
From: Andrew Ho [REDACTED] >
Sent: Wednesday, 29 April 2026 1:17 PM
To: Kingborough LPS
Cc: Kate Gregory (SPS)
Subject: CM: Submission - Kingborough LPS Direction 69 - [REDACTED], Kettering
Attachments: TPC Submission - [REDACTED] Kettering.pdf

Hi Tasmanian Planning Commission

Attached is the submission in relation to the recommendations made in the Ireneinc report for [REDACTED]
[REDACTED], Kettering (Title [REDACTED]).

Regards
Andrew Ho
[REDACTED]

To the Tasmanian Planning Commission,

We write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends our 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.

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

Landowner names	Andrew Paul HO and Kate GREGORY
Property address	[REDACTED] Kettering TAS 7155
Title reference (folio)	[REDACTED]
Lot size (approx.)	16.45 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 D (RLZ[D])

STATEMENT OF POSITION

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

However, we do not consider the Rural Zone (RZ) to be the most appropriate outcome. We submit that the Rural Living Zone (RLZ) better reflects the existing use, settlement character, and residential intention of our 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).

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

The specific RLZ subcategory we seek is:

- Rural Living Zone D (minimum lot size 10 ha) — appropriate where lot sizes exceed 10 ha and no further subdivision is intended.

GROUNDNS FOR THIS SUBMISSION

Part 1: RZ does not adequately recognise the residential character of our property

Whilst we 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 our 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. Whilst our 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 Ireneinc 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.

Our property contains a dwelling constructed in 1982 and has been continuously occupied as a primary residence (44 years). During our tenure, the primary use of the land is and has always been residential, with a small garden, orchard and vegetable patch established. The rest of the property consists of land likely deemed unusable secondary to its steeply downward sloping orientation. The property is not located on a prominent skyline or ridgeline and it is not visible to the public eye from anywhere other than the small section of direct road frontage on [REDACTED] itself. Our property is in keeping with all neighbouring properties in that they are large lot properties whose principal use is deemed as residential.

- **The RLZ purpose more accurately describes our 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 our 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 previously stated above, our property is used primarily as a residence, with a small orchard and vegetable garden established, consistent with lower order rural activities as described in RLZ 1(a).

Part 2: Our property satisfies the Ireneinc criteria for RLZ, not merely RZ

The Ireneinc 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. Our property and the surrounding settlement satisfy these indicators, which is why RLZ — not RZ — is the appropriate outcome.

- **Residential intention is clearly established**

The Ireneinc framework's first decision point asks whether there is a strategic intention for residential use. Our 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.

Our property contains a house constructed in 1982, with a shed, car port, and a variety of outbuildings (smaller shed and animal shelters). It has been continuously occupied as a primary residence for the past 44 years. There is no ambiguity about the residential intention of this land.

- **Rural living settlement characteristics are present**

The Ireneinc 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 our property sits clearly displays these characteristics, as confirmed in the Ireneinc Locality Report for our area.

Our property is part of a cluster of 20 residential properties along [REDACTED], each with lot sizes of 1 to 22 ha. Each property contains a dwelling with associated outbuildings. This settlement has been established since the 1980s and is characteristic of a rural living settlement.'

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

The Ireneinc 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 Ireneinc 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 our property has residential characteristics, RLZ is more appropriate than RZ even where Ireneinc defaulted to RZ for administrative consistency reasons.

The Ireneinc report clearly identified that the properties along [REDACTED] have characteristics of a rural living settlement. However, the Ireneinc report chose to default zoning in favour of a small fringe of land to the east which is already proposed to be transitioned to the RZ, stating that the uses and extent of vegetation on the [REDACTED] properties are considered relatively consistent with those occurring in the proposed RZ land. We would argue that if the uses and extent of vegetation on the small fringe of land to the east is relatively consistent with the [REDACTED] properties (which together form a larger land area), then the small fringe of land to the east could reasonably be rezoned to RLZ in keeping with the zoning desired by the majority of property owners on [REDACTED]

Part 3: TPC panel statements from the hearing support RLZ over RZ

- **RZ was described as an alternative to RLZ, not 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 our 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. Our property shares these characteristics. There is no principled basis for applying RZ to our 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 our 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. We trust that the Commission will assess our 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.

Our property has an area of 16.45 ha. Under RLZ [D], the minimum lot size is 10 ha (8 ha under performance criteria). Subdivision would not be possible thus addressing any concern about intensification of 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 nearby properties with substantially similar characteristics — lot size, existing dwelling, rural setting — have been recommended for RLZ, there is no principled basis for treating our property differently.

Properties on [REDACTED], 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 ours that would justify the different zoning outcome.

We 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]. Whilst 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. We would argue that the [REDACTED] settlement (Woodbridge locality) should have been more accurately compared to that of [REDACTED] (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 the ELZ to the 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 for no further subdivision. In the northern portions of the locality, this reflects the proposed zoning exhibited by council during exhibition of the planning scheme.”

We strongly believe that the above recommendation applies directly and more accurately to the [REDACTED] settlement (Woodbridge locality). Our desired zoning of RLZ [D] with its prescribed minimum lot size of 10 ha would prevent any further subdivision on any of the [REDACTED] properties and, similar to [REDACTED], 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 [REDACTED] settlement in the Kettering West locality.

CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, we submit that:

1. Whilst we welcome the Ireneinc recommendation to move away from the LCZ, the RZ does not adequately recognise the established residential character of our property.
2. Our 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 our property is RLZ [D], 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.

We respectfully request that the Commission:

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

Signed: [REDACTED] _____ Andrew Paul H6 [REDACTED] [REDACTED]	Date: 28 / 4 / 26 _____
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Signed: [REDACTED] _____ Kate Gregory [REDACTED] [REDACTED]	Date: 28/04/26 _____
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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