
From: Les Marshall [REDACTED] >
Sent: Sunday, 3 May 2026 1:57 PM
To: Kingborough LPS
Subject: Submission - Kingborough LPS Direction 69 [REDACTED], Kettering
Attachments: Submission L K Marshall [REDACTED] Kettering.pdf

Good Afternoon,

Attached is my submission for consideration of the proposal to re-zone my property (Title Ref [REDACTED]) from LCZ to RZ.

Thank you,

Leslie Kenneth Marshall

[REDACTED]

Ph. [REDACTED]

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 Zone (RZ) 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.

Landowner name(s)	Leslie Kenneth Marshall
Property address	[REDACTED], Kettering 7155
Title reference (folio)	[REDACTED]
Lot size (approx.)	3.033 ha
Locality	Woodbridge
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Zone
Zone sought in this submission	Rural Living Zone B (RLZ B)

STATEMENT OF POSITION

I welcome the Ireneinc recommendation to move my property away from the Landscape Conservation Zone (LCZ) as exhibited. The LCZ is not an appropriate zone for my property and I am pleased that the review has recognised this.

However, I do not consider the Rural Zone (RZ) to be the most appropriate outcome. I submit that the Rural Living Zone (RLZ) better reflects the existing use, settlement character, and residential intention of my land, and is more consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), and the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the RLZ is the appropriate zone for my property under the draft Kingborough LPS.

The specific RLZ subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

The predominant lot size on [REDACTED] to the West of and including my property is approximately 3.0 ha. To the East of my property, there is a mixture of Zones B, C and D.

GROUND'S FOR THIS SUBMISSION

PART 1 – RZ does not adequately recognise the residential character of my property.

While I welcome the Ireneinc recommendation to move away from LCZ, the RZ purpose is directed at land in non-urban areas where agricultural use is limited or marginal and where the primary function is rural rather than residential. The RZ does not give priority to residential amenity and treats dwellings as a discretionary use that must demonstrate compatibility with surrounding rural activities.

The RZ purpose does not reflect the primary intention of my land.

The purpose of the RZ (Zone Guidelines, clause 20.1.1) is to provide for use or development in a rural location where agricultural use is limited or marginal, that requires a rural location for operational reasons, and that minimises adverse impacts on surrounding uses. While my property is rural in setting, its primary existing and intended use is residential — not agricultural or resource-based. This is also the case for the majority of properties on [REDACTED] that the Irenc report has also proposed to change to RZ. The RZ does not give priority to the protection of residential amenity in the way the RLZ does.

My property was purchased in 1988, and was sub-divided from the property which is now [REDACTED]. It was then zoned as Rural Residential. The primary use of this property has always been residential.

Improvements to the property are:

- A 104 square metre dwelling constructed in 1988.
- A developed area of approximately 0.75 ha surrounding the dwelling consisting of various garden beds, both ornamental and vegetable, as well as several fruit trees.
- There is an area dedicated to chickens, the number of which varies between (say) 6 and 12 that included a shelter shed.
- There are two garden sheds, as well as three small greenhouses.

The unused area of the property is likely not able to be used due to a steep downward slope on the Southern side.

The use of my property is very much in keeping with all neighbouring properties on [REDACTED], that is, a primarily residential property.

The RLZ purpose more accurately describes my property.

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 is a precise description of my property. Zone Guideline RLZ 2(b) further 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. As set out above, my property is used primarily as a residence, with garden based activities not unlike that which could be found in any urban setting, albeit on a larger scale.

PART 2 – My property satisfies the Irenc criteria for RLZ, not merely RZ

The Irenc evaluation framework identifies specific suitability indicators for RLZ, including: evidence of residential use; a settlement pattern of 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 satisfy these indicators, which is why RLZ — not RZ — is the appropriate outcome.

Residential intention is clearly established

The Irenc framework's first decision point asks whether there is a strategic intention for residential use. My property clearly satisfies this: it contains an established dwelling, has been occupied as a residence, and the ELZ under which it has operated was a residential zone that permitted dwellings as of right.

My property consists of a house constructed in 1988, with a variety of out-buildings. It has been continuously occupied as a primary residence since construction. There can be no ambiguity about the residential intention of this property.

Rural living settlement characteristics are present

The Irenc framework requires evidence of a rural living settlement pattern: at least 10 smaller blocks generally ranging 1–15 ha with a consistent lot pattern, detached dwellings with outbuildings, and rural activities. The broader settlement in which my property sits clearly displays these characteristics, as confirmed in the Irenc Locality Report for my area.

My property is part of a cluster of approximately 20 residential properties along [REDACTED] each having lot sizes ranging between 1 and 22 ha. Each of those properties has a dwelling and associated outbuildings. The settlement dates from the 1980s and is characteristic of a rural living settlement.

RZ was applied to resolve fragmentation, not because RLZ is inappropriate

The Irenc report applies RZ in some localities primarily to avoid fragmented LCZ application and to reflect the Rural Resource Zone under the KIPS2015 — not because the land lacks residential character. The modifications table in the Irenc Locality Report confirms that RZ was considered 'another alternative in place of RLZ' in some instances, not necessarily the preferred outcome where residential character exists. Where my property has residential characteristics, RLZ is more appropriate than RZ even where Irenc defaulted to RZ for administrative consistency reasons.

The Irenc report clearly identified that the properties along Whittons Road have characteristics of a rural living settlement. However, the Irenc report chose to default zoning in favour of a small fringe of land to the East which is already proposed to be transitioned to RZ, stating that the uses and extent of vegetation on the small fringe of land to the East is relatively consistent with those occurring in the proposed RZ land.

I contend that if the uses and extent of vegetation on the small fringe of land to the East is consistent with the [REDACTED] properties (which together form a larger land area), then the small fringe of land to the East could reasonably be re-zoned to RLZ in keeping with the zoning desired by the majority of property owners on Whittons Road.

PART 3 – TPC panel statements from the hearing support RLZ over RZ

RZ was described as an alternative to RLZ, nor a preferred outcome

The Ireneinc modifications consistently note that 'RZ should be considered as another alternative in place of RLZ, potentially as being more suitable than LCZ in some instances.' This framing makes clear that RZ is a fallback — not a preference over RLZ — where residential settlement characteristics do not clearly establish RLZ. Where those characteristics are present, as on my property, RLZ is the preferred outcome.

Ireneinc recommended full RLZ transitions for comparable localities

The Ireneinc report recommended full ELZ to RLZ transitions for Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission. In each case, the key factors were: established residential settlement pattern, lot sizes consistent with RLZ subcategories, and absence of significant landscape values on individual titles. My property shares these characteristics. There is no principled basis for applying RZ to my property rather than RLZ.

Visible rural activity is not required for RLZ

The TPC panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This was applied across Howden, Albion Heights, and Kingston West. Properties do not need to demonstrate active farming or grazing — residential use in a rural setting is sufficient. The absence of active agricultural use on my property does not preclude RLZ.

The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. I trust the Commission will assess my property against the Zone Guidelines, not the Ireneinc framework alone. Where the framework defaults to RZ but the Zone Guidelines support RLZ, the Zone Guidelines prevail.

PART 4 – The RLZ subcategory provides adequate protection of landscape values

The Ireneinc report and the Zone Guidelines both identify the risk that RLZ could enable further subdivision that might adversely affect landscape values. However, this risk is addressed by selecting the appropriate RLZ subcategory. Zone Guideline RLZ 2(b) specifically contemplates applying RLZ D (minimum 10 ha) to ensure no further subdivision occurs where lot sizes are large. Similarly, RLZ C (minimum 5 ha) or B (minimum 2 ha) can limit subdivision where current lots are in that range.

My property has an area of 3.03 ha. Under RLZ B, subdivision would not be possible thus addressing any concern about intensification of any landscape values.

Furthermore, where landscape values exist in the broader locality, they can be appropriately managed through the Priority Vegetation Area (PVA) overlay, and the Scenic Protection Code (SPC). These controls, combined with the RLZ minimum lot size, provide sufficient protection of any landscape values without requiring RZ.

PART 5 Consistency with comparable properties and localities

Applying RZ rather than RLZ to a property with clear residential settlement characteristics creates an inconsistency with comparable properties in the municipality that have been recommended for or confirmed in RLZ. Where neighbouring or nearby properties with substantially similar characteristics — lot size, existing dwelling, rural setting — have been recommended for RLZ, there is no principled basis for treating my property differently.

Properties on Groombridges Road, directly across the valley from [REDACTED], with a similar elevation, have been recommended for RLZ. The Ireneinc report does not identify any difference between those properties and mine that would justify the different zoning outcome.

I hold significant concerns regarding Ireneinc's evaluation of our locality. The report demonstrates a flawed and inconsistent approach to the application of the decision tree framework. Insufficient focus was given to the clearly established settlement pattern reflective of rural living on [REDACTED]. While the Ireneinc evaluation against decision point 4 for the Woodbridge locality did acknowledge an existing settlement pattern and characteristics of rural living settlement, it failed to give adequate weight to this fact, instead favouring mention of a fringe of land to the East which is already proposed to be transitioned to RZ and stating that the [REDACTED] settlement represents this fringe of land. The exact location of this “fringe of land” is unclear. I would argue that the [REDACTED] settlement (Woodbridge locality) should have been more accurately compared to that of Groombridges Road (Kettering West locality), the next road directly North of [REDACTED] with a near identical settlement pattern with regards to lot size, rural living characteristics, land use and vegetation cover.

One of the recommendations in Section 3.6.2.2 of the Kettering West locality (Ireneinc report Page 297) states the following: “The balance of the [Kettering West] locality is recommended to transition from ELZ to RLZ, recognising this land as an extension of an existing rural settlement where the land also exhibits similar rural living settlement characteristics in terms of evident pattern of subdivision and pattern of land use. Many of these parcels are identified as having significant landscape values, however it is acknowledged that much of this land is within the Priority Vegetation and Scenic Protection Mapping which would provide for appropriate management of landscape values which also

exist within this area. In considering the RLZ in transitioning the ELZ, it is only appropriate where RLZ categorisation provides no further subdivision. In the Northern portions of the locality, this reflects the proposed zoning exhibited by council during exhibition of the planning scheme.”

I strongly believe that the above recommendation applies directly and more accurately to the [REDACTED] settlement (Woodbridge locality). My desired zoning of RLZ B with its prescribed minimum lot size of 2 ha would prevent any further subdivision on any of the Whittons Road properties and, similar to Groombridges Road, all of the [REDACTED] properties are subject to the Priority Vegetation and Scenic Protection Mapping which would provide for appropriate management of landscape values which also exist within this area.

The Ireneinc recommendation for the [REDACTED] settlement (Woodbridge locality) is inconsistent with the outcome produced by the same evaluation framework applied to the more comparable Groombridges Road settlement in the Kettering West locality.

CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. While I welcome the Ireneinc recommendation to move away from the LCZ, the RZ does not adequately recognise the established residential character of my property.
2. My property satisfies the criteria for RLZ under Zone Guidelines RLZ 1(a) and RLZ 2(b): it is a residential property with larger lots in a rural setting, with a mix of residential and lower-order rural activities, and the primary strategic intention is residential.
3. The appropriate RLZ subcategory for my property is RLZ B which reflects the existing lot size and settlement pattern and does not create a pathway for 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, without requiring RZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the RLZ B and
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.
- I request that the folio of the Register [REDACTED] at [REDACTED], Kettering (Woodbridge locality as per Ireneinc report), be included within the Rural Living Zone B in the Kingborough Local Provisions Schedule.

Signed:

[REDACTED]

Leslie Kenneth Marshall

Date:

3rd May 2026

[REDACTED]

Ph [REDACTED]

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