
From: Christo Johnston <[REDACTED]>
Sent: Monday, 4 May 2026 10:58 PM
To: Kingborough LPS
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED]
Attachments: [REDACTED].pdf

Hello,

Please find my submission for title [REDACTED]

Regards,

Christopher Johnston

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Christo J. Johnston

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 previously made a representation on the draft LPS. I understand that my representation has not yet been heard and will be heard at a future hearing. I understand that this letter provides me the opportunity to make a further written submission in relation to the Ireneinc recommendations, and that I may speak to this submission when I appear before the Commission. I take up that opportunity and submit as follows

Property Details

Landowner name(s)	Christopher Johnston
Property address	[REDACTED], 7155, Kettering
Title reference (folio)	[REDACTED]
Lot size (approx.)	
Locality	Kettering East
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 B

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) identify the most appropriate RLZ subcategory for my property; and (3) ensure the Commission does not revert to LCZ at the final determination stage.

Statement of Position

RLZ Subcategory Reference Table

The RLZ has four subcategories with different minimum lot sizes. Under Zone Guideline RLZ 3, the appropriate subcategory must reflect the existing pattern and density of development within the rural living area or be supported by strategic justification. The table below summarises the options:

Subcategory	Min. lot size (acceptable solution)	Performance criteria	Typical use context
RLZ A	1 ha	8,000 m ²	Smaller rural lots with established residential settlement

RLZ B	2 ha	1.4 ha	Medium-sized rural residential lots, some subdivision potential
RLZ C	5 ha	4 ha	Larger rural residential lots, limited subdivision
RLZ D	10 ha	8 ha	Large lots, ELZ transition where no further subdivision intended

The subcategory I seek for my property is:

- Rural Living Zone B (minimum lot size 2 ha) — the existing lot pattern in my locality is consistent with lots of approximately 2–5 ha

██████████ is 2.2 Hectares which is consistent with RLZ B. Lots along the southern part of Kettering Point, where ██████████ is located, generally range from 2–5 ha and contain dwellings within large, vegetated land parcels.

Supporting Evidence and Arguments

D1 — The RLZ recommendation is consistent with the Zone Guidelines

D1.1 — 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.

3057 Channel Highway contains a house, initially constructed in the 1960's, alongside a number of smaller sheds and a garage. The primary use is residential. In addition, there are a number of fruit trees, with future plans to grow an orchard and vegetable garden.

D1.2 — 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 my property has always been residential. It has been used as a residence since the 1960's. My property is 2.2 ha. The RLZ B minimum lot size of 2 ha is consistent with this existing lot size and does not create subdivision potential.

D1.3 — 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 B — directly reflects the existing lot size pattern in my locality.

The Ireneinc Locality Report for Kettering Point confirms lots in the south part of Kettering Point generally range from 2-5 ha and contain dwellings with large, vegetated land parcels. Properties in my immediate area

have lot sizes of approx 2ha to 5ha. My property of 2.2ha is consistent with this pattern, supporting the application of RLZ B.

D2 — Property-specific evidence supporting RLZ

D2.1 — 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.

My property sits on the southern side of Kettering Point, alongside other properties that have lot sizes between 2ha to 5ha. Each property contains a dwelling with associated outbuildings, and the area has been a settled rural residential community for a material amount of time. The Ireneinc Locality Report confirms that there is an evident pattern of rural living settlement with areas having a range of lots generally between 1-7ha that have consistent patterns of detached dwellings and associated areas.

D2.2 — 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 at Day 20 [02:33:54] that the Priority Vegetation Area (PVA) overlay and Scenic Protection Code (SPC) do the landscape-protection work in many cases, removing the need for LCZ. Any landscape values present on or near my property can be managed in this way.

There are appropriate mechanisms in the planning scheme to provide for the appropriate management of existing landscape values.

D2.3 — 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 B, the minimum lot size of 2 ha means that subdivision of my property would not be possible, consistent with the intent of Zone Guideline RLZ 2(b) which contemplates applying RLZ D (10 ha minimum) to prevent further subdivision where appropriate.

My property is 2.2 ha. Under RLZ B, with a minimum lot size of 2ha, no subdivision is possible.

D3 — 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.

D3.1 — 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.

D3.2 — 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.

D3.3 — 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.

The Ireneinc report recommends RLZ for my property. I agree with this recommendation. The property sits on the southern side of Kettering Point (Kettering East in the Ireneinc report), which has been recommended for full ELZ to RLZ transition. No questions were asked about these recommendations at the hearing.

Conclusion and Relief Sought

The Ireneinc report recommends RLZ for my property. I agree with this recommendation. The property sits on the southern side of Kettering Point (Kettering East in the Ireneinc report), which has been recommended for full ELZ to RLZ transition. No questions were asked about these recommendations at the hearing.

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/B/C/D], which reflects the existing pattern and density of development in my locality under Zone Guideline RLZ 3, and [does not allow / significantly constrains] 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 within the RLZ B 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.

I request that the folio of the Register [REDACTED], Kettering, 7155, be included within Rural Living Zone B in the Kingborough Local Provisions Schedule, consistent with the Ireneinc recommendation.

Acronyms & Terms Used

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
KIPS2015	Kingborough Interim Planning Scheme 2015
LCZ	Landscape Conservation Zone
Locality	Mean the relevant locality as defined in the Ireneinc report
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application