as close as possible to the current planning scheme. Subsequently, the LCZ will predominantly be applied to areas in Kingborough where landscape values require protection and/or conservation, such as elevated bushland areas or areas of important scenic value.

How can I determine if the Landscape Conservation Zone will be applied to my property?

You can view the [draft zoning mapping](#) to see which zone is proposed for your property. The Tasmanian Planning Commission (TPC) is still busy with the assessment of the mapping and supporting documentation, but we can advise that it is possible that the proposed zoning as displayed on Council's website, will be amended. We are currently still working with the Tasmanian Planning Commission on the zoning and other parts of the new planning scheme, and once they are satisfied that it meets the requirements of the relevant legislation, we will commence with a process to seek community input on the changes. There will be a document that explains the reasoning for the zone application and overlay application throughout the municipality.

What are landscape values?

There is no clear definition for 'landscape values' in the planning scheme, but for most people when they think about landscape values, it's usually elevated or coastal land that adds to the character of an area.

It is appreciated that what may be visually attractive and valuable to one person may not be the same for another. In addition to this, the landscape values of one area will be different from another. For example, the landscape values associated with the



prominent hillsides of Tarooma, Tinderbox Peninsula and Coningham relate to the elevated bushland areas that are appreciated by residents or visitors when viewed from either their homes, roads, other elevated areas or from nearby waters. These values are different from those on Bruny Island, which are more associated with tourism and heritage. For example, the backdrop to Adventure Bay must be protected to retain a natural view-field that retains some semblance of the views from the ocean that were experienced by the early maritime explorers. In other places, the landscapes need to be protected because of their connections with the national park, popular walking trails, or other important heritage settings. As per the state government's guide, the LCZ may be applied to large parcels of land that contain landscape values, but it could also be applied to a grouping of lots that together contribute to the landscape values in an area. The reasoning behind the zoning application will not be the same for every part of the municipality.

How are landscape values protected in the planning scheme?

Historically, the *Kingborough Planning Scheme 2000* protected important landscape values through the widespread use of the Environmental Management Zone. That zone was closely aligned to the more heavily vegetated areas, which also included ridgelines and coastal and riparian corridors. The current *Kingborough Interim Planning Scheme 2015* includes a Scenic Landscapes Code and all land that is above an elevation of 100m is mapped as being subject to this code. Unlike the 2000 planning scheme, the zoning of land was not specifically used in the interim planning scheme as a means of protecting landscape or visual values, however, the Environmental Living Zone made a significant contribution to the protection of the landscape values particularly in rural parts of Kingborough.

Under the Tasmanian Planning Scheme, landscape values will mainly be protected through the [Scenic Protection Code](#) and [Landscape Conservation Zone](#)

The Landscape Conservation Zone requires that an application for a change of use that falls into the category of a discretionary use must have regard to:

- (a) *the nature, scale, and extent of the use;*
- (b) *the characteristics and type of the use;*
- (c) *the landscape values of the site;*
- (d) *the landscape value of the surrounding area; and*
- (e) *measures to minimise or mitigate impacts.*

It also contains development provisions, including but not limited to, preferred finishes and location of new buildings to minimize the impact of buildings and structures on landscape values.

Are dwellings allowable in the Landscape Conservation Zone?

The construction of a dwelling in the Landscape Construction Zone requires a Planning Permit either through a Permitted or Discretionary assessment process. A dwelling is permitted if located within a building area on a sealed plan (title document). If a new dwelling is unable to meet the Acceptable Solutions for a particular zone or code provision (for example setbacks, the maximum building height; coverage or not located within a building area on a sealed plan title), it will be Discretionary.



Applications that seek to go beyond the minimum standards may then need to justify how it satisfies the associated Performance Criteria.

For example, an application that is proposing a building height greater than 6m (the minimum standard in the Acceptable Solution) must be able to demonstrate that the variation in height meets the requirements stipulated in the Performance Criteria. The Performance Criteria for a variation of the height limitation in *the building height must be compatible with the landscape values of the site, having regard to:*

- a) *the height, bulk, and form of proposed buildings;*
- b) *the height, bulk, and form of existing buildings;*
- c) *the topography of the site;*
- d) *the visual impact of the buildings when viewed from roads and public places;*
and
- e) *the landscape values of the surrounding area.*

Similar flexibility is provided in relation to other development provisions in the Landscape Conservation Zone. Council understands that most property owners in Kingborough would like to construct a dwelling, however, due to the covenants or other limitations such as lot size, lot layout, topography, easement, or natural risks some lots in the municipality may be too constrained to accommodate a dwelling regardless of the zoning of the land.

What types of developments or uses will not require planning permits in the Landscape Conservation Zone?

The Tasmanian Planning Scheme provides an extensive [list of general exemptions](#) for uses and development that do not require development permits. The exemptions include, but are not limited to home occupations, minor alterations, unroofed decks, outbuildings, garden structures etc, providing that they meet the requirements as stipulated in the scheme.

How will the Landscape Conservation Zone impact the existing uses?

The change to zoning does not alter the provision of the scheme that deals with changes to legally operating uses (including commercial uses). Effectively, a legally operating use will not be affected by the change of the zone, and it can continue without further approval. That is unless there is a proposal to intensify the use or development as that may trigger the need for additional approval, the same as it does with the current planning scheme. There are provisions in the Scheme that deal with those instances.

Will the Landscape Conservation Zone change the risk associated with bushfire on properties?

The zoning changes within the incoming Tasmanian Planning Scheme will not change the risk of bushfire due to the extensive nature of this hazard across the Kingborough and the Greater Hobart landscape. Regardless of the land zoning, it is crucial to be prepared for the bushfire season, particularly in Kingborough, which has a significant amount of bushland. Taking measures to prepare properties and establish defensible spaces will aid in people's survival during a bushfire event.

In terms of requirements, the current and incoming Tasmanian Planning Scheme includes several exemptions for bushfire hazard management. These exemptions encompass fire management mandated by the Tasmania Fire Service (TFS) as part of



the TFS hazard reduction program, as well as fire hazard management in accordance with a bushfire hazard management plan approved as part of a specific land use or development.

When a development application is required, the planning scheme accommodates bushfire hazard management in compliance with the Building Regulations and AS-3959-2018. Consequently, permit conditions often place the responsibility on landowners to maintain their properties according to the approved bushfire hazard management plan. Undertaking works beyond the scope of the approved plan necessitates a new permit, potentially involving a reassessment of the bushfire risk and the preparation of a revised bushfire management plan by an accredited bushfire practitioner.

If you intend to modify or clear trees or native vegetation on your property, please contact Council to determine whether a permit is required or fill out the tree clearing form on [Council's website](#). A list of accredited Bushfire Hazard Practitioners authorized by the Tasmania Fire Service to develop Bushfire Hazard Management Plans can be found on the [Tasmania Fire Service website](#).

Will the Council put a higher priority on reducing the bushfire risk or protecting the special values associated with bushland when considering use or development in the Landscape Conservation Zone?

The Council is committed to minimising the risk of bushfire in the community. Whilst the removal of vegetation can be an effective way to reduce fire hazards on properties, the Council will also continue to balance the need to safeguard the unique values of our bushland areas within the guidelines specified by the planning scheme and irrespective of the zone.

When Council commences the formal exhibition of the new Scheme, can I request a change to the zoning proposed for my property?

The public exhibition process encourages public participation in relation to the draft plan and associated mapping. The formal exhibition is open for six-weeks, providing an opportunity to make comments and/or suggest alternative zones. The submissions should be supported with reasons for the suggested alternative zone. Those submissions do not need to be prepared by a planning consultant or other representative because the system has been developed with the expectation that the public will make their own submissions.

When will Council commence with the public exhibition of the Kingborough Draft LPS?

We are unable to confirm at this stage when the formal public exhibition will occur, however, it is likely to occur in the latter half of 2023 or early in 2024.

