
From: Rashelle Szoke [REDACTED]
Sent: Sunday, 3 May 2026 9:04 AM
To: Kingborough LPS
Cc: Atilla Szoke
Subject: Zoning Submission [REDACTED] SZOKE
Attachments: Rashelle and Atilla Szoke TPC letter LCZ - [REDACTED] rd.pdf

Dear Sir / Madam,

Please find attached our submission in reply to your letter dated 2nd April (DOC/26/36829) in regard to the re-zoning of our property at [REDACTED], Snug, 7054.

Below is a dot point summary of our submission.

- **We reject Land Conservation Zoning for our property** – It was Rural Resource when purchased in 2001. The property has always been Rural & we run it as a hobby farm producing our own beef, lambs & growing Veges etc.
- **We reject Split Zoning (LCZ / RZ).** As above, our property is more akin to Rural Living.
- **We support our local community in obtaining Rural Living Zoning for their properties**, cleared or not. This land has had rural uses / intentions for over 125years. Some of these “bush blocks” were previously cleared for rural type uses.
- **LCZ should be voluntary.**

We would be happy to take part in any hearings etc & look forward to a favourable and common sense outcome.

Best Regards

Attila & Rashelle Szoke

[REDACTED]
Snug, 7054, Tas
Mob: [REDACTED]

Name(s)	Rashelle and Atilla Szoke
Date	2 nd May 2026
Property Address	██████████, Snug, 7054
Requested Zone	Rural Living Zone

To the Tasmanian Planning Commission,

We refer to your letter dated 2nd April 2026 Ref :DOC/26/36829 and would like the opportunity to make a submission about our property at ██████████, **Snug**. Unfortunately we missed the last round of correspondence as we were travelling for 5 months last year and could not participate in the previous assessment process.

We object to its rezoning under the Kingborough Draft LPS and/or IreneInc review to the Landscape Conservation Zone (LCZ) **or** LCZ/Rural split zone. Applying LCZ or split zoning is inconsistent with section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the LPS Section 8A Guideline No. 1, and the Southern Tasmania Regional Land Use Strategy (STRLUS).

Rural Living Zone (RLZ) Zone C/D would be more suitable for my property and the area in general. I respectfully ask the Commission to apply this zone, in line with the original purchase, historical practices, zoning allowances, and the site's current or future residential use. RLZ is also proposed for adjoining properties to our rural community settlement at ██████████, and ██████████.

HISTORY:

As far as we know, A convict (late 1800's) by the name of O'Brien (hence ██████████) was given a horse and dray and some tools and was told if he constructed a track up to the Snug Tiers from Snug, he would be given some land and pardoned. This took him many years, and hence the area was opened up to logging, timber milling and settlement. This road goes straight up through our property and is now our driveway.

The area up above Snug Falls was permanently settled by my Neighbours descendants in 1901 and they have continually lived there ever since, farming the land, running stock, growing fruit and vegetables, milling timber / making apple boxes etc. Our property was settled some time after and as was the case with most of the landholders, they began clearing, farming, milling timber etc. A community had begun above Snug Falls, with tracks linking Oyster Cove and Nicholls Rivulet.

On our property specifically, there had been berries, small crop, bush huts, timber harvesting for apple boxes etc and cattle grazed. A sizable area of land was cleared and fenced over the years.

CURRENT:

We purchased ██████████ in early 2001 as it had a **rural** zoning and had some cleared land, which suited our requirements to grow animals, fruit and veges and raise a family. The previous owners built a Residence in 1995 (not quite finished) and we have completed the house / extension and added sheds, gardens, landscaping, fencing and general hobby farming infrastructure. etc. Originally the property was 2 smaller 15ha allotments, now on a single title.

The property was fairly run down with most previously cleared areas overgrown. Blackberry and thistles had taken over where wattles and kerosene bush didn't. We chipped away at cleaning up the property, clearing the old paddocks, removing old fencing, weed clearing / control and creating adequate bush fire protection. This is still ongoing. We have wallaby proofed 2 paddocks (approx. 15acres total) and currently run 4 – 6 lowline cows on these – since 2012. We sometimes fatten some lambs over summer also. There is also unfenced areas. We also have chooks, a large hot house and a vege garden.

We have raised 3 children here (21 – 27 yrs) – the 2 youngest were born in the house so they all have a very special connection to this property and it would be a real shame if they possibly couldn't settle here in the future due to zoning changes.

While we agree that Tasmania's landscapes should be protected, we believe it can be done best through RLZ as it has been done historically through ELZ and Rural Residential zonings. Rezoning to LCZ would harm our continuous use of the land as allowed when purchased.



Figure 1: Front Gate / Bottom paddock

LCZ DOES NOT COMPLY WITH LUPAA ZONE GUIDELINES

Section 34 of LUPAA says the Commission must check if the LPS meets the Act's criteria, including zone guidelines. LCZ 4(a) states that LCZ should NOT be used where the land's '**priority is for residential use and development**'. The guidelines say LCZ is not for large residential lots 'characterised by native vegetation cover and other landscape values.'

Originally when we purchased, our property was zoned 'Rural Resource' and is currently zoned Environmental Living (ELZ) since around 2014 when the Kingborough Council rezoned a lot of these rural properties without consultation, (at least we didn't know)! The **primary use and strategic intention of the land is and has always been residential / rural**. It had a permanent dwelling built in 1995 and has been occupied continuously. We are on mains power, full mobile & NBN reception and the original phone line is available. There's no evidence the land's primary use is anything other than residential / rural.

LUPAA guidelines also state LCZ is not a replacement for ELZ. The priorities don't match: ELZ Living priority permits dwellings, but LCZ prioritises conservation with discretionary dwellings.

In correspondence with the Planning Authority, the TPC noted that the LCZ “appears to have been used ...to replace ELZ”, a policy or strategy shift which should be ‘comprehensively justified’. Neither the draft LPS nor IreneInc’s review has provided detailed, site-specific reasons for changing our land’s priority. They based their decision on general landscape values and rural settlement judgments, neither had community input.

LCZ DOES NOT COMPLY WITH LUPAA OBJECTIVES

LUPAA Schedule 1, Objective (b), aims for ‘fair, orderly, and sustainable’ land use. Applying LCZ conflicts with this objective. It is unfair to remove permitted residential use; applying LCZ represents a **net reduction** in existing land use rights. The clear majority of Tasmanian councils moving to the Statewide Planning Scheme applied the LCZ sparingly or not at all. Only a few used it moderately or heavily. Most councils (such as Tasman) translated ELZ directly to the Rural Living Zone, yet IreneInc chose as their model three councils that applied LCZ heavily.

Many councils, including Kingborough in 2019, recognised that LCZ could lower property value, affect insurance and finance, and prevent future dwellings on empty blocks – not meeting the goal of sustainable development that supports communities to provide for their **social, economic** and cultural well-being...’ (clause 1 (a), Schedule 1 – Objectives).

RLZ IS THE APPROPRIATE ZONE

RLZ Guideline RLZ 1(a) suggests the RLZ should be applied to residential areas with larger lots used for residential and lower order rural activities, while prioritising residential amenity. This fits my property.

RLZ Guideline RLZ 2(b) states RLZ may be applied to ELZ land where the primary strategic intention is for residential use in a rural setting and a **similar** minimum allowable lot size is being applied. Our property’s size of 31.32 ha and aligns with RLZ C/D.

THE IRENEINC EVALUATION PATHWAY (DECISION TREE)

IreneInc uses a decision tree to decide zones. On Day 2 of the review hearing, the Commission was told that it’s a tool, not a rule [Kate Heckelmann, 05:53:00], and alternatives can be used with good evidence. Even so, applying the evaluation pathway correctly, my property meets the RLZ criteria rather than LCZ.

EVIDENCE OF STRATEGIC INTENT FOR LIVING

Both the original LPS and IreneInc’s report lack clear definitions of “primary strategic intent.” They ignore existing rural-residential settlements, historical land use, cultural attachment, community ties, and intergenerational living. Neither STRLUS nor the Kingborough Strategic Plan restrict rural living growth. Past land allocations, subdivision approvals, and development applications show that residential use is the ‘strategic intent’ of the land.

The review for my locality (Snug/Coningham) is stated as generally meeting strategic intent for living. As previously described this property has an established dwelling, outbuildings and infrastructure consistent with hobby farming / rural living! If the photos don’t look like Rural living, then what is?

EVIDENCE OF RURAL LIVING SETTLEMENT

IreneInc's review states that the Snug Falls community meets the 'strategic intent for living' because there is 'evidence of residential uses scattered throughout'. However, Rural Living Settlement status has been mostly denied, with the report citing a 'lack of consistent subdivision pattern with lots of the size which would contribute to a rural living settlement'.

This assessment appears biased, primarily due to two judgments. First, it favours smaller lot sizes, disregarding RLZ subcategories that limit subdivision of lots under 20ha and also minimises development on larger lots through needs of access and services (note: there is NO maximum lot size in RLZ).

Secondly, the 'consistent pattern' is only recognised if it resembles urban cul-de-sacs or road clusters, ignoring rural and lifestyle properties that are naturally sited around topographical features, inherited large lots, or purchased with future rural living in mind. For example, on Snug Falls Rd there's a clear pattern of large lot subdivision facing into the valley and up on the hill is generally East and South with obvious evidence of a rural lifestyle.

These biases overlook the fact that residents live just minutes from Snug township, where they shop, support local businesses, send children to school, recreate, and work. The reliance on a desktop analysis, which can't see beyond tree canopies and often lacks on-the-ground insight, leads to subjective judgments about rural settlements. For example, the IreneInc report notes that three adjoining properties on Snug Tiers Road display 'a consistent pattern of rural living,' as does our property, yet it is still proposed to be part of the LCZ.

Without applying rural living settlement criteria consistently and with ground-truthing, the evaluation then fails to consider whether landscape values can be managed through planning codes **nor recommends any other outcome than LCZ**, unless the area has no landscape values, which is unlikely given its rural nature and the subjective, non-consulted definition of 'landscape values'.

Homeowners in our area **strongly disagree** with IreneInc's narrow assessment. We can demonstrate that the Snug Tiers/Snug Falls community meets all three rural living settlement characteristics:

1. A pattern of **at least** 10 smaller blocks, **generally** between 1–15 ha, with a consistent lot pattern. The below figure 2 shows our property among many others in Snug Falls, with lot sizes from 0.96ha to 40, a pattern established since the late 1800's. As you can see all properties can be managed by available RLZ lot sizes to minimise subdivision potential. Our settlement at Snug Falls adjoins property proposed for RLZ at [REDACTED], and [REDACTED]

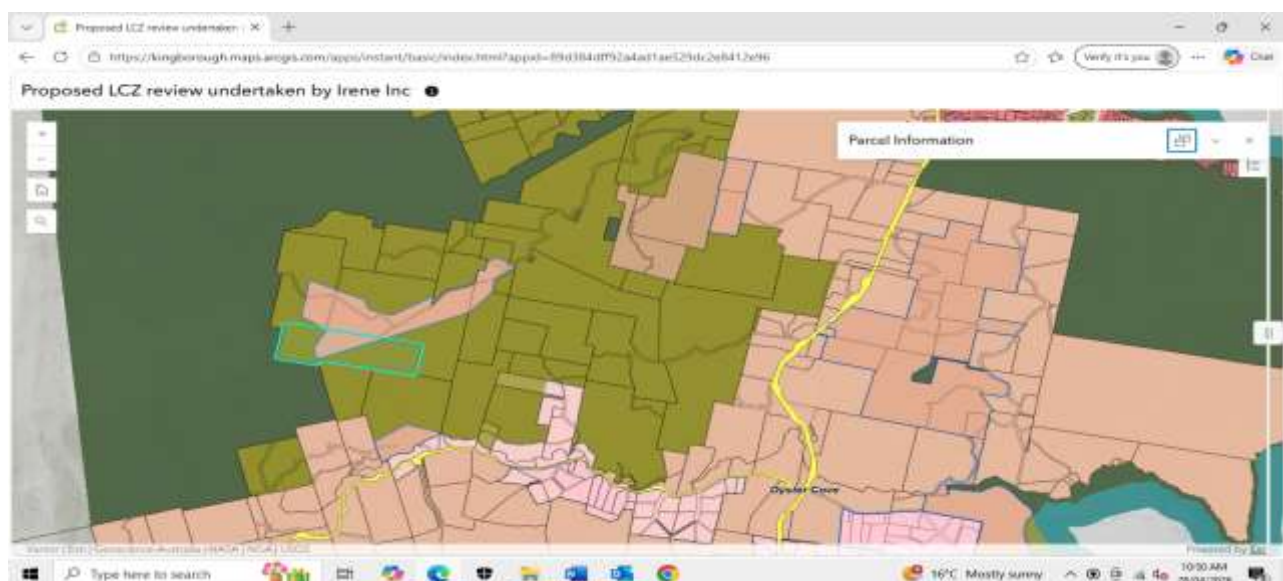


Figure 2: [REDACTED]

2. A pattern of 'detached dwellings and outbuildings', which Irenelnc admits is "generally met, as many lots have identified residences and cleared areas". Dwellings and outbuildings are on most properties in the area, whilst some have development applications or plans for future use of the vacant blocks. The fact that this area has been settled for over 120 years and has not been 'razed to the ground' is also evidence the Land Conservation Zoning is not necessary. In fact, since the logging heydays, the whole area has regenerated and is and will be better managed by a RLZ allowing land owners to actually manage the land. Below figures shows our property.

Figure 3: House and Yard



Figure 4: Main Sheds



Figure 5: Hothouse / Vege gardens



Figure 6: Chooks / compost area



Figure 7: Cows

3. Visual evidence of rural activities such as ‘clearings, grazing and hobby farming etc’. Irenelnc states that “some residential uses are associated with farming”, yet at the review hearing, it was clarified that the criteria list is only an example. My property shows obvious evidence of farming / rural lifestyle as per photos.



Figure 8: Top paddock / top dam



Figure 9: Middle paddock / potato patch



Figure 10: Mill paddock



Figure 11: Big Paddock



Figure 12: Bottom Dam / small Paddock



Figure 13: Stock yard



Figure 14: Unfenced area



Figure 15: Unfenced area

ASSESSING LANDSCAPE VALUES

The STRLUS CV 4.1 states that **community consultation** should determine landscape values. IreneInc admits in review hearings that they didn't consult. This means the assessment of whether properties meet 'landscape values' is now entirely based on the Planning Authority's judgment.

IreneInc's choice of dictionary terms 'hilly places' and 'bushland,' and focus on tree-centric descriptions, i.e.: 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are ... nestled into vegetation,' and 'bushland backdrop' are the main basis for our locality's landscape values.

This overlooks the value of other features like waterways, fields, foraging areas, and the importance of varied terrain (grasslands, clearings, open areas, trails) for different species habitat. Such diversity is vital for a healthy rural or biodiverse landscape and aligns with evidence that people prefer varied scenery, including homesteads, sheds, and domestic animals.

The lack of consultation and reliance on terminology that favours the Planning Authority's narrow definition results in a flawed or biased assessment:

1. Large areas of bushland and vegetation alone do not justify LC zoning. As confirmed at the TPC review hearing on 14/4/26, "LCZ is not for managing vegetation—that is the role of the Natural Assets Code", which applies to all properties. IreneInc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify.

2. Describing dwellings and large lots around topography as 'scattered' implies no strategic planning or intent, which is untrue.
3. Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, as set by development criteria) is worded in the report as though this is a choice or evidence that OUR preference was conservation over living: "integration of residential use ... is largely within a small proportion of a parcel", "the remaining natural setting reinforces the area's natural values".
4. Owning private property in natural settings doesn't mean residents prioritise landscape conservation over residential amenity. Irenelnc implies this repeatedly, both in review references to "built form" being "secondary to the natural landscape" and, in hearings, that lots in bushland reinforce or "contribute" to the area's "natural values". Snug Falls residents purchased homes in natural areas because they **value the contribution this makes to their Rural Living**, not to add to Kingborough's undefined scenic or "landscape values".
5. Irenelnc relied on overlays in a desktop assessment to identify landscape or environmental features across the locality, ignoring the challenges of topography and identifying these (i.e., through the tree canopy) by aerial images alone. Evidence-based alternative reports or maps of individual properties' natural settings are needed. As mentioned previously, tree cover and general regeneration in the area is the most it's been since probably the 1950's..
6. The scenic protection overlay is broadly applied to properties over 100m above sea level. The photos used in the report, sourced from realestate.com, are aerial shots intended for sale and don't accurately reflect what is seen from local roads, towns, or waterways. Even Irenelnc admits that in the locality "bushland, landform, and ridgeline features ... remain visually intact," and the reality is that the siting of almost all homes on [REDACTED] cannot be seen from vantage points and the scenic protection overlay will continue to protect these landscapes..

Channel Highway Central and Lower Snug



Channel Highway Kettering and Kettering Jetty



Our property has only a minimal visual impact locally and is barely visible from any waterway. Our property, as most in this area have a healthy growth of bushland / undergrowth and scenic protection would not be an issue for any further development as the original Rural zoning intended.

SPOT ZONING, SPLIT ZONING AND FRAGMENTATION

The TPS aims to prevent spot zoning, yet Irenelnc suggests Rural/LCZ split zones on our property (Figure2), which could cause mismatched zone priorities and land use. It's also **more logical** that the rural activity forms part of an **overall Rural Living community pattern**. There is arguably less fragmentation created by leaving one spot zoned Rural property within an RLZ settlement, than proposing multiple restrictive split zonings.

Irenelnc have also shown that their application of this method is inconsistent. For example, a large lot of 108.84ha at 2274 Channel Highway is split zoned Rural/RLZ and abuts ELZ, RLZ, and Low Density Residential zones, while smaller ELZ parcels have been denied RLZ at all.

We believe "Split Zoning" on our property, and in general will cause community division, create disputes and would be difficult for the council to administer / control. We therefore will not accept split zoning of our property.

BALANCING LANDSCAPE VALUES AND LAND USE

In their S35F report, Kingborough council states that applying the Rural Living zone to rural residential areas **may** "risk that the predominant land use pattern and characteristics of the area could be eroded over time...". This ignores the long-standing rural nature of the area and the fact that rezoning to LCZ would significantly restrict ongoing private land use, **absolutely guaranteeing** a change in "character and amenity".

The report notes a "medium/high" risk of RLZ uses in this locality but doesn't specify what those risks are, how **likely** they are considering the topography, vegetation, and existing settlement patterns, or whether they could be managed through overlay codes, SAPs, or other mechanisms. Irenelnc acknowledged that future reviews could reconsider RLZ decisions, and that any short-term risks could be mitigated. This supports the case that RLZ is appropriate for my property, not LCZ.

At the review hearings, Kate Heckelmann admitted there are **no land uses** that would impact landscape values which aren't already managed by building codes or overlays. This suggests overlaps through stricter zoning isn't necessary because landscape "values can be appropriately **managed through the application and operation of the relevant codes**" (Kingborough LPS guidelines, RLZ 4b).

Assuming LCZ is the only way to protect generic 'landscape values' ignores existing land management, bushfire mitigation efforts, biodiversity initiatives, and conflicts with the intent of the evaluation pathway of **balancing** landscape protection with existing land uses. It is illogical to rezone properties to LCZ to 'protect' the landscape that we've proven we can already care for on our own.

IreneInc suggest that LCZ zoning near Snug Recreation Area is necessary to provide connectivity to the EMZ and act as a buffer between living zones. Not only have National Parks (EMZs) already been put aside for state management, nearly every other Tasmanian council placed other living zones: Rural Living, Residential, Rural, Agricultural, and even Industrial zones next to National Parks or EMZs. It is also contradictory to the placement of Low Density Residential lots beside Coningham's EMZ reserve.

Our property borders the Snug Recreation area on 1 ½ sides as per figure2. - Having this area LCZ as proposed will limit our ability to manage the land against bushfire, especially considering there are several "Wood Chip Pile" fires burning (smouldering) in the reserve above us, and have been for many decades. Occasionally one flares up and comes to the surface as was most likely the case in Jan 2025 fires. We were lucky as it was not windy, but one day the conditions may not be so favourable – many homes border onto the Snug Tiers Rec reserve and have proposed LCZ. This may cause some serious legal headaches for the KCC if landowners are not able to manage the land to minimise fire risks.

Rural Residential owners provide a significant free workforce to manage areas on the interface of bush, coast, country and town. They need to be able to continue to mitigate natural disaster, care for native species, maintain trails, carriage ways and fire access, and remove invasive pests, which is at risk in the LCZ. Our efforts help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all - work that cannot be replaced by council staff or State Parks and Wildlife service.

SUMMARY

Throughout the LPS process, Kingborough Council has failed to consult the community and has not followed the objectives of LUPAA, which emphasise fair land use and community involvement. Their focus on environmental protection seems aimed at removing private land rights, risking long-term harm to residents' well-being and creating potential future financial and legal challenges.

We appreciate the TPC taking heed of the concerns within this letter and respectfully ask for rezoning properties from ELZ to more restrictive zones to stop. Specifically, we request that the TPC direct my property to be zoned from the ELZ to the RLZ, Rural Living Zone C/D, with environmental priorities managed by existing natural values codes.

We would be happy (Attila Szoke) to be called to any hearings to give evidence / provide feedback.

Yours sincerely,

Attila and Rashelle Szoke

██████████ Snug,

7054, Tas

Mob: ██████████

2nd May 2026