
From: Chad Marshall [REDACTED]
Sent: Monday, 4 May 2026 11:40 PM
To: Kingborough LPS
Subject: Collective Submission — Kingborough LPS Direction 69 — Middleton — 3 signatories
Attachments: [REDACTED] - Dispute LCZ - Lines.docx; [REDACTED] (no address) - Title 122219-1 - Dispute LCZ - Marshall.docx; [REDACTED] - Accept RZ - Marshall.docx; Collective Submission - Middleton - 3 Signatories.docx

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Commissioners,

Please find attached our Collective Submission — Kingborough LPS Direction 69 — Middleton — 3 signatories.

Also,

Please find attached submissions for

- 1) [REDACTED] (Title 37933/1) - Bryan Lines and Catherine Lines;
- 2) [REDACTED] no address (Title 122219/1) - Chad Marshall and Elizabeth van der Geest; and
- 3) [REDACTED] (Title 34386/2) - Chad Marshall and Elizabeth van der Geest

--

Chad Marshall
[REDACTED]

Written submission to the Tasmanian Planning Commission

Kingborough Local Provisions Schedule - Direction 69 / Ireneinc Report

Title 37933/1 - [REDACTED], Middleton

Contesting Landscape Conservation Zone retention; seeking Rural Zone

Part A

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 remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

We did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission. We understand that this letter has been sent to ensure procedural fairness and provides us with a clear opportunity to formally participate in this stage of the process. We take up that opportunity and submit as follows.

We also note that we did not receive direct correspondence from Kingborough Council during the earlier process concerning the proposed zoning change affecting this title. The latest relevant correspondence regarding the matter was from the Tasmanian Planning Commission (TPC) received in early April 2026. We raise that matter as procedural context only; the substantive grounds for this submission are set out below.

Part B - Property details

Field	Details
Landowner name(s)	Bryan Lines and Catherine Lines
Property address	[REDACTED], Middleton TAS 7163
Title reference (folio)	37933/1
Lot size (approx.)	4ha
Locality	Middleton
Current Kingborough Interim Planning Scheme 2015 zone	Environmental Living Zone (ELZ)
Draft Local Provisions Schedule exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) - unchanged
Zone sought in this submission	Rural Zone (RZ)

Part C - Statement of position

We submit that the application of the Landscape Conservation Zone (LCZ) to our property is not 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 (Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

We request that the Commission determine that the Rural Zone (RZ) is the appropriate zone for our property. The RZ is a more appropriate translation of the Environmental Living Zone (ELZ) for this land given its rural

character, existing dwelling and outbuildings, hobby-farming activities, historical rural-use context, surrounding zoning context, and the absence of any identified site-specific landscape value requiring the stronger conservation emphasis of LCZ.

The property is used as a rural residential and hobby-farming property, with associated sheds and outbuildings, poultry and other small-scale rural activities. It also contains a large built dam, visible in present-day aerial material, and is used for ordinary rural purposes, including domestic firewood collection for heating. These uses are consistent with Rural Zone character and are not the uses of a conservation reserve.

If any landscape, vegetation, waterway or scenic values exist on the title, those values should be identified specifically and managed through the relevant code and overlay controls. They do not, without a title-specific explanation, justify applying Landscape Conservation Zone as the underlying zone.

Part D - Grounds for this submission

D1 - The Landscape Conservation Zone does not comply with the Zone Guidelines

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, including compliance with the Zone Guidelines. Council's position, including any resolution favouring the least restrictive alternative, is not binding on the Commission. The Commission must reach its own conclusion against section 34 of LUPAA and the Zone Guidelines.

D1.1 - The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone

The Zone Guidelines state that the LCZ is not a replacement zone for the Environmental Living Zone (ELZ) in interim planning schemes and that there are key policy differences between the two zones. The Guidelines also note that the LCZ is not a large-lot residential zone in areas characterised by native vegetation cover and other landscape values. Instead, it gives clear priority to the protection of landscape values, with residential use largely discretionary.

No comprehensive, site-specific justification has been provided for applying LCZ to [REDACTED]. The Ireneinc report applies LCZ to the majority of Middleton at a broad locality scale, rather than demonstrating why this individual title requires LCZ rather than RZ.

That absence of site-specific reasoning is especially important because nearby parcels are recommended or confirmed for RZ, including the large [REDACTED] parcel to the north, part of [REDACTED], and the portion of [REDACTED] south of [REDACTED]. Land to the south and west is also treated as RZ. The report does not clearly explain why [REDACTED] is treated differently from those surrounding and nearby parcels.

D1.2 - Landscape Conservation Zone restrictions are inconsistent with the existing and historical use of the land

The LCZ gives clear priority to the protection, conservation, and management of landscape values. That is not the primary character or function of our property. The property includes a dwelling, outbuildings and rural infrastructure, and is used for ordinary rural-residential and hobby-farming activities, including poultry and related rural maintenance uses.

The property is also used for collecting firewood for domestic heating, including use associated with the household wood-heater. That use is ordinary rural use of land and is consistent with the RZ character sought in this submission.

The property contains a large built dam, visible in present-day aerial material included in the appendices. That feature is built rural infrastructure and is consistent with the property's long-standing rural and hobby-farming character. Whether or not any ecological values have developed around the dam, those values can be assessed through the relevant code provisions. The dam does not convert the whole property into land whose primary planning purpose is landscape conservation.

Historical aerial material for the area also indicates that this part of [REDACTED] was associated with productive rural uses, including proximity to Blackwood plantations and orchards. That historical pattern extended through the western and southern flank of the hill and included properties around [REDACTED]. This context supports rural zoning rather than the imposition of a conservation-led zone.

D1.3 - The Rural Zone satisfies the applicable Zone Guidelines

Zone Guideline RZ 1 provides that the RZ should be applied to land in non-urban areas with limited or no potential for agriculture because of topographical, environmental or other characteristics, and which is not more appropriately included in LCZ or Environmental Management Zone (EMZ) for the protection of specific values. Our property satisfies this criterion.

The property is non-urban, rural in setting, used for lower-order rural and hobby-farming activities, contains a built dam and outbuildings, and is not suitable for the Agriculture Zone as a commercial agricultural holding. Nor has any title-specific value been identified that requires LCZ or EMZ.

The property is plainly rural in character but not, on the present evidence, land whose primary strategic purpose is landscape conservation. RZ is the better fit because it acknowledges existing rural use while still allowing relevant codes and overlays to manage vegetation, scenic, waterway, access, hazard, and development issues.

D1.4 - No site-specific landscape values justify Landscape Conservation Zone over Rural Zone

Zone Guideline LCZ 1 requires land with landscape values identified for protection and conservation. Zone Guideline LCZ 2(c) supports transition from ELZ to LCZ only where the primary intention is protection and conservation of landscape values. The Ireneinc report does not establish that this is the primary intention for [REDACTED].

We do not accept that the landowner bears the burden of disproving every possible landscape, scenic, vegetation, corridor or conservation value that might be asserted for the land. This process concerns the statutory approval of a Local Provisions Schedule. Under the Land Use Planning and Approvals Act 1993, the planning authority and ultimately the Commission must be satisfied that the draft Local Provisions Schedule meets the applicable criteria before it is approved. Accordingly, where Landscape Conservation Zone is proposed for a private title, the relevant landscape values should be identified with sufficient clarity to justify that zone over available alternatives.

The Middleton assessment does not identify, by site inspection or title-specific analysis, any scenic feature, threatened vegetation community, public landscape exposure, ridgeline role, or conservation value on this title that requires LCZ as the underlying zone.

If Council or Ireneinc relies on scenic values, priority vegetation, habitat, topography, the built dam, or any other mapped attribute, we ask that those features be identified precisely for this title and that the Commission consider whether those features are already sufficiently managed through the applicable overlays and codes.

D2 - The Rural Zone better reflects the character and use of our property

D2.1 - The Rural Zone purpose aligns with existing use

The RZ purpose is to provide for a range of use or development in a rural location where agricultural use is limited or marginal, where uses may require a rural location for operational reasons, and where adverse impacts on surrounding uses are to be minimised. This describes [REDACTED] more accurately than the LCZ purpose.

The land is lived on and used in a rural setting. Its ordinary outbuilding, maintenance, poultry, built dam, firewood and hobby-farming uses are compatible with RZ. Those uses do not require the land to be zoned as if its primary purpose were landscape conservation.

D2.2 - Rural Zone better preserves the former Environmental Living balance

The Environmental Living Zone under the Kingborough Interim Planning Scheme 2015 accommodated residential use in a rural or environmental setting, together with a range of rural and ancillary activities. The RZ is a closer practical translation for land whose character is rural-residential and productive rather than conservation-led.

Applying LCZ would alter the practical planning balance rather than merely translate it into the Tasmanian Planning Scheme. It would make future residential or rural use more uncertain and discretionary while placing conservation priority over land whose conservation function has not been established by title-specific evidence.

D2.3 - Rural Zone does not compromise landscape protection where overlays apply

We do not deny that vegetation, scenic or waterway values may exist on the property or in the broader Middleton locality. The question is whether those values require LCZ as the underlying zone, or whether they can be managed through the relevant code and overlay controls.

The Zone Guidelines themselves recognise this distinction. The Rural Living Zone guideline, although not the zone sought here, states that land with important landscape values should not be applied to Rural Living Zone unless those values can be appropriately managed through the relevant codes. That is important because it shows that the planning framework does not treat landscape values as automatically requiring LCZ. It asks whether the values can be managed by available planning controls.

The same point is reinforced by the Scenic Protection Code. The Zone Guidelines state that the Scenic Protection Area overlay may be shown on several zones, including Rural Zone, Rural Living Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, and Open Space Zone. The existence of a Scenic Protection Area overlay therefore cannot, by itself, determine that LCZ is the correct base zone.

Accordingly, if an overlay is relied upon to justify LCZ, the relevant value or constraint should be identified specifically and shown to be significant enough that RZ, together with the applicable code controls, would be insufficient. A generalised overlay or broad locality statement should not be used as a substitute for title-specific LCZ reasoning.

D3 - Consistency, surrounding zoning and fragmentation support Rural Zone

We accept that zoning is not determined by considering each title in isolation. However, that principle strengthens rather than weakens this submission. This title should be assessed as part of the broader [REDACTED] rural-use and settlement pattern. The surrounding and adjoining zoning pattern, including the treatment of [REDACTED] and comparable nearby titles as Rural Zone, shows that this land is not an isolated conservation

holding. Applying Landscape Conservation Zone to this title alone, or to a small group of similar north-side Coss Road titles, would create an inconsistent and fragmented zoning outcome unless the Commission can identify a specific landscape value on this title that requires conservation-first zoning rather than management through the ordinary zone and overlay controls.

D3.1 - Rural Zone is more consistent with nearby treatment

The Ireneinc report recognises avoidance of fragmented zone application as a key principle. Applying LCZ to [REDACTED] while nearby and comparable land is included in, or is now seeking, RZ creates precisely the sort of fragmented and unexplained pattern the Commission should avoid.

The large [REDACTED] parcel to the north of [REDACTED] has been changed from LCZ to RZ. The Ireneinc report also recommends RZ for part of [REDACTED] and the portion of [REDACTED] south of [REDACTED]. These nearby examples show that RZ is not alien to Middleton and has already been accepted as appropriate where rural activity, land character and resulting zone pattern support that outcome.

The contrast with [REDACTED] is especially difficult to understand. That property appears more visually exposed on the eastern side of the hill, while [REDACTED] is located further within the [REDACTED] rural landscape. If [REDACTED] can be treated as RZ, there should be a clear and title-specific reason before [REDACTED] is retained in LCZ.

D3.2 - [REDACTED] should be treated consistently

The treatment of [REDACTED] is particularly difficult to justify. Land on or near the southern side of [REDACTED] has been treated more favourably, despite similarity in rural setting, vegetation pattern, topography, and historical rural use. There is no clear, principled basis for leaving [REDACTED] in LCZ while comparable neighbouring land is moved, or proposed to be moved, to RZ.

The broader landscape-corridor reasoning also requires caution. If the asserted bushland corridor through Middleton and toward Gordon is relied upon to justify Landscape Conservation Zone for [REDACTED], the Commission should also consider why substantial nearby land south of [REDACTED], apparently within the same broader landscape context, is treated as Rural Zone. That pattern suggests that the presence of vegetation or a broad corridor description is not, by itself, determinative. A title-specific explanation is still required.

Nearby landowners on the southern fringe of the LCZ-designated area, including [REDACTED] and the adjoining [REDACTED] title to its north, are seeking the same RZ outcome on materially similar reasoning. The consistent outcome for this [REDACTED] fringe is RZ, not an unexplained retention of LCZ on selected titles.

D3.3 - Fragmented Landscape Conservation Zone application should not be preserved merely because it was mapped first

Avoiding fragmentation should not operate only in one direction. It should prevent stray RZ pockets in genuine LCZ land, but it should also prevent the retention of isolated or poorly explained LCZ remnants where the surrounding and comparable land is better characterised as RZ.

If the Commission accepts the logic that rural activities and resulting zone pattern justify RZ for other Middleton parcels, then that same logic should be applied consistently to [REDACTED].

D4 - The Ireneinc Middleton evaluation is too general to justify a title-specific Landscape Conservation Zone outcome

The Ireneinc report states that the majority of Middleton has significant natural and scenic landscape values and should transition from ELZ to LCZ, except for certain properties where rural activities and resulting zone pattern support RZ. That reasoning accepts the principle that RZ is appropriate in Middleton where rural activity, land character and zone pattern justify it. Our property should be assessed under that same logic.

The report also concludes that no rural living settlement pattern is evident in Middleton. Even if that is accepted, it does not support LCZ over RZ. Rather, it helps explain why RZ, not Rural Living Zone, is the appropriate alternative for land such as 90 Coxs Road. The absence of a Rural Living Zone pattern should not be converted into an automatic LCZ outcome where the actual land use and context are rural.

The Middleton recommendation appears to rest on broad judgement about locality-wide scenic and natural values rather than on any defined threshold applied to this title. No clear site-specific reasoning is given as to why this property presents such a risk to landscape values that it must be placed in LCZ rather than RZ.

D5 - Historical land-use evidence supports rural character

The historical overlay for [REDACTED] shows the property's proximity to former Blackwood plantations and orchard land. This is not merely picturesque background. It bears on the planning character of the area.

[REDACTED] and the adjoining slopes have not functioned only as landscape backdrop or conservation land. They have long included rural production, rural maintenance, domestic outbuildings, small-scale animal keeping, built rural water infrastructure, and mixed rural-residential use.

That historical and present character supports RZ. It is also consistent with the treatment of other Middleton land where the Ireneinc report has recommended RZ in recognition of rural activities and zone-pattern considerations.

D6 - Lack of direct Council notice reinforces the need for careful assessment

We received no direct correspondence from Kingborough Council throughout the earlier process concerning the proposed zoning change affecting [REDACTED]. We do not put this forward as a substitute for the planning merits. It is relevant because it denied us an earlier practical opportunity to test the assumptions made about our land, supply property-specific evidence, or correct any mapping or characterisation errors.

The Commission should therefore be cautious about adopting a broad locality-level LCZ recommendation without giving proper weight to the site-specific evidence now supplied.

D7 - Collective submission

We are one of several neighbouring landowners on or near [REDACTED] and the southern fringe of the Middleton LCZ-designated area who are seeking RZ rather than LCZ. We understand that a collective cover submission will also be lodged. We adopt, to the extent relevant to [REDACTED], the shared arguments in that collective submission concerning [REDACTED] rural character, inconsistent treatment of nearby land, historical rural use, lack of title-specific LCZ justification, and the suitability of RZ as the proper alternative zone.

Part E - Locality-specific context

The relevant locality is Middleton. The Ireneinc report recommends LCZ for the majority of Middleton, while recommending RZ for selected properties where rural activities and the resulting zone pattern support that

outcome. This demonstrates that RZ is not alien to Middleton. It has already been accepted as appropriate within the locality where the land's character and surrounding pattern warrant it.

sits close to comparable land either already recommended for RZ or now seeking RZ, including the large parcel to the north, and the adjacent title, and land south of . It is also within the historical rural-use belt shown by the historical overlay, including former Blackwood plantation and orchard proximity. These features make RZ the coherent outcome.

The landscape value statement used by Ireneinc for Kingborough emphasises bushland providing a backdrop from the coast up the slopes to well-vegetated headlands and ridgelines. That statement does not, without more, justify applying LCZ to every vegetated or partly vegetated title within the locality. The Commission should ask whether itself performs that public scenic or conservation function to such a degree that LCZ is necessary. On the present evidence, it does not. At most, any vegetation or scenic considerations can be managed by overlays and codes.

Part F - Conclusion and relief sought

For the reasons set out above, we submit that:

- the application of LCZ to is not supported by sufficient title-specific evidence and does not satisfy the requirements of section 34 of LUPAA or the Zone Guidelines;
- the property is rural-residential and hobby-farming land, with a dwelling, outbuildings, firewood use, poultry use and a built dam, not land whose primary planning purpose is landscape conservation;
- RZ satisfies the applicable Rural Zone criteria and better reflects the property's existing use, historical context, and surrounding zoning pattern;
- applying LCZ to while comparable nearby land is included in or seeking RZ would produce an inconsistent and fragmented zone outcome; and
- any landscape, vegetation, waterway or scenic values present can be managed through the relevant code and overlay controls without the need for LCZ.

We respectfully request that the Commission determine that folio of the Register 37933/1 at , Middleton TAS 7163, be included within the Rural Zone in the Kingborough Local Provisions Schedule.

If the Commission proposes any alternative outcome, we request that we be provided with an opportunity to respond before any final determination is made.

Digitally submitted by:

Bryan Lines and Catherine Lines

, Middleton TAS 7163

Appendix A - Proposed zoning around [REDACTED] and Middleton after Ireneinc review

The following screenshot is included to illustrate the surrounding zoning context, including the Rural Zone treatment of adjoining and nearby parcels. It is relied upon only to support the submission's points about consistency, surrounding land treatment, and the position of [REDACTED] within the [REDACTED]/Middleton zoning pattern.

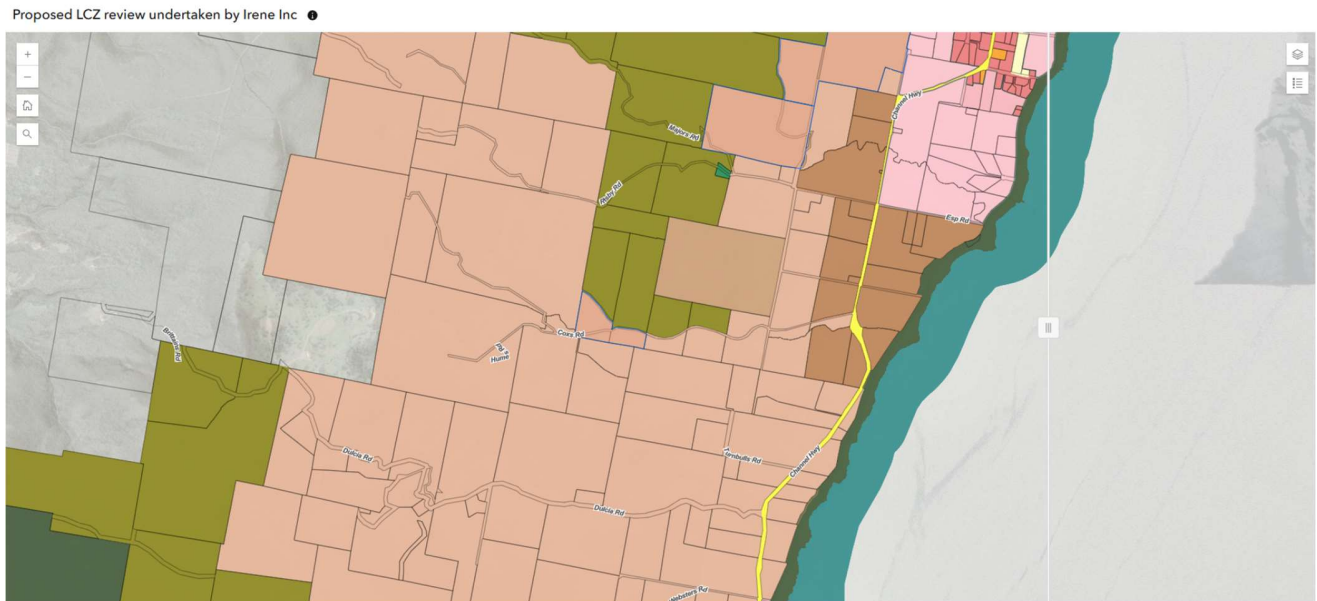


Figure 1. Proposed Landscape Conservation Zone review mapping around [REDACTED] and Middleton after Ireneinc review.

Appendix B - Historical aerial overlay for 90 Coxs Road

The following historical aerial overlay is included to support the submission's statement that [REDACTED] surrounding [REDACTED] land formed part of a working rural landscape, including Blackwood plantation and nearby orchard use. It is not relied upon as a survey plan.



Figure 2. Historical aerial overlay, late 1960s to 1970s, [REDACTED] area.

Appendix C - Present-day aerial context for [REDACTED]

The following present-day aerial image is included to show the existing rural-residential and hobby-farming context of the property, including outbuildings and the built dam. It is relied upon only as contextual evidence of the property's rural character.

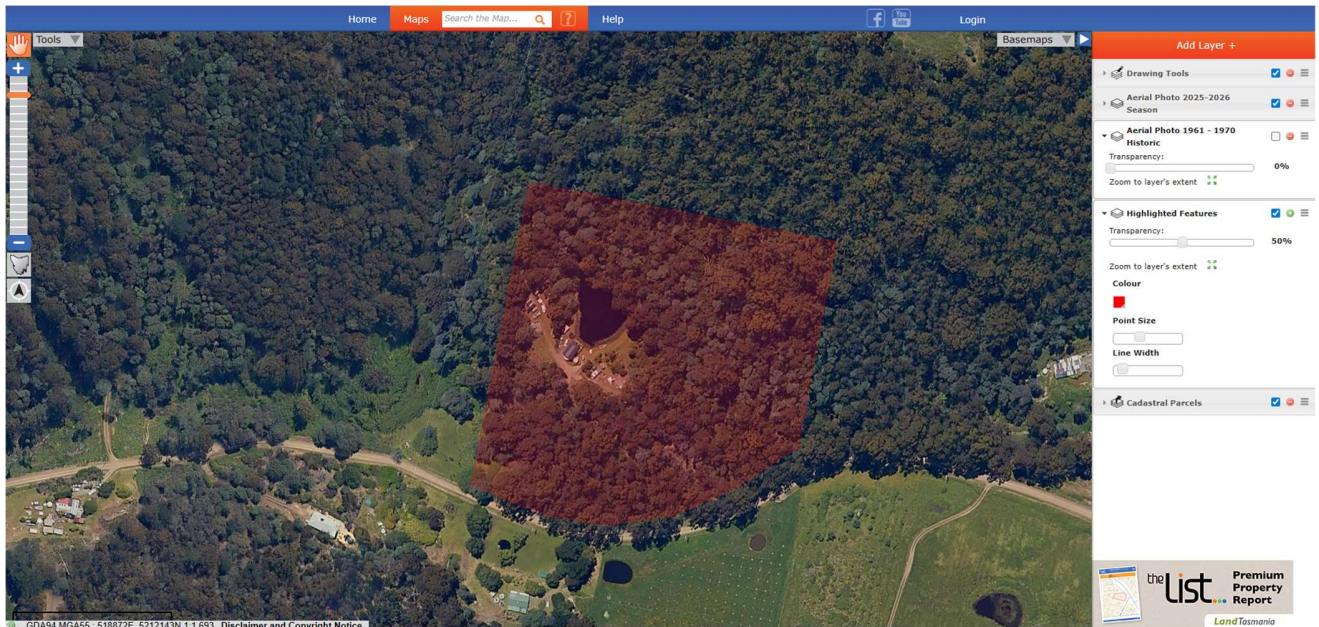


Figure 3. Present-day aerial context showing outbuildings and built dam at [REDACTED].

Part G - Acronyms and terms used in this submission

Acronym / term	Meaning
ELZ	Environmental Living Zone
EMZ	Environmental Management Zone
Ireneinc report	Review of the Landscape Conservation Zone Kingborough and Locality Baseline and Alternative Zone Evaluation
KIPS2015	Kingborough Interim Planning Scheme 2015
LCZ	Landscape Conservation Zone
LPS	Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
Natural Assets Code	The planning code managing mapped natural assets, including waterway, coastal, and vegetation values where applicable
Priority Vegetation Area overlay	Mapped vegetation overlay under the Natural Assets Code
RLZ	Rural Living Zone
RZ	Rural Zone
Scenic Protection Area overlay	Mapped scenic landscape overlay under the Scenic Protection Code where applicable
Scenic Protection Code	The planning code managing mapped scenic protection areas where applicable
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 - Local Provisions Schedule: Zone and Code Application

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

Title 34386/2 — [REDACTED], Middleton TAS 7163
Accepting Rural Zone recommendation
Draft 3

Date: 4 May 2026

PART A — PROCEDURAL OPENING

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 did not make a formal representation during the public exhibition period; however, we understand that the Commission has received correspondence from us or on our behalf in relation to the draft LPS. We understand that this letter provides us the opportunity to formally participate in this stage of the LPS process. We take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Landowner name(s)	Chad Tavis Marshall and Elizabeth Monica van der Geest
Property address	[REDACTED], Middleton TAS 7163
Property ID	1662241
Title reference (folio)	34386/2
Lot size (approx.)	2.47 ha
Locality	Middleton
Current Interim Planning Scheme zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Zone (RZ)
Position in this submission	Accept RZ recommendation — fortify against LCZ reversion

PART C — STATEMENT OF POSITION

We support the Ireneinc recommendation that our property be included within the RZ under the draft Kingborough LPS. The RZ is a significantly more appropriate zone for our property than the LCZ as exhibited. We make this submission to provide the Commission with property-specific evidence supporting the RZ recommendation, and to ensure the Commission has a complete picture before making its final determination.

We submit that the RZ is the correct zone for our property under 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 ask that the Commission adopt the RZ recommendation and not revert to the exhibited LCZ.

The property is a rural residential holding in a non-urban setting. It contains our dwelling and associated outbuildings, gardens, access, and areas of mixed cleared and vegetated land. It is managed together with the adjoining northern title for ordinary rural-lifestyle purposes, including garden use, access, firewood, and low-intensity hobby-rural activity. The RZ better reflects that existing rural character than the exhibited LCZ, and it does so without removing the operation of any overlay controls that may apply to vegetation, waterways, scenic matters, or other site constraints.

PART D — SUPPORTING EVIDENCE AND ARGUMENTS

D1 — The RZ is consistent with the Zone Guidelines

The Commission is required to assess whether the LPS meets the LPS criteria, including consistency with the Zone Guidelines. The RZ recommendation satisfies those criteria for this property.

Zone Guideline RZ 1 provides that the RZ should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental, or other characteristics, and which is not more appropriately included within the LCZ or Environmental Management Zone (EMZ) for the protection of specific values.

This property satisfies RZ 1. It is plainly non-urban. Its topography, vegetation, creek-line setting, existing dwelling, and mixed rural-lifestyle use mean that intensive agriculture is not the realistic planning purpose of the land. Nor has any site-specific landscape value been identified on this title that requires LCZ or EMZ rather than RZ.

The property is therefore not being advanced as productive agricultural land, urban land, or land requiring a conservation zone. It is a rural holding for which the RZ is the closest and most practical zone translation.

D2 — The exhibited LCZ is not warranted for this property

Zone Guideline LCZ 1 requires landscape values to be identified for protection and conservation. It is not enough to rely on a broad locality description if the actual title does not exhibit values of a kind or significance requiring LCZ. The Ireneinc process has now produced the correct conclusion: the exhibited LCZ should not be retained for Title 34386/2.

The property contains a dwelling, outbuildings, gardened and cleared areas, access, and mixed vegetation. It is not a reserve, a public conservation holding, an Environmental Management Zone candidate, or a visually dominant ridgeline parcel whose primary planning purpose is landscape conservation.

Any landscape or vegetation values that do exist on or near the land can be addressed through the ordinary operation of applicable codes and overlays, including the Natural Assets Code (NAC), Priority Vegetation Area (PVA) overlay, Scenic Protection Code (SPC), Scenic Protection Area (SPA) mapping, and waterway-related controls where relevant. Those controls operate independently of whether the underlying zone is RZ or LCZ.

D3 — Property-specific evidence supporting RZ

The existing use and character of our property are consistent with the RZ purpose, which provides for a range of use or development in a rural location where agricultural use is limited or marginal and where surrounding uses are to be protected from adverse impacts.

The land is used as the main rural residential holding at [REDACTED]. It contains an established dwelling and associated domestic and rural-lifestyle improvements. The land is not being used for intensive farming; rather, it forms part of a rural household and small-scale land-management setting typical of [REDACTED].

The adjoining northern title, Title 122219/1, is managed together with this property in practice. While that title is the subject of its own submission, the Commission should note the functional relationship between the two titles when considering the zoning context of [REDACTED]. RZ on the main title reflects that integrated rural use more accurately than LCZ.

D4 — The surrounding zoning context supports RZ

The Commission's 2 April 2026 letter identifies Title 34386/2 as having been exhibited as LCZ but proposed to be included in the RZ. That conclusion is consistent with the wider [REDACTED] context.

The locality includes several nearby Rural Zone recommendations, including land at [REDACTED]
[REDACTED]. Those examples matter because they show that RZ is not an alien or isolated outcome in this part of Middleton.

In practical terms, [REDACTED] sits within a rural road corridor containing a mixture of dwellings, bushland, gardens, timbered areas, cleared areas, older rural uses, and low-intensity land management. Its use and appearance are not materially inconsistent with land already recommended for RZ in the surrounding area.

Reverting this title to LCZ would risk an irregular and inconsistent zoning edge along [REDACTED], rather than applying a zone that reflects the property's actual rural residential character and its relationship to neighbouring RZ land.

D5 — The Ireneinc recommendation should be adopted, not reopened in favour of LCZ

The purpose of this submission is not to challenge the RZ recommendation, but to give the Commission positive evidence that it should be adopted. The original exhibited LCZ appears to have resulted from a broad application of the zone across former ELZ land. The later review has correctly moved this property out of that broad LCZ treatment.

Although this submission accepts the Ireneinc recommendation, the point remains that LCZ should not be reintroduced unless the statutory basis for doing so is clear. In approving the Local Provisions Schedule, the planning authority and ultimately the Commission must be satisfied that the LPS criteria are met. If LCZ were again considered for this private title, the relevant landscape, scenic, vegetation, or corridor values would need to be identified with sufficient clarity to justify LCZ over the RZ already recommended.

The relevant alternative is concrete, not hypothetical: Ireneinc has already recommended RZ for this title. The property-specific evidence is consistent with that outcome. Nothing in the property's actual use, landform, or management shows that the heavier landscape-conservation priority of LCZ is necessary.

D6 — Overlay controls remain available under RZ

The adoption of RZ would not leave the property unregulated. To the extent that the title is affected by PVA, SPA, waterway, bushfire, landslip, or other mapped controls, those controls remain relevant to future use and development applications.

This is important. If the Commission is concerned about vegetation, creek-line management, scenic interface, or development siting, those matters can be assessed through the applicable code framework. They do not require the whole title to be returned to LCZ.

RZ therefore gives a more balanced planning outcome: it recognises the actual rural use and settlement context of the property while retaining proper controls over any specific environmental, scenic, or hazard values.

PART E — LOCALITY-SPECIFIC CONTEXT

The relevant locality is Middleton. The Ireneinc material treats much of Middleton as having natural and scenic landscape values, but also identifies exceptions where RZ is more appropriate because of existing use, extent of landscape values, and the resulting zone pattern.

[REDACTED] should be considered in that more localised way. The road corridor contains established dwellings and rural holdings, not merely undeveloped bushland. Some houses are partly screened by vegetation and terrain; that should not be mistaken for an absence of settlement or rural use.

The eastern and southern parts of the [REDACTED] and nearby [REDACTED] context show that RZ can properly apply in this locality without undermining the broader landscape framework. The recommended RZ outcome for [REDACTED] is consistent with that approach.

The landscape value statement for Middleton is too broad to justify reverting this particular title to LCZ. If the Commission considers that some mapped value applies to part of the title, the appropriate response is to manage that value through the relevant code or overlay, not to reinstate LCZ across the title.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, we submit that:

- the Ireneinc recommendation to include Title 34386/2 within the RZ is correct and consistent with the Zone Guidelines and the requirements of section 34 of LUPAA;
- the RZ is a significantly more appropriate zone for this property than the exhibited LCZ;
- the property-specific evidence confirms that the land's existing use, land cover, rural character, and surrounding zoning context are consistent with the RZ purpose and application guidelines;
- any landscape or vegetation values in the broader locality can be appropriately managed through existing code and overlay controls without resort to LCZ; and
- a reversion to LCZ would not be justified by the evidence specific to this title.

We respectfully request that the Commission:

- adopt the Ireneinc recommendation and include Title 34386/2, [REDACTED], Middleton TAS 7163, within the Rural Zone in the Kingborough Local Provisions Schedule; and
- not revert the property to the exhibited Landscape Conservation Zone.

Submitted electronically by:

Chad Tavis Marshall and Elizabeth Monica van der Geest

[REDACTED]
Middleton TAS 7163

[REDACTED]
[REDACTED]

PART G — TERMS USED IN THIS SUBMISSION

Term / acronym	Meaning
Environmental Living Zone	ELZ
Environmental Management Zone	EMZ
Ireneinc report	Review material prepared by Ireneinc / Planning Tas Pty Ltd for the Kingborough Local Provisions Schedule process
Kingborough Interim Planning Scheme 2015	KIPS2015
Landscape Conservation Zone	LCZ
Land Information System Tasmania	LIST
Land Use Planning and Approvals Act 1993	LUPAA
Local Provisions Schedule	LPS
Natural Assets Code	NAC
Priority Vegetation Area	PVA
Rural Zone	RZ
Scenic Protection Area	SPA
Scenic Protection Code	SPC
Southern Tasmania Regional Land Use Strategy	STRLUS
Tasmanian Planning Commission	TPC
Zone Guidelines	Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

Written submission to the Tasmanian Planning Commission

Kingborough Local Provisions Schedule - Direction 69 / Ireneinc Report

Title 122219/1 - [REDACTED], Middleton

Contesting Landscape Conservation Zone retention; seeking Rural Zone

Draft 8

Part A - Opening

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 remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

We did not make a formal representation during the public exhibition period, however we understand the Commission has received correspondence from us or on our behalf. We understand that this letter provides us with the opportunity to formally participate in this stage of the LPS process. We take up that opportunity and submit as follows.

We also note that, apart from the Tasmanian Planning Commission (TPC) letter received in early April 2026, we did not receive direct correspondence from Kingborough Council during the earlier process concerning the proposed zoning change affecting this title. We raise that matter as procedural context only. The substantive grounds for this submission are set out below.

Part B - Property details

Field	Details
Landowner name(s)	Chad Tavis Marshall and Elizabeth Monica van der Geest
Property address	[REDACTED], Middleton TAS 7163; no street number; Property ID 7418223
Title reference (folio)	122219/1
Lot size (approx.)	7 ha
Locality	Middleton
Current Kingborough Interim Planning Scheme 2015 zone	Environmental Living Zone (ELZ)
Draft Local Provisions Schedule exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) - unchanged
Zone sought in this submission	Rural Zone (RZ)

Part C - Statement of position

We submit that the application of the Landscape Conservation Zone (LCZ) to our property is not 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 (Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

We request that the Commission determine that the Rural Zone (RZ) is the appropriate zone for our property. The RZ is a more appropriate translation of the Environmental Living Zone (ELZ) for this land given its rural character, existing use with the adjoining dwelling title, historical rural-use context, surrounding zoning context, and the absence of any identified site-specific landscape value requiring the stronger conservation emphasis of LCZ.

This property adjoins our main residential property at 146 Coxs Road, which is now shown as Rural Zone (RZ). The two titles are held and used together in practical terms. The shared driveway/access arrangement also reinforces this practical relationship, as it provides access to the subject title in conjunction with the adjoining

residential property. The subject title provides access to timber used to heat the house at 146 Coss Road, forms part of the broader garden and hobby-farm setting, includes a significant cleared area, and functions practically as part of the same rural holding. An RZ designation is more consistent with that contiguous use and with the rural character of both lots.

The title was also acquired in part with an understood future value as a separate rural parcel with future dwelling potential. We do not put that forward as a substitute for the planning merits. It is relevant because LCZ would materially alter the practical planning balance previously afforded by the ELZ and would do so without any title-specific justification for treating this land as primarily conservation land.

Part D - Grounds for this submission

D1 - The Landscape Conservation Zone does not comply with the Zone Guidelines

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, including compliance with the Zone Guidelines. Council's position, including any resolution favouring the least restrictive alternative, is not binding on the Commission. The Commission must reach its own conclusion against section 34 of LUPAA and the Zone Guidelines.

D1.1 - The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone

The Zone Guidelines state that the LCZ is not a replacement zone for the Environmental Living Zone (ELZ) in interim planning schemes and that there are key policy differences between the two zones. The Guidelines also note that the LCZ is not a large-lot residential zone in areas characterised by native vegetation cover and other landscape values. Instead, it gives clear priority to the protection of landscape values, with residential use largely discretionary.

No comprehensive, site-specific justification has been provided for applying LCZ to this title. The Ireneinc Locality Report for Middleton applies LCZ to the majority of Middleton at a broad locality scale, rather than demonstrating why this individual title requires LCZ rather than RZ.

That absence of site-specific reasoning is especially important because nearby parcels are recommended or confirmed for RZ, including [REDACTED]. Land immediately to the south and west is also treated as RZ. The report does not clearly explain why this title is treated differently from those surrounding and nearby parcels.

The proximity to [REDACTED] is particularly relevant. That property is separated from the eastern edge of this title by only one intervening lot, [REDACTED], and is approximately 200 metres away. If [REDACTED] is suitable for RZ notwithstanding its vegetation, topography and landscape setting, the Commission should require clear reasoning before accepting that this title must remain LCZ.

D1.2 - Landscape Conservation Zone restrictions are inconsistent with the existing and intended use of the land

This title is not a scenic reserve or public conservation holding. It is a privately owned rural parcel adjoining and used with the dwelling title at [REDACTED]. It is used for access to domestic firewood, garden and hobby-farm purposes, and general rural use associated with the adjoining home property. It also includes a significant cleared area, confirming that the whole title is not an undisturbed conservation holding.

The absence of a current dwelling on this title should not, of itself, be treated as evidence that the land has no residential or rural-residential intention. Under the former ELZ framework, the land was part of a broader rural and environmental living context. Retaining LCZ on the vacant companion title while applying RZ to the adjoining dwelling title creates an artificial distinction unless a genuine title-specific landscape conservation reason exists.

Applying LCZ would make future residential or rural use more uncertain and discretionary, while placing a conservation priority over the land that has not been justified by any title-specific analysis. That is a disproportionate outcome for a privately held rural parcel whose practical use is connected with an adjoining RZ title.

D1.3 - The Rural Zone satisfies the applicable Zone Guidelines

Zone Guideline RZ 1 provides that the RZ should be applied to land in non-urban areas with limited or no potential for agriculture because of topographical, environmental or other characteristics, and which is not more appropriately included in LCZ or Environmental Management Zone (EMZ) for the protection of specific values. This title satisfies that criterion.

The title is non-urban, rural in setting, approximately 7 ha, partly vegetated, topographically constrained, and used as part of a broader rural holding with the adjoining dwelling title. It has limited agricultural potential due to topography, vegetation and its current pattern of use, but it remains suitable for low-intensity rural, timber, hobby-farm, garden and associated residential purposes.

Those characteristics are consistent with the Rural Zone. No specific landscape value has been identified on the title itself that would warrant the stronger conservation emphasis of LCZ or EMZ.

D1.4 - No site-specific landscape values justify Landscape Conservation Zone over Rural Zone

Zone Guideline LCZ 1 requires land with landscape values identified for protection and conservation. Zone Guideline LCZ 2(c) supports transition from ELZ to LCZ only where the primary intention is protection and conservation of landscape values. The Ireneinc report does not establish that this is the primary intention for this title.

We do not contend that no landscape, scenic, vegetation or conservation value could ever exist on or near the land. The point is narrower: this process concerns the statutory approval of a Local Provisions Schedule, and under LUPAA the planning authority and ultimately the Commission must be satisfied that the draft LPS meets the applicable criteria before it is approved. Accordingly, where LCZ is proposed for a private title, the relevant landscape values should be identified with sufficient clarity to justify that zone over available alternatives.

The Middleton assessment does not identify, by site inspection or title-specific analysis, any scenic feature, threatened vegetation community, public landscape exposure, ridgeline role, corridor function, or conservation value on this title that requires LCZ as the underlying zone.

The presence of native vegetation alone should not be enough. Similar vegetated or partly vegetated areas nearby have been, or are proposed to be, treated as RZ, including [REDACTED]. If vegetation or scenic impact is the concern, that concern should be assessed through the relevant code provisions. It should not be converted into a broad assumption that the whole title must be zoned LCZ.

D2 - The Rural Zone better reflects the character and use of our property

D2.1 - The Rural Zone purpose aligns with existing use

The RZ purpose is a better fit for this land than the LCZ purpose. This title is used in conjunction with the adjoining dwelling property at 146 Coss Road, which is treated as RZ. The two titles function together in practical terms, including access to timber for heating, garden and hobby-farm use, use of the cleared area, and general rural enjoyment of the land.

Applying LCZ to this title while the adjoining dwelling title is treated as RZ creates an artificial planning distinction between two parcels used as a single rural holding. The RZ better reflects the practical use of the land and its surrounding rural character.

D2.2 - Rural Zone is a closer Environmental Living Zone translation for rural-character land

Under the ELZ, this land formed part of a broader large-lot rural and residential framework, not a strict conservation reserve. The RZ is a closer functional translation of that existing position than the LCZ. It preserves a rural planning framework without imposing the stronger and more restrictive conservation priority that now attaches to the LCZ.

The historical use of this land also points away from treating it as if its primary planning significance were conservation. Like other nearby properties, it formed part of a working rural landscape that included Blackwood

plantation and nearby orchard use. That history is relevant because it shows that this hill system was not simply valued or used as a scenic backdrop, but also as productive rural land.

D2.3 - Rural Zone does not compromise landscape protection where overlays apply

Where scenic or vegetation values exist, they can be managed through the relevant code and overlay controls rather than by applying LCZ to the whole title. We do not challenge any overlay mapping in this submission. Our point is narrower: overlays are code mechanisms. They are not, without further title-specific reasoning, a substitute for explaining why LCZ must be the underlying zone for the whole title.

Part of the land is affected by Scenic Protection Area mapping, and native vegetation can be considered under the Natural Assets Code and Priority Vegetation Area mapping where those controls apply. The existence of these controls supports the RZ outcome: any specific scenic or vegetation issue can be assessed through the relevant code provisions, without imposing LCZ as a broad substitute for a title-specific landscape assessment.

The Priority Vegetation Area is especially important in this respect. Its presence should not be treated as a finding that every tree on the block is rare, or that LCZ is automatically required. It is a mapped code trigger. If priority vegetation is the concern, that concern can be tested through the Natural Assets Code rather than by treating the title's vegetation as a sufficient reason for LCZ. No threatened vegetation community, threatened species habitat, or other protected natural value has been specifically identified in the Ireneinc report as requiring LCZ for this title.

D3 - Consistency, fragmentation and surrounding zoning

D3.1 - The Middleton recommendation already accepts Rural Zone exceptions

The Ireneinc Middleton evaluation does not treat Rural Zone as incompatible with Middleton. It recommends LCZ for much of the locality, but also recommends RZ for selected properties, including 9 [REDACTED]

[REDACTED]. The question is therefore not whether Middleton may contain RZ land. Ireneinc has already accepted that it may. The question is why this title, in the same [REDACTED] and southern-fringe context, was not treated consistently.

That question is sharpened by the proximity to [REDACTED]. The [REDACTED] parcel is very close to this title, being only one lot away via [REDACTED] and approximately 200 metres from the eastern edge of this title. It is also more visually exposed on the eastern side of the hill, whereas this title lies on the more concealed western side. On the face of it, [REDACTED] appears to align more closely with Ireneinc's description of landscape values as bushland forming a backdrop from the coast up slopes and ridgelines, yet it is recommended for RZ rather than LCZ. That contrast requires a clear, title-specific explanation before LCZ can fairly be retained on this title.

D3.2 - The distinction between [REDACTED] and this title is not transparently justified

The adjoining dwelling title at [REDACTED] is now shown as RZ. We do not contest that outcome. The difficulty is that this title, which adjoins it and is used with it, remains recommended for LCZ.

Both titles share the same general landscape setting. Both contain bushland of the same general kind. The mere fact that this title does not presently contain a dwelling is not, by itself, a sufficient planning reason to require a different zone outcome if the underlying land characteristics, historical use, access, present use, cleared area and broader zone pattern point to RZ.

If existing uses, extent of landscape values and resulting zone pattern are the relevant considerations, the Commission should ask why a vacant adjoining lot must remain LCZ when the companion dwelling lot beside it is RZ, and whether the absence of a present dwelling has been used as a proxy for "no residential intent" without adequate analysis.

D3.3 - Retaining Landscape Conservation Zone creates or preserves an inconsistent pocket on [REDACTED]

The resulting zoning pattern on [REDACTED] is materially relevant. Land immediately to the south and west is treated as RZ. The adjoining title at [REDACTED] is treated as RZ. Nearby land at [REDACTED] is also seeking RZ, and [REDACTED] is already recommended for RZ. Retaining LCZ on this title risks preserving an isolated remnant of LCZ in a setting where the more coherent planning outcome is RZ.

The Ireneinc material itself treats avoidance of fragmented zone application as a relevant principle. That principle should not be applied only in favour of LCZ. It should also apply where retaining LCZ on a small number of comparable private titles produces a fragmented and insufficiently explained outcome among surrounding RZ parcels.

The lot pattern along this part of [REDACTED] reinforces the same point. The [REDACTED] fringe contains a smaller and more regular rural-road sequence of lots than the broad Middleton description suggests. This title sits within that [REDACTED] fringe, adjoining [REDACTED] and near [REDACTED], [REDACTED] and [REDACTED]. That local pattern, together with existing rural use and surrounding RZ outcomes, supports RZ rather than an isolated or insufficiently explained LCZ remnant.

D4 - The Ireneinc Middleton evaluation is too general to justify a title-specific Landscape Conservation Zone outcome

The Ireneinc report states that the majority of Middleton has significant natural and scenic landscape values and should transition from ELZ to LCZ, except for certain properties where rural activities and resulting zone pattern support RZ. That reasoning accepts the principle that RZ is appropriate in Middleton where rural activity, land character and zone pattern justify it. This title should be assessed under that same logic.

The same caution applies to the report's statement that the locality contributes to a "consistent bushland corridor which extends south to Gordon and north to Flowerpot." If that corridor proposition is relied upon, it still does not explain why this title, specifically, requires LCZ. Large areas south of [REDACTED] and into Gordon have been treated as RZ, and the historical material shows a mixed rural and vegetated pattern rather than an undifferentiated conservation corridor. At most, the corridor statement is a broad locality observation. It should not substitute for an explanation of what corridor function this title performs, why that function cannot be managed through the Natural Assets Code or Priority Vegetation Area mapping, and why RZ would be inadequate.

The report also concludes that no rural living settlement pattern is evident in Middleton. Even if that is accepted, it does not support LCZ over RZ. Rather, it helps explain why RZ, not Rural Living Zone, is the appropriate alternative for land such as this title. The absence of a Rural Living Zone pattern should not be converted into an automatic LCZ outcome where the actual land use and context are rural.

The Middleton baseline itself contains ambiguities that reinforce the need for caution. It states that no established consistent residential settlement pattern is identifiable, but the [REDACTED] fringe has a recognisable smaller rural-road lot pattern that is materially relevant to the resulting zone-pattern assessment. It also describes rural activities as occurring "between [REDACTED] [REDACTED], although those roads do not describe a clear single locality pattern: [REDACTED] and [REDACTED] intersect, while [REDACTED] are separate roads further north. The parcel-size description is also unclear, stating first that Middleton has predominantly larger parcels over 10 ha, but then identifying northern parcels of 1.5-10 ha and southern parcels of 0.4-7.6 ha.

These matters do not need to be resolved in the abstract. They show that the broad Middleton baseline is not sufficiently precise to justify retaining LCZ on this title without a clear title-specific explanation. The Middleton recommendation appears to rest on broad judgement about locality-wide scenic and natural values rather than on any defined threshold applied to this title. No clear site-specific reasoning is given as to why this property presents such a risk to landscape values that it must be placed in LCZ rather than RZ.

D5 - Historical land-use evidence supports rural character

The historical overlay for this title and the surrounding [REDACTED] area shows former Blackwood plantation and nearby orchard use. This is not merely picturesque background. It bears on the planning character of the area.

[REDACTED] and the adjoining slopes have long included rural production, rural maintenance, timber use, orchard use, domestic rural activity and mixed rural-residential use. That historical and present character supports RZ. It is also consistent with the treatment of other Middleton land where the Ireneinc report has recommended RZ in recognition of rural activities and zone-pattern considerations.

D6 - Lack of direct Council notice reinforces the need for careful assessment

We received no direct correspondence from Kingborough Council throughout the earlier process concerning the proposed zoning change affecting this title. We do not put this forward as a substitute for the planning merits. It is relevant because it denied us an earlier practical opportunity to test the assumptions made about this land, supply property-specific evidence, or correct any mapping or characterisation errors.

The Commission should therefore be cautious about adopting a broad locality-level LCZ recommendation without giving proper weight to the site-specific evidence now supplied.

D7 - Collective submission

We are one of several neighbouring landowners on or near [REDACTED] and the southern fringe of the Middleton LCZ-designated area who are seeking RZ rather than LCZ. We understand that a collective cover submission will also be lodged. We adopt, to the extent relevant to this title, the shared arguments in that collective submission concerning [REDACTED] rural character, inconsistent treatment of nearby land, historical rural use, lack of title-specific LCZ justification, and the suitability of RZ as the proper alternative zone.

Part E - Locality-specific context

The relevant locality is Middleton. Ireneinc recommends LCZ for the majority of Middleton, while recommending RZ for selected properties where rural activities and the resulting zone pattern support that outcome. This demonstrates that Rural Zone is not incompatible with Middleton. It has already been accepted as appropriate within the locality where the land's character and surrounding pattern warrant it.

This title sits close to comparable land either already recommended for RZ or now seeking RZ, including the large [REDACTED] parcel to the north, [REDACTED] to the east, the portion of [REDACTED] south of [REDACTED], the adjoining RZ title at [REDACTED], and land south and west of [REDACTED]. It is also within the historical rural-use pattern shown by the historical overlay, including former Blackwood plantation and orchard proximity. These features make RZ the coherent outcome.

Middleton has plainly not been treated as though every parcel within it is equally suitable for LCZ. For that reason, any parcel retained in LCZ should be supported by a clear, title-specific explanation. No such explanation has been provided for this title.

Part F - Conclusion and relief sought

For the reasons set out above, we submit that:

- the application of LCZ to our property is inconsistent with the Zone Guidelines and does not satisfy the requirements of section 34 of LUPAA;
- LCZ is not appropriate for this property, which is rural in character and has not been shown to contain site-specific landscape values of the kind or significance that would justify the restrictions LCZ imposes;
- RZ satisfies the relevant Zone Guidelines and is the most appropriate zone for this property, consistent with its existing use, surrounding context, historical rural-use setting, and the approach taken for comparable properties in Middleton; and
- any landscape, scenic or vegetation values in the broader locality can be appropriately managed through the relevant overlay and code controls without the need for LCZ as the underlying zone.

We respectfully request that the Commission determine that folio of the Register 122219/1, [REDACTED], Middleton TAS 7163, Property ID 7418223, be included within the Rural Zone in the Kingborough Local Provisions Schedule.

If the Commission is minded to adopt any outcome other than Rural Zone, we request an opportunity to respond before final determination.

Submitted electronically by:

Chad T. Marshall and Elizabeth Monica van der Geest

[REDACTED]

Middleton TAS 7163

[REDACTED]

Appendix A - Proposed zoning around Coxs Road after Ireneinc review

The following screenshot is included to illustrate the surrounding zoning context, including the RZ treatment of adjoining and nearby parcels. It is relied upon only to support the submission's points about consistency, zone pattern and comparable treatment.

Proposed LCZ review undertaken by Irene Inc ⓘ

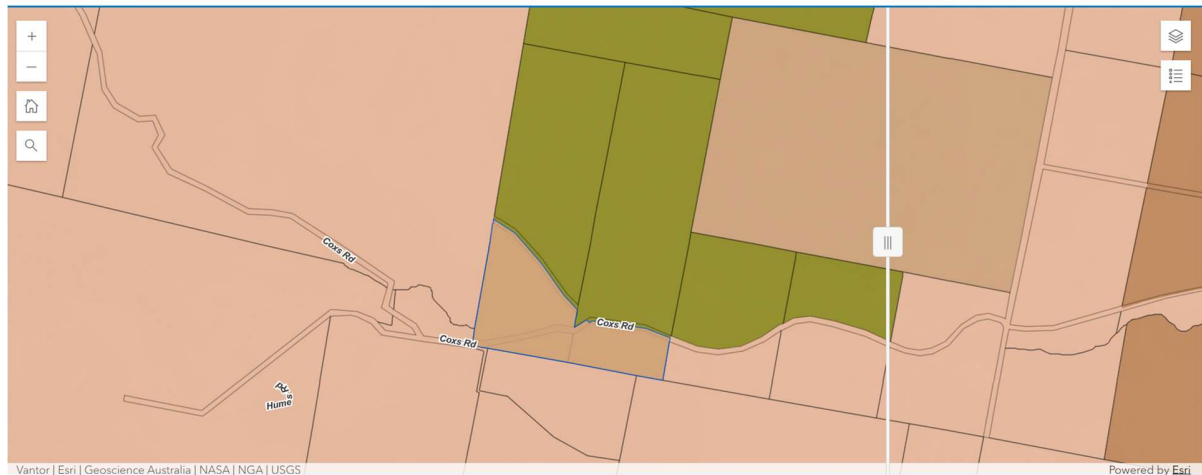


Figure 1. Proposed zoning around [REDACTED] after Ireneinc review.

Appendix B - Historical aerial overlay

The following historical aerial overlay is included to support the submission's statement that this title and surrounding [REDACTED] land formed part of a working rural landscape, including Blackwood plantation and nearby orchard use.



Figure 2. Historical aerial overlay, late 1960s to 1970s.

Part G - Key terms and acronyms

Term	Meaning
ELZ	Environmental Living Zone
EMZ	Environmental Management Zone
Ireneinc report	Review of the LCZ Kingborough and Locality Baseline and Alternative Zone Evaluation
KIPS2015	Kingborough Interim Planning Scheme 2015
LCZ	Landscape Conservation Zone
LPS	Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
Natural Assets Code	The planning code that manages certain mapped natural assets, including priority vegetation where applicable
PVA	Priority Vegetation Area
RZ	Rural Zone
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Section 8A Guideline No. 1 - Local Provisions Schedule: Zone and Code Application

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

COLLECTIVE COVER SUBMISSION

Part 1 — Submission identification

Locality	Middleton — [REDACTED]
Submission type	Collective cover submission — Direction 69 / Ireneinc Report
Number of signatories	2 landowner groups, covering 3 listed properties/titles
Lodgement date	4 May 2026
Contact person for this group	Chad Marshall, [REDACTED]

Part 2 — Signatories

The following landowners are parties to this collective submission. Each signatory has also lodged, or will lodge, an individual submission addressing the specific property listed against that signatory.

Full name	Property address	Title reference	Zone proposed by Ireneinc	Zone sought
Chad Tavis Marshall and Elizabeth Monica van der Geest	[REDACTED] Middleton TAS 7163 — unaddressed northern lot adjoining 146 Coxs Road; Property Identifier 7418223	122219/1	Landscape Conservation Zone (unchanged)	Rural Zone
Chad Tavis Marshall and Elizabeth Monica van der Geest	[REDACTED], Middleton TAS 7163	34386/2	Rural Zone	Rural Zone
Bryan Lines and Catherine Lines	[REDACTED], Middleton TAS 7163	37933/1	Landscape Conservation Zone (unchanged)	Rural Zone

Part 3 — Purpose of this submission

We are neighbouring landowners in the Middleton locality. We have received, or are responding to, correspondence from the Tasmanian Planning Commission concerning the zone recommended for our properties under the Kingborough Local Provisions Schedule process and the Ireneinc report.

We lodge this collective submission to present our shared position. The listed properties share a common Coxs Road landscape context, a comparable rural land-use history, and a materially similar zoning question. The unaddressed [REDACTED] lot, Title 122219/1, and [REDACTED] are proposed to remain in the Landscape Conservation Zone and each seeks the Rural Zone instead. [REDACTED] is proposed for the Rural Zone and is included because it is contiguous with Title 122219/1 and illustrates the appropriate zone pattern for this part of [REDACTED].

Each of us also relies on our individual submission for property-specific evidence. This collective submission does not replace those individual submissions. It records the shared matters that apply across the group, especially the [REDACTED] zone-pattern issue, the inconsistency between north-side and south-side treatment, the comparable treatment of Dulcia Road and northern Gordon, and the absence of clear title-specific justification for retaining Landscape Conservation Zone on the affected [REDACTED] titles.

Part 4 — Shared characteristics of our properties

The properties listed in Part 2 share the following characteristics. We ask the Commission to have regard to these shared characteristics when considering each individual submission.

4.1 — Settlement pattern

Our properties form part of the established rural-residential and rural-use pattern along [REDACTED], Middleton. The pattern is not a compact suburban frontage. The land is hilly, partly vegetated, and developed in the manner typical of rural hillslope properties. Houses and outbuildings are often screened by trees and topography, so aerial or roadside visibility is not a reliable measure of whether land is settled or used.

The [REDACTED] area contains a repeated pattern of rural-scale private titles, dwellings, outbuildings, access tracks, cleared working areas, gardens, firewood and timber use, and patches of native vegetation. On the north side of [REDACTED], including the properties listed in Part 2, that pattern continues. It should not be treated as a discrete conservation enclave merely because the land is partly vegetated.

The historical aerial material considered in the individual submissions also indicates that this side of [REDACTED] formed part of a worked rural landscape, including orchard and plantation use. That history weakens any assumption that the listed properties are untouched landscape-conservation parcels rather than rural properties with vegetation.

4.2 — Typical lot sizes

The listed properties are rural-scale lots, not small residential or suburban lots. Title 122219/1 is approximately 7 hectares. [REDACTED] is approximately 2.47 hectares. [REDACTED] is approximately 4 hectares.

The group seeks Rural Zone treatment. The scale of the lots, their hill-country character, their mixed vegetation, and their limited or marginal agricultural potential are consistent with the Rural Zone rather than the Landscape Conservation Zone.

4.3 — Existing uses

The properties are used in a rural manner. Title 122219/1 adjoins the residence at [REDACTED] and is used contiguously with that holding, including for access to timber and firewood, garden and hobby-farm purposes, general land management, and access through the cleared upper portion near the adjoining dwelling. The shared driveway and access arrangement reinforces that the lot operates practically with the adjoining Rural Zone holding, rather than as an isolated conservation parcel.

[REDACTED] contains a cleared area and outbuildings and sits within the same [REDACTED] rural-use setting. The details of that title are addressed in the individual submission for [REDACTED], but for the purpose of this collective submission it is enough to note that it shares the same general [REDACTED] landscape and zoning context.

The case for Rural Zone does not require proof of intensive commercial agriculture. The Rural Zone is directed to non-urban land where agricultural use may be limited or marginal because of topographical, environmental, or other characteristics. That description better fits these properties than a zone whose primary purpose is landscape conservation.

4.4 — Landscape and vegetation character

The properties are partly vegetated and partly worked or capable of rural use. They include native vegetation, cleared areas, access areas, and historically modified land. We do not deny that vegetation or broader landscape character exists. We deny that Ireneinc has identified site-specific landscape, scenic, vegetation, habitat, or corridor values on the listed titles of a kind that requires the Landscape Conservation Zone rather than the Rural Zone.

The land is not shown, in the material presently before us, to possess distinct or exceptional landscape values beyond the broad Middleton-level description. Nor has the material transparently explained why comparable nearby land, including properties south of [REDACTED], [REDACTED], part of [REDACTED] south of [REDACTED], [REDACTED], and [REDACTED]/northern Gordon, may be Rural Zone while [REDACTED] and Title 122219/1 must remain Landscape Conservation Zone.

4.5 — Overlay controls

Based on the individual submissions and mapping material available to us, some or all of the listed properties, or the surrounding Middleton locality, are affected by existing or proposed overlay controls, including scenic landscape or

scenic protection controls, priority vegetation or natural assets controls, waterway and coastal protection controls, bushfire-prone areas controls, and landslip hazard controls. The precise controls applying to each title are set out, or will be set out, in the individual submissions.

These controls matter. If a title has vegetation, scenic, waterway, bushfire, or landslip constraints, those matters can be managed directly through the relevant codes and overlays. Landscape Conservation Zone should not be treated as the only available means of controlling development impacts.

4.6 — Proximity to existing Rural Zone land

The properties listed in Part 2 sit within immediate or close proximity to land that is recommended for, or understood to have been moved to, Rural Zone. The most important examples are the adjoining main property at [REDACTED], the broad Rural Zone treatment south of [REDACTED], [REDACTED], the portion of [REDACTED] south of [REDACTED], [REDACTED], and the comparable [REDACTED] / northern Gordon area.

This proximity is central. If [REDACTED] and Title 122219/1 remain in Landscape Conservation Zone while nearby and comparable [REDACTED] land and [REDACTED] / northern Gordon land are Rural Zone, the result is not a coherent landscape-conservation pattern. It risks producing a small and awkward remnant of Landscape Conservation Zone where the surrounding actual land-use and zone pattern point toward Rural Zone.

Part 5 — Shared arguments

The following arguments apply to all properties listed in Part 2. They are presented here as shared arguments so that the Commission can consider them once, rather than across multiple individual submissions. Each individual submission builds on these arguments with property-specific evidence.

A — Our properties satisfy the Zone Guidelines for the zone we are seeking

Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application provides, in Rural Zone Guideline RZ 1, that the Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

Our properties satisfy that criterion. They are non-urban [REDACTED] properties. Their agricultural potential is limited or marginal because of topography, vegetation, access pattern, and environmental constraints. They are not suitable for Agriculture Zone. No site-specific values have been identified with sufficient clarity to show that Landscape Conservation Zone is more appropriate than Rural Zone.

We do not accept that landowners bear the burden of disproving every possible landscape, scenic, vegetation, habitat, or corridor value that might be asserted for their land. This process concerns statutory approval of a Local Provisions Schedule. Where Landscape Conservation Zone is proposed for a private title, the relevant values should be identified with enough clarity to justify that zone over the available alternatives. Broad locality language, general vegetation, or a vague corridor proposition is not enough if the immediate zone pattern and comparable nearby titles point to Rural Zone.

B — Applying different zones to our properties would create harmful fragmentation

The Ireneinc report itself identifies avoidance of fragmented zone application as a key principle. The report notes that areas where only two or three Landscape Conservation Zone properties are surrounded by Rural Zone or Rural Living Zone land should be resolved in favour of the surrounding zone.

Our properties form a coherent group within the [REDACTED] rural-use pattern. If [REDACTED] and Title 122219/1 remain in Landscape Conservation Zone while adjoining and comparable land is Rural Zone, the result is a fragmented and inconsistent zone pattern. This would be contrary to the coordinated spatial application of zones expected in the Local Provisions Schedule process.

C — Comparable localities support the same outcome for our properties

The zone pattern should be consistent and coordinated so far as practicable. Comparable land should not receive materially different treatment unless the difference is explained by evidence. The Middleton recommendation already accepts Rural Zone outcomes for selected nearby land, including [REDACTED]

[REDACTED]. The issue is therefore not whether Rural Zone is available in Middleton; it plainly is.

Dulcia Road in northern Gordon is also a useful comparison. The attached mapping shows the [REDACTED] area receiving broad Rural Zone treatment. It is similar to [REDACTED] in its rural lot sizes, hilly topography, vegetated rural setting, road pattern, and mixed rural-residential character. If [REDACTED] and northern Gordon can properly be treated as Rural Zone despite vegetation and hillslope character, the same logic should be applied to the comparable [REDACTED] properties unless a clear title-specific reason is identified.

Proposed LCZ review undertaken by Irene Inc ⓘ

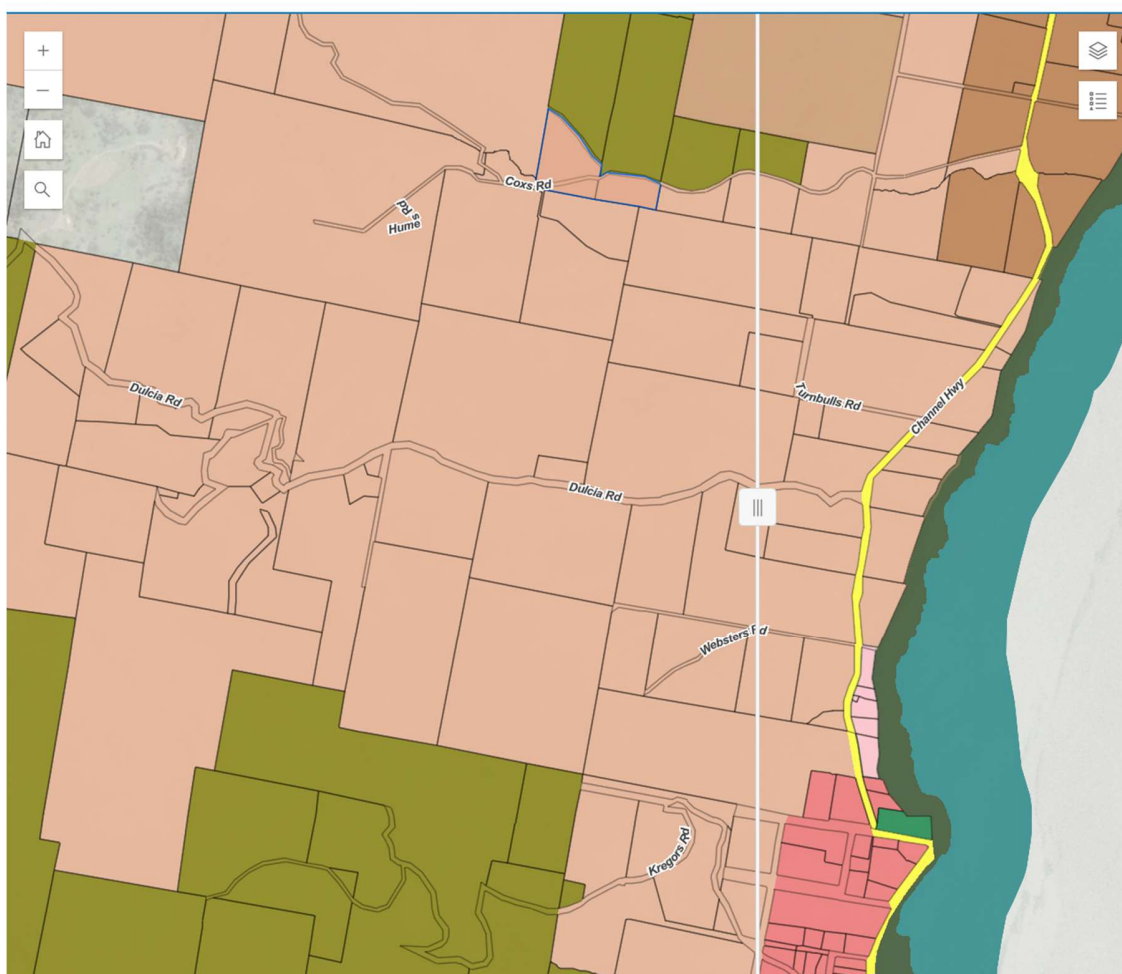


Figure 1 — Council mapping screenshot showing the [REDACTED] / northern Gordon zone pattern, including broad Rural Zone treatment south of [REDACTED] and along [REDACTED], with Landscape Conservation Zone retained on selected north-side [REDACTED] titles.

D — The Ireneinc evaluation framework is a tool, not a legal rule

The Ireneinc evaluation framework is useful evidence, but it is not a statutory instrument. It is not the legal test. The Commission must apply the Local Provisions Schedule criteria under section 34 of the Land Use Planning and Approvals Act 1993, including the Zone Guidelines.

If the framework produces an outcome inconsistent with those criteria, the criteria prevail. This matters because the Middleton analysis works at a broad locality scale, while the consequences fall at title level. The Commission should test the actual [REDACTED] pattern, the actual use and history of these properties, the [REDACTED] / northern Gordon comparison, and the actual mapped constraints on each title before accepting the Landscape Conservation Zone recommendation.

E — The Commission decides on its own assessment, not on Council's position

The Commission is not bound by Council's position or by the Ireneinc recommendation. The Commission must be satisfied, on its own assessment, that the draft Local Provisions Schedule meets the statutory criteria. If the evidence before the Commission shows that the Rural Zone better fits the [REDACTED] properties and the surrounding zone pattern, the Commission may modify the draft Local Provisions Schedule accordingly.

We ask the Commission to assess the [REDACTED] properties in their immediate factual setting, rather than treating a broad Middleton-level landscape statement as conclusive. The proper question is whether Landscape Conservation Zone has been justified for these particular private titles over the available Rural Zone alternative. We submit that it has not.

Part 6 — What we are asking the Commission to do

We collectively request that the Commission:

- determine that the draft Kingborough Local Provisions Schedule should be modified so that [REDACTED] and Title 122219/1 are included within the Rural Zone rather than the Landscape Conservation Zone;
- confirm or maintain the Rural Zone outcome for [REDACTED];
- have regard to the shared characteristics and shared arguments set out in this collective submission when assessing each individual submission; and
- organise the Middleton hearing so that this group can present collectively as well as individually, consistent with the invitation to provide collective submissions.

Part 7 — Declaration and signatures

Each signatory below confirms that:

- this submission has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule and Direction 69;
- the information in this submission is, to the best of my knowledge, accurate;
- I am the owner or authorised representative of the property identified against my name in Part 2; and
- I have also lodged, or will lodge by the deadline, a separate individual submission addressing my specific property.

Signatory group	Full name	Address / title reference	Typed signature	Date
1	Chad Tavis Marshall and Elizabeth Monica van der Geest	[REDACTED], Middleton TAS 7163 — Title 122219/1	Chad Tavis Marshall Elizabeth Monica van der Geest	4 May 2026
2	Chad Tavis Marshall and Elizabeth Monica van der Geest	[REDACTED], Middleton TAS 7163 — 34386/2	Chad Tavis Marshall Elizabeth Monica van der Geest	4 May 2026
3	Bryan Lines and Catherine Lines	[REDACTED], Middleton TAS 7163 — Title 37933/1	Bryan Lines Catherine Lines	4 May 2026