

Date: 23 July 2025

Our Ref: 17.228

For attention: Ms Linda Graham

The Executive Commissioner  
Tasmanian Planning Commission  
GPO Box 1691  
HOBART TAS 7001

Dear Linda,

## **TASMANIAN PLANNING SCHEME – KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE**

On 21 July 2025, Council considered a report ([Agenda Item 12.1](#)) on submissions received during the 2024 exhibition of the Kingborough draft Local Provision Schedule (LPS). The Council's decision in relation to this item is detailed below:

*“That the Planning Authority:*

1. *Receive and note the report under s35F and s35G of the Land Use Planning and Approvals Act 1993; and*
2. *Authorise the Chief Executive Officer to submit the attached report(s) to the Tasmanian Planning Commission pursuant to s35F(1) and s35G(1) of Land Use Planning and Approvals Act 1993, which includes the following particulars:*
  - a) *the Planning Authority's consideration of the received representations and any subsequent recommendation for modification to the draft Local Provisions Schedule and State Planning Provisions; and*
  - b) *a copy of each representation received.*
  - c) *a summary of the matters and issues discussed, particularly in relation to the Landscape Conservation Zone, by elected members at the Council meeting on 21 July 2025 accompany the report submitted to the TPC. The summary would also reiterate Council's position regarding an openness to consider all options for workable solutions presented at hearings.”*

The decision outlined in item 2(c), Councillors expressed a desire for a summary of the key matters and issues discussed during the Council meeting to be provided to the Tasmanian Planning Commission (TPC). This summary, with particular emphasis on the Landscape Conservation Zone, is intended to provide context and insight into the deliberations of elected members, highlighting the range of perspectives and considerations.

It will also reaffirm Council's commitment to maintaining an open and constructive approach throughout the hearing process. Specifically, Council remains receptive to exploring all viable options and solutions that may be presented during the hearings, as outlined in the statement below and in section 1.7 and 1.8 of the s35F report.

## **Summary of Council Meeting Discussions on the Landscape Conservation Zone (LCZ)**

- While the Kingborough draft LPS supporting document provides an explanation of “landscape values,” there is a sentiment that the term remains somewhat ambiguous in practice. This lack of clarity continues to present challenges in applying the LCZ in the municipality.
- The perceived restrictive provisions of the LCZ have led to uncertainty for many property owners that has contributed to negative perceptions of the zone, highlighting the importance of further discussion and clarification during the upcoming hearings.
- The s35F report introduces the proposed Kingborough Bushland and Coastal Living Zone as a genuine attempt to respond to community concerns about the LCZ. However, the absence of prior public consultation due to time constraints and the urgency to proceed with public hearings appears to have contributed to confusion and ongoing concern within the community.
- While the proposal seeks to offer a meaningful alternative to the LCZ, the limited time available for Councillors and the public to review the report appears to have created uncertainty. In particular, there is a lack of clarity around how the proposed zone compares with existing zones such as the Environmental Living Zone (ELZ), the LCZ, and the Rural Living Zone (RLZ).
- Although the s35F report includes a zone comparison, further discussion with representors and the TPC is needed to determine whether the proposed new zone adequately addresses the concerns raised about the LCZ. There is also concern that if the new zone is not supported, properties identified for inclusion may remain within the LCZ, perpetuating the original issues.
- If the TPC were supportive of the proposed PPZ as a possible zone, it is encouraged that appropriate public engagement be undertaken and not limited to those who attend the hearing, or who have been included in the recommendations within the s35F report.
- Views were expressed that zoning should aim to give landowners the maximum possible flexibility in how they use their land – provided it remains consistent with the overall planning scheme.
- These challenges highlight the importance of ensuring the hearings process is open, inclusive and thorough allowing for full exploration of all workable zoning alternatives, including the PPZ and broader application of the RLZ where appropriate.
- In light of the above concerns, Council has stressed the importance of maintaining an open and flexible approach throughout the hearings. It is essential that discussions are not limited by the recommendations of the s35F report, particularly if the proposed Kingborough Bushland and Coastal Living Zone is not supported by the TPC. The hearings should actively encourage exploration of all workable zoning solutions.

## **Section 35F report on representations**

- The attached Section 35F report outlines the Planning Authority’s response to the representations received during the public exhibition of the draft LPS. While a wide range of issues have been raised, the report demonstrates a genuine commitment to engaging with representors through the public hearing process and to considering reasonable changes where appropriate.
- It aims to strike a balance between the intent of the State Planning Provisions and local strategic priorities and serves as a foundation for further discussion during the public hearings, where outstanding matters can be explored in more detail.

- Given the high volume of representations received, it's possible that the report may contain some inadvertent referencing errors. With this in mind, Council advises that the representations should form the basis for discussion at the hearings. Where needed, the TPC is encouraged to request clarification from Council to ensure all matters are accurately addressed. Please note that a few minor errors have already been corrected in the version submitted with this letter. These corrections do not affect the substance of the report or require any changes to the recommendations.

### **Section 35G statement**

- The Section 35G statement outlines Council's position that, following a review of the public representations, amendments to certain provisions of the State Planning Provisions (SPPs) are necessary. The submission highlights specific concerns regarding the interpretation and practical operation of the SPPs and recommends targeted changes to support more effective and responsive planning outcomes.
- It's important to note that on page 27 of the report, Council has proposed changes to the discretionary provisions of the LCZ. While the wording of this section may have caused concern, particularly the perception that the LCZ is being made more restrictive, the intent is to improve clarity and assist with the practical application of discretionary use assessments in future.
- In this context, Council requests that the TPC consider this suggestion not as a move toward greater restriction, but as an effort to enhance the workability of clause 22.3.3 of the LCZ standard provisions. Council encourages the TPC to process this request as part of the broader statewide review of the SPPs, with a focus on improving clarity and usability.

If you wish to discuss the above, please contact the Council's Senior Strategic Planner, Adriaan Stander on (03) 6211 8210.

Yours sincerely,



DAVE STEWART  
CHIEF EXECUTIVE OFFICER  
being the General Manager as appointed by the  
Kingborough Council pursuant to Section 61  
of the *Local Government Act 1993 (TAS)*

### **Attachments:**

1. Council Agenda Item 12.1 and minutes, dated 21 July 2025 (via Drop Box)
2. S35F report (via Drop Box and as published on Council's webpage)
3. S35G report (via Drop Box and as published on Council's webpage)
4. All representations (via Drop Box and as listed in the s35F report)