
From: [REDACTED]
Sent: Monday, 4 May 2026 8:53 PM
To: Kingborough LPS
Subject: Submission [REDACTED] Kettering | Kelly Baumann | Request a change to Rural Living Zone
Attachments: TPC submission DF.pdf; cover letter.docx

Thank you for your consideration of my submission
Very best wishes Kelly

LPS-KIN-TPSLPS-KIN-TPS | Ireneinc Submission

██████████ Kettering | Kelly Baumann | Request a change
to Rural Living Zone

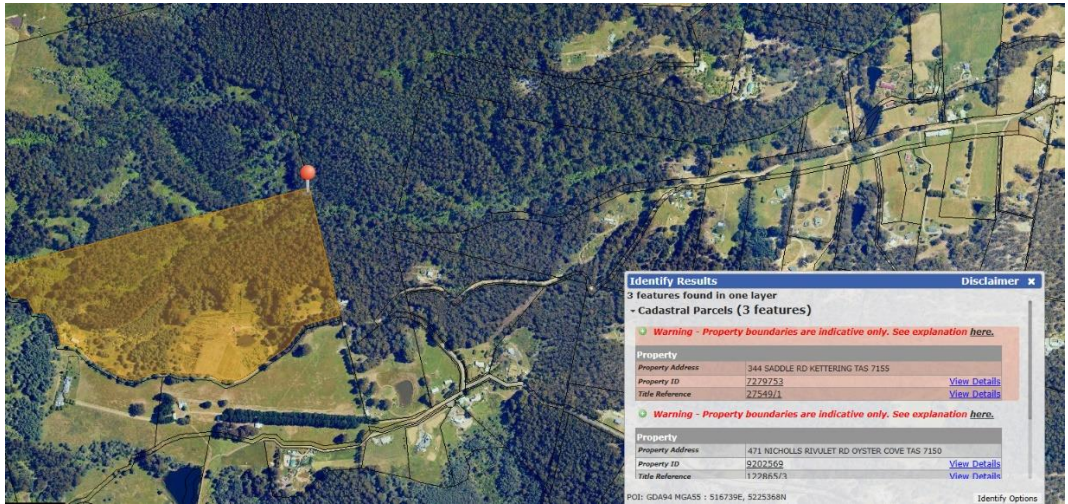
Stop the Compulsory Landscape Conservation Zoning in Kingborough

To the Tasmanian Planning Commission,

I am writing in reply to the letter dated April 2, 2026 (reference: DOC/26/36829), which informs me that the Ireneinc report suggests dividing my property between the Landscape Conservation Zone (LCZ) and the Rural Zone (RZ) as part of the draft Kingborough Local Provisions Schedule (LPS).

I previously had representation made on my behalf by representative No. Feedback on the draft LPS was submitted by representative number 198 and subsequently reviewed. I understand this letter provides me the opportunity to make a further written submission in relation to the Ireneinc report recommendations. I accept the opportunity and submit my response.

Landowner name(s)	Kelly Baumann
Property address	██████████ Kettering
Property ID	██████████
Title reference (folio)	██████████

	
Total lot size (approx.)	27 hectares (66 acres)
Locality	Kettering West
Current zone (IPS)	Environmental Living Zone (ELZ)
Ireneinc recommended zones	Split: Landscape Conservation Zone (LCZ) + RZ
Split boundary description	The LCZ applies to the northern vegetated portion (approx. 50% or 14 ha) above the ridgeline / vegetation line / creek]. RZ applies to the cleared southern portion (approx. 50% or 13ha) used for horticulture and growing protea for the Tasmania flower market. The boundaries of my property are marked with a light blue border, indicating the LCZ area in green and the rural land in light brown.

	
Approx. area in LCZ	14 ha — northern side / mid-way up to the hill side/vegetated portion. Previous photographs indicate that part of this land was cleared and used for farming and grazing before we purchased it.
Approx. area in RZ	13ha — southern/lower side This area consists of approx. 4ha used for growing protea, a flower shed with water tank, vegetable garden, paddocks and dams. The residential living with gardens is located at the western end of the property consisting of water tanks, garden sheds and a chook run. The area located between the Protea horticultural zone and the residential area is partially cleared grazing land. Approximately three decades ago, before the property was cultivated for Protea destined for the Tasmanian cut flower market, it functioned as a cherry orchard. The framework for the orchard netting enclosure still stands. Saffron was grown in a paddock located above the house. Prior becoming a Cherry Tree Orchard, the land was used for grazing until it was eventually subdivided. It is our understanding that the house and gardens have been established for over 30 years.
Zone sought in this submission	Full Rural Living Zone (RLZ) across the entire property.

PART C — STATEMENT OF POSITION

I do not accept either zone recommended for my property. The split between LCZ and RZ does not appropriately reflect the character or lawful use of my land. I submit that the Rural Living Zone (RLZ) is the correct zone for my entire property under section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — LPS Zone and Code Application (the Zone Guidelines), and the Southern Tasmania Regional Land Use Strategy (STRLUS).

I make this submission on two grounds that apply to the whole property:

1. The LCZ portion: The LCZ is not appropriate for the portion of my property recommended for LCZ. Landscape values in the region can be efficiently managed by applying the Natural Assets Code (NAC), incorporating the Priority Vegetation Area (PVA) overlay, utilising the Scenic Protection Code (SPC), and enforcing the RLZ minimum lot size requirement. There is no need for LCZ.
2. The Rural Zone (RZ) portion: The RZ does not adequately recognise the residential character of my property. The RZ classification allows dwellings as discretionary uses and is meant for land mainly used for agriculture. The RLZ better reflects the existing and intended use of the cleared and settled portion of my land.

I request that the Commission determine that the RLZ applies to my entire property under the draft Kingborough LPS.

The RLZ subcategory I seek is Rural Living Zone D (minimum lot size 10 ha) this subcategory prevents any further subdivision and directly addresses any landscape value concern about the upper portion of my property.

PART D — GROUNDS FOR THIS SUBMISSION

D1 — The split zone recommendation is not appropriate for this property.

D1.1 — The split boundary does not follow a meaningful difference in land character

A split zone boundary across a particular property title is only appropriate where there is a clear and meaningful difference in the character of the land on each side of the boundary. The Ireneinc report and the TPC's own guidance from the Huon Valley LPS decision confirm that split zoning requires the site conditions, vegetation, topographic prominence, past use, and current use to justify two different zones on the same title.

The proposed line identifying the split of my land will exclude part of the rural land I presently use for protea propagation and grazing land.

D1.2 — The split creates practical problems that full RLZ would avoid

A split zone boundary across a single title creates practical difficulties for the landowner. The LCZ section limits use and development that differ from the land's previous usage. This creates uncertainty about which approvals are necessary for projects that cross the boundary. It also reduces the value and utility of the land without a corresponding planning benefit because the landscape values Ireneinc has identified as justifying LCZ on one part of the title are not meaningfully different from the landscape values on the RZ part.

D2 — The LCZ portion should be Rural Living Zone, not LCZ

D2.1 — Landscape values on the LCZ portion are manageable by existing codes

Zone Guideline LCZ 4(b) provides that the LCZ should not be applied where landscape values can be appropriately managed by the Natural Assets Code or the Scenic Protection Code. At the Day 20 hearing, the TPC panel found at Kettering West [02:33:54] that the Priority Vegetation Area overlay does the landscape-protection work — not the zone. Where PVA applies to my property, LCZ is not needed to protect vegetation values.

D2.2 — LCZ shares settlement characteristics with RZ

The Ireneinc evaluation framework stipulates that LCZ should only be used when the landscape values are so important that no other zone or code can properly address them. Where the proposed LCZ portion of my property has the same or similar characteristics to the RZ portion — the same lot pattern, the same land use history, the same code coverage — there is no basis for treating it differently.

The fourteen hectares located in the north, called the LCZ section, were previously used as grazing land—as were the thirteen hectares to the south that are included in the Rural Zone. Both sections have partial vegetation coverage. Some regions were set aside for grazing livestock, while others are covered with thick native forests. The Ireneinc Locality Report finds no unique landscape features on the LCZ portion that aren't also in the Rural Zone portion.



D3 — The RZ portion should be Rural Living Zone, not RZ

D3.1 — The RZ does not recognise the residential character of the cleared portion.

Zone Guideline RZ provides that the RZ should be applied to land in non-urban areas where agricultural use is limited or marginal, and that requires a rural location for operational reasons. The cleared portion of my property does not satisfy this description, its primary existing and intended use is residential, not agricultural. The Rural Living Zone (RLZ), which gives priority to the protection of residential amenities in a rural setting, is more appropriate.

My house, which was built about 30 years ago, is located in the western part of my property. The home has been occupied without interruption. Any rural activities on this portion- the chook/ goat run, the residential gardens and water tanks are incidental to its primary residential use. The Rural Living Zone is intended to accommodate this exact combination of residential use and less intensive rural activities.

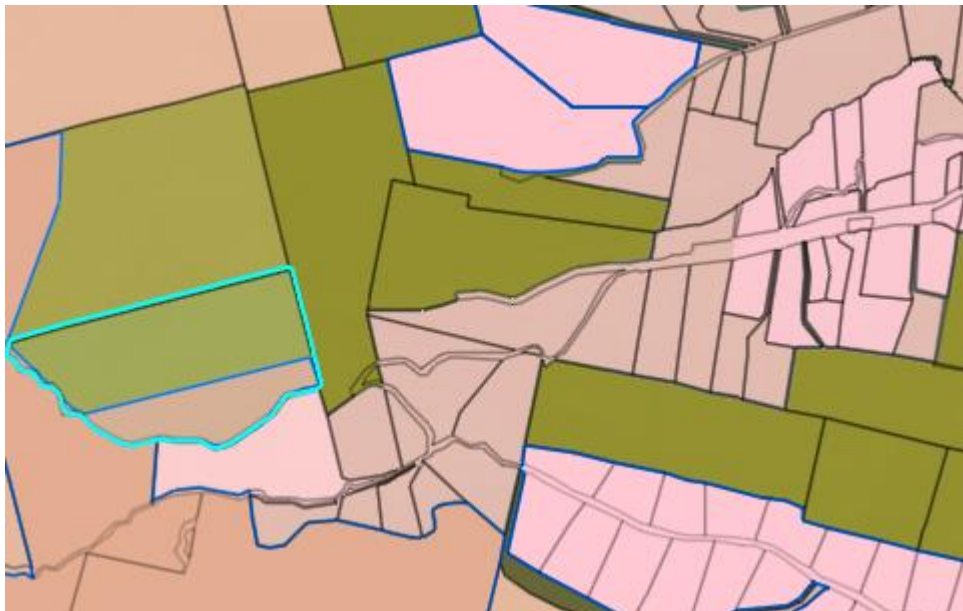
D3.2 — RLZ is consistent with the surrounding zoning pattern

Zone Guideline RLZ 2(b) confirms that RLZ may be applied to ELZ land where the primary strategic intention is for residential use in a rural setting. The cleared portion of my property sits within a broader rural living settlement area. Applying RZ to this portion creates an inconsistency with surrounding RLZ properties that have the same residential character.

The draft LPS indicates that the properties located adjacent to the cleared part of my land are classified as Rural Living Zone. These properties serve as residences and support minor rural activities, just like the cleared section of my land. Designating my cleared land as Rural Zone while neighbouring properties are zoned RLZ results in a zoning pattern that is inconsistent and fragmented, something the Ireneinc report specifically advises against.

D4 — Consistency with comparable properties in this locality

Other properties in my locality on Saddle Road with similar physical characteristics (a mix of cleared settled land and native vegetation) have been recommended for full Rural Living Zone without being split. Where those properties share the same combination of features as my whole title, there is no reason my property should be split while theirs is not.



D5 — The Ireneinc evaluation framework supports RLZ, not a split.

Kate Heckelmann (Ireneinc) confirmed at Day 20 [05:53:00] that the evaluation framework is a tool, not a statutory instrument. The Commission must assess my property against the Zone Guidelines. If the Zone Guidelines support RLZ for the entire property—due to established residential character, lot size restrictions preventing subdivision, and existing codes maintaining landscape values, a split outcome is not necessary according to the Zone Guidelines, regardless of Ireneinc's recommendation.

The Ireneinc LCZ Review report itself acknowledges that split zoning is a last resort, used only where one part of a title clearly meets LCZ criteria and the other clearly does not. As stated before, none of my property qualifies to be designated as LCZ or RZ instead of RLZ.

D6 — Locality-specific inconsistency

A formal analysis of the Ireneinc evaluation across different areas highlights locations where properties similar to mine—with both cleared residential land and vegetated upper sections—are recommended for complete Rural Living Zone status rather than a split zoning.

I request that the Commission have regard to the split zone recommendation for my property which is inconsistent with the outcome applied to comparable properties elsewhere in the municipality.

D7 — No Community Consultation on Landscape Values

Council and Ireneinc rely on STRLUS CV 4.2 and CV 4.3 to justify applying LCZ to ELZ land in preference to RLZ — arguing that LCZ is necessary to ensure the key values of regionally significant landscapes are not compromised by development.

Before CV 4.2 and CV 4.3 can be engaged in this way, the foundational sub-policy CV 4.1 must be satisfied.

CV 4.1 requires State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values. The significance of the landscape values Council seeks to protect through LCZ must first be established through that agreed criteria process.

No independent community consultation on landscape significance criteria has been conducted in Kingborough.

CV 4.1 was designed to address a recognised gap: the STRLUS narrative identifies 'the limited understanding of cultural landscape values and the lack of an overarching policy with respect to determining relative significance' as an existing problem at the time of the strategy's publication. The landscape significance determinations underpinning the LCZ recommendations were made by Council without community input on the criteria used.

The community's assessment of these landscapes, as expressed in exhibition representations, consistently identified residential use as the primary land use and the Scenic Protection, Priority Vegetation and Natural Assets codes as adequate for landscape value protection. That is the only available community evidence on the significance question, and it does not support the criteria Council applied.

D8 — Road Access concerns

A material consequence of the proposed LCZ application is its interaction with the dwelling access standard in the State Planning Provisions.

SPP clause 20.4.3 requires, at both the Acceptable Solution (A1) and Performance Criterion (P1) level, that new dwellings have frontage or legal access, by right of carriageway, to a road maintained by a road authority. Under the SPPs, a road authority means, for local roads, the relevant council

under the Local Government (Highways) Act 1982. Private access tracks, unvested Crown roads, and rights of carriageway over third-party land do not satisfy this definition, regardless of their physical adequacy or length of use.

Under KIPS 2015, this constraint did not exist. The ELZ expressly accommodated access via private rights of carriageway of no less than 3.6 metres, with no requirement that access terminate at a council-maintained road. A single dwelling was a permitted use within a building area on a sealed plan, and discretionary otherwise, either pathway was achievable on privately accessed land. The transition to LCZ imports a standard that forecloses what the previous scheme expressly permitted. That loss falls entirely on landowners whose parcels are physically and legally unchanged — it is not a consequence of their landscape character, but of zone selection.

It is significant that Council has itself acknowledged this problem in its Section 35F Report, conceding that the road authority access requirement produces unreasonable outcomes on transitioning ELZ land and that it has formally raised the matter with the State Planning Office. That concession — that the standard is not fit for purpose in this context — should weigh against a zoning decision that subjects landowners to its burden in the interim.

The Rural Living Zone does not carry this consequence. SPP clause 11.5.1 P2 and P3 require a contextual, merits-based assessment of whether access is sufficient for the intended use, having regard to topography, length, emergency vehicle access, and the pattern of established development without requiring that the access terminate at a road authority-maintained road. A privately accessed parcel that fails the LCZ threshold can satisfy the RLZ standard on its merits.

The Commission is asked to find that applying the LCZ to privately accessed ELZ parcels where residential use is the established primary intention would disproportionately extinguish development rights without planning justification, and that the RLZ is the appropriate zone for those parcels.

PART E — LOCALITY-SPECIFIC CONTEXT

For the reasons set out above, I submit that:

1. The split zone recommendation LCZ for part of my property and RZ for the remainder does not correctly reflect the character, use, or zone guideline criteria applicable to either portion of my land.
2. The LCZ portion should be Rural Living Zone, not LCZ. The landscape values in the area are managed by existing codes and by adhering to the minimum lot size required within the RLZ subcategory I am requesting. Zone Guidelines LCZ 1–4 do not require LCZ.
3. The RZ portion should be Rural Living Zone, not RZ. The primary existing and intended use of that portion is residential. RZ does not give priority to residential amenities and is not appropriate for a portion of land that contains or is ancillary to an established dwelling in a rural setting.
4. Rural Living Zone D is the correct zone for my entire property. Under this subcategory, the minimum lot size is 10ha, which significantly limits the possibility of further subdivision, directly addressing any concern about intensification of landscape values on the vegetated portion.

I respectfully request that the Commission:

- Apply the Rural Living Zone D to my entire property [REDACTED] in the Kingborough Local Provisions Schedule; and
- Not apply a split zone recommendation across this title, as neither portion of the property meets the criteria for LCZ or RZ over RLZ under the Zone Guidelines.

- I am requesting that all of my property, [REDACTED] located at [REDACTED], Kettering, be fully included within the Rural Living Zone [D] in the Kingborough Local Provisions Schedule.

Signed:

[REDACTED]

Kelly Baumann

Date: 02/02/2026

[REDACTED]

[REDACTED]