

Local Provisions Schedule

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](#). The purpose of the zone 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 Landscape Conservation Zone to properties in the municipality.

The Landscape Conservation Zone is proposed to be predominantly applied to areas in Kingborough where landscape values require protection and/or conservation, such as elevated bushland areas or areas of important scenic value. The rationale for the application of the Landscape Conservation Zone in Kingborough 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 KIPS2015. The zone balances the desire to live in a bush setting and protecting the visual landscape, such as by viewing the properties collectively to maintain the valued characteristics of the Kingborough area which include well-vegetated headlands and ridgelines. Given the complexity involved in mapping the Landscape Conservation Zone, a brief overview of the matters that were considered in applying the zone is provided below.

Protection of landscape values in the past and under the new Tasmanian 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 KIPS2015 has a Scenic Landscapes Code, and all land with an elevation greater than 100m is subject to the code. Unlike the 2000 planning scheme, the zoning of land was not specifically used in the KIPS2015 as a means of protecting landscape or visual values. However, the Environmental Living Zone (a zone that will cease to exist under the Tasmanian Planning Scheme) made a significant contribution to protecting 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 the Landscape Conservation Zone.



Methodology used in the mapping of the Landscape Conservation Zone in Kingborough

LPS Guidelines provide for a range of circumstances in which the Landscape Conservation Zone may be applied. They may be summarised as:

- *land with landscape values identified for protection and conservation, such as bushland areas;*
- *large areas of native vegetation;*
- *areas of important scenic values;*
- *large areas of bushland or native vegetation, not otherwise reserved, which contain threatened native vegetation communities or threatened species;*
- *areas of locally or regionally important native vegetation;*
- *land with significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; and*
- *land within an interim planning scheme in the Environmental Living Zone where the primary intention is for the protection and conservation of landscape values.*

There is no clear definition of 'landscape values' in the Tasmanian Planning Scheme; however, the Macquarie Dictionary provides a broad definition for 'landscape' which includes "a view or prospect of rural scenery, more or less extensive, such as is comprehended within the scope or range of vision from a single point of view" and "an area of land with distinguishing features or landforms: a wooded landscape, a hilly landscape". Importantly, these distinguishing features or landforms can exist even when they can't be seen from a public vantage point such as a road.

Kingborough has significant landscape values, and those values relate to the extensive areas of bushland providing a backdrop from the coast, up the slopes to and including the ridgelines. These landscape values set Kingborough apart from other municipalities in the state and are appreciated by residents and visitors when viewed from either their homes, roads, public places, elevated areas or nearby waters. 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 prominent hillsides of Bonnet Hill, Albion Heights, Tinderbox Peninsula and Oyster Cove relate to the elevated bushland areas that are appreciated by residents or visitors when viewed from either their homes, roads, other elevated areas or nearby waters. 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 LPS Guidelines, the Landscape Conservation Zone may be applied to large parcels of land that contain landscape values, but it can also be applied to a grouping of lots that together contribute to the landscape values in an area. As a general principle, the intention is to avoid spot-zoning, in favour of applying the Landscape Conservation Zone to land in a consistent pattern. While in some exceptional cases a spot-zone may be appropriate, a strategic approach to the application of the zone is preferred. Similarly, the intention is to avoid split-zoning on lots. However, in some circumstances the characteristics of the land and/or the use of the land on a site will indicate that the universal application of a zone to a cadastral parcel is not logical or appropriate.



Given that the Landscape Conservation Zone is a new zone under the Tasmanian Planning Scheme, feedback received during the public exhibition period will be used to finalise the application of the zone in Kingborough having regard to the LPS Guidelines, as well as any other matter considered appropriate by the Tasmanian Planning Commission as part of the public hearing process.

What is the main consideration for new uses and development in the 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.*

The zone also contains development provisions, including but not limited to preferred finishes and location of new buildings to minimise 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.

An application that seeks 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 zone, and it can continue without further approval. That is, it may continue 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 in the incoming Tasmanian Planning Scheme will not change the risk of bushfire due to the extensive nature of this hazard across the Kingborough and 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 KIPS2015 and the Tasmanian Planning Scheme include 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, and 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.

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. While 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.

