
From: Ian Balmer <[REDACTED]>
Sent: Monday, 20 April 2026 6:54 AM
To: TPC Enquiry
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED] Oyster Cove
Attachments: T5_Accept_RLZ.odt; T5_Accept_RLZ.docx

To Whom it may concern,

Regarding PID: [REDACTED]

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 as my wife and I were overseas (we reside in the USA for half the year) and have not previously had correspondence with the Commission. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. I take up that opportunity and submit as follows.

Please find the attached letter.

Regards,
Ian Balmer.

To the Tasmanian Planning Commission,

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PART B — PROPERTY DETAILS

Landowner name(s)	Ian Balmer and Kim Brodlieb (Oyster Cove Properties Inc)
Property address	██████████ Oyster Cove Tasmania
Title reference (folio)	PID ██████████
Lot size (approx.)	6 HA
Locality	Oyster Cove
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Living Zone B
Position in this submission	Accept RLZ B

PART C — 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) identify 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 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
- [REDACTED] divides our lot.
- There are two houses on our lot. Both were constructed with council approval prior to our purchase of the property. [REDACTED] is located on the south side of the road and [REDACTED] on the north side of the road.
- Our lot is boarded by 8 separately titled lots. The smallest of these neighbouring lots is PID [REDACTED] located at [REDACTED] and is 1.19 HA. Aside from the Putalina Aboriginal Land, PID [REDACTED] of 33 HA, the next largest neighbouring lot is PID [REDACTED] at [REDACTED] being 4.38 HA. This lot has three houses constructed on it. The average neighbouring lot size, not including the Putalina reserve land is 1.93 HA.
- All neighbouring properties have been developed with residences, most with an assortment of sheds and outbuildings as consistent with the application of the Rural living zoning.
- Beyond our own lot, which is mostly covered with post 1967 fires native regrowth, the neighbouring lots are either partially or fully cleared, some being used for low level agricultural activities. This is consistent with the application of the Rural Living Zoning.
- I am unaware of any RLZ subcategory specified for our lot within the Ireneinc report. However it would be advantageous to all concerned to place the two halves of our lot, as divided by [REDACTED] on separate titles and in the process of doing this. To survey and accurately place the property boundary with respect to [REDACTED]
- Currently [REDACTED] encroaches on the [REDACTED] side property line by over 2m in places. A situation slowly made worse each time this gravel road is graded. The Kingborough Council is aware of this situation and have chosen to ignore their roads encroachment.
- Rural Living Zone B would facilitate creating two titles from PID [REDACTED] without allowing any further development on our lot as consistent with the aims of the Kingborough LPS.

PART D — 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 which has two houses. Both were built with council approval post the 1967 bush fires which destroyed the 1830's era homestead Manuka situated on this property. Both houses are occupied residences each with a garage / carport.

[REDACTED] divides the property and the two houses.

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 of 2 HA that is consistent with or larger than the current lot size. As stated above the average neighbouring lot size is 1.93 HA.

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. The preferred subcategory — RLZ B— directly reflects the existing lot size pattern in the Oyster Cove locality east of the [REDACTED] and boarded by [REDACTED]. There are to my best estimation 160 properties not including the Wilsons Rd subdivision but including the waterfront properties fronting [REDACTED]. The average size of the 160 lots is 2.12 HA. Within this largely residential area, only 6 lots are over 4 HA in size. So if all the developmental hurdles could be overcome (unlikely in most circumstances), a Rural Living Cat B zoning for this area would have the potential to create an additional 9 lots of at least 2 HA. Given the wider housing crisis and that not everyone wants to live in Kingboroughs high density urban developments, I would think this is a good compromise to allow for limited additional development within commuting distance of Hobart whilst maintaining the channels rural ambience.

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 (there are 160 lots most between 1.5 and 3 HA); a consistent pattern of detached dwellings with associated outbuildings (Sheds are very common); and visual evidence of rural activities (Animal husbandry and veggie gardens are widespread). So my property and the surrounding settlement of Oyster Cove, east of the [REDACTED] display all of these characteristics.

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.

D2.3 — Very limited 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 now be possible but with no further development (two houses already exist). Within Oyster Cove only a very limited number of additional lots could be created east of the Channel Highway.

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.

PART E — LOCALITY-SPECIFIC CONTEXT

I worry that the largest and potentially sub dividable waterfront rural zoned lots in our area are for some reason exempt from any restrictive conservation zoning implications. PID [REDACTED]

PART F — 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 B, which reflects the existing pattern and density of development in my locality under Zone Guideline RLZ 3, and 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 B 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 PID [REDACTED], at [REDACTED] and [REDACTED] be included within the Rural Living Zone B of the Kingborough Local Provisions Schedule, consistent with the Ireneinc recommendations.

Signed:	Date: 19/04/2026
Ian Gregory Balmer	[REDACTED]
Full name:	Contact email / phone:

PART G — ACRONYMS / TERMS USED IN THIS SUBMISSION

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