
From: jennijstone <[REDACTED]>
Sent: Monday, 4 May 2026 9:47 PM
To: Kingborough LPS
Subject: Submission from Jenni and Geoff Johnstone
Attachments: TPC Submission_Johnstone.pdf

Please find our submission in relation to the recommendations made in the Ireneinc report attached.

With kind regards
Jenni and Geoff Johnstone
[REDACTED]
Bonnet Hill

Jenni and Geoff Johnstone

[REDACTED]
Bonnet Hill TAS 7053

1 May 2026

The Delegate (Chair)
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart TAS 7000
Email: KingboroughLPS@planning.tas.gov.au

**RE: Owners' submission in response to the recommendations made in the Ireneinc Report,
Kingborough draft Local Provisions Schedule (LPS).**

To the Tasmanian Planning Commission,

We are writing as the registered landowners of the above property, in response to the Tasmanian Planning Commission's letter dated 2 April 2026 (Our ref: DOC/26/36829) and specifically in relation to the recommendations made in the Ireneinc report dated 20 March 2026.

The Ireneinc Report has recommended that our property be included within the Rural Living Zone (RLZ) rather than the Landscape Conservation Zone (LCZ), as originally exhibited by the Kingborough Council.

We had previously made a representation on the draft LPS and that representation was heard by the Commission on 25 September 2025. At our representation we voiced our formal objection to the Kingborough Council's proposed rezoning of our property from the Environmental Living Zone (ELZ) to LCZ and requested transition to the RLZ.

We appreciate the Commission providing us with the opportunity to make a further written submission in relation to the Ireneinc report recommendations and make this submission to provide the Commission with further property-specific evidence supporting the RLZ recommendation.

STATEMENT OF POSITION.

We strongly support the Ireneinc recommendation and submit that our property be included within the RLZ under the draft Kingborough LPS. As per our representation position, we agree that the RLZ is a significantly more appropriate zone for our property than the exhibited LCZ.

We request that the Commission adopt the Ireneinc recommendation in its final determination of the Kingborough draft LPS.

PROPERTY DETAILS.

Landowner names	Geoff Johnstone and Jenni Johnstone
Property address	[REDACTED] Bonnet Hill
Title reference (folio)	[REDACTED]
Lot size (approx.)	1.58 ha
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Representation Position	Object to LCZ. Request RLZ.
Ireneinc recommended zone	Rural Living Zone (RLZ)
Position in this submission	Acceptance of RLZ

SUPPORTING EVIDENCE for APPLICATION of the RLZ to our PROPERTY.

1. On Day 2 of the hearing the TPC panel considered the Albion Heights and Bonnet Hill locality, the locality in which our property sits, and accepted in full the Ireneinc recommendation of a complete transition from ELZ to Rural Living Zone for that locality (Day 2 recording, [04:29:00 – 04:38:00]). This is the clearest possible confirmation that the RLZ recommendation for our property is sound and consistent with the panel's approach to our area.
2. Visual evidence and known strategic intention for **residential use exists for our property.**
 - The Ireneinc report assessed Bonnet Hill as having characteristics of rural living settlement. The evaluation specifies that *“Land use within the area is consistently residential, with detached dwellings set within heavily vegetated lots”*. Page 56).
 - Zone Guideline RLZ 2(b) confirms that the RLZ may be applied to ELZ land where:
 - a) the primary strategic intention is for residential use and development within a rural setting, and
 - b) a similar minimum allowable lot size is being applied.
 - Our property satisfies criteria for residential use:
 - a) the primary intended use of our property is residential. As previously stated in our representation, the primary strategic intention for our property has always been and continues to be residential. Our property has been used as a residence since our home was built in 2001.
 - b) The RLZ subcategory A minimum lot size of 1 hectare is consistent with our existing lot size of 1.58 hectares and does not create subdivision potential.
3. **Rural living settlement characteristics are present for our property.**
 - Ireneinc found that the Bonnet Hill locality had attributes that align with rural living settlement. The Ireneinc report noted that *“There is a consistent pattern of detached dwellings with associated outbuildings. There is a mix of evidence of rural activities occurring in some instances with other lots appearing only to provide a small, cleared area containing a dwelling on otherwise heavily vegetated parcels.”* And *“...the natural values and landscape values existing within this area are reflective of a rural living settlement.”*

- The Commission's panel itself accepted, at [06:11:55], that a locality with a consistent detached-dwelling subdivision pattern and no visible hobby farming can appropriately be considered for RLZ. Further, on Day 2 of the hearing it was determined that visible rural activity such as active farming or grazing was NOT required to qualify for RLZ - this decision was applied at Howden, Albion Heights, and Kingston West without challenge.
 - 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, with priority given to the protection of residential amenity.
 - Our property and the surrounding settlement satisfy the rural settlement criterion.
 - a) Our property is located within an established residential settlement. Our property is part of a cluster of residential properties, each with lot sizes of approximately 1.5 ha to 2 ha. Each property contains a dwelling with associated outbuilding. The area has been a settled rural residential community since 1968.
 - b) Our property is on a large (1.58 Ha) lot and contains a house which was constructed in 2001, with a garage and gardening shed. The primary use of our property is residential. In the past we have had a large vegetable garden. Due to health issues and family commitments, we had been unable to keep this up but have plans to re-establish the garden. This is precisely the mix of residential and lower-order rural activities described by RLZ 1(a).
4. Our property is located near to other properties zoned RLZ.
- Ireneinc found that properties proposed for the LCZ within the Bonnet Hill locality are located within close proximity to other land within the RLZ or between land for which higher-intensity residential uses exist on either side.
 - On page 85 of the Ireneinc report it is documented that *"The application of the LCZ and the RLZ requires a strategic application consideration that provides for individual land parcels to be considered in the context of surrounding land, including the existing settlement pattern of the surrounding area, the relationship with zoning of nearby land, and the land parcels contribution more broadly to an identified landscape value."*
 - This recommendation directly relates to our property.
 - a) Our property is located in close proximity to properties that have been zoned either RLZ. We contend that the RLZ should be applied to our property as together our properties form part of an identified rural residential settlement. Application of the RLZ to our property will ensure existing settlement pattern consistency and avoid fragmented or spot zoning.
5. **Landscape values can be adequately managed within the RLZ** by the application of relevant planning scheme codes and the minimum lot size preventing further subdivision.
- The Ireneinc report recommended RLZ for the locality of Bonnet Hill, determining that there are *"sufficient mechanisms in the planning scheme to provide for the appropriate management of existing landscape values on these parcels such that the RLZ could be an appropriate alternative zone"*.
 - The Ireneinc report documented that the minimum lot size associated with lots in Bonnet Hill would ensure no further subdivision. *"In considering the RLZ as an optionit is only appropriate where the RLZ categorisation provides for no further subdivision. It is possible to apply a RLZ category in this area which provides for no further subdivision"*.
 - On page 79 of the Ireneinc report it is noted *"Council have identified additional uses which are provided for in the RLZ which are not considered appropriate in area where landscape values are intended to be protected due to the risks that those uses may have in undermining the landscape values. Grazing in particular is raised as a risk to landscape values in transitioning ELZ to RLZ, however in many localities considering likelihood of risk occurring the often steep/hilly topography*

and existing vegetation coverage in the majority of ELZ zoned land, it is unlikely that grazing practices would be feasible without some vegetation clearing or development involving supporting infrastructure."

- Mechanisms exist to ensure that the identified landscape values for our property can be adequately managed within the RLZ:
 - a) Our property is already subject to the Natural Assets Code, with Priority Vegetation Area overlay supporting retention of existing vegetation. There is no specific use that an LCZ would prevent on our land that RLZ plus the applicable overlays would not equally restrict. This view was confirmed during the Day 1 hearing by Delegate Dan Ford (at [05:40:24]) when he asked the Council's consultant to identify any specific use that an LCZ would prevent but an RLZ with overlays would not. The consultant, Ms Kate Heckelmann of Ireneinc, was unable to identify such a use. This principle was applied and reconfirmed on Day 2: at [02:33:54], Chair Heath pressed Ms Heckelmann on whether vegetation removal under RLZ would require a discretionary application if the priority vegetation overlay applied. Ms Heckelmann confirmed it would, and Heath concluded: "So it's a risk that potentially could be managed by Council through the development of those approaches" — to which Ms Heckelmann agreed. This exchange directly led to the Kettering West RLZ recommendation being accepted, and the same logic applies with equal force to our property.
 - b) Our property is already effectively developed to the capacity provided for within the RLZ, with Ireneinc finding this lowered the likelihood of risk to Landscape values.
 - c) The RLZ minimum lot size prevents further subdivision, minimising risk to landscape values. Our property is 1.58 ha. With a minimum lot size of 1 ha, subdivision of our property would not be possible. We do not intend to subdivide and are comfortable with the inability to subdivide.
 - d) The combined effect of these overlay controls and the RLZ minimum lot size provides adequate management of any landscape values without the need for LCZ.
 - e) As noted in the Ireneinc report application of the RLZ to our property would not result in a change to the predominant land use pattern and characteristics of the area or have a detrimental impact on the landscape values. The attributes of our property (steep / hilly topography) would not support uses such as grazing, resource processing and vehicle fuel sales and services.

6. **The LCZ is not appropriate zoning for our property and should not be reinstated.** While we support the RLZ recommendation, we are concerned that the Commission may revert to LCZ rather than adopting Ireneinc's recommendation. We place the following matters on the record.

- LCZ was historically over-applied and inconsistently justified. The Ireneinc LCZ Review documents that the TPC found Council's initial LCZ application was often inconsistent with the Zone Guidelines and with surrounding land. The exhibited LCZ for our property was part of a blanket application covering approximately 75% of ELZ parcels — an approach the TPC itself queried repeatedly. Ireneinc's recommendation to apply RLZ to our property is the product of a more rigorous, property-level analysis that should be preferred over the exhibited LCZ.
- The Commission is not bound by the exhibited LCZ. Chair Nick Heath confirmed at Day 20 [06:45:48] that the Commission will decide on section 34 LUPAA criteria and is not bound by Council's exhibited position or by Council's 16 March 2026 resolution favouring the 'least restrictive alternative'. The Commission is therefore free to adopt the RLZ recommendation, and we urge it to do so.
- The Kingborough Council has acknowledged challenges regarding translation from ELZ to LCZ in the 'Kingborough Draft Local Provisions Schedule. S35F Report'. We believe that statements within this report support our objection to the LCZ being applied to our property. Specifically, the S35F

Report states “To complicate matters further, LCZ 4 of the State Government’s LPS Guidelines states that the LCZ should not be applied to land “where the priority is for residential use”.

CONCLUSION AND RELIEF SOUGHT.

For the reasons set out above, we submit that:

1. The Ireneinc recommendation to include our property within the RLZ is correct and is consistent with the Zone Guidelines (Guideline No. 1) and the requirements of section 34 of LUPAA.
2. The exhibited LCZ was not appropriate for our property and should not be reinstated. The RLZ recommendation reflects a more rigorous analysis and should be adopted.
3. 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.

We respectfully request that the Commission:

- Adopt the Ireneinc recommendation in its entirety with respect to our property, and include our property within the RLZ in the Kingborough Local Provisions Schedule; and
- Not revert to the exhibited LCZ, which is not supported by the site-specific evidence for our property.

We request that the folio of the Register (Title reference [REDACTED]) at [REDACTED] Bonnet Hill, be included within the Rural Living Zone in the Kingborough Local Provisions Schedule, consistent with the Ireneinc recommendation.

PROCEDURAL NOTE.

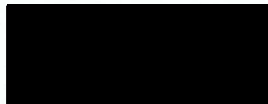
We note Chair Heath's indication at [05:18:30] that any resulting changes are likely to be delivered through a modifications and sub-modifications process, with the Commission mindful of natural justice obligations. We respectfully request that, in the event the Commission proposes any outcome materially different from that recommended by the Ireneinc Report with respect to our property, we be afforded the opportunity to respond before a final determination is made.

We are available to attend any further hearing if the Commission considers this would be of assistance. All correspondence may be directed to us at the address above.

Yours sincerely,



Jenni Johnstone



Geoff Johnstone