KINGBOROUGH LPS HEARING

[redacted] Allen’s Rivulet

Denbeigh Armstrong · Representation 505 · Tasmanian Planning Commission

RELIEF SOUGHT · GUIDELINE NO. 1

Rural Living Zone D: what I am asking for, and why

I ask the Commission to zone the whole title, folio 130582/1, Rural Living Zone D (10 ha minimum).
I oppose both Council's LCZ and Ireneinc's RZ + LCZ split. Neither complies with s.34 of LUPAA, Guideline No. 1 or the regional strategy.

RLZ 1(a)
Larger-lot residential areas with lower-order rural activities, with priority to residential amenity.

RLZ 2(b)
ELZ land with a residential intention and a similar minimum lot size, ***"such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater."***

RLZ 4(b)
Not for land with important landscape values, such as bushland, ***"unless the values can be appropriately managed through the application and operation of the relevant codes."***

Four Guideline tests, all met

1. **Residential intention**
   Rural residential use since 2007

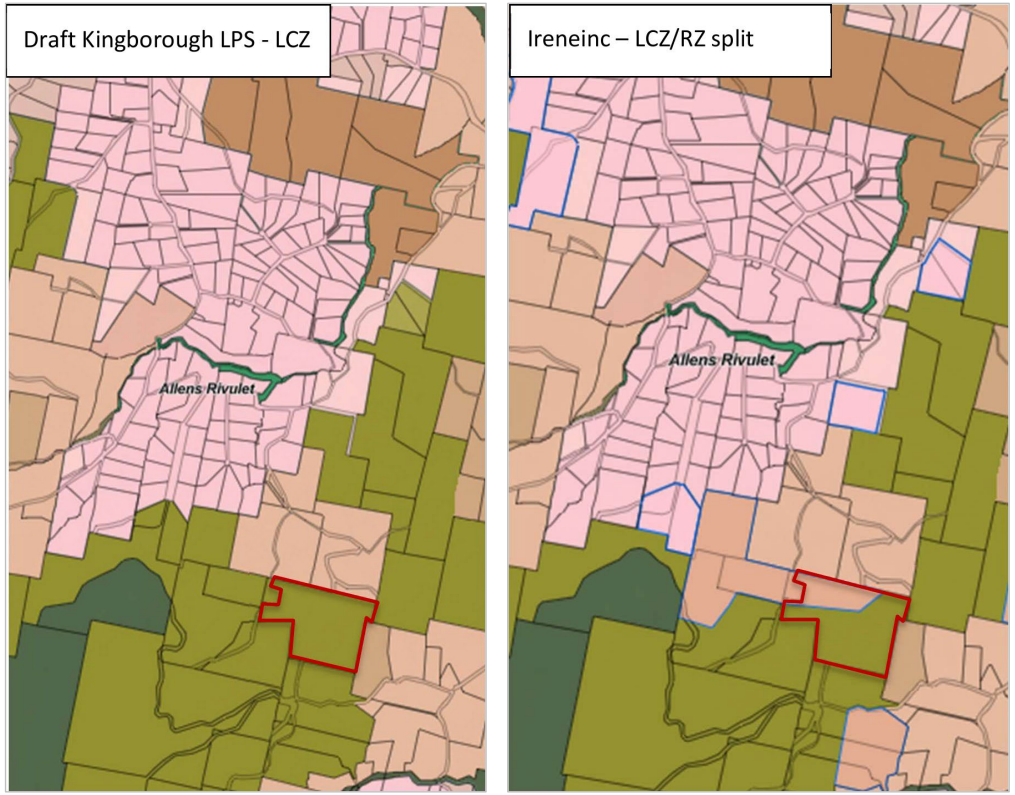
2. **No reservation**
   No state-reserved land

3. **Rural activities**
   Horses, hay and household food, alongside the home

4. **Values managed by the codes**
   - RLZ 4(b): Natural Assets, Scenic (KIN-C8.1.5), Bushfire, Landslip
   - No threatened flora, fauna or communities recorded (the LIST)

My title, and the corridor it sits in

[redacted] (red outline)



Collective submission properties (highlighted)

Rural Living · Landscape Conservation · Rural · Agriculture · Environmental Management

Sources: my submission Fig. 1; collective submission Fig. 1

35 landowners in the collective submission · **1970s–90s** titles created after the apple export collapse · **1 ha** herb farm: the only commercial agriculture in the group

THE PROPERTY

A 22.96 ha rural residential holding

Green outlines: horse paddocks, riding arena, dwelling and actively managed areas. Grey lines: internal driveway and 4WD tracks.

22.96 ha — Single title at the end of [redacted]

~1/5 — Cleared and semi-cleared working land: home, paddocks, arena, sheds

~4/5 — Regenerating and regrowth native bush on the elevated rear

ELZ — Current zone under KIPS 2015: one dwelling per 10 ha

PAST USES

A worked landscape for more than half a century

18 February 1967: after the fires; logging tracks visible

31 January 1975: extensive clearing for cattle

Selectively logged
Logging tracks from the 1960s are still the tracks I use today.

Burnt in 1967
Much of the vegetation was lost; today's trees are regrowth.

Cleared for cattle grazing
By 1975 large areas were cleared pasture.

1960s	1967	1975	Pre-2007	2007	2015	Today
Selective logging	Bushfires	Cleared for cattle	Fuel-reduction burns	Residential use begins	Zoned ELZ (KIPS)	Home, horses, stewardship

TEST 1 · RESIDENTIAL INTENTION

Current use: a home, continuously lived in

Principal residence
Residential use of the property since 2007

Fully off-grid
No connection to water, sewerage or power services

Strategic intention is residential
Moved from Environmental Management to ELZ in 2015; Ireneinc DP1 = YES

Residential use is the primary use: the test in RLZ 1(a), and the reason LCZ 4(a) says LCZ should not apply. In the Rural Zone a new dwelling is Discretionary.

Current use: horses, hay and household food

Horse grazing
Fenced paddocks and a horse-riding arena

Farm infrastructure
Hay storage and a tractor shed

Food production
Growing food for household self-sufficiency

Planned
A small flock of wool sheep for spinning and weaving; reinstating chickens for eggs

Hobby-farm scale, with no commercial agriculture: the "lower-order rural activity" RLZ 1(a) describes, alongside a home whose amenity RLZ protects.

TEST 4 · LANDSCAPE VALUES MANAGED

Current use: active land stewardship

Cool burning to manage fuel load, which also brings on fresh native grass for wallabies and other animals.

Cool burning
Fuel-load management using techniques learned from Palawa man Jason Andrew Smith

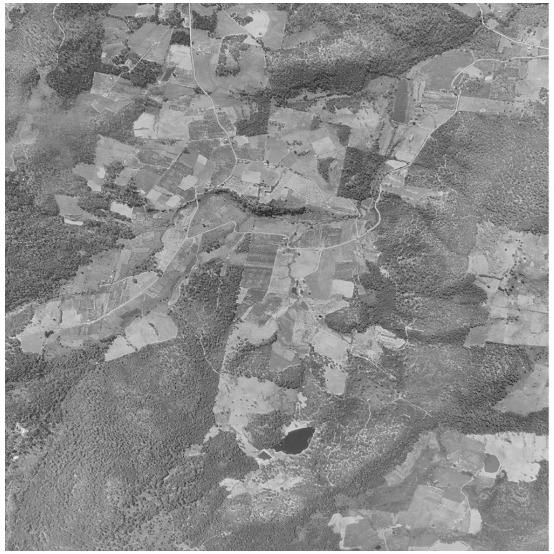
4WD track network
Bushfire egress routes, and access for maintenance and fencing

Water and boundaries
Gravity-fed header tank; gates through to [redacted] and [redacted]

A mosaic, not a wilderness
Cleared house garden → semi-vegetated paddocks → regenerating bush on the ridges

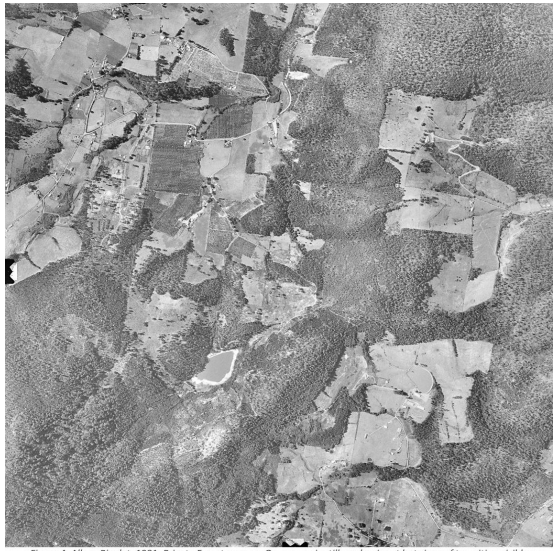
WIDER CONTEXT · LANDSCAPE CHANGE

Sixty years: where people live, the mosaic survives



1965

Open mosaic: orchards, paddocks, bush on the ridges

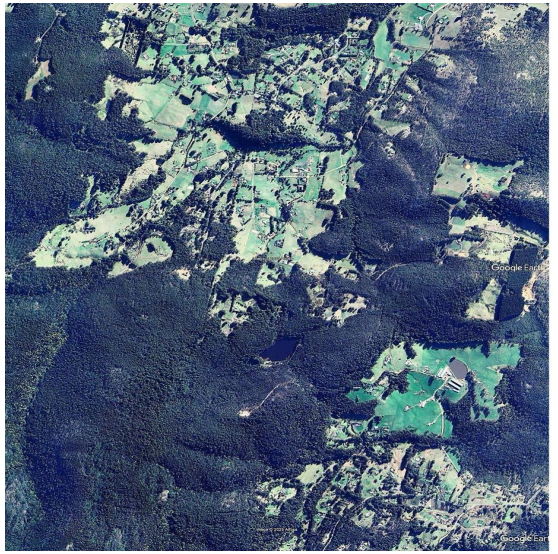


1981

Mosaic persists; orchard rows fading

1996

Canopy closing across mid and upper slopes



2025

Closed canopy; openings survive on lived-on parcels

The change happened with no change of zone. Active management, not the zone label, keeps the mosaic open; LCZ discourages that management.

A cultural landscape: the value is the mix

HOW LANDSCAPE VALUE IS DEFINED

STRLUS 2026, glossary and p.44

*Landscape values: "the aesthetic, **cultural** or natural features of a place that contribute to its scenic appeal, identity or character." "Landscapes modified by human activity also contribute to the region's cultural and productive landscapes."*

European Landscape Convention, Art. 1(a)

*Landscape is "the product of the action and interaction of **natural and human factors**."*

Mariani et al. 2017, Journal of Biogeography

Tasmania's landscape has averaged about **50% openness** *through the Holocene. The finding "challenges the long-held notion that Tasmania's wilderness is a product of the absence of human activity."*

WHAT SHAPED THESE HILLS

Caring for Country – Aboriginal management shaped these landscapes over millennia (STRLUS p.44)

Logging – selective logging to the 1960s; Kaoota Tramway; later clear-felling above Maudsleys Rd

Orchards and grazing – until the apple export collapse

1967 fires – today's bush is regrowth

1970s–90s – subdivided into the rural living settlement of today

WHAT THE DRAFT LPS RECORDED

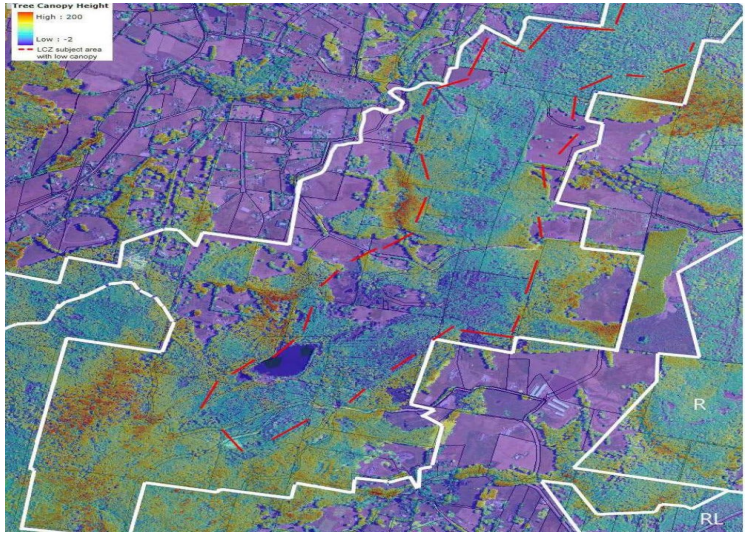
KIN-C8.1.5: *"the vegetated hill-face"* – the natural features only. The cultural mix of bush, homes and paddocks is left out.

The value is the mix of bush and lived-in land. The Rural Living Zone keeps the people who maintain it.

LCZ is mapped where the values aren't

Raptor nests

No verified nests in the proposed LCZ area. Four sit on RL- and Rural-zoned land nearby.



Canopy height (LiDAR)

The proposed LCZ area is mostly low regrowth. The taller forest is on adjoining RL and Rural land.

Scenic quality

Hickmans Hill (proposed LCZ): broken ridgeline with homes and paddocks — the mosaic the FPA rates as high scenic quality.

TEST 4 · VALUES ON THIS TITLE

Every value on this title already has a code

Value on 135 Maudsleys Rd	Code overlay	What it does now	If a second lot were proposed
Native bushland (rear four-fifths)	C7.0 Priority Vegetation Area	Controls clearing and disturbance in mapped vegetation	Clearing for a building area, access and services must minimise impact on priority vegetation
Waterways and drainage lines	C7.0 Waterway & Coastal Protection Area	Setbacks and controls on works near waterways	Works for a new lot are assessed against the same setbacks
Scenic and landscape values	C8.0 Scenic Protection Area (KIN-C8.1.5 Hills of the Channel)	Assesses works and clearing against the KIN-C8.1.5 objectives	Any building or clearing on the new lot is assessed against the same objectives
Bushfire-prone bush	C13.0 Bushfire-Prone Areas	Hazard management for all development	Each lot needs a BAL-19 building area, firefighting access and water
Steep, landslip-prone slopes	C15.0 Landslip Hazard	Geotechnical assessment for development	Building area, access and services must sit outside the hazard area

Guideline No. 1, RLZ 4(b) Rural Living Zone should not be applied to land that contains important landscape values identified for protection and conservation, such as bushland

"…unless the values can be appropriately managed through the application and operation of the relevant codes. The zone only changes the uses allowed

RLZ-D + Codes delivers what the LCZ is for

LCZ purpose, cl. 22.1.1: *"…the protection, conservation and management of landscape values."*

PROTECTION

The codes

Natural Assets (Priority Vegetation, Waterways) and Scenic Protection apply **with identical standards** in RLZ and LCZ (C7.2.1, C8.2.1).

Scenic Protection covers this whole title: **KIN-C8.1.5 Hills of the Channel**. It names the value (the vegetated hill-face backdrop) and sets the objectives every application is assessed against.

Its skyline test (**50 m**) is stricter than the LCZ's (**10 m**).

MANAGEMENT

No permit needed in either zone

Natural and Cultural Values Management: *"use of land to **protect, conserve or manage** … landscapes" (Table 6.2).*

The same three words as the LCZ purpose. **No Permit Required** in RLZ (11.2) and LCZ (22.2).

CONSERVATION

What landowners do

A zone can only regulate use and development (SPP 2.1.1(a)). It cannot burn, weed or graze.

Where a site needs more, the scheme has **site-specific tools**: Part 5 agreements (LUPAA s.71) and conservation covenants.

COUNCIL'S 2019 REASON NO LONGER APPLIES

Kingborough Land Use Strategy 2019, p.90: *"…the Natural Assets Code cannot be relied upon to protect these values in the Rural Living Zone (as it allows up to 3,000m² of vegetation clearance regardless of its value)."*

The current SPPs (25 Dec 2024) contain no such allowance. The Priority Vegetation Area applies in RLZ exactly as in LCZ.

IRENEINC DECISION TREE · DP4

A settlement test kept my property from the key question

Smaller lots
In a 1–15 ha settlement pattern

DP1 **YES** Residential intention › DP4 **YES** Fits 1–15 ha settlement pattern › DP5 **YES** Landscape values identified › DP6 **YES · LOW RISK** Codes can manage values (RLZ 4(b)) › **Consider RLZ**

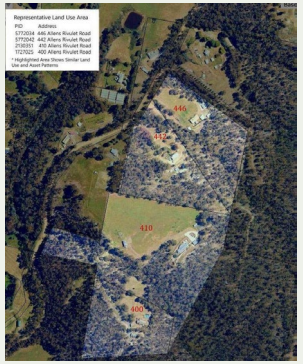
[redacted]
22.96 ha, same locality

DP1 **YES** Residential intention › DP4 **NO** Lot over 15 ha: fails settlement test › DP3 **YES** Landscape values identified › DP6 *Never asked* *RLZ 4(b): can codes manage the values?* › **Consider LCZ** *Ireneinc: LCZ / RZ split*

Turned away by lot size, so the Guideline's RLZ 4(b) test (DP6) was never applied

Why this is a flaw in the model

1. **No State basis.** Guideline No. 1 uses settlement pattern only to choose RLZ A–D (RLZ 3).
2. **Excludes the lots RLZ-D was made for.** Its 10 ha minimum is for lots like mine.
3. **Skips the Guideline's test.** RLZ 4(b) asks if the codes can manage the values, not lot size.
4. **Biased against larger lots.** Same use and values, but they never reach DP6.



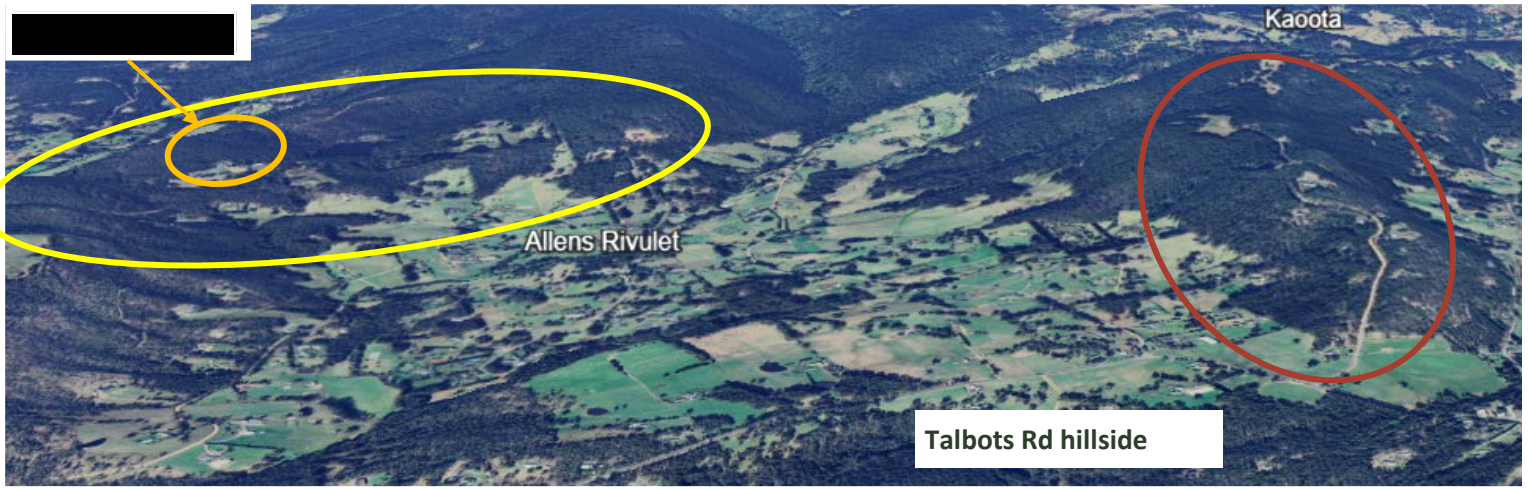
The bias in practice

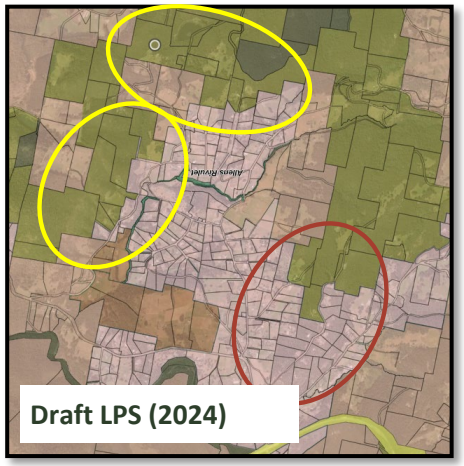
[redacted], same use:
442, 446 → RLZ
400, 410 → LCZ
The only difference is lot size.

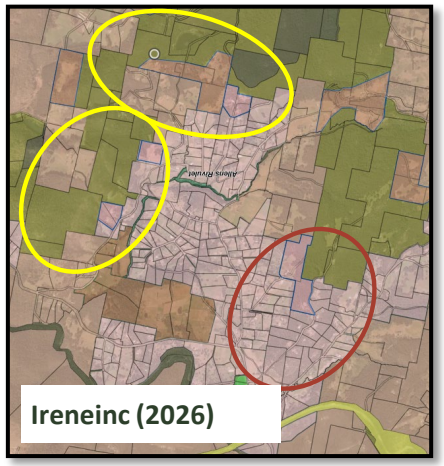
CONSISTENCY · SAME LANDSCAPE

Same bushland hillsides, different zones

Aerial view across Allens Rivulet







Map key

- LCZ
- Rural Living Zone
- Changed by Ireneinc
- [redacted] (marker)

Maps rotated to match the aerial view

[redacted]

Regrowth bushland on a visible ridgeline, with homes and paddocks.

Draft LPS: LCZ. Ireneinc: LCZ / RZ split.

[redacted]

The same bushland, ridgeline and views.

Council: ELZ → RLZ C (2024). Ireneinc extended it to [redacted] and [redacted]

Same landscape. Different zone.
If the overlays protect Talbots Rd under RLZ, they protect mine and the properties of the collective submission.

Neither LCZ nor RZ fits how the land is used

Landscape Conservation Zone

LCZ 4(a)
LCZ "should not be applied to land where the priority is for residential use and development (see Rural Living Zone)".

Not an ELZ substitute
Guideline note: LCZ "is not a replacement zone for the Environmental Living Zone" and "is not a large lot residential zone, in areas characterized by native vegetation cover and other landscape values".

No site-specific case
Applied from generalised locality values (s.2.7.1), with no on ground analysis of this title.

Rural Zone (Ireneinc proposed split)

A working rural zone
For uses that need a rural location (20.1. Extractive industries and and intensive animal husbandry are permitted. A new dwelling is discretionary and must not constrain those uses (20.2, 20.3.1). RLZ, by contrast, gives priority to residential amenity (RLZ 1(a)).

Zone applied based on adjacency rather than use
[redacted] and [redacted] have dwellings and land use more in line with rural living, and the LIST flags them as isolated from other farmland by other rural living properties.

ZONE COMPARISON

Only RLZ-D lets me live and graze here without a permit

Existing use / feature	ELZ (current)	RLZ-D (sought)	LCZ (Council)	RZ (Ireneinc)
Primary purpose	Residential in a bush setting	**Residential in a rural / landscape setting**	Landscape & biodiversity conservation	Use or development in a rural location/agriculture limited or marginal
My dwelling	Permitted	**No Permit Required**	**Discretionary (unless in a building area on a sealed plan)**	**Extensions permitted; new dwelling(e.g. rebuild) discretionary**
Horse grazing	Discretionary/only on predominantly cleared land	**No Permit Required**	**Discretionary**	No Permit Required
Natural & cultural values management	No Permit Required	**No Permit Required**	No Permit Required	No Permit Required
Farm outbuildings	Max 80 m² combined GFA; 6.5 m height	**Farm shed exemptions; 8.5 m height**	**6 m height; 10 m setback**	12m height; 5m setbacks
Access (currently via crown reserve road)	No requirement specified	No requirement specified	Frontage access to road maintained by a road authority	
Minimum lot size	10 ha	**10 ha**	50 ha (20 ha discretionary)	40 ha

Same code overlays in every zone: C7.0 PVA, C7.0 Waterway, C8.0, C13.0, C15.0

PROTECTING AN EXISTING HOME

Under LCZ or RZ, I may not be able to rebuild

LUPAA protects my existing lawful use unless it ceases for more than 2 years. If bushfire destroys my home, rebuilding must substantially commence within 2 years. If it doesn't, under LCZ or RZ the dwelling becomes a new discretionary application.

3–6 months

Insurance assessment and demolition

›

Months more

Design, reports and building approval

›

Within 2 years

Substantial commencement of rebuilding

›

Miss it

The use has ceased. Rebuilding is a new discretionary application under LCZ or RZ, with approval not assured

Compounded by cost. Insurance covers replacing my current dwelling, not a new application's specialist reports or higher BAL construction standards.

Compounded by access. A new dwelling must meet the access standard. The Crown Road reserve doesn't, adding a further hurdle.

Under RLZ a single dwelling is No Permit Required, so rebuilding never becomes a discretionary contest. STRLUS 2026 aims for communities "protected from, and resilient to" hazards (Statement of intent 3), with "adequate capacity for access and egress" (3.3.2(e)).

Conservation on private land is paid for, not zoned

WHAT A ZONE CAN DO

Describe and regulate

A zone describes the land and regulates use and development (SPP 2.1.1(a)).

It cannot buy land, pay for conservation, or require anyone to manage it.

HOW CONSERVATION IS SECURED

Consent or payment

- **Conservation covenants** (Nature Conservation Act 2002)
- **Private conservation reserves**
- **Acquisition** (Land Acquisition Act 1993)

Each needs the owner's agreement or compensation. The community shares the cost.

WHAT LCZ CHANGES FROM TODAY (ELZ)

Costs, not protection

- significant and disproportionate constraints on existing legitimate uses without conservation benefit
- diminishing or eliminating the property's economic utility as a residential and rural holding.

Proper conservation acquisition processes require community payment and owner consent, whereas rezoning does not.

RLZ-D describes this land as it is, and as it has been used

- A home, continuously lived in
- Horses, hay and household food at hobby scale
- Decades of active stewardship of a worked landscape
- Values already protected by the overlays

I ask that folio [redacted] be zoned Rural Living Zone D.

RLZ-D adds no growth: the growth tests are not engaged

2 **ELZ today**
dwellings max (1 per 10 ha)

2 **RLZ-D**
lots max (10 ha minimum)

0 **Added capacity**
no new dwellings, no new lots

STRLUS 2026 provision	What it targets	Why RLZ-D does not conflict	Result
3.1.2.1(a)	Urban growth contained in the metropolitan urban boundary	"Urban growth" is urban built form in cities, towns and villages. RLZ is not in the glossary's list of urban zoning.	**Not engaged**
3.1.2.1(c)	Additional residential growth proposed on non-urban land	No residential use is proposed. The home already exists, and capacity is unchanged.	**Not engaged**
3.1.2.2(a)–(d)	Outside Hobart, growth prioritised in towns and urban-zoned land; proposals to increase capacity	RLZ-D directs no growth and increases no capacity. It keeps an existing home in an existing settlement.	**Consistent**
3.3.2(a), (b), (e)	Hazards in new growth areas; access and egress	Not a new growth area. C13 and C15 decide any second lot; formalising the Crown Road improves egress.	**Consistent**

4.2.2.1: *read as a whole, not "literally or rigidly". The strategy also supports RLZ-D: worked cultural landscapes (p.44, 3.6.1); values protected by "zoning and overlays" (p.45); decisions based on "the characteristics of the land" (4.2.2.1).*

CONSISTENCY

Like cases should be treated alike

450+

Huon Valley titles the Commission directed from Council's proposed LCZ to Rural Living Zone (Huon Valley TPS in effect 20 July 2024)

ELZ → RLZ accepted at the Day 20 Kingborough hearing

- Kettering East and Oyster Cove
- Howden and Blackmans Bay
- Albion Heights
- Tinderbox West

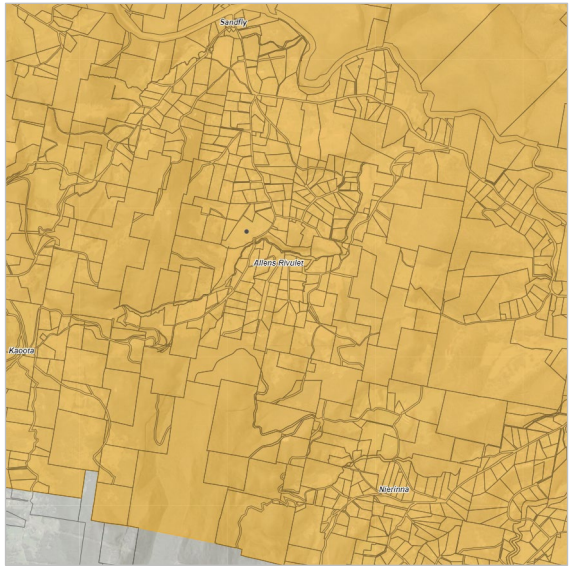
Shared features: residential settlement, mixed residential and rural use, values managed by overlays. [redacted] *shares every one.*

Not a spot zone: my neighbours are asking for the same zone

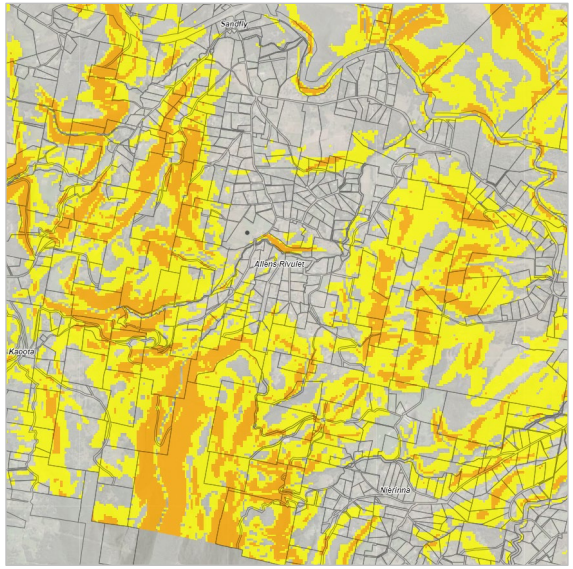
Neighbouring Representations 391 and 556 also seek RLZ-D, and 35 corridor landowners have lodged a collective submission for a continuous RLZ strip linking existing RLZ land through [redacted] and [redacted].

The codes protect the values, in every zone

Bushfire-prone areas C13.0



Landslip hazard C15.0



Priority vegetation C7.0

Scenic protection C8.0 · KIN-C8.1.5

Same overlays on both sides of every zone boundary

The Rural Living village of Allens Rivulet sits under the same bushfire, landslip, vegetation and scenic overlays as my title. The overlays cannot be the reason my land is LCZ and the village RLZ.

Guideline No. 1, RLZ 4(b)

"…unless the values can be appropriately managed through the application and operation of the relevant codes." Wherever mapped, the codes apply site by site in every zone. The zone only changes the uses allowed.