
From: Len Pastoor <[REDACTED]>
Sent: Saturday, 11 April 2026 7:28 PM
To: Kingborough LPS
Subject: CM: [REDACTED] Kingston
Attachments: request.pdf; IMG_1431.png

To whom it may concern

Please find attached submission regarding proposed zoning of [REDACTED] Kingston.
Also aerial view of surrounding dwellings

Regards

Len & Kirsten Pastoor

Statement of Objection

Proposed Rezoning – [REDACTED], Kingston (Title No. [REDACTED])

To Whom It May Concern,

My name is [Len Pastoor], and I am the owner of [REDACTED], Kingston (Title No. [REDACTED]). I have owned this property for 38 years.

I formally object to the proposed rezoning of my property under the Draft Local Provisions Schedule (LPS), including any proposal to apply the Landscape Conservation Zone (LCZ), Rural Zone (RZ), or split zoning. I submit that the **Rural Living Zone (RLZ)** is the appropriate zoning for this land, based on its established and intended residential use, its historical zoning, and the surrounding settlement pattern.

1. Established Use, Zoning History, and Reasonable Expectation

This land was previously zoned **Environmental Living Zone (ELZ)** and has a clear and ongoing association with residential use.

The property was acquired with the reasonable expectation that:

- Residential use could continue
- A dwelling could be constructed or maintained
- The land could support long-term living and intergenerational use

The proposed rezoning undermines these expectations and introduces uncertainty around fundamental property rights, including building, finance, insurance, and ongoing land use.

2. Logical Zone Translation from ELZ

The application of the LCZ is inconsistent with established planning practice.

The LCZ is **not intended as a replacement for the Environmental Living Zone**, as outlined in the Kingborough LPS guidance. The logical and consistent translation for land previously zoned ELZ—particularly where residential use is the priority—is the **Rural Living Zone**.

This approach has been adopted by other councils, including **Tasman Council**, which recognizes the risks associated with applying overly restrictive conservation zoning to established living areas.

3. Established Rural Living Pattern

The property is located within an area that:

- Is **adjacent to Rural Living zoned land**
- Contains an **established cluster of more than 10 dwellings**
- Functions in practice as a **rural living community**

This is a key planning consideration.

Zoning must reflect **actual land use and settlement patterns**, not impose artificial or inconsistent boundaries. Applying LCZ or restrictive zoning in the middle of an established rural living area creates:

- Fragmented and inconsistent zoning outcomes
- Inequity between neighbouring landowners
- Planning conflict and uncertainty

The proposed zoning fails to recognize the **existing character and use of the area**.

4. Inconsistency with LPS Guidelines

The application of the LCZ is inconsistent with **Kingborough LPS Guideline No.1 (LCZ 4)**, which clearly states that the zone should not be applied where residential use is the priority.

Given:

- The history of ELZ zoning
- The presence of multiple nearby dwellings
- The adjacency to RLZ

...it is clear that residential use is the **primary and dominant land use** in this locality.

5. Failure of Strategic Consistency

The reliance on “strategic intent” appears inconsistent and fails to recognize

- Existing rural living communities
- Historical planning entitlements
- The intended use of undeveloped residential land

This approach is contrary to the Southern Tasmania Regional Land Use Strategy (STRLUS), which supports the application of rural living zones to **existing rural living communities**, including those not yet fully developed.

6. Unnecessary and Disproportionate Impacts of LCZ

The LCZ imposes constraints that are unnecessary in this already established living area.

It risks:

- Limiting the ability to build or maintain a dwelling
- Reducing property value
- Restricting access to finance and insurance
- Undermining intergenerational land use

Importantly, landowners in this area already manage and protect natural values. Imposing LCZ may **reduce active land stewardship**, rather than enhance it.

7. Misapplication of Overlays

The application of overlays such as landslip, vegetation, or scenic protection appears broad and not based on property-specific assessment.

Where applied, these controls should be:

- Evidence-based
- Site-specific
- Proportionate

Blanket application undermines confidence in the planning process.

8. Failure of Consultation and Process

The rezoning process has involved:

- Limited direct consultation with affected landowners
- Insufficient transparency in decision-making
- Outcomes that appear predetermined rather than evidence-based

This is inconsistent with the intent of the **Land Use Planning and Approvals Act 1993**, particularly in relation to fair land use, public participation, and community wellbeing.

9. Request

I request that:

1. The proposed LCZ (or other restrictive zoning) be **removed from this property**
2. The land be zoned **Rural Living Zone**, consistent with:
 - Its former Environmental Living zoning
 - Its established and intended residential use
 - Its location within an existing rural living cluster
3. Environmental values be managed through **overlays and codes**, not restrictive base zoning
4. Greater weight be given to **existing settlement patterns and landowner expectations**

Conclusion

Given the property's:

...the appropriate and defensible zoning outcome is clearly the **Rural Living Zone**.

Yours sincerely,

_____ & _____



Tools



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