
From: Lydia Moore <[REDACTED]>
Sent: Monday, 4 May 2026 7:12 PM
To: Kingborough LPS
Subject: Joint Submission_Direction 69 Ireneinc Report: Sandfly_Kaoota_Allens Rivulet
Attachments: Joint Submission for Sandfly_Kaoota_Allens Rivulet.pdf

Please find attached joint submission for 12 neighbouring titles with the Sandfly / Kaoota / Allens Rivulet locality, otherwise known as Sam Smiths Hill, Sandfly.

As the representative for this group, I can be contacted on [REDACTED], furthermore, please address any correspondence for the collective group to this email address.

Regards,
Lydia Moore

04/05/2026

Joint Submission for Sam Smiths Hill, Sandfly

C/- Lydia Moore

Sandfly TAS 7150

Tasmanian Planning Commission

Level 3, 144 Macquarie Street

Hobart TAS 7000

Via email: KingboroughLPS@planning.tas.gov.au

To the Tasmanian Planning Commission,

Locality	Sandfly & Kaoota - Sam Smiths Hill, Sandfly incorporating properties on Talbots Rd, Sandfly / Pioneer Rd, Kaoota / Thomsons Rd, Allens Rivulet / Kaoota Rd, Kaoota
Submission type	Joint Submission — Direction 69 / Ireneinc Report
Number of titles	12
Lodgement date	4 May 2026
Contact person for this group	Lydia Moore, email: [REDACTED]

0. Executive Summary

0.1 Purpose of the Submission

This joint submission is made by 12 neighbouring landowners within the Sam Smiths Hill locality spanning Sandfly, Kaoota and Allens Rivulet. It responds to zoning outcomes recommended by Ireneinc under the draft Kingborough Local Provisions Schedule (LPS), including applications of the Landscape Conservation Zone (LCZ), the Rural Zone (RZ), and split LCZ/RZ zoning across individual titles.

The submitters contend that these zoning outcomes do not reflect the actual settlement pattern, land use function, or planning role of the subject properties. For the reasons summarised below, the submitters seek the **consistent application of the Rural Living Zone (RLZ)** across all properties.

0.2 Core Planning Finding

The 12 subject properties operate as a **single, coherent rural residential settlement**, characterised by:

- Long-established and intended residential occupation;
- Road-based settlement along Talbots Road, Pioneer Road, Kaoota Road and Thomsons Road;
- Permanent infrastructure including reticulated electricity and formed access roads;
- Lot sizes typical of established rural living patterns in southern Kingborough.

There is **no functional or spatial transition** within the subject area that would justify multiple zone classifications or split zoning across individual titles.

0.3 Why the Landscape Conservation Zone Is Not Appropriate

Although the locality is elevated, vegetated and scenic, these characteristics are common across many accepted Rural Living Zone precincts in Kingborough.

The critical issue is not the presence of landscape values, but whether the land's primary planning function is conservation. In this case:

- Residential use has been established and continuous for decades;
- No land is managed primarily for conservation outcomes;
- Environmental and scenic values are already regulated through overlays.

The apparent reliance on elevation or hill form (Sam Smiths Hill) as a proxy for conservation significance does not align with the Zone Guidelines. Elevation alone does not create a land use function or settlement boundary and, absent a change in use or intent, does not justify LCZ application.

It is further noted that the application of the Landscape Conservation Zone within the Sam Smiths Hill locality appears to coincide with elevated land at the termination of formed public roads, despite no corresponding change in land use, settlement pattern, or planning function.

0.4 Why the Rural Zone Is Also Inappropriate

The Rural Zone is intended to apply where rural production or resource use is the primary objective, with residential use being incidental. That test is not met.

Residential occupation is the defining land use across all titles. Any agricultural activity is clearly secondary and domestic in nature. Applying the Rural Zone — either wholly or as part of a split zoning outcome — misclassifies the land and relies on zoning by elimination rather than functional alignment.

0.5 The Flaw of Split Zoning

Split zoning is fundamentally flawed where:

- A single title functions as one integrated residential holding;
- There is no internal change in land use, infrastructure or settlement pattern;
- Zoning boundaries follow topography or road termination rather than planning function.

This approach fragments the zoning framework, contrary to the Zone Guidelines and section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA).

0.6 Consistency With Comparable Localities

Ireneinc and the Commission have accepted RLZ outcomes in localities with **equal or greater landscape sensitivity**, including:

- Kettering East & Oyster Cove,
- Pregnall's Road / Talbots Road (Sandfly),
- Mountain Road / Allens Rivulet Road,
- Albion Heights & Bonnet Hill.

In each case, RLZ was applied where residential settlement was established and overlays were adequate to manage landscape values. The subject properties exhibit comparable characteristics and no greater landscape risk.

Requested Outcome

The submitters respectfully request that the Tasmanian Planning Commission:

- Apply the Zone Guidelines directly, in accordance with section 34 of LUPAA;
- Recognise the Sam Smiths Hill locality as an established rural residential settlement;
- Avoid fragmented or split zoning where no functional distinction exists;
- Apply a consistent **Rural Living Zone** across all subject properties.

This outcome would promote transparency, consistency, and confidence in the principled spatial application of zones.

1. Properties included in the Joint Submission

The following landowners are parties to this joint submission. Each landowner has also lodged an individual submission addressing matters specific to their property.

Landowner/s	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought	Lot size (ha)
Lydia Moore & Michael Welling			LCZ	RLZ	52.17
Matthew Breen			LCZ	RLZ	0.54
Alan Honychurch			LCZ	RLZ	64.91
Kerry Vince			LCZ	RLZ	18.10
Kerry Vine			LCZ	RLZ	0.93
Annette & Clinton Langerak			Split LCZ/RZ	RLZ	7.18
Andre Lobanov			RZ	RLZ	10.14
Alayne & Michael Hamilton			RZ	RLZ	2.87
Michael Barker			RZ	RLZ	4.96
Gordon Broome & Chloe Jorgensen			Split LCZ/RZ	RLZ	8.97
John Smillie			Split LCZ/RZ	RLZ	14.78
Gabriel & Taylor Monachetti			Split LCZ/RZ	RLZ	9.98

2. Purpose of the Joint Submission

2.1 Procedural Context

At the Day 2 hearing, Chair Nick Heath explicitly invited the lodgement of collective submissions (06:55:53–06:58:31). The Commission also advised that future hearings will be conducted on a locality-by-locality basis, with submissions from each area considered together.

Each submitter has received correspondence advising that the Ireneinc report has recommended a zone for their respective property as part of the draft Kingborough LPS.

2.2 Role of This Joint Submission

This submission is lodged to present a shared position to the Commission. The subject properties exhibit a common settlement character and landscape context, and it is therefore submitted that a consistent zoning outcome is appropriate across the group.

Each landowner has also lodged an individual submission addressing evidence specific to their title. This joint submission complements, and should be read alongside, those individual submissions.

3. Settlement Pattern and Local Context

(Talbots Road / Pioneer Road / Kaoota Road / Thomsons Road — Sandfly, Kaoota and Allens Rivulet)

3.1 Continuous Rural Residential Settlement

The joint submission relates to 12 properties located across the Talbots Road, Pioneer Road, Kaoota Road and Thomsons Road areas within the Sandfly, Kaoota and Allens Rivulet localities. While extending across three named localities, these properties form part of a single, continuous rural-residential settlement pattern.

3.2 Composition and Lot Structure

The properties comprise individually titled allotments ranging in size from approximately 0.54 hectares to approximately 64.91 hectares, with the majority falling within the 2–20 hectare range. Several larger holdings exceed 50 hectares; however, these lots continue to operate as single residential holdings rather than rural production units.

Lot sizes across the 12 properties are summarised as follows:

- Smaller rural-residential lots below 1 ha (Talbots Road);
- A predominant band of lots between approximately 2.8 ha and 18 ha (Pioneer Road, Kaoota Road and Thomsons Road);
- A smaller number of larger residential holdings exceeding 50 ha along Talbots Road.

This variation in lot size is characteristic of historic rural-living subdivisions and consolidations in the Sandfly–Kaoota–Allens Rivulet area and does not indicate a change in settlement function or intent.

3.3 Residential Use and Settlement Function

All properties are established or intended residential holdings, with:

- Long-established dwellings dating back several decades on some titles;
- Recent or approved dwellings on others;
- No properties operating principally for rural production purposes;
- No evidence of land being managed primarily for conservation outcomes.

Residential occupation is not ancillary or transitional. It is the primary and defining land use across all titles. Any agricultural or land management activities are secondary to residential use and are typical of rural-living environments (e.g. domestic grazing, vegetation management, gardens, small orchards).

3.4 Road-Based Settlement Pattern

Development is structured along **formed public roads**:

- **Talbots Road** supports a linear rural-residential settlement with a high proportion of developed or approved residential titles, including multiple large residential holdings.
- **Pioneer Road** functions as an extension of the Talbots Road settlement area, with comparable lot sizes, development patterns and residential intent.
- **Kaoota Road** and **Thomsons Road** similarly contain residential holdings dispersed along the road frontage, forming part of the broader rural-living network rather than discrete or isolated pockets.

These roads operate as residential access spines, not agricultural service roads. The end of formed road infrastructure does not coincide with any meaningful change in land use, settlement character or planning function.

3.5 Infrastructure and Servicing

The presence of:

- Reticulated electricity,
- Constructed access roads meeting emergency service standards,
- Established dwelling envelopes and services,

confirms long-standing settlement expectation and permanence. Such infrastructure investment is inconsistent with land intended primarily for conservation or rural production and is typical of Rural Living Zone (RLZ) localities across Kingborough.

4. Zoning Consistency and Settlement Coherence

4.1 Ireneinc Recommended Zoning Outcomes

Under the Ireneinc recommendations:

- Some properties are proposed for Landscape Conservation Zone (LCZ),
- Others for Rural Zone (RZ),
- Several for split LCZ/RZ across single titles.

Despite these differing recommended zones, the actual settlement pattern is uniform. The properties:

- Share similar residential use,
- Exhibit comparable landscape and vegetation characteristics,
- Are functionally and visually part of the same settled rural-living area.

4.2 Absence of a Settlement Transition

There is no clear or defensible settlement transition between properties proposed for LCZ, RZ or split zoning. The zoning differences do not reflect changes in land use, settlement density, infrastructure provision, or residential intent.

5. Relationship to Landscape and Environmental Values

While the locality retains a vegetated and scenic rural setting, these attributes are typical of established rural-living areas throughout Kingborough. Environmental and landscape values are already addressed through:

- Priority Vegetation Area overlays,
- Scenic Protection Code controls,
- Bushfire, landslip and natural assets provisions.

These mechanisms regulate development outcomes without altering the fundamental settlement classification of the land. The presence of native vegetation or slope does not, of itself, distinguish these properties as conservation-dominant landscapes when residential use has been established and continuous.

6. Relationship of Subject Properties to Surrounding Zoning

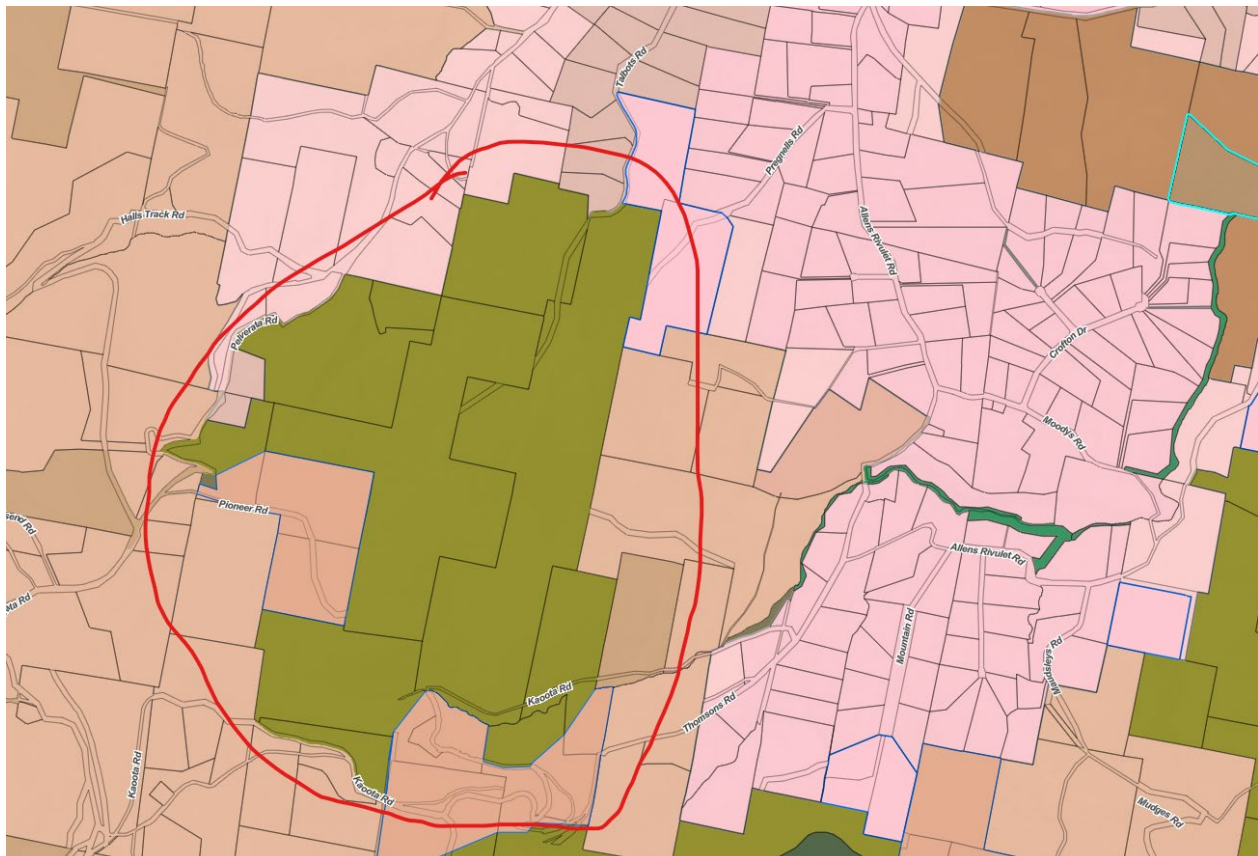
6.1 Spatial Context of the Focus Area

The area identified for analysis comprises a contiguous group of 12 residential properties extending across Talbots Road, Pioneer Road, Kaoota Road and Thomsons Road, spanning the Sandfly, Kaoota and Allens Rivulet localities. As illustrated in the mapped area, this group forms a distinct and coherent inland settlement area, bounded by similar rural-living and rural-residential zoning patterns rather than by intensive rural production land or large, intact conservation reserves.

The subject properties are visually and functionally connected through:

- Continuous road access;
- Comparable lot sizes and residential use;
- Shared landscape characteristics and settlement structure.

Sandfly/Kaoota/Allens Rivulet (Sam Smiths Hill)



** Not all properties within the circled area are represented in this submission, as the owners of three identified titles could not be contacted.*

6.2 Topography as an Apparent Proxy for Zoning

It is notable that the only consistent distinction between properties recommended for LCZ and those recommended for RLZ or RZ is relative elevation associated with the Sam Smiths Hill landform.

Elevation alone does not constitute a planning function or settlement boundary. Across the subject properties, residential occupation, access, servicing, and land-management practices are consistent regardless of topography. Treating elevation as a proxy for conservation classification results in arbitrary zoning outcomes inconsistent with the Zone Guidelines.

It is also relevant that the application of the Landscape Conservation Zone within the subject area aligns closely with the termination of formed public roads, including at the upper extents of Talbots Road, Pioneer Road, and Thomsons Road. The end of road infrastructure does not coincide with any meaningful change in land use, settlement pattern, servicing, or residential intent, and its apparent use as a zoning boundary further indicates that LCZ has been applied as a convenient spatial marker rather than in response to a genuine change in planning function.

6.3 Internal Zoning Fragmentation and Single-Title Splits

Zoning boundaries frequently bisect individual titles and do not align with functional or landscape thresholds. Within the circled area, the Ireneinc recommendations apply a mix of:

- Landscape Conservation Zone (LCZ),
- Rural Zone (RZ), and
- Split LCZ/RZ zoning across individual titles.

However, when assessed in the context of surrounding land, the subject properties are:

- Surrounded predominantly by Rural Living Zone (RLZ) land to the north, east and west (notably along Talbots Road, adjoining Sandfly residential areas and the Thomsons Road rural-living corridor);
- Adjoining land of similar lot sizes and development status, much of which retains RLZ recommendations or existing residential zoning;
- Not located at the edge of a broader conservation estate or large, unified LCZ block.

The mapped zoning pattern shows that the subject area is effectively embedded between established rural-living precincts, rather than forming an outer transition to conservation-dominant landscapes.

6.4 Relationship to RLZ Areas

To the north and east (Sandfly locality), the subject Talbots Road and Pioneer Road properties directly adjoin parcels recommended or zoned for Rural Living, with no discernible change in:

- Settlement density,
- Dwelling presence,
- Access standards, or
- Landscape character.

Similarly, to the east and south-east (Allens Rivulet locality), the Thomsons Road properties connect directly with land that has long functioned as a rural-residential settlement strip, again without any break in residential use or infrastructure provision.

The absence of physical or functional boundaries—such as cleared agricultural plains, extensive unroaded bushland, or production forestry—means the transition from RLZ land into the subject properties is indistinct on the ground.

6.5 Relationship to LCZ and RZ Areas

Where LCZ and RZ land adjoins the subject properties, it generally:

- Contains existing dwellings or approved dwelling entitlements;
- Forms part of the same historical Environmental Living pattern;
- Is similar in vegetation cover, slope, and land capability to adjacent RLZ-zoned parcels.

Importantly, the documents show that:

- LCZ and RZ boundaries often bisect individual titles, rather than aligning with landscape thresholds;
- The zoning lines do not correspond with changes in land use, development intensity, or environmental condition;
- Residential occupation remains the dominant land use regardless of the recommended zone.

This undermines the legibility of LCZ/RZ boundaries as markers of a different settlement role.

6.6 Absence of a Clear Settlement Transition

Across the circled area, there is no clearly defined settlement edge. The subject properties do not represent:

- An incremental expansion into an undeveloped conservation landscape; or
- A fringe condition between urban and rural land.

Instead, the pattern is one of continuous rural-living settlement, with:

- Established dwellings extending along the road network;
- Comparable allotment configurations on both sides of zoning boundaries;
- Infrastructure investment consistent with permanent residential occupation.

From a spatial planning perspective, the subject properties function as part of the same settlement system as their neighbouring RLZ-zoned land.

7. Application of Rural Living Zone Guidelines

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 (such as hobby farming), and where priority is given to residential amenity.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the Environmental Living Zone (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 lot size is applied.

Our properties satisfy both criteria. The shared characteristics as outlined above, demonstrate that our properties have an established residential settlement pattern, lots of a size consistent with RLZ subcategories, and a primary use and intention that is residential.

The Ireneinc report itself identifies avoidance of fragmented zone application as a key principle. The report notes that areas where only two or three LCZ-zoned properties are surrounded by Rural Zone or RLZ land should be resolved in favour of the surrounding zone.

Our properties form a coherent, contiguous group. If some of our properties receive a different zone outcome from others — or from the surrounding land — the result will be a fragmented and inconsistent zone pattern. This would be contrary to the Zone Guidelines, which require that the spatial application of zones be, as far as practicable, consistent and coordinated across the LPS.

The Tasmanian Planning Commission is required under section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA) to ensure that the spatial application of zones is, as far as practicable, consistent and coordinated. This means the Commission must consider whether our locality has been treated the same way as localities with similar characteristics elsewhere in Kingborough.

8. Use of Comparable Localities

8.1 Purpose of Comparison

The Tasmanian Planning Commission's Zone Guidelines require zoning decisions to be made consistently, having regard to settlement pattern, landscape values, and the capacity of codes and overlays to manage those values. A comparison with other Kingborough localities assessed under the same Ireneinc process provides a relevant and probative basis for evaluating whether the zoning proposed for the subject properties is appropriate.

8.2 Primary Comparable Localities

8.2.1. Sandfly & Kaoota — Pregnall's Road / Talbots Road Cluster (RLZ Outcome)

Why comparable

- Same broader Sandfly–Kaoota locality
- Similar elevation, bushland character, and rural-living settlement form
- Lots generally in the 2–10 ha range, with existing dwellings
- Partial Scenic Protection Area (SPA) coverage and Priority Vegetation Area (PVA) overlays present

Ireneinc finding Ireneinc identified the Pregnall's Road / Talbots Road area as exhibiting a clear rural-living settlement pattern and concluded that:

landscape values could be appropriately managed through existing planning controls, supporting Rural Living Zone.

Relevance to subject properties The 12 subject properties:

- Form part of the same road-based settlement system;
- Display comparable lot sizes and residential use;

- Share similar vegetation and landscape attributes.

There is no material distinction in settlement character between the RLZ-recommended Sandfly cluster and the subject properties that would justify a different zoning outcome.

8.2.2. Kettering East & Oyster Cove (Full RLZ Outcome)

Why comparable

- One of the strongest RLZ precedents accepted during the hearings
- Coastal and elevated landscape with significant scenic values
- Extensive native vegetation and partial SPA coverage
- Lots typically 1–10 ha with consistent rural-living occupation

Ireneinc finding Despite acknowledged landscape significance, Ireneinc concluded: “sufficient mechanisms in the planning scheme exist to manage landscape values” and recommended full Rural Living Zone at medium risk.

Relevance to subject properties Compared to Kettering East:

- The Sandfly / Kaooota / Allens Rivulet properties are less visually prominent, being inland;
- Do not form part of a continuous coastal ridgeline or channel-facing landscape;
- Exhibit a similarly consistent (or stronger) rural-living settlement pattern.

If Kettering East satisfied Decision Point 6 (DP6) in favour of RLZ, the same conclusion logically applies to the subject area.

8.2.3. Allens Rivulet — Mountain Road / Allens Rivulet Road (RLZ Outcome)

Why comparable

- Same Allens Rivulet locality
- Mixed bushland and cleared land
- Residential use established across multiple titles
- Identical overlays (SPA, PVA, NAC) present across RLZ and LCZ areas

Ireneinc finding Ireneinc recommended RLZ for the Mountain Road / Allens Rivulet Road group not because those lots lacked landscape values, but because:

- settlement characteristics were consistent with rural living, and
- the same planning controls could manage landscape impacts.

Relevance to subject properties The Thomsons Road properties:

- Exhibit the same residential function and landscape context,
- Do not differ in vegetation quality or prominence,
- Are serviced and occupied as permanent rural residences.

The differential zoning of Thomsons Road as LCZ or split LCZ/RZ is therefore not supported by a substantive difference in planning characteristics.

8.2.4. Albion Heights & Bonnet Hill (Full RLZ Outcome)

Why comparable

- Elevated bushland landscapes
- Significant scenic and vegetation values
- Residential use on lots from 2–25 ha
- Partial SPA and PVA overlays

Ireneinc finding Ireneinc applied Rural Living Zone on the basis that:

- settlement pattern was established and recognisable, and
- RLZ minimum lot sizes would prevent further subdivision.

Relevance to subject properties The subject properties similarly:

- Are already fully developed or constrained by lot size,
- Do not present subdivision pressure,
- Rely on overlays (not zoning) to manage vegetation and scenic outcomes.

8.3 Summary of Comparative Findings

When assessed against comparable localities that were recommended for Rural Living Zone, the 12 subject properties exhibit:

- a settlement pattern that is equal to or more consistent than:
 - Sandfly Pregnall's/Talbots Road,
 - Allens Rivulet Mountain Road,
 - Kettering East and Oyster Cove, and
 - Albion Heights;
- no greater landscape risk, with identical overlays already applying;
- no identifiable settlement edge or transition that would justify LCZ or split zoning.

Across the cited comparable localities, Ireneinc and the Commission accepted that landscape values do not preclude Rural Living Zone where settlement is established and planning controls are sufficient. Applying a different zoning outcome to the subject properties would therefore result in inconsistent treatment under the Zone Guidelines.

9. Status of the Ireneinc Evaluation Framework

At the Day 2 hearing, Ms Kate Heckelmann of Ireneinc confirmed that the evaluation framework used to inform the zoning recommendations is a guidance tool, not a statutory instrument, and does not constitute the legal test to be applied by the Commission (05:53:00).

The statutory test is that set out in section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), including consistency with the Zone Guidelines (Guideline No. 1). In undertaking its assessment, the Commission is not bound by the Ireneinc framework or its recommended outcomes, but must reach its own conclusions by applying the LPS criteria and relevant Guidelines to the evidence before it.

When the Zone Guidelines are applied directly to the shared characteristics of the subject properties, as outlined above in this submission, it is contended that a Rural Living Zone outcome is supported. A zoning outcome that differs from the Ireneinc recommendation would therefore be within the proper scope of the Commission's statutory role.

10. Commission's Independent Decision-Making Role

At the Day 2 hearing, Chair Nick Heath confirmed that the Commission's determination will be made by reference to the LPS criteria under section 34 of LUPAA (06:45:48). The Chair also made clear that the position adopted by Council, including its resolution of 16 March 2026 favouring a "least restrictive alternative", does not bind the Commission.

The Commission will reach its decision on the basis of its own independent assessment of the evidence, including the material contained in this joint submission and the individual submissions lodged in respect of each affected property.

11. Locality Reference and Hearing Commentary — Sandfly & Kaoota

11.1 Locality Context (Locality Reference Guide – Part E)

The Sandfly & Kaoota locality sits within the *Kingston and Bushland Surrounds* region and is characterised by an established rural-residential settlement pattern interspersed with bushland and elevated scenic landscapes. Lot sizes vary considerably across the locality. The Pregnall's Road / Talbots Road cluster comprises predominantly smaller rural-living lots (generally between 2–8 ha), while larger holdings occur in more peripheral areas. Landscape values are acknowledged as significant across much of the locality, with Scenic Protection Area overlays applying on a site-specific basis.

Ireneinc's Locality Report recommends a mixed zoning outcome, with:

- Rural Living Zone (RLZ) applied to the Pregnall's Road / Talbots Road residential cluster;
- Rural Zone (RZ) applied to parts of Halls Track Road, Pioneer Road, Huon Road and Thompson Road where rural activities were identified as dominant; and
- Landscape Conservation Zone (LCZ) retained for parcels described as elevated, heavily vegetated, or visually prominent.

The locality was assigned a medium–high risk rating, reflecting acknowledged landscape sensitivity but also the existence of longstanding residential settlement.

This detailed sub-locality approach is directly relevant to the subject properties, which sit within and adjacent to the Talbots Road and Pioneer Road settlement pattern and share the characteristics identified for RLZ-recommended land.

11.2 TPC Day 2 Hearing — Relevant Commentary

Locality-specific discussion

No questions were raised by the Panel in relation to the Sandfly & Kaoota locality during the Day 2 hearing. This is notable in circumstances where the Ireneinc report identifies a complex mix of zones, as it indicates that the Panel did not identify unresolved issues at the broader locality scale. The absence of challenge places greater emphasis on the application of the Zone Guidelines to individual properties, rather than on wholesale acceptance of Ireneinc's mapped outcomes.

The Locality Reference Guide itself notes that the Ireneinc Sandfly report is particularly useful in demonstrating that different roads received different outcomes based on clear, site-specific reasoning, which can appropriately be applied at the lot level.

11.3 Cross-locality principles expressly confirmed by the Panel

At [02:33:54], the Panel confirmed that overlay controls are the primary mechanism for managing landscape and environmental values, and that zoning is not required to perform that function where overlays already apply.

This supports the submission because all subject properties are already constrained by relevant overlay controls, meaning that an LCZ outcome is not necessary to protect the identified values.

At [05:53:00], Ms Kate Heckelmann (Ireneinc) confirmed that the evaluation framework is a tool, not a statutory rule, and does not represent the legal test to be applied by the Commission. This is relevant because it confirms that the Commission is not bound to adopt the Ireneinc zoning outcomes where application of the Zone Guidelines supports a different result on the evidence.

At [06:45:48], Chair Nick Heath stated that the Commission will make its determination by applying the section 34 LUPAA criteria, and not on the basis of Council's preferred position or any advisory framework. This supports the submission because it confirms the Commission's role is to undertake an independent assessment, including consideration of whether zoning consistency within settlement clusters has been achieved.

11.4 Relevance to the Subject Properties

The subject properties align most closely with the Pregnall's Road / Talbots Road RLZ cluster identified in the Sandfly & Kaoota Locality Report. Several of the key arguments identified in the Locality Reference Guide apply directly:

- The presence of a strong RLZ precedent within the Talbots Road area supports a consistency-based argument for RLZ where properties form part of, or directly adjoin, that settlement cluster.
- Where properties sit along Pioneer Road and Kaoota Road, the Ireneinc approach demonstrates that Rural Zone was applied only where rural production was the dominant land use, which is not the case for the subject properties.
- The Locality Report expressly identifies fragmentation concerns, which are relevant where LCZ parcels sit isolated within RLZ- or RZ-dominated settlement, as occurs in the focus area of this submission.

Numerous submissions from the Sandfly & Kaoota locality opposed LCZ application (including submission references 198.424, 198.527 and 198.647), reinforcing that the zoning outcomes in this area were contested on similar grounds.

12. What the Commission Is Asked to Do

Having regard to the evidence contained in this joint submission, the individual submissions lodged for each affected property, the Locality Reference Guide, and the matters discussed at the Day 2 hearing, the submitters respectfully request that the Commission:

1. Apply the section 34 LUPAA criteria directly, including Guideline No. 1 (Zone Guidelines), rather than treating the Ireneinc evaluation framework or recommended zoning maps as determinative.
2. Recognise the subject properties as forming part of an established and coherent rural-residential settlement pattern, comparable to the Pregnall's Road / Talbots Road cluster and other Rural Living Zone localities within Sandfly and Kaoota.
3. Give determinative weight to demonstrated land use, settlement function and zoning consistency, and not to abstract locality-wide landscape character descriptions that are already managed through overlay controls.

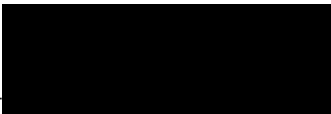
4. Acknowledge that landscape and environmental values applicable to the subject properties are appropriately addressed through existing overlays, including scenic, vegetation and natural hazard provisions, without the need for a Landscape Conservation Zone outcome.
5. Avoid fragmented or split zoning outcomes across individual titles where no corresponding change in land use, settlement pattern, or landscape function exists on the ground.
6. Modify the Kingborough Local Provisions Schedule accordingly, by applying a consistent and appropriate Rural Living Zone to all of the subject properties, consistent with the Zone Guidelines and comparable locality outcomes.
7. Confirm that any departure from the Ireneinc recommendations is a proper and expected exercise of the Commission's statutory discretion, where supported by evidence and by application of the LUPAA criteria.
8. Invite the submitters, either collectively or on a property-specific basis as the Commission considers appropriate, to appear and be heard in support of this joint submission and the associated individual submissions, should the Commission consider that further clarification or testing of the evidence would assist its determination.

For these reasons, the submitters contend that the zoning outcome sought would give proper effect to the Act, the State Planning Scheme, and the principles of consistency and transparency that underpin the Commission's role.

Lydia Moore, on behalf of all landowners in Part 1 above, confirms that:

- This submission has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
- The information in this submission is, to the best of my knowledge, accurate.
- I am the owner or authorised representative of the property identified against my name.
- We have all lodged, separate individual submissions addressing our specific properties.

Yours sincerely,



Ly

12 landowners listed in Part 1.