
From: Urs [REDACTED]
Sent: Sunday, 3 May 2026 8:03 PM
To: Kingborough LPS
Subject: Submission Rezoning Kettering Kingborouh Shire
Attachments: Rezoning submission PDF.pdf

Urs Roth
[REDACTED]

Land and property owners: Heidi Roth and Urs Roth

Address: [REDACTED]

Title reference: [REDACTED]

Land size: 4.782 ha

Current zone: Environmental Living Zone

Ireneinc recommended zone: Rural Zone

Sought zone: Rural Living B

We respond to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends rezoning our property to Rural Zone (RZ) under the draft Kingborough LPS, instead of the exhibited Landscape Conservation Zone (LCZ).

We did not lodge a submission during public exhibition or previously correspond with the Commission. We understand this letter ensures procedural fairness and provides an opportunity to participate, which we now take.

Statement of position:

We support removing our property from the Landscape Conservation Zone but oppose its rezoning to the Rural Zone (RZ). Instead, we argue that the Rural Living Zone (RLZ) is more appropriate, as it better reflects the land's current use, character, and residential intent, and aligns with relevant planning legislation and regional strategies. We request that the Commission determine that our property be zoned Rural Living Zone B under the draft Kingborough Local Provisions Schedule, suitable for lots over 2 hectares with no intention for further subdivision.

Arguments for our submission:

Although moving away from the LCZ is supported, the Rural Zone is aimed at primarily rural land uses, not residential living. It does not prioritise residential amenity and treats housing as a secondary, discretionary use that must align with rural activities.

1)

The Rural Zone is intended for rural uses with limited agriculture, not primarily residential living. Although our property is in a rural setting, its long-standing and intended use—like most on [REDACTED]—is residential, and the RZ does not prioritise residential amenity like the RLZ.

The property has been continuously occupied since 1980 as a primary residence, with typical residential uses such as a keeping a garden and by the previous owners, who built the house, for a limited time also kept Angora goats and deer. Much of the land is steep and largely unusable, it is not visually prominent, and it is consistent with surrounding large-lot residential properties.

The Rural Living Zone (RLZ) more accurately reflects our property, as it applies to larger residential lots with a mix of residential and low-level rural uses, prioritising residential amenity. This aligns with our property's primary residential use, consistent with the RLZ guidelines.

2)

The Ireneinc framework identifies key RLZ indicators, including established residential use, a pattern of smaller lots (generally 1–15 ha), consistent detached dwellings with

outbuildings, and visible low-level rural activity. Our property and the surrounding area clearly meet these criteria, supporting RLZ as the appropriate zoning outcome rather than RZ.

The property has a clear and long-established residential use, meeting the Ireneinc framework's test for residential intention. It includes a dwelling and associated outbuildings, has been continuously occupied since 1980, and was previously zoned to allow residential use as of right, leaving no doubt about its residential purpose.

The surrounding area has the hallmarks of a rural living settlement: multiple residential lots, detached dwellings with outbuildings, and established low-intensity rural use. With around 20 residential properties along [REDACTED] it fits the Ireneinc framework for RLZ.

The application of the Rural Zone (RZ) in the Ireneinc report appears to be driven by consistency and fragmentation considerations rather than a lack of residential character. While RLZ was considered in some cases, RZ was sometimes used as an alternative for administrative alignment under Kingborough Local Provisions Schedule 2015 (KIPS2015).

Although the [REDACTED] area was identified as having rural living settlement characteristics, zoning decisions defaulted to align with nearby RZ land. However, given the consistent residential use and settlement pattern across [REDACTED] RLZ would more appropriately reflect the character of the broader area.

3)

The Ireneinc report consistently positions the Rural Zone (RZ) as an alternative to the Rural Living Zone (RLZ), rather than a preferred option. It is described as suitable mainly where RLZ criteria are not clearly met, and as a potential replacement for LCZ in some cases.

This indicates that RZ is intended as a fallback zoning approach. Where rural living settlement characteristics are clearly present, such as on our property, RLZ is the more appropriate and intended outcome.

The Ireneinc report recommended full Environmental Living Zone (ELZ) to Rural Living Zone (RLZ) transitions in several comparable areas, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. These recommendations were based on consistent residential settlement patterns, RLZ-appropriate lot sizes, and a lack of significant landscape constraints.

Our property shares these same key characteristics. Accordingly, there is no clear basis for applying RZ in our case rather than RLZ.

Visible rural activity is not a requirement for Rural Living Zone (RLZ) classification. The TPC panel confirmed that RLZ applies in areas such as Howden, Albion Heights, and Kingston West based on residential use in a rural setting, rather than active farming or grazing. Accordingly, the absence of agricultural activity on our property does not prevent RLZ from being applied.

4)

The RLZ subcategory provides sufficient protection of landscape values through built-in density controls. While the Ireneinc report raises concerns that RLZ could allow further subdivision affecting landscape character, this is specifically managed through the choice of RLZ subcategory, particularly RLZ (D), which is intended for larger rural living lots.

Zone Guideline RLZ 2(b) allows RLZ (B) to be applied where larger minimum lot sizes are required. In this case, our property is 4.782 ha, and under RLZ (B) the minimum lot size is 2 ha, meaning further subdivision would not be supported.

In addition, any broader landscape considerations are already addressed through existing planning controls, including the Priority Vegetation Area (PVA) overlay and the Scenic Protection Code (SPC). Together with the RLZ lot size controls, these mechanisms provide adequate protection of landscape values without the need for Rural Zone (RZ) designation.

5)

Applying the Rural Zone (RZ) to a property that clearly exhibits rural residential settlement characteristics would create inconsistency with other comparable areas across the municipality that have been assessed and recommended for Rural Living Zone (RLZ). In multiple nearby localities, properties with similar attributes—such as established dwellings, comparable lot sizes, and a rural residential setting—have been identified as suitable for RLZ rather than RZ.

These comparisons are important because they demonstrate a consistent planning approach based on settlement pattern and land use character, rather than administrative zoning defaults. Where properties share the same fundamental characteristics but are treated differently, it risks undermining the internal consistency of the planning framework.

In our case, the property includes a long-established dwelling, is part of a broader rural residential pattern along [REDACTED] and has a lot size consistent with RLZ areas. Given that comparable properties with similar characteristics have been recommended for RLZ, there is no clear planning justification for applying RZ instead.

Properties on Groombridges Road, located directly across the valley from [REDACTED] and with comparable elevation and rural residential characteristics, have been recommended for Rural Living Zone (RLZ). The Ireneinc report does not identify any meaningful differences between these properties and those on Whittons Road that would justify a different zoning outcome.

Concerns arise from the consistency of the evaluation framework applied to the [REDACTED] (Woodbridge) locality. While the report acknowledges elements of an existing rural living settlement pattern, it places disproportionate weight on a nearby “fringe” area to the east—despite its unclear definition and its own proposed transition to Rural Zone (RZ)—rather than giving adequate consideration to the established [REDACTED] settlement itself.

By contrast, the nearby Kettering West locality, including Groombridges Road, was recognised as an extension of a rural settlement and recommended for RLZ based on similar subdivision patterns, land use, and vegetation characteristics. Importantly, the recommendation also notes that RLZ is appropriate where further subdivision is prevented, and where landscape values are managed through existing overlays such as Priority Vegetation and Scenic Protection mapping.

The [REDACTED] settlement shares these same characteristics, including similar lot sizes, residential use patterns, and environmental constraints. Applying RLZ would prevent further subdivision in the same way as Kettering West, while ensuring

consistency with how comparable settlements like Groombridges Road have been treated.

Given these parallels, the differing treatment of [REDACTED] compared to Groombridges Road appears inconsistent with the application of the Ireneinc framework across otherwise comparable rural residential areas.

Conclusion:

While the move away from LCZ is supported, the Rural Zone (RZ) does not adequately reflect the established residential character of the property. The site meets the criteria for Rural Living Zone (RLZ) under RLZ 1(a) and 2(b), given its residential use, rural setting, and limited low-intensity rural activities.

For our property RLZ (B) is the most appropriate subcategory, aligning with existing lot size and settlement patterns while preventing further subdivision.

We respectfully request that the Commission:

- That the draft Kingborough LPS should be modified to include the property within the Rural Living Zone.
- If the Commission is considering any alternative outcome, we request the opportunity to review and respond before any final determination is made.
- We request that folio [REDACTED] at [REDACTED] Kettering (Woodbridge locality, as identified in the Ireneinc report) be included within the Rural Living Zone (RLZ [B]) in the Kingborough Local Provisions Schedule.

Signed:

[REDACTED]

Date: 3 May, 2026

Heidi Roth

M: [REDACTED]

email: [REDACTED]

Signed:

[REDACTED]

Date: 3 May, 2026

Urs Roth

M: [REDACTED]

email: [REDACTED]