
From: [REDACTED]
Sent: Monday, 4 May 2026 11:16 PM
To: Kingborough LPS
Subject: Ammended Submission for rezoning [REDACTED] Oyster Cove from ELZ to RLZ
Attachments: Appendix A - Part 5 Agreement Conservation-E199607.pdf; Submission 4-05-2026.pdf

This Submission 4-05-2026, including Appendix A, replaces the previous submission that was emailed to you on 30-04-2026. Could you please delete the previous from your files. Thank you.

Kind regards
Sonia Jane

----- Forwarded Message -----

From: [REDACTED]
Date: On Thursday, April 30th, 2026 at 4:02 PM
Subject: Submission for rezoning [REDACTED] Oyster Cove from ELZ to RLZ
To: KingboroughLPS@planning.tas.gov.au <KingboroughLPS@planning.tas.gov.au>

Thank you for the opportunity to submit our response to the Commission. We would appreciate your acknowledgement of receipt.
Thank you.

Yours sincerely
Sonia Jane

Name	Sonia Jane
Date	30/04/2026
Property Address	██████████, Oyster Cove
Requested Zone	Rural Living Zone C
Title	██████████

To the Tasmanian Planning Commission,

Thank you for the chance to speak about my property at ██████████, Oyster Cove.

I strongly object to its rezoning under the Kingborough Draft LPS and/or Irenelnc review to the Landscape Conservation Zone (LCZ). **I must bring to your attention that there is already Agreement E199607 on our title, (see Appendix A) preventing subdivision and applying a defined conservation area, making any need for LCZ redundant and unnecessarily controlling.**

I strongly suggest that this Agreement E199607 is sufficient enough to dismiss any idea of LCZ rezoning for my property.

Therefore I respectfully request the Commission to apply Rural Living Zone C, in line with my original purchase, zoning allowances, and the site's current and future residential use. **Please note that RLZ is already proposed for neighbouring properties at ██████████.** (See Photo 3)

In addition, applying LCZ is inconsistent with section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the LPS Section 8A Guideline No. 1, and the Southern Tasmania Regional Land Use Strategy (STRLUS).



Photo 1: 105 Palmers Rd, Oyster Cove

I purchased this property with my husband on 11/05/2022. It is 8 hectares in size with 2 dwellings and a studio/storage and shed. We have a very productive fully netted vegie and herb garden and a fully enclosed fruit and berry garden. We purchased this property with the purpose of growing our own food, drinking our own tank water and living close to nature and having room available for visiting family and friends. Our primary purpose of this property has always been for residential living in a natural environment and to be caretakers of this beautiful land. ELZ was a perfect fit for

this and RLZ C is the natural substitute.

As the conservation of our property is already protected by Agreement E199607 on our title, (see Appendix A) rezoning to LCZ would only serve to harm our continuous use of the land, as allowed when purchased.

LCZ DOES NOT COMPLY WITH LUPAA ZONE GUIDELINES

Section 34 of LUPAA says the Commission must check if the LPS meets the Act's criteria, including zone guidelines. LCZ 4(a) states that LCZ should NOT be used where the land's '**priority is for residential use and development**'. The guidelines say LCZ is not for large residential lots 'characterised by native vegetation cover and other landscape values.'

Originally and currently my property is zoned Environmental Living. The **primary use and strategic intention of the land is and has always been residential**. It has two dwellings, the first was built in 1974 and the second built in 1994 and has been occupied continuously, and is serviced by Electricity. There's no evidence the land's primary use is anything other than residential.

LUPAA guidelines also state LCZ is not a replacement for ELZ. The priorities don't match: ELZ – has living priority and permits dwellings, but LCZ prioritises conservation with discretionary dwellings.

In correspondence with the Planning Authority, the TPC noted that the LCZ "appears to have been used ...to replace ELZ", a policy or strategy shift which should be 'comprehensively justified'. Neither the draft LPS nor IreneInc's review has provided detailed, site-specific reasons for changing my land's priority. They based their decision on general landscape values and rural settlement judgments, neither had community input.

LCZ DOES NOT COMPLY WITH LUPAA OBJECTIVES

LUPAA Schedule 1, Objective (b), aims for 'fair, orderly, and sustainable' land use. Applying LCZ conflicts with this objective. It is unfair to remove permitted residential use; applying LCZ represents a **net reduction** in existing land use rights. The clear majority of Tasmanian councils moving to the Statewide Planning Scheme applied the LCZ sparingly or not at all. Only a few used it moderately or heavily. Most councils (such as Tasman) translated ELZ directly to the Rural Living Zone, yet IreneInc chose as their model three councils that applied LCZ heavily.

Many councils, including Kingborough in 2019, recognised that LCZ could lower property value, affect insurance and finance, and prevent future dwellings on empty blocks – not meeting the goal of 'sustainable development that supports communities to provide for their **social, economic** and cultural well-being...' (clause 1 (a), Schedule 1 – Objectives).

RLZ IS THE APPROPRIATE ZONE

RLZ Guideline RLZ 1(a) suggests the RLZ should be applied to residential areas with larger lots used for residential and lower order rural activities, while prioritising residential amenity. This fits my property. RLZ Guideline RLZ 2(b) states RLZ may be applied to ELZ land where the primary strategic intention is for residential use in a rural setting and a **similar** minimum allowable lot size is being applied. **My property's size of 8ha aligns with RLZ C with a minimum lot size of 5ha.**

THE IRENEINC EVALUATION PATHWAY (DECISION TREE)

IreneInc uses a decision tree to decide zones. On Day 2 of the review hearing, the Commission was told that it's a tool, not a rule [Kate Heckelmann, 05:53:00], and alternatives can be used with good

evidence. Even so, applying the evaluation pathway correctly, **my property meets the RLZ criteria rather than LCZ.**

EVIDENCE OF STRATEGIC INTENT FOR LIVING

Both the original LPS and Irenelnc's report lack clear definitions of "primary strategic intent." They ignore existing rural-residential settlements, historical land use, cultural attachment, community ties, and intergenerational living. Neither STRLUS nor the Kingborough Strategic Plan restrict rural living growth. Past land allocations, subdivision approvals, and development applications show that residential use is the 'strategic intent' of the land.

This account from our neighbours depicts the long standing residential use of our property.

Neighbours Mark Mather and Lorrell Weltman, [REDACTED], Title [REDACTED]

Strongly object to LCZ and request RLZ for the multiple reasons given.

Furthermore, **Lorrell Weltman is part-owner of [REDACTED], Title [REDACTED] as above.**

Mark and Lorrell part-owned then fully owned [REDACTED], and lived here for over 35 years. Their two children were born on the property.

We acknowledge the already rich history of rural settlement in our area, some evidence of which is contained in the Channel History Museum and other repositories.

We have had the privilege of hearing several verbal accounts in person directly from Mrs Nancy Smith, now deceased, former resident of [REDACTED] until she was over 90 years of age.

Nancy related many stories of her life on [REDACTED] that began as a young child before the first world war.

Well before she was a teenager she would walk the steep 4 km from her home to the top of Snug Falls Rd to pick small fruit augmenting her family's income, 6 days a week. Out of fruit season there were small holdings with goats and other stock to manage.

Small fruit was widespread in the region having ideal soil for this on the steep terrain. There was a ready market, primarily in the jam and juice factories in Hobart, accessed from Oyster Cove and sailing vessels in the early days. Our blueberries grown at [REDACTED] from 1985 until we left in 2015 are testament to the growing conditions..

Nancy said small fruit was grown on the several properties she walked past daily with each one of them housing a family on separate properties.

The gentle parallel undulations in the ground are the result of small fruit agriculture and are still clearly visible today.

Nancy remembered the early cottage on [REDACTED] being destroyed in the 1967 fires. It was built in the late 1800's and housed the family growing small fruit and other endeavours.

The builder of the present lower cottage Bill Tomalin found evidence of footings and human habitation when he built his first cottage there in 1974. He raised 3 children there before moving to Hobart and built the A frame studio in 1978 in order to temporarily house his family from the UK.

Mark and Lorrell built their caretaker's cottage in 1994 beside the A frame.

The entire property was self-reliant for everything except the public road system. Water, waste and power were all managed on site, in fact a steam engine delivered electricity and heating for over 20 years.

We survived 2 bushfires in the late 1990's, by remaining and defending our homes with a well prepared plan and equipment. The second fire was catastrophic, destroying many homes between Margate and O'Briens Hill. Our property and everything within a 10 km radius was reduced to blackened tree trunks. There was nothing else, just stones. Only 10m each side of the creek bed on our properties remained un-burnt providing a haven for wildlife to recover.

The land was heavily logged from the early 1900's (if not earlier) and a stone tramway remains as evidence of the tenacity involved hauling huge logs from the inhospitable steep valley floor.

We don't condone this activity but acknowledge the hardiness of those making a living from what's around them. Thankfully some large trees remain having regrown after logging and having survived at least two major fires.

The ridgetop that several properties share is wide and flat. You could, for example, build a house in most places along that elevated plateau and not see it from any public roads.

It is our intention to build another house or two, if possible, for our children. Yes, the housing crisis is definitely affecting even motivated, hard-working 30 year olds so please do not underestimate our determination to ensure that their future is secure and independent on our family property. They will be an asset to the region, they just need somewhere to raise their families to make that happen.

EVIDENCE OF RURAL LIVING SETTLEMENT

IreneInc's review states that the Oyster Cove community meets the 'strategic intent for living' because there is 'evidence of residential uses scattered throughout'. However, Rural Living Settlement status has been mostly denied, with the report citing a 'lack of consistent subdivision pattern with lots of the size which would contribute to a rural living settlement'.

This assessment appears biased, primarily due to two judgments. First, it favours smaller lot sizes, disregarding RLZ subcategories that limit subdivision of lots under 20ha and also minimises development on larger lots through needs of access and services (note: there is NO maximum lot size in RLZ).

Secondly, the 'consistent pattern' is only recognised if it resembles urban cul-de-sacs or road clusters, ignoring rural and lifestyle properties that are naturally sited around topographical features, inherited large lots, or purchased with future rural living in mind. For example, in Snug Falls there's a clear pattern of large lot subdivision facing into the valley, on the northern side of the ridge.

These biases overlook the fact that residents live just minutes from Snug township, where they shop, support local businesses, send children to school, recreation and work. The reliance on a desktop analysis, which can't see beyond tree canopies and often lacks on-the-ground insight, leads to subjective judgments about rural settlements. For example, the IreneInc report notes that three adjoining properties on Snug Tiers Road display 'a consistent pattern of rural living,' as does my property, yet it is still proposed to be part of the LCZ.

Without applying rural living settlement criteria consistently and with ground-truthing, the evaluation then fails to consider whether landscape values can be managed through planning codes **nor recommends any other outcome than LCZ**, unless the area has no landscape values, which is unlikely given its rural nature and the subjective, non-consulted definition of 'landscape values'.

Homeowners in my area **strongly disagree** with Irenelnc's narrow assessment. We can demonstrate that the Oyster Cove community meets all three rural living settlement characteristics:

1. A pattern of **at least** 10 smaller blocks, **generally** between 1–15 ha, with a consistent lot pattern. The attached map, *Photo 2*, shows my property among 23 others in Snug Falls and Oyster Cove with lot sizes from 0.96ha to 40, a pattern established since the early 1800s. As you can see all properties can be managed by available RLZ lot sizes to minimise subdivision potential. Our neighbours at Oyster Cove are proposed for RLZ at [REDACTED].(see Photo3)



Photo 2: Lot sizes(hectares) of neighbouring properties applying for RLZ. (the red border defines our property)

2. A pattern of 'detached dwellings and outbuildings', which Irenelnc admits is "generally met, as many lots have identified residences and cleared areas". As you can see from Photo 3, that dwellings and outbuildings are located on nearly every property in my community. This also includes properties with development applications or strategic plans for living on empty blocks.



Photo 3: Detached dwellings and outbuildings on neighbouring properties seeking RLZ (the red border defines our property, pink defines properties proposed for RLZ)

3. In photo 1, you can see my property has the main original residence, caretaker's residence, studio/storage and shed.

4. Visual evidence of rural activities such as 'clearings, grazing and hobby farming etc'. Irenelnc states that "some residential uses are associated with farming", yet at the review hearing, it was clarified that the criteria list is only an example. My property shows evidence of agricultural enterprises such as berry farming and previous orchards on the cleared area. (See Photo 4 and 5)



Photo 4: Evidence of previous orchard with furrowed rows. Photo 5: Large 2m tall blueberry bushes planted 41 years ago.

ASSESSING LANDSCAPE VALUES

The STRLUS CV 4.1 states that **community consultation** should determine landscape values. Irenelnc admits in review hearings that they didn't consult. This means the assessment of whether properties meet 'landscape values' is now entirely based on the Planning Authority's judgment.

Irenelnc's choice of dictionary terms 'hilly places' and 'bushland,' and focus on tree-centric descriptions, i.e.: 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are ... nestled into vegetation,' and 'bushland backdrop' are the main basis for our locality's landscape values.

This overlooks the value of other features like waterways, fields, foraging areas, and the importance of varied terrain (grasslands, clearings, open areas, trails) for different species habitat. Such diversity is vital for a healthy rural or biodiverse landscape and aligns with evidence that people prefer varied scenery, including homesteads, sheds, and domestic animals.

The lack of consultation and reliance on terminology that favours the Planning Authority's narrow definition results in a flawed or biased assessment:

1. Large areas of bushland and vegetation alone do not justify LC zoning. As confirmed at the TPC review hearing on 14/4/26, "LCZ is not for managing vegetation—that is the role of the Natural Assets Code", which applies to all properties. Irenelnc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify.
2. Describing dwellings and large lots around topography as 'scattered' implies no strategic planning or intent, which is untrue. See on Photo 1 that there was a clear intent to create a large flat garden area. Here the hill has been carved away to create this, leaving a cliff face and a large productive garden.
3. Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, as set by development criteria) is worded in the report as though this is a choice or evidence that OUR preference was conservation over living: "integration of residential use ... is largely within a small proportion of a parcel", "the remaining natural setting reinforces the area's natural values".
4. Owning private property in natural settings doesn't mean residents prioritise landscape conservation over residential amenity. Irenelnc implies this repeatedly, both in review references to "built form" being "secondary to the natural landscape" and, in hearings, that lots in bushland reinforce or "contribute" to the area's "natural values". Oyster Cove residents purchased homes in natural areas because they **value the contribution this makes to their Rural Living**, not to add to Kingborough's undefined scenic or "landscape values".
5. Irenelnc relied on overlays in a desktop assessment to identify landscape or environmental features across the locality, ignoring the challenges of topography and identifying these (i.e., through the tree canopy) by aerial images alone. Evidence-based alternative reports or maps of individual properties' natural settings are needed.

6. The scenic protection overlay is broadly applied to properties over 100m above sea level. The photos used in the report, sourced from realestate.com, are aerial shots intended for sale and don't accurately reflect what is seen from local roads, towns, or waterways. Even IreneInc admits that in the locality "bushland, landform, and ridgeline features ... remain visually intact," and the reality is that the siting of homes on [REDACTED] cannot be seen from public vantage points. The scenic protection overlay will continue to protect these landscapes.

BALANCING LANDSCAPE VALUES AND LAND USE

In their S35F report, Kingborough council states that applying the Rural Living zone to rural residential areas **may** "risk that the predominant land use pattern and characteristics of the area could be eroded over time...". This ignores the long-standing rural nature of the area and the fact that rezoning to LCZ would significantly restrict ongoing private land use, **absolutely guaranteeing** a change in "character and amenity".

The report notes a "medium/high" risk of RLZ uses in this locality but doesn't specify what those risks are, how **likely** they are considering the topography, vegetation, and existing settlement patterns, or whether they could be managed through overlay codes, SAPs, or other mechanisms. IreneInc acknowledged that future reviews could reconsider RLZ decisions, and that any short-term risks could be mitigated. This supports the case that RLZ is appropriate for my property, not LCZ.

At the review hearings, Kate Heckelmann admitted there are **no land uses** that would impact landscape values which aren't already managed by building codes or overlays. This suggests overlaps through stricter zoning isn't necessary because landscape "values can be appropriately **managed through the application and operation of the relevant codes**" (Kingborough LPS guidelines, RLZ 4b).

Assuming LCZ is the only way to protect generic 'landscape values' ignores existing land management, bushfire mitigation efforts, biodiversity initiatives, and conflicts with the intent of the evaluation pathway of **balancing** landscape protection with existing land uses. It is illogical to rezone properties to LCZ to 'protect' the landscape that we've proven we can already care for on our own.

IreneInc suggest that LCZ zoning near Snug Recreation Area is necessary to provide connectivity to the EMZ and act as a buffer between living zones. Not only have National Parks (EMZs) already been put aside for state management, nearly every other Tasmanian council placed other living zones: Rural Living, Residential, Rural, Agricultural, and even Industrial zones next to National Parks or EMZs. It is also contradictory to the placement of Low Density Residential lots beside Coningham's EMZ reserve.

Rural Residential owners provide a significant free workforce to manage areas on the interface of bush, coast, country and town. They need to be able to continue to mitigate natural disaster, care for native species, maintain trails, carriage ways and fire access, and remove invasive pests, which is at risk in the LCZ. Our efforts help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all - work that cannot be replaced by council staff or State Parks and Wildlife service.

SUMMARY

Throughout the LPS process, Kingborough Council has failed to consult the community and has not followed the objectives of LUPAA, which emphasize fair land use and community involvement. Their focus on environmental protection seems aimed at removing private land rights, risking long-term harm to residents' well-being and creating potential future financial and legal challenges.

I trust the TPC will hear the communities concerns within this letter and I respectfully ask for rezoning properties from ELZ to more restrictive zones to stop.

Specifically, I request that the TPC direct my property to be zoned from the ELZ to the Rural Living Zone C, particularly noting that environmental priorities are already managed by Agreement E199607 on my title, (Appendix A), preventing subdivision and already having a defined conservation area, which covers most of my property. RLZ C will allow me to continue to be in line with my original purchase, zoning allowances, and the site's current and future residential use, which seems completely fair, and for which I will be most grateful, and able to be at peace. Thank you.

Thus I request that the folio of the Register title [REDACTED] at [REDACTED], Oyster Cove be included within the Rural Living Zone [C] in the Kingborough Local Provisions Schedule.

I also respectfully request that **if the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.**

Thank you for your time and consideration over my request for my property.

Kindest regards,

[REDACTED]

Sonia Jane

[REDACTED], Oyster Cove

30/04/2026

[REDACTED]
[REDACTED]