
From: Alayne Hamilton [REDACTED]
Sent: Sunday, 3 May 2026 10:08 AM
To: Kingborough LPS
Cc: Michael Hamilton
Subject: [REDACTED] zoning submission
Attachments: [REDACTED] submission final.pdf

Please find attached our zoning submission.

Warm Regards, Alayne and Michael Hamilton

01/05/2025

Alayne and Michael Hamilton
[redacted] Kaoota
TAS, 7150
[redacted]
[redacted]

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

To the Tasmanian Planning Commission,

We write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends our property be included within the Rural Zone (RZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ) as exhibited.

We did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission. We understand that this letter has been sent to ensure procedural fairness and provide us with a clear opportunity to formally participate in this stage of the process. We welcome that opportunity and submit as follows.

Landowner name(s)	Alayne and Michael Hamilton
Property address	[redacted] Kaoota
Title reference (folio)	[redacted]
Lot size (approx.)	2.8ha
Locality	Kaoota + Sandfly
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Zone
Zone sought in this submission	Rural Living Zone (RLZ)

We welcome the Ireneinc recommendation to move our property away from the Landscape Conservation Zone (LCZ) as exhibited. This zone was not appropriate for our property and we are pleased that the review has recognised this.

The Rural Zone (RZ) also does not present the most appropriate zoning outcome.

We submit that the Rural Living Zone (RLZ) better reflects the existing use, settlement character, and residential intention of our land, and is more consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), and the Southern Tasmania Regional Land Use Strategy (STRLUS).

We request that the Commission determine that the RLZ is the appropriate zone for our property under the draft Kingborough LPS. The specific RLZ subcategory we seek is Rural Living Zone B, which reflects the existing lot pattern in our locality.

Inappropriate application of Landscape Conservation Zone:

Zone Guideline LCZ 4(a) expressly states that the Landscape Conservation Zone should not be applied where residential use and development is the priority for the land. Under the former Environmental Living Zone (ELZ), and through successive ownership, the strategic intention for this land has consistently been residential use. Our land sits within a rural residential landscape that has been shaped for decades by lawful access, vegetation management, and residential-scale land use.

Existing landscape and environmental values are already identified and managed through the Priority Vegetation Area overlay, Scenic Protection Code, Natural Assets Code, and hazard overlays. These controls are targeted, precise, and capable of managing site-specific impacts without subordinating the land's primary residential function.

As climate change increases bushfire risk, the interaction between bushfire management requirements (which may require intensive mechanical clearance of vegetation) and the LCZ's landscape value protections will intensify. In the LCZ, clearance beyond a narrow exemption may still require assessment against landscape values. In the RLZ, bushfire clearance is more transparently accommodated. Our property was historically burnt in the 1967 fires and has an excess of immature trees, as noted by a horticulturalist, which would increase the risk of a fire moving from the ground to the canopy. This presents significant risk not just to our property, but the surrounding community if not appropriately managed in line with bushfire mitigation principles. The proliferation of unmanaged small growth has dropped the level of the water table, causing death of the upper portions of our larger eucalypts. Adding to our fire risk profile is a large percentage of these small trees that have died due to lack of space and resources. These are now standing dead and without ongoing management will greatly increase the standing fuel load and likelihood of a catastrophic fire event.

Previous uses of the area have also resulted in the introduction of weed species, such as blackberries, foxgloves and thistles. Without ongoing land management we risk these species becoming widespread and outcompeting local native flora.

Inappropriate application of Rural Zone:

The purpose of the RZ (Zone Guidelines, clause 20.1.1) is to provide for use or development in a rural location where agricultural use is limited or marginal, that requires a rural location for operational reasons, and that minimises adverse impacts on surrounding uses. The RZ does not give priority to residential amenity and treats dwellings as a discretionary use that must demonstrate compatibility with surrounding rural activities.

Whilst our property is rural in setting, its primary intended use is residential — not agricultural or resource-based. The RZ does not give priority to the protection of residential amenity in the way the RLZ does.

In the LCZ and RZ, new dwellings must have lawful and permanent access to a road maintained by a road authority (a publicly maintained road). A licence over a Crown Road reserve does not satisfy this

as it is considered temporary. This is a change from the old Kingborough Interim Planning Scheme, where a Crown Road licence was sufficient for development approval. Landowners who rely on Crown Road access may not be able to build a new dwelling under LCZ or RZ. There is no equivalent requirement in the RLZ building and works standards.

To satisfy the road access requirement, affected landowners must obtain a formal easement (permanent legal right of access) over the Crown land. NRE has confirmed costs typically start at \$25,000 and the process takes 12–18 months. Whether an easement can be granted at all is not guaranteed — it may be refused where the Crown land tenure does not allow easements (e.g. under the Nature Conservation Act 2002), where physical barriers exist, or where corridor widths or competing demands are a problem.

Many landowners purchased their properties without knowing that the TPS would impose a permanent road access requirement their Crown Road licence cannot satisfy. There is no remedy for a landowner in this position — they must either fund an easement process (\$25,000+, 12–18 months, not guaranteed) or accept that a new dwelling cannot be built on the land they purchased for that purpose.

This poses a significant challenge for landowners on [REDACTED] that could again be avoided through the application of the more appropriate RLZ.

Rural Living Zone as the most appropriate zoning for [REDACTED]

The purpose of the Rural Living Zone (RLZ) is: To provide for residential use or development in a rural setting where: (a) services are limited; or (b) existing natural and landscape values are to be retained.

Pioneer Road has a longstanding history of rural residential use and low intensity agricultural use. The greater Sandfly + Kaoota area produced significant amounts of berries in the past, and associated dwellings were situated throughout the area to support farmers and seasonal staff. Evidence of an old pickers hut brick fireplace is visible on our neighbours' property. Following this farming era, a continuing local resident reports use of our land for small scale timber harvest, which was sold to local companies for the manufacture of railway sleepers.

The properties along [REDACTED] have been expressly purchased with the intention of residential use in the last decade. Landowners have purchased these properties with the intention of living harmoniously within a managed, mixed bush and pasture setting. One property has commenced building recently.

Prior to this resident's developmental approval being finalised, the immediate community came together to organise and fund the improvement of a portion of the existing reserve road. This demonstrates willingness among community to practice mutual custodianship over shared assets and work together to improve our locality.

Across Tasmania, numerous ELZ areas with similar characteristics have been translated to RLZ. In the Huon Valley, a reassessment was initiated at the whole-LPS level looking at the application of the LCZ. Most ELZ land had been defaulted to LCZ in the draft LPS. However, after reviewing representations, the Council systematically reassessed clusters of ELZ-zoned land and recommended a substantial number be translated RLZ instead. Based on information in the s35F report, over 200 titles were transitioned from ELZ to RLZ, after having been drafted as LCZ, across numerous localities including Surges Bay, Franklin, Grove, Hastings, and Mountain River. Mountain River is a particularly relevant locality, being adjacent to Kaoota and comparable in terrain, biodiversity, land use, block size and aspect.

Ireneinc recommends a mixed zoning outcome for Sandfly and Kaoota, with RLZ along Pregnell's Road and Talbots Road, and Rural Zone elsewhere. Our [REDACTED] property shares a direct neighbour on [REDACTED]. [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 Kaooota and Sandfly area.

Tasmania is experiencing a well-documented housing supply shortfall, with demand significantly outstripping supply across all areas. Rezoning the land from Environmental Living Zone to Rural Living Zone would support Tasmania's pressing housing needs without introducing inappropriate density and without undermining landscape or environmental values. This aligns with the State Government's strategic objectives for housing supply and rural-living opportunities.

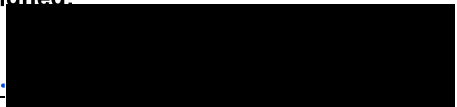
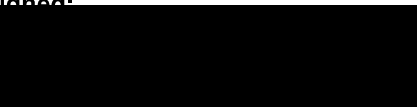
The Rural Living Zone provides for residential use on large lots in a rural setting, where full urban services are not available and where development must respect natural landscape values. Minimum lot sizes, limited permitted uses, and discretionary controls ensure that residential development remains low intensity, dispersed, and consistent with existing settlement patterns.

For the reasons set out above, we submit that:

1. While we welcome the Ireneinc recommendation to move away from the LCZ, the RZ does not adequately recognise the residential character of our property.
2. Our property satisfies the criteria for RLZ under Zone Guidelines RLZ 1(a) and RLZ 2(b): its intended use is residential within a rural setting, with a mix of residential and lower-order rural activities, and the primary strategic intention is residential.
3. The appropriate RLZ subcategory for our property is RLZ B, which reflects the existing lot size and settlement pattern and does not create a pathway for further subdivision.
4. Any landscape values in the broader locality can be appropriately managed through existing overlay controls — NAC, PVA overlay, and SPC — in combination with the lot size controls of the RLZ subcategory, without requiring RZ.

This outcome reflects the existing pattern of use, aligns with the original intent of ELZ, maintains reasonable expectations of landowners and provides appropriate constraints and safeguards for environmental protection.

In conclusion, we respectfully request that the Commission determine that the draft Kingborough LPS should be modified to include my property within the RLZ B; and that if the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

Signed:  Full name: Michael Hamilton	Date: 03.05.26 Contact email / phone:  Mobile: (+61) 
Signed:  Full name: Alayne Hamilton	Date: 03.05.26 Contact email / phone:  Mobile: (+61) 