
From: Lydia Moore <[REDACTED]>
Sent: Wednesday, 29 April 2026 4:56 PM
To: Kingborough LPS
Subject: Submission - Kingborough LPS Direction 69 - [REDACTED], Sandfly
Attachments: TPC Submission_[REDACTED] Sandfly.pdf

Further to your reference, DOC/26/36829, please find attached our formal submission for [REDACTED], Sandfly, title reference [REDACTED] to be considered by the Commission.

We would also invite to be listed for a hearing and will be providing a collective submission in the coming days.

Please return email to acknowledge receipt.

Kind Regards,
Lydia Moore & Michael Welling

29 April, 2026

Lydia J Moore & Michael J Welling

Sandfly TAS 7150

Email:

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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 Commission's letter dated 2 April 2026 advising that the Irene Inc Direction 69 report recommends my property remain within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

While I did not lodge a formal representation during the public exhibition period, I was not aware at that time that my property was proposed to be zoned LCZ. I understand the Commission has since received correspondence from me in relation to the draft LPS, and that this letter provides an opportunity to participate formally in the current assessment stage. I acknowledge that a written submission does not confer an automatic right to be heard, but that the Commission may invite further discussion where it considers this helpful.

I take up that opportunity and submit as follows.

PROPERTY DETAILS

Landowner name(s)	Lydia Jane Moore and Michael John Welling
Property address	[REDACTED], Sandfly
Title reference (folio)	[REDACTED]
Lot size (approx.)	52.17ha
Locality	Sandfly & Kaoota
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Irene Inc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone D

STATEMENT OF POSITION

I submit that application of the Landscape Conservation Zone to my property does not satisfy the assessment criteria in section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), is inconsistent with the Zone Application Guidelines (Guideline No. 1), and is not supported by the Southern Tasmania Regional Land Use Strategy (STRLUS).

I therefore request the Commission determine that the **Rural Living Zone (RLZ)** is the appropriate zone for my property under the draft Kingborough LPS.

The specific sub-category sought is:

- **Rural Living Zone D** (minimum lot size 10 ha), which is intended for larger allotments where no further subdivision is contemplated.

Lot sizes along [REDACTED] range from approximately **0.38 ha to 64.91 ha**, with an average of **8.06 ha**, a pattern consistent with Rural Living settlement.

GROUND'S FOR SUBMISSION

Statutory and Policy Framework

Under section 35L(2) of LUPAA, the Commission is required to assess whether the draft LPS satisfies the LPS criteria, including compliance with the Zone Application Guidelines. At the Day 20 hearing the Commission confirmed that zoning decisions will be made by reference to the statutory criteria in section 34 of LUPAA, and not by reference to Council resolutions or policy preferences, including Council's 16 March 2026 "least restrictive alternative" position.

Against that framework, the application of the LCZ to my property is not supported.

The Landscape Conservation Zone Is Not Appropriate

Priority of Residential Use (LCZ Guideline 4(a))

Guideline 4(a) of the Zone Application Guidelines provides that the Landscape Conservation Zone must not be applied where the priority is residential use and development, and that the Rural Living Zone should be considered in such circumstances. The guidelines further state that the LCZ is not to operate as a large-lot residential zone in vegetated or rural landscapes.

A **recent development approval** has been granted for residential development on my property under the current ELZ provisions. That approval represents a contemporary, site-specific statutory assessment of residential amenity, servicing, environmental values, and landscape impacts, and confirms that residential use is appropriate for the land in planning terms.

While individual permits do not dictate strategic zoning outcomes, the recency of this approval provides strong evidence of the current function and planning priority of the land. Applying LCZ to land where residential use has been recently and expressly endorsed is inconsistent with Guideline 4(a).

LCZ Is Not a Replacement for ELZ

The Zone Guidelines state expressly that the Landscape Conservation Zone is not a replacement for the Environmental Living Zone, and that the two zones reflect materially different policy objectives.

The Commission itself has previously noted that LCZ "appears to have been used quite extensively to replace the ELZ", and that such application may signal a shift in Council policy requiring clear strategic justification. No parcel-specific justification of that kind has been provided for my property.

The Irene Inc assessment relies on landscape character described at a **broad locality scale**, not on any demonstrated landscape value specific to my title. The locality report for Talbots Road does not identify:

- any mapped or described landscape element on my land;
- any distinctive landform, vegetation community, or scenic landmark attributable to the property; or
- any role played by the property in maintaining landscape integrity beyond that of the surrounding area.

The LCZ recommendation therefore rests on associative characteristics such as elevation or general vegetated context, rather than evidence of a primary conservation function. This approach risks treating LCZ as a default successor to ELZ, contrary to the Guidelines.

It also appears that part of the basis for application of the Landscape Conservation Zone in this locality appears to be driven by an administrative boundary rather than by land use function or any demonstrated landscape or conservation value. In practice, the LCZ mapping commences precisely at the point where the Council-managed road terminates and a Crown reserve road begins. This transition does not, either in planning policy or principle, establish land as having a primary conservation purpose.

The Crown reserve road has provided established access to residences at the end of [REDACTED] for more than 20 years and functions as part of an existing rural residential access network. Its Crown status has not altered, constrained, or redefined the longstanding residential use and settlement pattern that exists at the termination of [REDACTED]. Reliance on the presence of a Crown reserve road as justification for LCZ application improperly conflates land tenure with land use function.

The result is an artificial zoning boundary that aligns with where [REDACTED] responsibility ceases, rather than where residential settlement ends or where a demonstrable shift in landscape character or conservation function occurs. This approach lacks a site-specific planning rationale and reinforces that the LCZ recommendation is not founded on intrinsic landscape values of the subject land, but on an arbitrary boundary condition unrelated to statutory zoning criteria or Zone Application Guidelines.

Further reinforcing the absence of any genuine transition in land use or settlement function, essential infrastructure servicing extends to the end of [REDACTED]. Electricity reticulation is already established along the full length of the road, including the Crown reserve section, providing connection capability to properties at its termination. The presence of this infrastructure is a clear indicator of an existing and intended rural residential settlement pattern, rather than a remote or conservation-focused landscape interface. In planning terms, the provision of reticulated power is a fundamental characteristic of serviced residential land and is inconsistent with the application of a zone intended to prioritise conservation values over development. Its existence further demonstrates that the LCZ boundary does not reflect a change in servicing, accessibility, or land use function, but instead follows an administrative distinction that has no bearing on the strategic planning merits of the land.

The Rural Living Zone Is the Appropriate Zone

Compliance with RLZ Guidelines

Guideline RLZ 1 applies to residential areas with larger allotments where use is predominantly residential within a rural setting, and where protection of residential amenity is paramount. Guideline RLZ 2(b) further enables RLZ application to ELZ land where residential use is the primary strategic intention and a similar minimum lot size is retained.

My property satisfies both elements.

Although the lot is large, lot size alone is not determinative of LCZ suitability. LCZ is intended for land where conservation is the primary purpose and residential use is clearly secondary. Here:

- the settlement context along [REDACTED] is rural-residential;
- residential use has been recently approved; and
- the scale of the allotment enables residential use without landscape domination.

Applying LCZ on the basis of lot size alone would conflict with explicit guidance that LCZ is not a large-lot residential zone.

Irene Inc Evaluation Framework

The Irene Inc evaluation framework is an assessment tool, not a statutory instrument, a point expressly acknowledged during the Day 20 hearing. While the framework may assist analysis, the Commission is not bound by its outputs.

Even applying the framework as intended, the subject land meets the indicators for a Rural Living Zone outcome.

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 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.

Settlement Pattern and Local Context

██████████ comprises approximately 25 allotments, with a wide range of lot sizes. Nineteen of those properties are zoned Rural Living Zone, and only a small number have been identified for LCZ, largely due to broad ridgeline mapping rather than land-use differences.

Notably, a directly adjoining property previously identified for LCZ has since been rezoned to RLZ despite similar size and context. This underscores the absence of any material distinction relevant to zoning.

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.

The locality baseline for Sandfly confirms these characteristics. Nineteen RLZ-zoned properties along ██████████ reflect an established rural-residential settlement, within which my property sits.

The appropriateness of a Rural Living Zone outcome for the ██████████ settlement is further confirmed when the Irene Inc evaluation framework is applied consistently across comparable localities.

Comparative Application of the Irene Inc Framework

The application of the Irene Inc evaluation framework to Sandfly & Kaoota should also be considered in light of how the same framework was applied to **Kettering East & Oyster Cove**, a locality that received a **full Rural Living Zone outcome** and was expressly accepted by the Commission during the Day 2 hearing.

In the Irene Inc materials, the **landscape value descriptions** for Sandfly & Kaoota (including the ██████████ cluster) and Kettering East & Oyster Cove are substantively similar. Both localities are described in terms of elevated bushland settings, scenic values, and a mix of cleared and vegetated land, with dwellings integrated into a natural landscape context. The descriptive language applied to the ██████████ / ██████████ cluster mirrors that used for Kettering East & Oyster Cove, particularly in relation to residential integration within bushland settings.

Both localities were also identified as exhibiting **clear rural living settlement characteristics**. In Sandfly & Kaoota, Irene Inc expressly recognised a defined rural living settlement along ██████████ and ██████████ while Kettering East & Oyster Cove was identified as having a consistent rural living settlement pattern across the locality. In both cases, settlement form and residential use were accepted as established and legitimate landscape components.

Lot sizes in the residential clusters of each locality are likewise comparable. The ██████████ cluster includes lots in the 2–8 hectare range, while Kettering East & Oyster Cove contains predominantly 1–10 hectare lots, with a majority between 2 and 7 hectares. This overlap places both localities squarely within the range Irene Inc identified as capable of being managed through rural living zoning.

In relation to **overlay coverage**, both localities are subject to Priority Vegetation Area and Scenic Protection controls to a comparable extent. 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 ██████████ area of Sandfly & Kaoota.

Notably, 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 ██████████ cluster acknowledged as suitable for RLZ and the remaining LCZ balance attributed to perceived fragmentation and larger lots beyond the settlement pattern.

This distinction does not explain why land within the [REDACTED] settlement itself — 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, site-specific 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.

Management of Landscape Values Through Overlay Controls

The Irene Inc framework and the Commission's Day 20 findings both recognise that landscape risk can, in many cases, be managed through overlay controls rather than zoning.

At Kettering West, the Commission accepted that vegetation-clearing risk is managed by the Priority Vegetation Area overlay regardless of zone. My property lies within the Scenic Protection Area and PVA overlay, which regulate vegetation retention, siting, visual impact, and development design.

The land is partially cleared, contains limited native vegetation, and no site-specific landscape value has been identified. Overlay controls provide a sufficient and proportionate mechanism to manage any landscape considerations without subordinating residential use through LCZ.

Bushfire Risk and Practical Land Management

As bushfire risk increases with changing climatic conditions, the interaction between bushfire management obligations and zoning controls becomes a material planning consideration. Effective bushfire risk mitigation may require vegetation clearance beyond minimal exempt thresholds to achieve defensible space and asset protection outcomes.

Within the Landscape Conservation Zone, such clearance—while necessary for public safety—may still require discretionary assessment against landscape values, creating regulatory tension between bushfire management objectives and conservation-first controls. This complexity does not arise to the same extent in the Rural Living Zone, where residential land management, including bushfire mitigation works, is more directly and coherently accommodated.

Where residential use is established and intended, zoning that complicates or constrains necessary bushfire risk management measures is inconsistent with the objective of achieving coherent and functional planning outcomes for established residential land. Any landscape values present on the subject land can be appropriately addressed through overlay controls, without introducing additional regulatory friction that may undermine timely and effective bushfire preparedness.

Regulatory Consequences of LCZ Application

The following consequences arise directly from the operation of the State Planning Provisions and illustrate the substantive difference between LCZ and RLZ outcomes. They demonstrate that LCZ subordinates residential use, consistent with its statutory purpose.

- In the LCZ, construction of a single dwelling is discretionary unless a building area is shown on a sealed plan of title; no equivalent permit is required in the RLZ.
- All buildings and works in the LCZ are assessed against landscape values, whereas the RLZ regulates ordinary residential development through standard controls.
- The LCZ imposes a lower maximum building height and restrictive design controls aimed at minimising visual presence, reflecting its conservation-first purpose.
- Outbuildings in the LCZ are tightly limited in scale and may require discretionary approval; no such constraint applies in RLZ.

These regulatory consequences confirm that application of the Landscape Conservation Zone materially alters development expectations and residential use rights. Where residential use is the established and intended function of the land, such an outcome is inconsistent with Zone Guideline 4(a), which directs that the RLZ be applied instead.

Fragmentation and Consistency

The Irene Inc report emphasises avoidance of fragmented LCZ application. The LCZ review map shows my property forming part of a small LCZ pocket surrounded by RLZ and Rural-zoned land. This constitutes spot zoning, not a coherent landscape boundary.

Comparable or adjoining properties of similar form, scale, and context are zoned RLZ. No material difference has been identified to justify contrary treatment.

Evolution of LCZ Application

The Irene Inc review documents a marked evolution in LCZ application since 2020, with the proportion of ELZ land proposed for LCZ reduced from approximately 85% to around 75% following Commission scrutiny.

This evolution demonstrates that earlier LCZ assumptions were not definitive. Where current evidence supports RLZ, LCZ should not be maintained by reference to precedent alone.

Locality-Specific Context: Sandfly & Kaoota

Irene Inc recommends a mixed zoning outcome for Sandfly & Kaoota, with RLZ along [REDACTED] and [REDACTED], and Rural Zone elsewhere. [REDACTED] is expressly identified as part of the Rural Living settlement.

Approximately **80 percent of properties at the end of [REDACTED] are already developed or have approval for residential development**, confirming that the area functions as a settled rural-residential locality rather than a conservation transition.

The Commission accepted this mixed outcome at the Day 2 hearing without challenge, reinforcing that RLZ is appropriate for land within the [REDACTED] settlement area.

Conclusion and Request

For the reasons set out in this submission, I submit that the application of the Landscape Conservation Zone to my property at [REDACTED] is not supported by the statutory assessment criteria in section 34 of the Land Use Planning and Approvals Act 1993, the Zone Application Guidelines, or the Southern Tasmania Regional Land Use Strategy. In particular:

1. 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.
2. 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 rural-residential function.
3. 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.

Accordingly, I respectfully request that the Tasmanian Planning Commission determine that the draft Kingborough Local Provisions Schedule be modified to apply **Rural Living Zone D** to the land comprised in **Folio of the Register [REDACTED], Sandfly**.

If the Commission is minded to consider an alternative zoning outcome, I request that I be afforded an opportunity to respond prior to any final determination.

Yours sincerely,

[REDACTED]
Lydia J Moore

[REDACTED]
Michael J Welling