
From: Simon Azon-Jacometti [REDACTED]
Sent: Tuesday, 28 April 2026 10:31 AM
To: Kingborough LPS
Cc: Emma Azon-Jacometti
Subject: CM: Submission - Kingborough LPS Direction 69 - [REDACTED], Margate
Attachments: [REDACTED] Zonning Submission.pdf

Hello,

Please see attached submission in response to the Tasmanian Planning Commission zoning proposal.

Kind regards,
Simon and Emma

To the Tasmanian Planning Commission,

We write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends my property remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

We did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission regarding the draft LPS. We understand that this letter has been sent to ensure procedural fairness and provides us with a clear opportunity to formally participate in this stage of the process. We understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite us to discuss the matters raised.

We take up that opportunity and submit as follows.

Landowner name(s)	Simon Patrick Azon-Jacometti & Emma Rose Azon-Jacometti
Property address	██████████ Margate TAS 7054
Title reference (folio)	██████████
Lot size (approx.)	5.13 acres
Locality	Margate
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ)
Zone sought in this submission	Rural Living Zone (RLZ) Area B

We submit that the application of the Landscape Conservation Zone (LCZ) to our property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 - Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

We request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for our property under the draft Kingborough LPS.

The specific subcategory we seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

The predominant lot size on Valley View Road and its surrounds is approximately 2 hectares, consistent with Rural Living Zone B.

Our arguments in support of the determination of the Rural Living Zone (RLZ) as the appropriate zone for our property are summarised below:

1. The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

1.1 The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

Our property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During our tenure, the primary use and strategic intention of the land is and has always been residential.

The property contains a dwelling whose construction was completed in 2019, has been continuously occupied as a residence, and is serviced by power and waste treatment. There is no evidence to suggest the primary use is other than residential.

1.2 The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for our property. The Ireneinc report applies the LCZ to our property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to our title.

The Ireneinc Locality Report for Margate does not identify any specific landscape values on our title. The landscape value assessment is made at locality level without reference to the characteristics of our individual property.

1.3 The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower order rural activities, with priority given to the protection of residential amenity. This description accurately characterises our property.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the ELZ in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied. Our property satisfies both elements of this criterion.

Our property has an area of 2 hectares. This is consistent with the RLZ B minimum lot size of 2 hectares and does not provide for further subdivision under that subcategory.

2. The Ireneinc evaluation framework, applied correctly to our property, supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00].

Representations can depart from it with good evidence. However, we submit that even applying the framework as intended, our property satisfies the criteria for RLZ rather than LCZ.

2.1 Our property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators. Our property clearly satisfies this criterion. Our property contains an established dwelling, associated outbuildings including garage/shed, and garden/cleared areas/fruit trees/fencing. Aerial photography over a period of six years confirms the consistently residential character of the property.

2.2 Our property has the characteristics of a rural living settlement

The Ireneinc framework identifies rural living settlement characteristics as: at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern; a consistent pattern of detached dwellings with associated outbuildings; and visual evidence of rural activities (cleared areas, hobby farming, grazing etc.). The Ireneinc report's own locality baseline confirms that the broader settlement in which our property sits displays these characteristics.

Our property is situated within a cluster of approximately 11 properties along Valley View Road, each with lot sizes ranging from approximately 1 hectare to 5 hectares. Neighbouring properties

contain detached dwellings with associated rural activities, including hobby farming and orchards.

2.3 The identified landscape values can be managed outside of LCZ

The Ireneinc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of LCZ, specifically through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission itself accepted this argument in relation to Kettering West at Day 20, where the panel effectively found that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone [Transcript, Day 20, 02:33:54].

Our property is within a Scenic Protection Area (SPA). It is not subject to the NAC / PVA overlay. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.

2.4 The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ [A/B/C/D] to our property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot size and does not create a viable subdivision pathway.

Our property has an area of 2 hectares. Under RLZ [D], the minimum lot size is 10 ha (with an 8 hectare performance criteria). Subdivision of our property under this subcategory would not be possible, addressing any concern about intensification.

3. Any landscape values present can be managed without LCZ

Where landscape values are present on or near our property, we submit that they can be appropriately managed through the application of the relevant overlay controls, without the need for LCZ. The TPC panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas. Ireneinc itself acknowledged in the LCZ Review report that a future rural living settlement review may reconsider current RLZ decisions, and that any short-term risk is 'not something that's a definitive or a risk that can't be mitigated with future action' [Transcript, 03:06:18]. This acknowledgement of residual risk mitigation further supports the appropriateness of RLZ rather than LCZ for my property.

Our property is within the SPA / BPA. The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values identified in the locality baseline without resort to LCZ.

For the reasons set out above, we submit that:

1. The application of the LCZ to our property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.

3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for my property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone [B];
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

We request that the folio of the Register [REDACTED] at [REDACTED], Margate, be included within the Rural Living Zone [B] in the Kingborough Local Provisions Schedule.

Signed:

[REDACTED]

Simon Patrick Azon-Jacometti

Date:

22 April 2026

Email:

[REDACTED]

Signed:

[REDACTED]

Emma Rose Azon-Jacometti

Date:

22 April 2026

Email:

[REDACTED]

LODGEMENT: Email your completed submission to tpc@planning.tas.gov.au with the subject line: 'Submission — Kingborough LPS Direction 69 — [your property address]'. Include your title reference in the body of the email. The deadline is midnight Monday 4 May 2026.