
From: steven walters [REDACTED]
Sent: Tuesday, 28 April 2026 3:17 PM
To: Kingborough LPS
Subject: CM: KingboroughLPS Submission [REDACTED] Middleton 7163
kingboroughlps submission [REDACTED] Middleton 7163.pdf

Please find attached our submission in response to your letter (ref: DOC/26/36829) dated 2 April 2026.

Kind regards

Steve Walters
[REDACTED]

24th April 2026

To: kingboroughlps@planning.tas.gov.au

Submission: Kingborough Draft LPS and subsequent Ireneinc Report recommendations for:

Property Title [REDACTED]; [REDACTED], Middleton, TAS. 7163

Objection to Proposed Zoning

To the Delegate,

We write in response to your letter dated 2 April 2026 (Your ref: DOC/26/36829) to formally submit a representation regarding the proposed zoning of our property, detailed above. We strongly object to the proposed zones for both portions of our land under the Ireneinc report as well as the application of a split zone solution.

We request that our entire property be rezoned to Rural Living Zone (Category D) for the reasons detailed below.

Our submission is based on the following evidence and alignment with the Section 34(2) LPS Criteria and Guideline No. 1:

1. Inconsistency with Zone Purpose (Section 34(2)(a))

The primary purpose of the Rural Zone is to protect land for resource development or processing. Our property is approx. 17.8ha in total yet under the State Planning Provisions, the Rural Zone typically assumes a 40ha minimum lot size. The proposed Rural Zone portion of our land under the split zone solution given by the Ireneinc report is a mere fraction of this requirement. Applying a Rural Zone to a small, isolated portion of a 17.8ha block is an inefficient application of the planning scheme, as the land is physically and economically incapable of supporting viable commercial-scale primary industry.

2. Recognition of Lawfully Established Residential Character

The subject land was created via a specific subdivision (2001) intended for residential use. A dwelling was granted planning permission (2003) and constructed under the current Environmental Living Zone, establishing the primary use of the land as residential. Furthermore, the subdivision was from an adjacent "Rural Resource" property and as such the Environmental Living zone must have been ascribed to the subject land at that point. Rezoning this property (or part thereof) to "Rural Zone" ignores the lawful planning history of the site. Rural Living zoning is the logical successor to Environmental Living for titles of this size and history because Rural Living Zone gives priority to the protection of residential amenity in a rural setting whereas Rural Zoning treats dwellings as a discretionary use.

3. Topographical Justification for not Split Zoning

The 'upper' portion of the property is characterised by very steep hills and cliffs and is the section proposed for Landscape Conservation Zone in the Ireneinc report. Should the split zone approach be implemented the boundary would undoubtedly need to be drawn very close to our house given the topography of the land. (If the boundary were drawn further from our house the split zone solution would be even more nonsensical than what is currently proposed). This split-zoning would give rise, without doubt, to future uncertainty and practical day to day challenges in managing the property in its entirety. Furthermore, applying a second zone (Landscape Protection Zone) to this portion of our property would achieve nothing over and above current codes/overlays. The Ireneinc report itself acknowledges split-zoning of a single property to be a last resort. If our property is correctly assessed against the zoning guidelines there is no justification to it being an example of a property requiring a 'last resort solution' which would further give rise to the challenges and uncertainty mentioned above.

4. Compatibility with Adjoining "Bush Blocks"

The immediate locality consists of several small "bush blocks" along [REDACTED], Middleton. While some of these properties engage in small-scale grazing (few sheep, poultry), these are ancillary to their primary residential use in every instance. Applying the Rural Living Zone to our property would accurately reflect the actual land-use not only of our property but the pattern of this neighbourhood and provide a consistent planning framework for these smaller, non-commercial titles. I believe these immediate neighbours are currently zoned Rural Resource Zone and will transition to Rural Zone and I also understand that there may be a preference to create blocks of properties zoned similarly. I likely assume this to be the reason Ireneinc suggest Rural Zone for the cleared portion of our property. Nevertheless the reality is that our property sits within a broader rural living settlement area whether that area is currently zoned correctly or not. Rural Living Zone guidelines confirm that RLZ should applied in such broader areas.

5. Addressing Council Concerns on future subdivision

Rural Living Zone (Category D) maintains the low-impact residential character of the property while the 10ha subdivision minimum ensures that the land remains intact, satisfying Council's potential objectives regarding density control.

Conclusion

The proposed split zoning of Landscape Conservation Zone and Rural Zone is a "square peg in a round hole" for a 17.8ha residential title that has only ever existed for the purposes of a dwelling and sits within a broader rural living area on the edge of Middleton. We respectfully request that the Commission amends the Draft LPS to apply Rural Living Zone (Category D) to the entire property to ensure an orderly, consistent, and evidence-based planning outcome. Neither portion of our property meets the criteria for Landscape Conservation Zone or Rural Zone over Rural Living Zone under the zone guidelines. Rural Living Zone is the only zone that can be applied accurately.

As a final note may we express our gratitude to the Commission for allowing us this opportunity for representation. This has been a fraught process to date that many, many of us in the community have had to invest significant time into to even just understand at such a late stage. We are thankful we can now make this representation in the hope of arriving at a zoning outcome that actually reflects the property we own in the area within which it sits.

Yours sincerely,

Steve Walters

Fiona Ott