
From: Sam Todd <[REDACTED]>
Sent: Friday, 24 April 2026 1:28 PM
To: Kingborough LPS; tpc@plannning.tas.gov.au
Cc: Aaron
Subject: CM: Submission - Kingborough LPS Direction 69 - [REDACTED] Kingston CT 138474/1
Attachments: TPC_Accept_RLZ_Recommendation_[REDACTED] Kingston.pdf

Submission as attached.

Kind Regards,
Samantha and Aaron Todd
[REDACTED]
Kingston TAS 7050

TASMANIAN PLANNING COMMISSION

To the Tasmanian Planning Commission,

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

I did not make a formal representation during the public exhibition period, however I understand that the Commission has received correspondence from me or on my behalf in relation to the draft LPS. I did, however, send an email on 13th April 2026, and am now following up with this letter to more formally participate in this stage of the LPS process. I formally submit as follows.

PROPERTY DETAILS

Landowner name(s)	Samantha Todd & Aaron Todd
Property address	██████████ Kingston
Title reference (folio)	██████████
Lot size (approx.)	10,900sqm (1.09 ha)
Locality	Kingston
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Living Zone (RLZ)
Position in this submission	Accept RLZ

STATEMENT OF POSITION

I welcome and support the Ireneinc recommendation that my property be included within the RLZ under the draft Kingborough LPS. The RLZ is a significantly more appropriate zone for my property than the exhibited LCZ.

I make this submission to: (1) provide the Commission with property-specific evidence supporting the RLZ recommendation; (2) contribute to identifying the most appropriate RLZ subcategory for my property; and (3) ensure the Commission does not revert to LCZ at the final determination stage.

RLZ Subcategory

The subcategory I seek for my property is:

- Rural Living Zone A (minimum lot size 1 ha) - the existing lot pattern in my locality / cluster is consistent with lots of approximately 1–2 ha, with some up to 2.5 ha.

Properties in Proctors Rd / Bonnet Hill / Albion Heights and Hinman Drive (off Proctors Rd) typically range from the smallest ██████████ being 0.4ha, to around 2.5ha. My property is 1 ha. This is consistent with Rural Living Zone A which has a minimum lot size of 1 ha. Applying the RLZ- A to my property fits with the description of an established residential settlement with smaller rural lots, and would not allow for further subdivision, reflecting the existing settlement pattern. That said, we are not against another Rural Living Zone subcategory if it is a better fit with our cluster.

SUPPORTING EVIDENCE AND ARGUMENTS

The RLZ recommendation is consistent with the Zone Guidelines

Zone Guideline RLZ 1(a) — residential character with rural activities

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. This accurately describes my property because:

- Our property contains a house (constructed in 2008) with a garage and small shed. The primary use is residential.
- It is a cleared, 1ha block with very few trees and no native vegetation or bushland to speak of.
- In our paddocks, we have hobby animals – horses, miniature goats, sheep, chickens and ducks.
- We grow vegetables and fruit trees on the block.

This is precisely the mix of residential and lower order rural activities described in RLZ 1(a).

Zone Guideline RLZ 2(b) — ELZ land with residential intention

Zone Guideline RLZ 2(b) confirms that the RLZ may be applied to ELZ land where the primary strategic intention is for residential use and development within a rural setting, and a similar minimum allowable lot size is being applied. My property satisfies both elements: the primary intention is residential, and the RLZ subcategory I am seeking applies a minimum lot size that is consistent with or larger than the current lot size.

The primary strategic intention for our property has always been residential – it has been used as a residence since 2008. It is 1 ha. The RLZ – A minimum lot size of 1 ha is consistent with this existing lot size and does not create subdivision potential.

Zone Guideline RLZ 3 — subcategory selection

Zone Guideline RLZ 3 provides that the differentiation between RLZ A, B, C and D should reflect the existing pattern and density of development within the rural living area, or be supported by further strategic justification. My preferred subcategory — RLZ [A] — directly reflects the existing lot size pattern in my locality grouping, however we note that some parcels in the broader locality are larger, ranging from 2ha – 5ha, so we would not be opposed to RLZ [B] or [C] if this was selected for our cluster / locality.

The Ireneinc Locality Report for Albion Heights and Bonnet Hill confirms the settlement pattern is “recognisably sparse and dispersed and is generally characterised by large lot sizes and a low overall development density. The subdivision pattern reflects a semi-rural residential character, with dwellings typically situated on expansive land parcels ranging in size from typically 2-5ha. There are also some larger 10—25ha parcels distributed throughout the locality. Along the southern fringe of the locality there are groupings of lots which typically range from 0.35ha to 2ha. Land use within the area is consistently residential, with detached dwellings set within heavily vegetated lots.”

Property-specific evidence supporting RLZ

Established residential settlement

The Ireneinc framework identifies the following as indicators of rural living settlement characteristics:

“At least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern; a consistent pattern of detached dwellings with associated outbuildings; and visual evidence of rural activities”.

My property and the surrounding settlement display all of these characteristics.

Our property is part of a cluster of 11 -12 properties on the southern end of [REDACTED] (including the properties on the corner of [REDACTED] and [REDACTED]). Interestingly:

- our neighbours at [REDACTED] (1.03ha), have already been proposed as Rural Living Zone.
- our neighbours at [REDACTED] (0.40ha), [REDACTED] (2.10ha), [REDACTED] (2.12ha), [REDACTED] (1.99ha) are **already zoned Rural Living Zone and proposed to remain so.**

- The property directly across from us at [REDACTED] is already zone Rural Living Zone and is proposed to remain so.
- our neighbours at [REDACTED] are already zoned Rural Living Zone, but are proposed to move to Landscape Conservation Zone. They have provided a representation against this, and have confirmed they will be putting in a submission to remain Rural Living Zone.
- The property owners of [REDACTED], as well as ourselves at [REDACTED], have already provided representations opposing the Landscape Conservation Zone.

198.57 - [REDACTED] Rep opposes to the proposed LCZ but requested that their property change to the Rural Living Zone

198.333 - [REDACTED] Rep opposes to the proposed LCZ but requested that their property change to the Rural Living Zone

198.170 - [REDACTED] Rep opposes to the proposed LCZ

198.518 - [REDACTED] Rep opposes to the proposed LCZ

198.554 - [REDACTED] Rep opposes to the proposed LCZ

198.665 - [REDACTED] Rep opposes to the proposed LCZ

210 [REDACTED] Bonnet Hill) - oppose the LCZ as this have serious consequence for fire protection and future alterations with the flow on value reduction. Land is primarily paddock. Rep suggest the Rural Living Zone as the more appropriate.

294, 295 and 363 - ([REDACTED] Kingston) - Rep opposes the LCZ as the property's principal use is residential and LCZ impose restrictive limitations. Requested that Rural Living is more appropriate.

420 [REDACTED] Bonnet Hill) - Opposes the rezoning of their property to the LCZ, citing severe negative impacts on property value, residential utility, and the ability to secure finance and insurance.

430.56 - [REDACTED] Kingston TAS 7050) The representer requested the zone to be changed as Rural Living Zone

(excerpt from Ireneinc Report).



(excerpt from The List)

All the properties in this cluster contain residences and associated outbuildings. The area has been a settled rural residential community for decades.

Landscape values can be managed within RLZ

Zone Guideline RLZ 4(b) provides that the RLZ should not be applied where land contains important landscape values identified for protection and conservation, unless those values can be appropriately managed through the application of the relevant codes. The TPC panel confirmed that landscape values present on or near my property can be managed through the Natural Assets Overlay and Code.

Our property is not within a current Scenic Protection Area (there are no scenic views or elevated view points), or the Priority Vegetation Code area (again – there is no native vegetation). This is a clear indication that there are no identified / no evidence of “landscape values” on our property. I understand that “landscape values” are not actually defined, however may be described as:

- Large areas of native vegetation;
- Areas of important scenic values;
- Large areas of bushland;
- Large areas of native vegetation which are not otherwise reserved, but contained threatened vegetation communities or threatened species; and
- Areas of locally or regionally important native vegetation.

None of these apply to our property.

The section of our title which borders Brown’s River is protected by the Waterway and Coastal Protection Area Overlay. The Biodiversity Protection Area Overlay also applies to our title. Under the TPS, I understand these codes are replaced by the Natural Assets Code. The combined effect of these overlay controls and the RLZ minimum lot size provides adequate protection and management of any landscape values without the need for LCZ.

No further subdivision is intended or enabled

The Ireneinc framework and Zone Guidelines both flag the risk that RLZ could enable subdivision that would intensify development and affect landscape values. The RLZ subcategory I am seeking addresses this risk directly. Under RLZ [A], the minimum lot size of 1 ha means that subdivision of my property would not be possible.

The LCZ should not be reinstated

While I support the RLZ recommendation, I am concerned that the Commission may revert to LCZ rather than adopting Ireneinc’s recommendation. I 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 my 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 my 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 I urge it to do so.

The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) confirmed at Day 20 [05:53:00] that the evaluation framework is a tool, not a statutory instrument. The Commission may adopt, modify, or depart from Ireneinc’s recommendations as it sees fit under section 34 LUPAA — but where Ireneinc’s analysis supports RLZ and is consistent with the Zone Guidelines, as here, the Commission should adopt it.

LOCALITY-SPECIFIC CONTEXT

Our property is within the Kingston and Bushland Surrounds Locality, specifically the Albion Heights and Bonnet Hill locality.

The Ireneinc recommendation for this locality is Rural Living as the areas has attributes that directly align with the rural living settlement and are located either within proximity to other land within the RLZ or between land for which higher intensity residential uses exist on either side (for example, low density residential in some areas of Bonnet Hill and general residential in Browns Road). As mentioned above, the many of the surrounding properties in my cluster are either already RLZ or proposed to be. My property is consistent with these and should be treated the same.

- The locality is semi-rural residential in character with evidence of low-order rural activities throughout.
- There is a known strategic intention for residential use
- The landscape values in this locality could be sufficiently managed with a RLZ through the application of the Codes and minimum lot size for subdivision

I understand that no concerns were raised at the hearing for my locality (apart from the low density residential zoning (LDRZ) pocket for lots to the west of Bonnet Hill), however this does not indicate acceptance by the Commission. I reiterate that my property, and locality in general, has the characteristics consistent with RLZ and should be zoned as such.

CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The Ireneinc recommendation to include my 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 my property and should not be reinstated. The RLZ recommendation reflects a more rigorous analysis and should be adopted.
3. The most appropriate RLZ subcategory for my property is RLZ [A], which reflects the existing pattern and density of development in my locality under Zone Guideline RLZ 3, and does not allow 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.

I respectfully request that the Commission:

- Adopt the Ireneinc recommendation and include my property – [REDACTED], Kingston (CT [REDACTED]) - 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 my property.

Signed:



Full name: Samantha Todd on behalf of myself and Aaron Todd

Date: 24/04/2026

Ph [REDACTED]