

11/05/2026

Dylan & Catherine Goldspring

Kaoota TAS, 7150

Tasmanian Planning Commission
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Via email: KingboroughLPS@planning.tas.gov.au

To the Tasmanian Planning Commission,

Further to my telephone discussion with Commission staff on 11 May, I make this late submission in response to correspondence dated 2 April 2026 (reference DOC/26/36829). That correspondence advises that the Irene Inc report recommends the application of a split zoning comprising the Rural Zone (RZ) and the Landscape Conservation Zone (LCZ) to the subject property under the Draft Kingborough Local Provisions Schedule, in lieu of the Landscape Conservation Zone alone as exhibited.

As I do not occupy the subject property and have only recently moved from interstate, I did not receive, nor was I otherwise aware of, this correspondence. I understand that the correspondence was issued to afford procedural fairness and to provide affected landowners with an opportunity to make further submissions in response to the revised zoning recommendation.

I acknowledge and appreciate the Commission's agreement to accept a late submission and welcome the opportunity to respond. I therefore provide the following submission for the Commission's consideration.

I also confirm that I am a party to the Joint Submission for Sandfly, Kaoota and Allens Rivulet, lodged with the Tasmanian Planning Commission on 4 May 2026 and coordinated by Lydia Moore on behalf of 12 landowners within the same locality. That joint submission addresses the zoning outcomes recommended by Irene Inc under the Draft Kingborough Local Provisions Schedule and contends that those outcomes do not reflect the actual settlement pattern, land-use function, or planning role of the subject properties.

Consistent with the approach outlined in the joint submission, I have also lodged this separate individual submission addressing matters specific to my property. This individual submission is intended to complement, and be read alongside, the joint submission, and to provide additional property-specific evidence in support of the consistent application of the Rural Living Zone.

Landowner name	Dylan & Catherine Goldspring (Title: Kaoota Pty Ltd ATF the Siena Trust)
Property address	[REDACTED], Kaoota
Title reference (folio)	[REDACTED]
Lot size (approx.)	23.58ha
Locality	Kaoota and Sandfly
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Irene Inc recommended zone	Split Landscape Conservation Zone & Rural Zone
Zone sought in this submission	Rural Living Zone (RLZ) entire title

1. Introduction and Executive Position

This submission opposes the proposed zoning outcome for the subject land under the Draft Kingborough Local Provisions Schedule, specifically the recommendation to apply a split Landscape Conservation Zone (LCZ) and Rural Zone (RZ) to a single, integrated title.

It is submitted that the proposed zoning outcome is not supported by sound planning principles and represents a misapplication of zone intent. In particular, the proposed mapping appears to rely heavily on physical characteristics, notably topography, as a proxy for determining zone application, rather than an assessment of the land's dominant planning function, settlement context, and established planning history.

When properly assessed against the purpose and application of zones under the Tasmanian Planning Scheme, the subject land is most appropriately zoned Rural Living, applied to the entirety of the title.

2. Vacant Status and Planning Function

The fact that the subject land is currently vacant is not determinative of its appropriate zoning.

Vacancy is a transient condition and, in planning terms, is a neutral factor that must be assessed in context.

Within the Kaoota, Sandfly and Allens Rivulet locality, vacant land commonly exists as part of an established rural residential settlement pattern. Such land may represent allotments yet to be developed, land subject to prior approvals not yet acted upon, or land held for future residential construction. Vacancy does not, of itself, indicate that land is intended for conservation or rural production purposes.

In this case, the vacant status of the land must be assessed alongside its planning history, servicing context, and surrounding pattern of development, rather than being treated as evidence of an alternative dominant land-use role.

3. Prior Approval for Residential Development

The subject land has previously benefited from a development application approval for a residential dwelling. This is a substantial and relevant consideration in any strategic zoning exercise.

That approval confirms that residential use of the land has already been assessed and accepted in principle. It demonstrates that environmental, landscape, bushfire, access, and servicing considerations were considered and found to be capable of being satisfactorily addressed.

Importantly, no overriding conservation or resource-based land-use objective was identified that would justify excluding residential development.

A zoning outcome that would now materially constrain, de-prioritise, or undermine a previously approved residential use requires a clear strategic justification. No such justification has been articulated. In the absence of a demonstrated change in strategic planning direction or site conditions, zoning should respect settled development outcomes rather than retrospectively eroding them.

4. Comparative Zoning Precedents and Inconsistent Application of the Landscape Conservation Zone

The proposed zoning outcome for the subject land is materially inconsistent with the treatment of directly comparable localities assessed under the same Kingborough Local Provisions Schedule review process by Irene Inc.

Localities including Albion Heights / Bonnet Hill, Howden, residential clusters at Sandfly, and Kettering East / Oyster Cove all exhibit landscape characteristics comparable to, and in some cases more pronounced than, those of Kaoota, Sandfly and Allens Rivulet. These areas are characterised by elevated topography, sloping and ridgeline landforms, extensive native vegetation cover, scenic values, bushfire and environmental overlays, and an established pattern of rural residential settlement. Notwithstanding these characteristics, Irene Inc recommended the Rural Living Zone for those localities, expressly concluding that landscape and environmental values could be adequately managed through existing scheme overlays and code-based controls.

In each of these precedent localities, landscape descriptors such as *"elevated bushland"*, *"prominent ridgelines"*, *"scenic rural outlooks"*, and *"integration of dwellings within the landscape"* were relied upon to support continued rural residential zoning rather than application of the Landscape Conservation Zone. Medium or medium-high landscape risk ratings did not preclude Rural Living

zoning where residential settlement patterns were established and infrastructure availability confirmed the land's functional role.

By contrast, in Kaoota, Sandfly, and parts of Allens Rivulet — including the subject land — materially similar landscape attributes appear to have been elevated to determinative status in favour of Landscape Conservation Zone or split zoning outcomes. This divergence is not explained by a materially different settlement pattern, servicing context, overlay regime, or planning history. Rather, it reflects an inconsistent weighting of topography and elevation as zoning determinants, contrary to the zone-application methodology adopted elsewhere.

This inconsistency is critical. The Tasmanian Planning Scheme relies on zoning to express dominant land-use purpose, with overlays applied to manage environmental and landscape constraints. The precedent localities of Albion Heights, Howden, Sandfly, and Kettering East were assessed in accordance with this principle. The subject land has not been afforded the same methodological treatment.

When assessed against these clear precedents, the proposed zoning for the subject land represents a disproportionate and inconsistent application of the Landscape Conservation Zone, and cannot be reconciled with outcomes applied to materially similar land across the municipality. The comparative evidence therefore strongly supports reclassification of the subject land to the Rural Living Zone, consistent with established practice, zone intent, and the equitable application of the planning scheme.

This comparative inconsistency directly aligns with the Commission's expressed concerns during hearings on the Draft Kingborough Local Provisions Schedule, where Commissioners questioned how materially similar landscape descriptions and settlement characteristics could reasonably result in divergent zoning outcomes. The Commission expressly noted that features such as elevation, ridgelines, and vegetated slopes are common across many rural residential localities and do not, of themselves, justify elevating conservation outcomes above residential use. Commissioners further emphasised that landscape and environmental values are more appropriately managed through overlays, and that zoning should reflect dominant land-use function rather than reliance on proxy indicators such as topography or visual prominence. The proposed zoning of the subject land departs from this reasoning and is inconsistent with both the Commission's articulated concerns and zoning outcomes applied in comparable localities across Kingborough.

5. Infrastructure and Settlement Context

The subject land is located within a locality that is serviced by electricity infrastructure, consistent with an established rural residential settlement pattern.

The availability of power services is a strong indicator that residential development has long been anticipated and supported in this area. Infrastructure provision reflects land-use intent and settlement planning, not incidental or speculative outcomes. Land primarily intended for landscape conservation or rural production does not typically form part of an area subject to this level of servicing.

This servicing context reinforces the conclusion that the subject land forms part of a rural residential settlement framework rather than land intended to be managed primarily for conservation or agricultural production.

6. Reliance on Topography as a Zoning Determinant

A fundamental concern with the exhibited mapping is that the extent of the Landscape Conservation Zone appears to be largely derived from topography, specifically the fact that the land forms part of a hill or elevated landform.

Topography alone is not a valid or sufficient basis for application of the Landscape Conservation Zone. Hills, ridgelines, and sloping land are defining and widespread characteristics of the Kaoota, Sandfly, and Allens Rivulet landscape and are present across long-established rural residential areas, approved residential allotments, and land historically zoned Environmental Living. If elevation or slope were, of themselves, determinative of zoning, a far broader reclassification of the locality would be required. That outcome would be inconsistent with the evident intent of the planning scheme and the settled pattern of development in the area.

The Tasmanian Planning Scheme deliberately separates physical constraints, which are addressed through overlays, from dominant land-use purpose, which is expressed through zoning. Using landform as a proxy for conservation intent collapses this distinction and undermines the structure and integrity of the Scheme.

7. Misapplication of the Landscape Conservation Zone

The Landscape Conservation Zone is intended to apply where conservation and protection of landscape values is the primary and overriding land-management objective. Applying this zone to the subject land is inconsistent with both planning reality and planning history.

The land has previously been approved for residential development, is located within a serviced rural residential locality, and does not exhibit any site-specific characteristics that elevate it above surrounding land in terms of conservation primacy.

Environmental and landscape values associated with vegetation, slope, and visual prominence are already addressed through overlay controls. Extending the Landscape Conservation Zone into areas whose dominant function is residential results in duplication of controls rather than a coherent strategic outcome.

8. Unsound Application of Split Zoning

The proposed split application of the Landscape Conservation Zone and Rural Zone across a single title is arbitrary and unsupported.

There is no internal change in land capability, servicing, access, or planning function across the site.

The land operates, and has been assessed, as a single integrated holding. Introducing multiple zones across the title creates artificial internal boundaries that do not correspond to any functional or planning distinction.

The Tasmanian Planning Commission has consistently emphasised that intra-lot zoning should only occur where there is a clear, durable, and legitimate planning basis. No such basis exists in this case.

The proposed split zoning introduces unnecessary complexity, conflicting assessment pathways, and ongoing uncertainty without any corresponding planning benefit.

9. Inappropriateness of the Rural Zone

The Rural Zone is intended for land where agricultural production or resource-based use is the primary purpose and residential use is ancillary.

The subject land has not been assessed, approved, or functioned as land intended for primary production. Residential use has previously been accepted as a stand-alone outcome. Applying the Rural Zone in this context misrepresents the land's dominant planning role and does not reflect its established or intended use.

10. The Rural Living Zone as the Appropriate Outcome

When assessed against zone purpose, planning history, servicing context, and settlement pattern, the Rural Living Zone is the only zone that coherently reflects the role of the subject land.

The Rural Living Zone is specifically intended for land outside urban boundaries that supports residential use in a rural setting, with environmental constraints managed through overlays. Applying this zone to the entirety of the title would align zoning with reality, preserve appropriate environmental protections, and restore clarity and consistency to the planning framework.

11. Requested Determination

It is respectfully requested that the Tasmanian Planning Commission:

- Reject the proposed split application of the Landscape Conservation Zone and Rural Zone to the subject land; and
- Amend the Draft Kingborough Local Provisions Schedule to apply the Rural Living Zone to the entirety of the title, with an appropriate minimum lot size consistent with the existing rural residential settlement pattern and the land's approved development capability.

Yours sincerely,

