
From: Andre Lobanov [REDACTED]
Sent: Monday, 4 May 2026 7:41 AM
To: Kingborough LPS
Subject: Representation, Andre Lobanov [REDACTED] Kaoota
Attachments: TPC_Submission [REDACTED] Kaoota signed A_lobanov.pdf

To Whom it may concern,

Please find attached my representation for zoning changes at [REDACTED] Kaoota.

Best Regards,
Andre Lobanov
[REDACTED]

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TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

29 April, 2026

Andre Lobanov

Kaoota TAS 7150

Phone: [REDACTED]

Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart TAS 7000
Via email: KingboroughLPS@planning.tas.gov.au

To the Tasmanian Planning Commission,

I write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends my property be included within the Rural Zone (RZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ) as exhibited. We recognize the Ireneinc suggestion to move to RZ from LCZ is a partial improvement, however RZ does not adequately recognise the Residential character of our property or the intended residential use apparent when we purchased the property. Under the Kingborough Interim Planning Scheme 2015, our property is zoned ELZ — a zone expressly intended to accommodate residential use within landscapes subject to environmental constraint.

I did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission. I understand that the letter sent to us (dated 2 April 2026) has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. I take up that opportunity and submit as follows.

PROPERTY DETAILS

Landowner name(s)	Andre Lobanov
Property address	[REDACTED]
Title reference (folio)	[REDACTED]
Lot size (approx.)	~ 10Ha
Locality	Kaoota
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Zone
Zone sought in this submission	Rural Living Zone (RLZ)

1. Purpose of Submission

I welcome the Ireneinc recommendation to move my property away from the Landscape Conservation Zone (LCZ) as exhibited. The LCZ is not an appropriate zone for my property, and I am pleased that the review has recognised this.

However, I do not consider the Rural Zone (RZ) to be the most appropriate outcome. I submit that the Rural Living Zone (RLZ) better reflects the existing use, settlement character, and residential intention of my land, and is more 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), and the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the RLZ is the appropriate zone for my property under the draft Kingborough LPS.

The lots situated along [REDACTED] range from ~ 2.8 - 10 Ha, so Subcategory B is consistent with the existing range of lot sizes.

The specific RLZ subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality.
- If different categories of RZ are allowed along [REDACTED] then my lot, at 10.26 Ha is more consistent with RZ category D.

The lots along [REDACTED] have been used for agriculture by the previous owners the Bachelor family for approximately 60 years. The lots were sold by the Bachelors within the last 10 years under the ELZ (a zone expressly intended to accommodate residential use within landscapes subject to environmental constraint) and although parts of the lots have significant conservation values and overlays, the characteristics of the land - with existing cleared areas suitable for house development - represent a residential use and not a primary or defining purpose of landscape conservation or rural.

The RZ has a minimum lot size of 40 Ha. As my property and all those along [REDACTED] are at or less than 10.3 Ha, these properties don't meet the minimum lot size requirement for RZ, placing them more logically in the RLZ. It does not seem legally feasible to group them together to achieve the 40Ha requirement, when each lot is owned by an individual.

2. Grounds for the Submission

2.1 – The Landscape Conservation Zone is not justified on a sitespecific basis

While the Ireneinc review has moved away from applying the Landscape Conservation Zone (LCZ) to my property, it remains relevant to record that LCZ was never justified on a sitespecific assessment of the land and should not be retained or reconsidered as an alternative outcome.

The LCZ is intended to apply to land where the dominant and primary role of the land is landscape conservation, and where that role would be compromised by residential use or settlement. That is not the case for my property.

My property does not contain any unique, rare, or defining landscape feature that distinguishes it from surrounding rural residential land. It does not form part of a ridgeline, landmark landform, coastal vista, or visually prominent backdrop. The land sits within a modified rural landscape that has been shaped for decades by lawful access, vegetation management, and residential-scale land use.

Importantly, any landscape or environmental values present on the land are not unregulated in the absence of LCZ. Those values are already identified and managed through the Priority Vegetation Area overlay, Scenic Protection Code, Natural Assets Code, and hazard overlays. These controls are targeted, precise, and capable of managing sitespecific impacts without subordinating the land's primary residential function.

Zone Guideline LCZ 4(a) expressly states that the Landscape Conservation Zone should not be applied where residential use and development is the priority for the land. Under the former Environmental Living Zone (ELZ), and through successive ownership, the strategic intention for this land has consistently been residential use within a rural and environmentally constrained setting. That intention has not changed.

Accordingly, even if RLZ were not accepted, the application of LCZ to this property would remain inconsistent with the Zone Guidelines, unsupported by sitespecific landscape evidence, and unnecessary given the existing overlay framework.

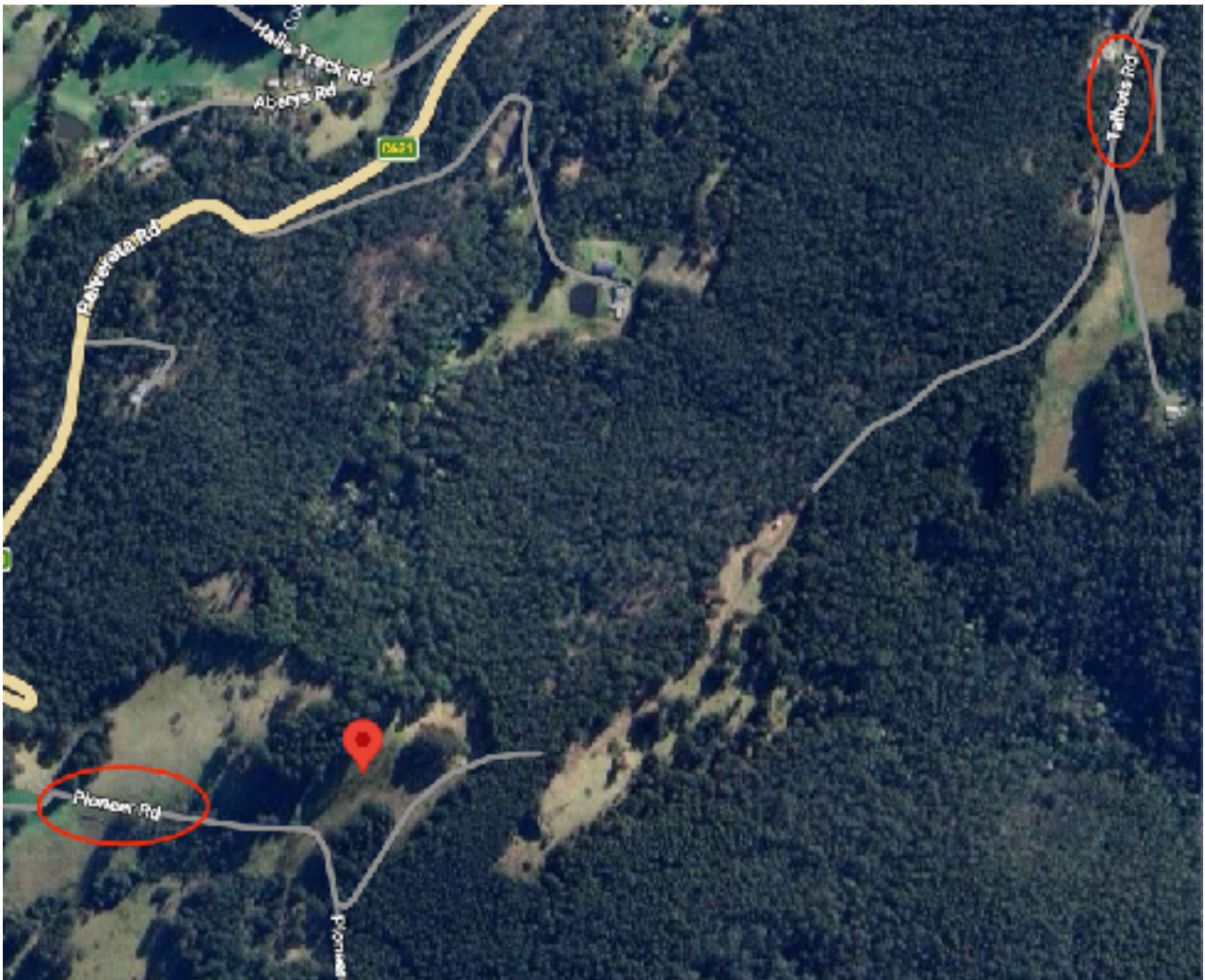
2.2 – RZ does not adequately recognise the residential character of my property

While I welcome the Ireneinc recommendation to move away from LCZ, the RZ purpose is directed at land in non-urban areas where agricultural use is limited or marginal and where the primary function is rural rather than residential. The RZ does not give priority to residential amenity and treats dwellings as a discretionary use that must demonstrate compatibility with surrounding rural activities.

The landscape character of the land in this vicinity, including the Pregnalls/Talbots Road settlements, has been influenced for decades by:

- The ongoing presence of a residential dwelling for approximately 40 years
- Associated access, services, vegetation management, and land use
- Settlement continuity with adjoining rural living properties

The [REDACTED] settlement is adjacent to Talbots Rd and has vehicular access as seen in the maps screen shot below with a pin on the location of [REDACTED]



2.2A – The RZ purpose does not reflect the primary intention of my land

The purpose of the RZ (Zone Guidelines, clause 20.1.1) is to provide for use or development in a rural location where agricultural use is limited or marginal, that requires a rural location for operational reasons, and that minimises adverse impacts on surrounding uses. While my property is rural in setting, its primary existing and intended use is residential — not agricultural or resource-based. The RZ does not give priority to the protection of residential amenity in the way the RLZ does.

We bought the property in 2024 with the intent of building our home. The ELZ of the land at the time of purchase clearly expresses the purpose of residential use with strong environmental protections. The previous

owners also planned to build their home on the property and had invested ~\$16,000 on documentation towards getting a D.A. underway for their residential use. We have now lodged our D.A. including soil and wastewater assessment. Our adjacent neighbors at 23 [REDACTED] have their building permit approved for their home and have begun building. These uses are consistent with RLZ, not agriculture or resource-based uses.

2.2B - The Rural Zone produces inappropriate regulatory outcomes for land with an established residential function

While the Rural Zone (RZ) is an improvement on the Landscape Conservation Zone, it nevertheless remains an incorrect regulatory classification for my property, because it fails to recognise the established and intended residential function of the land and imposes planning consequences that are inconsistent with its use, surrounding settlement pattern, and lot structure.

The purpose of the Rural Zone is to facilitate use and development in non-urban areas where the primary function is rural, including agriculture or resource-based activity, and where residential use is subordinate or incidental to that function. This does not reflect the reality of my property or the [REDACTED] settlement.

- Residential use is treated as discretionary and secondary under RZ

Under the Rural Zone, a dwelling is not a priority or assumed use. Instead, residential development must be justified against compatibility with surrounding rural activities and is assessed as a discretionary proposal within a zone that gives primacy to rural operations rather than residential amenity.

This approach is fundamentally misaligned with my property, where:

- the intended and prevailing use is residential;
- no commercial agricultural activity is undertaken; and
- surrounding lots are being developed or occupied as dwellings.

The Rural Living Zone, by contrast, explicitly prioritises residential amenity and is designed to accommodate dwellings as the primary and anticipated land use.

- The Rural Zone exposes residential land to reverseamenity conflict

Applying the Rural Zone to land that functions as residential creates an ongoing risk of reverseamenity conflict, by:

- permitting rural or agricultural activities on adjoining land without adequate regard to residential amenity; and
- placing the burden on future residential uses to demonstrate compatibility with activities that are unlikely to occur in practice.

This is neither equitable nor realistic in a locality where settlement is already established, and residential development is proceeding lawfully.

- Minimum lot size requirements demonstrate structural mismatch

The minimum lot size for the Rural Zone (40 hectares) highlights its fundamental incompatibility with the existing lot pattern along [REDACTED] and Talbots Road, where lots range from approximately 2.8 to 10.3 hectares. These lots have been lawfully created, are individually titled, and are not capable of consolidation to meet rural-scale thresholds.

This confirms that the land does not function as rural production land and should not be regulated as such. The Rural Living Zone subcategories are expressly designed to accommodate this range of lot sizes without enabling inappropriate intensification.

- RZ undermines planning certainty for ordinary residential use

Applying the Rural Zone to land with an established residential trajectory introduces unnecessary uncertainty for routine residential outcomes, including:

- dwellings and ancillary outbuildings;
- sheds and minor domestic infrastructure;
- vegetation management associated with residential use; and
- normal improvements expected of rural residential landowners.

These are not consequences of overdevelopment risk, but rather of applying a zone whose regulatory logic does not align with how the land is used or intended to be used.

- ***The Rural Living Zone provides the correct regulatory balance***

The Rural Living Zone exists precisely to avoid these outcomes. It:

- recognises residential use as the primary function of the land;
- protects residential amenity;
- provides appropriate lot size controls to prevent further fragmentation; and
- relies on overlays to manage environmental and landscape values where they exist.

In this context, the Rural Zone does not represent a neutral or middle position between LCZ and RLZ. It is a misclassification that fails to reflect the land's role, imposes inappropriate regulatory tests, and treats residential use as exceptional rather than expected.

2.4 – The RLZ purpose more accurately describes my purpose – residential

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 is a precise description of my property. Zone Guideline RLZ 2(b) further confirms that the RLZ may be applied to ELZ land where the primary strategic intention is for residential use and development within a rural setting.

The primary intended use of this property is residential, with vegetable gardens, a small workshop and caretaking of the natural values as guided by the overlays and in alignment with the RLZ.

Strategic Residential Intention

The first decision point in the Irene Inc pathway is whether there is a strategic intention for residential use. While no dwelling is yet constructed, the combination of:

- a very recent residential development application on our property, and an adjacent property's residential permit; and
- the surrounding rural residential settlement pattern,

clearly establishes residential intent. The framework does not require an existing dwelling where intent is otherwise evident.

Rural Living Settlement Characteristics

The Irene Inc framework describes rural living settlements as comprising:

- multiple lots, generally 1–15 ha;
- detached dwellings and outbuildings; and
- low intensity rural activities such as clearing or hobby use.

Our property already has cleared areas suitable for building a residential dwelling.

2.5 – My property satisfies the Ireneinc criteria for RLZ, not merely RZ

The Ireneinc evaluation framework identifies specific suitability indicators for RLZ, including evidence of residential use; a settlement pattern of at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern (Pregnells/Talbots Roads); a consistent pattern of detached dwellings with associated outbuildings; and visual evidence of rural activities. My property and the surrounding settlement satisfy these indicators for proposed dwellings, which is why RLZ — not RZ — is the appropriate outcome.

2.6 – Residential intention is clearly established

The Ireneinc framework's first decision point asks whether there is a strategic intention for residential use. My property clearly satisfies this: with a DA to build a house for residential use underway at Council, and the ELZ under which it has operated was a residential zone that permitted dwellings as of right. There is no ambiguity

about the intended residential use of this land. Our neighbours at 23 [REDACTED] have begun building their home, as they are 2 or 3 years ahead of us in the permitting and approvals process.

2.7 – Rural living settlement characteristics are present

The Ireneinc framework requires evidence of a rural living settlement pattern: at least 10 smaller blocks generally ranging 1–15 ha with a consistent lot pattern, detached dwellings with outbuildings, and rural activities. The broader settlement in which my property sits clearly displays these characteristics, as confirmed in the Ireneinc Locality Report for my area. Please refer to our inclusion in the group representation with Talbots Road residents.

3.TPC panel statements from the hearing support RLZ over RZ

3.1 – RZ was described as an alternative to RLZ, not a preferred outcome

The Ireneinc modifications consistently note that 'RZ should be considered as another alternative in place of RLZ, potentially as being more suitable than LCZ in some instances.' This framing makes clear that RZ is a fallback — not a preference over RLZ — where residential settlement characteristics do not clearly establish RLZ. Where those characteristics are present, as on my property, RLZ is the preferred outcome.

3.2 – Ireneinc recommended full RLZ transitions for comparable localities

The Ireneinc report recommended full ELZ to RLZ transitions for Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission. In each case, the key factors were: established residential settlement pattern, lot sizes consistent with RLZ subcategories, and absence of significant landscape values on individual titles. My property shares these characteristics. We have significant landscape values on our property, which can be effectively managed through overlays and permitting. We are committed to the protection of these important environmental values, which is why we want to build our home there. We place a high value on our flowering gums and will work towards their protection.

3.3 – Visible rural activity is not required for RLZ

The TPC panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This was applied across Howden, Albion Heights, and Kingston West. Properties do not need to demonstrate active farming or grazing — residential use in a rural setting is sufficient. The absence of active agricultural use on my property does not preclude RLZ.

3.4 – The evaluation framework is not a statutory framework

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission must assess my property against the Zone Guidelines, not the Ireneinc framework alone. Where the framework defaults to RZ but the Zone Guidelines support RLZ, the Zone Guidelines prevail.

4. The RLZ subcategory provides adequate protection of landscape values

The Ireneinc report and the Zone Guidelines both identify the risk that RLZ could enable further subdivision that might adversely affect landscape values. However, this risk is addressed by selecting the appropriate RLZ subcategory. Zone Guideline RLZ 2(b) specifically contemplates applying RLZ D (minimum 10 ha) to ensure no further subdivision occurs where lot sizes are large. Similarly, RLZ C (minimum 5 ha) or B (minimum 2 ha) can limit subdivision where current lots are in that range.

My property is 10 Ha. Under RLZ [D] the minimum lot size is 10 Ha. Subdivision would not be possible addressing any concerns about intensification.

Furthermore, where landscape values exist in the broader locality, they can be appropriately managed through the Natural Assets Code (NAC), the Priority Vegetation Area (PVA) overlay, and the Scenic Protection Code (SPC). Ireneinc's position was that landscape values can be managed through overlays. The Commission has not yet determined this matter. [02:33:54], finding that overlay controls do the landscape-protection work, not the zone itself.

My property has some coverage from the Priority Vegetation Area overlay, and has existing cleared areas outside of the overlay. These controls, combined with the RLZ minimum lot size, provide sufficient protection of any landscape values whilst allowing a residential RLZ purpose, without requiring RZ.

4.1 – Consistency with comparable properties and localities

Applying RZ rather than RLZ to a property with clear residential settlement characteristics creates an inconsistency with comparable properties in the municipality that have been recommended for or confirmed in RLZ. Where neighbouring or nearby properties with substantially similar characteristics — lot size, existing dwelling, rural setting — have been recommended for RLZ, there is no principled basis for treating my property differently.

The properties on Pregnalls/Talbots Road in the same area as the [REDACTED] settlement have been listed as RLZ. These properties have similar lot size range, dwelling and rural setting as the proposed/under development at [REDACTED]. There is no justification to give one a RLZ and not the other.

4.2 – Role and sufficiency of overlays

Irene Inc's findings consistently emphasise that overlays are the primary mechanism for managing environmental and landscape constraint within settled areas.

The subject land is affected by overlays addressing:

- Scenic protection
- Priority vegetation
- Bushfire risk
- Landslide hazard

In a context of surrounding settlement with existing residential use, these overlays provide proportionate and targeted regulation.

Applying LCZ/RZ in addition to these controls does not meaningfully improve outcomes; it merely elevates restriction on land that is more appropriate as RLZ.

My property is subject to Priority Vegetation Area and Scenic Protection controls. Irene Inc expressly concluded in Kettering East & Oyster Cove that these controls, together with minimum lot size and standard development controls, were capable of managing landscape values adequately, supporting a full RLZ outcome. The same overlays apply to the [REDACTED] area of 'Sandfly & Kaoota'.

4.3 - Inconsistency in the Ireneinc evaluation framework

Irene Inc applied a medium risk rating to Kettering East & Oyster Cove and recommended full RLZ for the locality, a recommendation that was accepted by the Commission following examination of the role of overlays during the Day 2 hearing. By contrast, the Sandfly & Kaoota locality was divided, with the Talbots Road cluster acknowledged as suitable for RLZ and the remaining LCZ balance attributed to perceived fragmentation and larger lots beyond the settlement pattern. [REDACTED] is adjacent and so relevant in this context.

This distinction does not explain why land within the area — which Irene Inc recognised as a rural living cluster — should be treated differently from Kettering East & Oyster Cove. In both cases, Irene Inc accepted that development codes and overlays manage landscape values effectively, and that the presence of residential settlement does not undermine landscape character.

The comparative application of the same evaluation framework therefore demonstrates that the outcome for the [REDACTED] settlement is inconsistent with the outcome accepted for Kettering East & Oyster Cove, despite materially similar landscape descriptions, settlement characteristics, overlay coverage, and risk

assessments. No clear, sitespecific justification is provided for subordinating residential use in the [REDACTED] cluster when it was not considered necessary in the comparable locality.

This comparison reinforces the conclusion that applying the Landscape Conservation Zone to land within the [REDACTED] settlement is not the product of a principled distinction, but rather of **where a zoning boundary was drawn**, despite Irene Inc's own findings that rural living use is established and can be appropriately managed through existing controls.

The following key statements from the Day 20 TPC hearing is also relevant:

- Commissioner Rohan Probert [01:07:48]: Directly identified that landscape descriptions for Tinderbox East and Howden are near-identical yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two. This principle applies to the inconsistency applied to our property.
- Commissioner Dan Ford [02:33:54]: Forced the concession that the Priority Vegetation Area overlay does the landscape-protection work, not the zone. This principle applies where PVA overlay is present on my property.
- Kate Heckelmann (Ireneinc) [05:53:00]: The evaluation framework is a tool, not a statutory instrument. Submissions can depart from it with good evidence.

I request that the Commission give regard to these inconsistencies in assessing this submission, and in particular to the specific comparison rows identified above, which demonstrate that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

5. Locality specific context: Sandfly and Kaoota

Irene Inc recommends a mixed zoning outcome for Sandfly & Kaoota, with RLZ along Pregnall's Road and Talbots Road, and Rural Zone elsewhere. Talbots Road is expressly identified as part of the Rural Living settlement.

Approximately 80 percent of properties at the end of Talbots Road are already developed or have approval for residential development, confirming that the area functions as a settled ruralresidential locality rather than a conservation transition. [REDACTED] is an adjacent settlement to Talbots Road and shares similar characteristics from a zoning perspective.

The Commission accepted this mixed outcome at the Day 2 hearing without challenge, reinforcing that RLZ is appropriate for land within the Talbots Road settlement area. There is no reason this should not also apply to the [REDACTED] settlement, as it is the neighboring area.

1. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for land with an established and intended ruralresidential function.
2. Any landscape values affecting the subject land can be appropriately and proportionately managed through existing overlay controls without the need to subordinate residential use through application of the Landscape Conservation Zone or Rural Zone.

6. Conclusion and relief sought

For the reasons set out above, I submit that:

1. While I welcome the Ireneinc recommendation to move away from the LCZ, the RZ does not adequately recognise the intended residential character of my property.
2. The Landscape Conservation Zone is inconsistent with Zone Guideline LCZ 4(a), which provides that the zone must not be applied where the priority for the land is residential use and development.
3. My property satisfies the criteria for RLZ under Zone Guidelines RLZ 1(a) and RLZ 2(b): it is a residential property with larger lots in a rural setting, with a mix of residential and lower-order rural activities, and the primary strategic intention is residential.
4. The appropriate RLZ subcategory for my property will reflect the existing lot size and settlement pattern and will not create a pathway for further subdivision.
5. Any landscape values in the broader locality can be appropriately managed through existing overlay controls — NAC, PVA overlay, and SPC — in combination with the lot size controls of the RLZ subcategory, without requiring RZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property at address [REDACTED] [REDACTED] Kaoota, within the RLZ with the appropriate subcategory either A/B/C/ or D; and
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

Signed:

[REDACTED]

Date:

2nd/May/2026

Andre Lobanov

[REDACTED]

[REDACTED]

Full name:

Contact email / phone:

APPENDIX A – Site photos









