

SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

# Seeking Rural Living Zone D

for [REDACTED] *Allens Rivulet*

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Contesting the Split Rural / Landscape Conservation Zone  
recommended in the Ireneinc Stage Two Report

Presented by: **Ann & Grant Weatherburn – Mobile** [REDACTED]

Title Reference: CT. [REDACTED] | PID: [REDACTED] | 21.19 ha

*Hearing date: 20 October 2026*

# The Property and the Question

## [APPENDIX C - HOW WE USE OUR PROPERTY](#)

### PROPERTY SIZE

**21.19 ha**

T-shaped lot in 'saddle' between two hills

### CURRENT ZONE (Interim Scheme)

**Environmental Living Zone (ELZ)**

Established residential rural living use

### DRAFT LPS / IRENE INC RECOMMENDATION

**Proposed for: Split Zone — Rural / LCZ**

Cleared portion = RZ | Remainder = LCZ

### ZONE WE ARE SEEKING

**Rural Living Zone D (RLZ-D) or  
minimum Split Rural Living D/Rural**

**NO LCZ ON ANY PART OF OUR PROPERTY**



Aerial view — paddocks (yellow), gates (red), horse trails (blue)

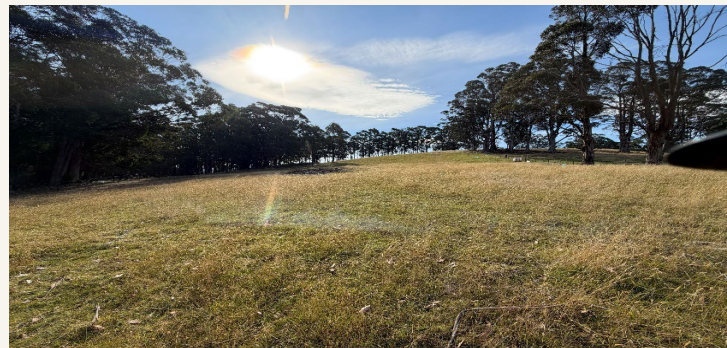


# We Are Established Rural Residential Living

## APPENDIX B: OUR PROPERTY



*Front pastures, infrastructure & home approach*



*Trail riders on our property | Back pasture (proposed for LCZ — but actually in use open grazing land)*

### LAND USE RATIO

# 70%

Pasture, rocky outcrops, cleared & useable areas, vehicle ways, and access road

*Approx. 30% bushland (regrowth from 1967 fires)*

### DAILY USE INCLUDES

- Horse grazing across all paddocks
- Hay cutting & baling for own horses
- Dam — irrigation & fire pump
- Tractor / 4WD farm-vehicle access
- Riding & walking trails throughout
- Firewood splitting, stacking, drying
- Pasture seeding, fertilising, harrowing



# Three Zones, One Right Answer



## PROPOSED — RZ portion Rural Zone

**ZONE PURPOSE**  
Designed to sustain primary production. Minimises conversion of agricultural land.

**AS APPLIED TO** [REDACTED]  
We have NO commercial primary production.

## PROPOSED — LCZ portion Landscape Conservation

**ZONE PURPOSE**  
For protection of landscape values where residential is NOT the priority.

**AS APPLIED TO** [REDACTED]  
Our priority IS residential — already certificated AND listed as such for by our mortgagor’s valuer on valuation report AND insurance papers AND in use.

## OUR REQUEST Rural Living Zone D

**ZONE PURPOSE**  
For residential settlement on larger lots in a rural setting, with mixed residential & lower-order rural use.

**AS APPLIED TO** [REDACTED]  
Matches our property exactly. RLZ-D = 10 ha formula, identical to current ELZ.  
Code overlays provide all required protections.

*We seek RLZ-D applied across the FULL 21.19 hectares — no split, no fragmentation.*





# LCZ Is Prohibited Where Priority Is Residential



## ZONE GUIDELINE LCZ 4(a)

*"The LCZ should NOT be applied to land where the priority is for residential use and development — instead, the RLZ should be referred to."*

OUR PRIORITY IS — AND HAS ALWAYS BEEN — RESIDENTIAL — NEWLY BUILT HOME

DA APPROVED

**2020**

Development Application  
lodged & approved by  
Kingborough Council

ACCESS ROAD  
CONSTRUCTED/ SEALED

**\$330,000+**

1km access road built to  
Council compliance, sealed  
for residential use

OCCUPANCY  
CERTIFICATE

**Council**

Issued by Council on  
completion — formally  
recognised as residential

INDEPENDENT  
VALUATION

**Opteon**

Lender's valuer recorded  
use as 'Rural Residential  
Living'

*Applying LCZ to ANY portion of a residential property with an Occupancy Certificate directly contravenes LCZ 4(a).*



# LCZ is NOT a Replacement Zone for ELZ

## ZONE GUIDELINES — EXPRESS NOTE

*"The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones."*

## THE TPC ITSELF HAS NOTED THIS

*In post-lodgement correspondence with Council, the Commission observed that the LCZ "appears to have been used quite extensively to replace the ELZ" and that any such application "could signify a shift in council policy or strategy, which generally ought to be comprehensively justified."*

 **NO SITE-SPECIFIC JUSTIFICATION**

 **NO BOOTS ON THE GROUND**

Ireneinc applied LCZ based on generalised, locality-level landscape values — not on landscape values demonstrated to exist on our individual title (CT 182619/2). **The Stage Two report identifies NO specific landscape values on our title.**

Ireneinc has acknowledged its method was a desktop, map-focused exercise without site visits. A line was drawn across the T of our property without any understanding of how it is actually used — pastures, dam, vehicle tracks, riding trails throughout, residential enjoyment, splitting our wood.





# RLZ-D Meets Both Zone Guidelines Precisely

ZONE GUIDELINE  
RLZ 1(a)

*"Larger lot residential areas where the existing and intended use is a mix between residential and lower-order rural activities, with priority given to residential amenity."*

**OUR PROPERTY MATCHES**

- 21.19 ha residential property
- Horse grazing, Horse Arena and Roundyard
- Peaceful residential enjoyment (walks and rides)
- Firewood processing for own use
- Tractor & vehicle corridors for managing area
- Dam used for watering / fire needs

Lower-order rural =

- Subordinate to the primary residential use
- hay baling, pasture improvement, fertilizing, harrowing

ZONE GUIDELINE  
RLZ 2(b)

*"RLZ may be applied to land within ELZ where the primary strategic intention is residential use within a rural setting AND a similar minimum lot size is being applied."*

**BOTH ELEMENTS SATISFIED**

- ✓ **Strategic intention = residential**  
*Evidenced by: DA, Occupancy Certificate, Opteon valuation*
- ✓ **Identical minimum lot size**  
*Evidenced by: ELZ formula = 10 ha | RLZ-D formula = 10 ha*
- ✓ **Limited / no further subdivision**  
*Evidenced by: Pending valid DA lodged with KC = one approx. 7.5 ha lot. Then nothing further under RLZ-D. Report requirements in progress.*



# Five Mandatory Overlays Already Protect the Land

*These five codes apply to our property regardless of zone. They cannot be waived. Together they fully manage every conservation value identified for the Allens Rivulet locality.*

|       |                                                                                                                                                  |                                                                                                                                                                                                              |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C7.0  |  <b>Natural Assets Code — Priority Vegetation Area</b>          | Strict controls on clearing & disturbance of mapped priority vegetation. We have already provided reports, further reports being provided – all complies.                                                    |
| C7.0  |  <b>Natural Assets Code — Waterway &amp; Coastal Protection</b> | Setbacks and controls on works near waterways. Covers our dam and coastal water protection zone. We have previously provided these reports, further reports being provided – all complies.                   |
| C8.0  |  <b>Scenic Protection Area Code</b>                             | Controls visual impact of all development on the property. We have already provided these reports, providing further reports and all complies.                                                               |
| C13.0 |  <b>Bushfire-Prone Areas Code</b>                               | Imposes full bushfire hazard management requirements on all development. We have already provided reports. Further reports being provided – all complies. Our property even has a Part 5 BAL noted on title. |
| C15.0 |  <b>Landslip Hazard Code</b>                                  | Geotechnical assessment required for development in landslip-prone areas. We have already provided these reports, further being provided – all complies.                                                     |

“ **Commissioner Dan Ford — Day 20 hearing [02:33:54]**  
*"The PVA overlay does the landscape-protection work, not the zone." — Applied to Kettering West.*



# The Inconsistency: [redacted]



64 Pregnells Road, Allens Rivulet — Ireneinc-rezoned from LCZ to RLZ

## Same locality. Comparable use. Different outcome.

Ireneinc rezoned [redacted] from LCZ → RLZ on the basis of consistency with adjoining RLZ parcels.  
Our property has **STRONGER** rural-living characteristics.

| Attribute                             | [redacted]                                                  | [redacted] (ours)                                                                                  |
|---------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Lot size                              | 11.92 ha                                                    | 21.19 ha (RLZ-D fits)                                                                              |
| Pasture proportion                    | approx. 50%                                                 | approx. 60%                                                                                        |
| Elevation                             | up to 340 m                                                 | 320 m                                                                                              |
| Bushland visible from road            | Greater coverage visable from main road (Allens Rivulet Rd) | Thin ridgeline strip only is visible from Allens Rivulet. Margate viewpoint, bushland not visible. |
| Pasture <b>within</b> 'bushland' area | Not within bushland areas, however has pastures.            | Yes — many clearings, dam, paddocks, Tractor / 4WD trackways.                                      |



# The Inconsistency: LCZ to RLZ (what is so different?)

RLZ



██████████, Allens Rivulet  
Ireneinc-rezoned from LCZ to RLZ

SPLIT: LCZ / Rural



Our property:  
Allens Rivulet

According to Ireneinc, because we do not adjoin RLZ we are not considered for RLZ, even though in comparing to ██████████ our property has less impact. ???





The Inconsistency:

(greater visible impact, high elevation)



 — Ireneinc-rezoned from LCZ to RLZ

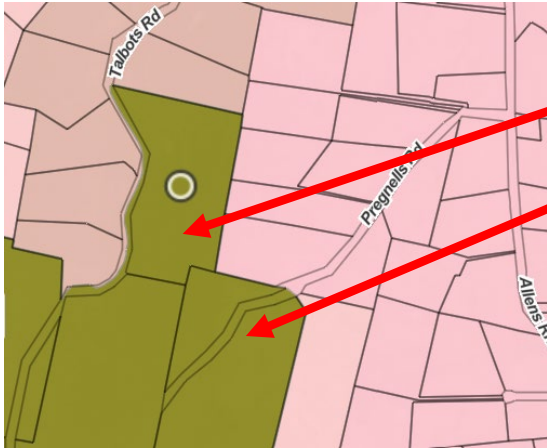
Same locality. More visible bushland, no pastures. But RLZ?

*Ireneinc rezoned*  
Ireneinc Report - 2.8.2.2 Recommendations – Ireneinc has changed 121 Talbots Road from being LCZ to RLZ **on the basis of consistency with other adjoining RLZ parcels.** Talbots Road is bushland, no pastures and has greater impact and visibility and adjoining RLZ properties are lower elevations. So why?  
*Our property has STRONGER rural-living characteristics, Talbots is bushland only.*

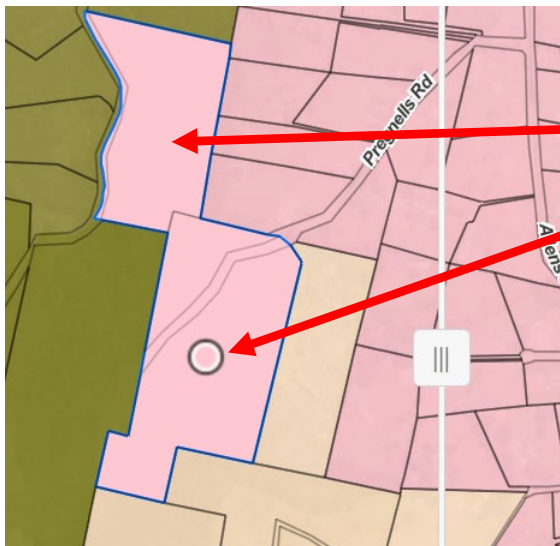
| Attribute                             | 64 Pregnells Rd                                             | 35 Mudges Rd (ours)                                                                                |
|---------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Lot size                              | 7.61ha                                                      | 21.19 ha (RLZ-D fits)                                                                              |
| Pasture proportion                    | approx. 5%                                                  | approx. 60%                                                                                        |
| Elevation                             | 300+ m                                                      | 320 m                                                                                              |
| Bushland visible from road            | Greater coverage visible from main road (Allens Rivulet Rd) | Thin ridgeline strip only is visible from Allens Rivulet. Margate viewpoint, bushland not visible. |
| Pasture <b>within</b> 'bushland' area | No - and no Dam                                             | Yes — many clearings, dam, paddocks, Tractor / 4WD trackways.                                      |

# The Inconsistency: Visible from Allens Rivulet Road

Was to be LCZ



[REDACTED], Sandfly  
[REDACTED] d, Allens Rivulet



Ireneinc changed to RLZ

[REDACTED] oad, Sandfly  
[REDACTED], Allens Rivulet

## Ireneinc -Inconsistent

NOTE: Allens Rivulet Road is at 180 m elevation.  
Treeline of lower properties are at 230 m.  
[REDACTED] rises up to 300m AND  
[REDACTED], rises up to 340m.



Image above shaded blue - from Allens Rivulet Road shows bushland of properties - [REDACTED] bushland AND [REDACTED], being 300-340 elevation and clearly visible - yet to be changed from LCZ to RLZ by Ireneinc to as situate adjoining RLZ. YET, the RLZ land parcels are lower elevation in front, as can be seen above. Therefore, inconsistencies regarding elevation, visibility and bushland coverage.



# The Inconsistency: Our property viewpoint comparison

Viewpoint of our property taken from [REDACTED]  
(Allens Rivulet side of our property viewpoint)  
([REDACTED] is a minor gravel road) not a main arterial road such as Allens Rivulet Road (as per comparative property of [REDACTED]s and [REDACTED] properties as noted previously).  
Our property as can be seen via lens view, is a much narrower area and is only the very top treeline (not the hillside). See yellow line in image below.

Viewpoint of our property taken from Sa [REDACTED]  
(Margate side of property Viewpoint)  
Our property Boundary, fronting Margate is beyond ridge, and cannot be seen from [REDACTED], just before [REDACTED] turnoff (to right).  
Our boundary is beyond the yellow line over the ridgeline and not visible from this arterial road.



# The Structural Flaw — DP4 Excluded Us From DP6

## *The Ireneinc decision tree*

- routed our property out of its most important balancing test on the basis of lot size alone.

### DECISION POINT 4

#### Rural living settlement?

Defined as "10+ smaller blocks generally 1–15 ha"



### OUR PROPERTY EXCLUDED

**21.19 ha**

Exceeds the 15 ha desktop threshold —  
routed out of the DP4 = YES pathway.

**BLOCKED**



### DECISION POINT 6

*Could landscape values  
be managed outside  
LCZ?*



**AT DP6, IRENEINC FOUND FOR THIS LOCALITY:**

***"This presents a low risk where RLZ is applied."***

*— Stage Two Report, Section 2.7.2.1, page 140 (Allens Rivulet locality)*

**THE COMMISSION SHOULD APPLY DP6 AS IF THE 15 HA SIZE THRESHOLD DID NOT EXIST**

Kate Heckelmann (Ireneinc) at Day 20 [05:53:00]: "The framework is a tool, not a statutory instrument." The Zone Guidelines themselves contain NO 15 ha upper bound for RLZ — RLZ-D is the subcategory specifically designed for 10 ha+ lots.

# Bushfire Risk + Crown Road Access = Rebuild Trap

*In a bushfire-prone area which is accessed via a Crown road reserve, the choice of zone is not academic.  
Under LCZ or Rural Zone, our ability to rebuild after destruction is at serious risk.*

## UNDER RLZ-D

### Dwelling permitted as of right

- Rebuild after bushfire is straightforward — dwelling is a permitted use, not discretionary.
- Access via Crown road reserve assessed as a conditions-based matter.
- No threshold eligibility hurdle on access before assessment can begin.
- Provides the rebuild certainty that a bushfire-prone property requires.

## UNDER LCZ / RURAL ZONE

### Dwelling becomes non-conforming

- Right to rebuild only if substantive commencement within 2 years of destruction.
- Insurance + demolition + design + DA + permit easily consume 18–24 months.
- Crown road reserve does not satisfy access Acceptable Solution A1 (clauses 22.4.3 / 20.4.3). Fortunately, as we are subdividing off under current ELZ, we are purchasing Crown Road Right of Way (with Crown approval given).
- Other neighbouring properties in our collective Allens Rivulet proposal however have Crown Access. Injustice.
- Two-year rebuild window is realistically not achievable. It took us from 2020 to 2024 (4 years) to provide all required to build our home..

***My husband and I invested \$330,000+ for our road access to our property with approval of Council - under current zoning ELZ and which was approved as being a property of rural residential living. LCZ has serious consequences and loss of ability to rebuild certainty would be devastating.***



# Two Authorities Have Confirmed Our Use as being: Rural Residential Living



## KINGBOROUGH COUNCIL

### Approved as Rural Residential

#### DA & permit conditions required reports for:

- Site & survey • Engineering • Road
- Environmental Management Plan
- Natural Values Assessment
- Scenic Landscape Assessment
- Landslip Hazard • BAL • Bushfire Hazard Mgmt Plan
- GEO Environmental Assessment
- Part 5 Agreement
- Tree Preservation Offset — \$17,000

*Council approved residence + barn / stables WITHIN our front pasture areas — confirming Council did not consider those pastures suitable for commercial agriculture.*



## OPTEON — INDEPENDENT VALUATION

### Recorded as Rural Residential Living

*Commissioned by lender ASAG (not by us). A truly independent assessment, with site inspection.*



#### EXISTING USE

**Rural Residential**

#### TYPE OF PROPERTY

**Residential Rural / Rural Lifestyle**

#### LOCATION

*"Well-established rural residential district"*

*Reverse mortgage approved on the basis of this valuation. A rezoning that contradicts this, and it would jeopardise our retirement.*



# The Commission's Own Statements Support RLZ

|                                                                  |                                                                                                                                                                                                     |                                                                                                                                                                      |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DAY 20, 02:33:54</p> <p><b>Commissioner Dan Ford</b></p>      | <p><i>Forced the concession that the Priority Vegetation Area overlay does the landscape-protection work — not the zone (Kettering West).</i></p>                                                   | <p><b>APPLIES TO US</b></p> <p>→ Five overlays apply to our property. They do the conservation work. LCZ adds nothing.</p>                                           |
| <p>DAY 20, 05:53:00</p> <p><b>Kate Heckelmann (Ireneinc)</b></p> | <p><i>Conceded that the evaluation framework is a tool, not a statutory instrument — the Commission is not bound by its outputs.</i></p>                                                            | <p><b>APPLIES TO US</b></p> <p>→ The DP4 size threshold that excluded us from DP6 is a framework rule, not law. The Guidelines bind, not the framework.</p>          |
| <p>DAY 20, 01:07:48</p> <p><b>Commissioner Rohan Probert</b></p> | <p><i>Identified that landscape descriptions for Tinderbox East and Howden are near-identical, yet produced opposite zone outcomes — challenged Ireneinc to identify the actual difference.</i></p> | <p><b>APPLIES TO US</b></p> <p>→ The same question applies here. What principled difference treats us differently from comparable Allens Rivulet RLZ properties?</p> |
| <p>DAY 20</p> <p><b>TPC Panel — multiple localities</b></p>      | <p><i>Visible rural activity is NOT a prerequisite for RLZ — applied across Howden, Albion Heights, and Kingston West.</i></p>                                                                      | <p><b>APPLIES TO US</b></p> <p>→ Our property exceeds this standard anyway — active grazing, hay baling, ongoing land management.</p>                                |



# Consistency Demands the Same Answer Here



WE ARE NOT ALONE

35

*landowners*

We are one of 35 landowners in the Allens Rivulet / Nierinna corridor who have lodged a collective submission seeking RLZ across this lifestyle corridor.



TPC PRECEDENT — HUON VALLEY

450+

*properties redirected*

In May 2023 the Commission directed over 450 properties from proposed LCZ to RLZ on materially identical grounds. The same principle applies here.



COUNCIL'S OWN INVESTMENT

Many

*trail networks built*

Kingborough Council has invested in the Kaoota-Tramway, North West Bay (stages 1 & 2), and many other Allens Rivulet trails — recognising this is a lifestyle and recreation corridor.

*s. 34(2)(g) LUPAA — the spatial application of zones must be "consistent and coordinated" across the LPS.*



## RELIEF SOUGHT

*We respectfully ask the Commission to:*

**1**

### **Determine that the draft Kingborough LPS be modified**

to include [REDACTED], Allens Rivulet (CT. [REDACTED] | PID: [REDACTED]) within the Rural Living Zone D (RLZ-D) in its entirety.

**2**

### **Apply RLZ-D across the full 21.19 ha**

no split, no fragmentation, no LCZ overlay on any portion.

The five mandatory codes already protect every conservation value identified for the locality.

**3**

### **Provide an opportunity to respond**

if the Commission proposes any alternative outcome, before any final determination is made. NOTE: We already have a valid DA lodged with Council and this DA is in progress under ELZ (our current zoning and will be considered under ELZ). The only other zone that compares in all aspects is RLZ/D and natural justice should prevail as Ireneinc failed in their decision matrix by excluding our property as the size is greater than 15 ha.

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*Thank you for your consideration. I welcome any questions from the Commissioners.*



WE ARE ONE OF MANY  
ALLENS RIVULET COLLECTIVE SUBMISSION

**We are signatory to the Allens Rivulet Collective Submission proposing a ribbon of RLZ properties as tabled with the Commission.**

**APPENDIX E**

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THANK YOU

# Questions welcome

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*Ann & Grant Weatherburn*

██████████, Allens Rivulet, Tasmania 7150

Title: CT. ██████████ | PID: ██████████ | 21.19 ha

████████████████████ / Mobile: ██████████



# **Allens Rivulet: Rural Living Zone D across the whole property, not a split Rural / Landscape Conservation Zone**

Ann &amp; Grant Weatherburn · CT [REDACTED] · PID [REDACTED] · 21.19 ha · Hearing: Tuesday 20 October 2026

## CURRENT ZONE

### Environmental Living Zone (ELZ)

Interim Scheme 2015 · 10 ha minimum lot size

## HOW THE LAND IS USED

### ~70% pasture, cleared & usable

Paddocks, rocky outcrops, tracks &amp; access road. ~30% scant regrowth after the 1967 fires

## DRAFT LPS / IRENEINC

### Split: Rural Zone / LCZ

A line drawn across the "T" of the lot: Rural Zone at the front, LCZ over back pastures, dam &amp; driveway

## PRIMARY USE

### Residential rural living

Our only home. No commercial primary production. Horses, hay for own use, trails, firewood, dam



Appendix C: paddocks (yellow), gates (red), trails (blue), dam and home site.

## WE ASK THE COMMISSION

### Apply RLZ-D to the full 21.19 ha. No split and no LCZ on any part.

RLZ-D is the direct equivalent of our ELZ: residential in a rural setting, with the same 10 ha minimum lot size.

## AT A GLANCE Three zones, and only one fits

| ZONE                   | ZONE PURPOSE                                                                                          | APPLIED TO 35 MUDGES RD                                                                           |
|------------------------|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Rural Zone             | Sustain primary production; minimise loss of agricultural land                                        | × No commercial primary production. Council approved our home and barn within the front pastures. |
| Landscape Conservation | Protect landscape values where residential use is <u>not</u> the priority                             | × Our priority <u>is</u> residential (DA, Occupancy Certificate, valuation)                       |
| Rural Living D         | Residential settlement on larger lots in a rural setting; mixed residential and lower-order rural use | ✓ Matches exactly. 10 ha minimum, the same as ELZ. Code overlays protect the land.                |

## GROUND 1 LCZ must not be applied where the priority is residential

"The LCZ should not be applied to land where the priority is for residential use and development — instead, the RLZ should be referred to."

ZONE GUIDELINE LCZ 4(a), SECTION 8A GUIDELINE NO. 1

### 2021

Residential DA (dwelling, barn &amp; stables) approved by Kingborough Council

### \$330,000+

1 km access road built and sealed to Council's conditions, which used our entire superannuation

### 2025

Occupancy Certificate issued after every report and condition was met

### Opteon

Independent valuer engaged by our lender (ASAG) recorded the use as "Rural Residential Living"

Applying LCZ to any part of an occupied home that holds an Occupancy Certificate contravenes LCZ 4(a) on its plain reading.

## GROUND 2 LCZ is not a replacement zone for ELZ

"The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones."

ZONE GUIDELINES, EXPRESS NOTE

- The TPC itself told Council the LCZ "appears to have been used quite extensively to replace the ELZ" and that this "ought to be comprehensively justified."
- Ireneinc relied on **locality-level** values and identifies **no specific landscape values on our title**.
- A **desktop exercise with no site visits**. The "LCZ" area is actually managed pasture, the dam, tracks and trails.
- No threatened flora. The only noted fauna (potoroo) is in the part proposed for Rural Zone.

## GROUND 3 RLZ-D meets RLZ 1(a) and RLZ 2(b)

- RLZ 1(a)**: larger-lot residential areas with "a mix between residential and lower-order rural activities, with priority given to residential amenity." That is our property: horses, arena and round yard, hay for our own horses, firewood, the dam, and trails.
- RLZ 2(b)**: RLZ may replace ELZ where the intention is residential in a rural setting **and** a similar minimum lot size applies. Both are met: residential intention (DA, Occupancy Certificate, Opteon) and ELZ 10 ha = RLZ-D 10 ha.
- Limited subdivision**: one additional lot only, under our existing ELZ entitlement (DA lodged). Nothing further is possible under RLZ-D.
- Rural Zone is also wrong**. We are not primary producers. Sharing a fence with the cattle property at 148 Blue Gate Rd does not make our land Rural, because **zoning by adjacency is not a planning principle**.



#### GROUND 4 Five mandatory overlays already protect the land, so the zone does not need to

**C7.0 Natural Assets**  
Priority Vegetation Area:  
strict controls on clearing

**C7.0 Natural Assets**  
Waterway & Coastal  
Protection: covers the  
dam

**C8.0 Scenic Protection**  
Controls the visual impact  
of all development

**C13.0 Bushfire-Prone**  
Full hazard management.  
Part 5 agreement / BAL on  
title

**C15.0 Landslip**  
Geotechnical assessment  
for development

- They apply **whatever the zone** and cannot be waived. Our reports for every overlay comply. Ireneinc (s.5.3.1) accepts code management as the test for RLZ.
- **Commissioner Ford, Day 20 [02:33:54] (Kettering West):** *"The PVA overlay does the landscape-protection work, not the zone."*
- LCZ adds no protection. It **discourages active management**, leading to canopy closure, higher fire risk and loss of the pasture/bush mosaic.

#### GROUND 5 Inconsistent outcomes: neighbours with fewer rural-living features were moved to RLZ

|                   | ██████████ ALLENS RIVULET                                   | ██████████ SANDFLY                              | ██████████ (OURS)                                   |
|-------------------|-------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------|
| Ireneinc outcome  | LCZ → <b>changed to RLZ</b>                                 | LCZ → <b>changed to RLZ</b>                     | <b>Split Rural / LCZ</b>                            |
| Lot size          | 11.92 ha                                                    | 7.61 ha                                         | <b>21.19 ha (RLZ-D is for 10 ha+)</b>               |
| Pasture           | approx. 50%                                                 | approx. 5%                                      | <b>approx. 60%</b>                                  |
| Elevation         | up to 340 m                                                 | 300 m +                                         | <b>up to 320 m</b>                                  |
| Visibility        | Hillside clearly visible from Allens Rivulet Rd (main road) | Hillside clearly visible from Allens Rivulet Rd | <b>Thin ridgeline only, from Moodys Rd (gravel)</b> |
| Clearings in bush | No                                                          | No, and no dam                                  | <b>Yes: paddocks, dam, 4WD tracks</b>               |

- Those lots moved for "consistency with adjoining RLZ parcels." We were refused RLZ **only because we do not adjoin RLZ**, despite **more pasture, lower elevation and less visibility**. (Allens Rivulet Rd sits at about 180 m and the lower treeline at about 230 m.)
- **s.34(2)(g) LUPAA** requires zones to be applied in a **"consistent and coordinated"** way.

#### GROUND 6 A 15 ha cut-off excluded us

- **Decision Point 4** defines a rural living settlement as "10+ smaller blocks, generally 1–15 ha". At 21.19 ha we were **routed out on lot size alone**.
- That meant we never reached **Decision Point 6** ("Could landscape values be managed outside LCZ?"), where Ireneinc found for Allens Rivulet: *"This presents a low risk where RLZ is applied"* (s.2.7.2.1, p.140).
- The Zone Guidelines contain **no 15 ha upper limit** for RLZ. RLZ-D exists for lots of 10 ha and over.
- Ireneinc's Kate Heckelmann, Day 20 [05:53:00]: *"The framework is a tool, not a statutory instrument."*

**We ask the Commission to apply DP6 without the 15 ha threshold. The result is low risk, and therefore RLZ-D.**

#### GROUND 7 Bushfire and the rebuild trap

- **Under RLZ-D** a dwelling is permitted, so rebuilding after a bushfire is straightforward.
- **Under LCZ or Rural Zone** the home becomes non-conforming, and rebuilding relies on substantial commencement **within 2 years**. Insurance, design, DA and permit alone take 18–24 months. Our own approvals took about 4 years (2020–2024).
- Access is by a **Crown road reserve**, which does not meet Acceptable Solution A1 (cl. 22.4.3 LCZ / 20.4.3 RZ). We are buying a right of way (Crown approval given), but several neighbours in our collective submission also rely on Crown access.
- We are 73 and 72. Our reverse mortgage rests on the Opteon **rural residential** valuation.

#### CONSISTENCY & PRECEDENT The Commission's own statements and decisions point the same way

- **Cmr Probert, Day 20 [01:07:48]:** near-identical descriptions (Tinderbox East / Howden) gave opposite outcomes. What is the real difference? The same question applies here.
- **Panel, Day 20:** visible rural activity is **not** a prerequisite for RLZ (Howden, Albion Heights, Kingston West).
- **Saddle Rd / Groombridges Rd, Kettering:** RZ/LCZ changed to RLZ, "consistent with the purpose of the zone and Guideline No. 1."
- **Huon Valley LPS (May 2023):** the TPC directed **450+ properties** from LCZ to RLZ on materially identical grounds.
- **35 landowners** in the Allens Rivulet / Nierinna corridor lodged a collective RLZ submission (Appendix E), which we adopt.
- Council-built horse, walking and cycling trails mark this as a **rural living and recreation corridor**.

#### RELIEF SOUGHT We respectfully ask the Commission to:

1. Modify the draft Kingborough LPS to include ██████████ Allens Rivulet (CT ██████████ PID ██████████) in the Rural Living Zone D.
2. Apply RLZ-D across the full 21.19 ha, with no split and no LCZ on any part.
3. Give us an opportunity to respond if any alternative outcome is proposed, before a final determination is made.