
From: Stephen Quarrell [REDACTED] >
Sent: Friday, 1 May 2026 10:22 AM
To: Kingborough LPS
Subject: Response to rezoning of title [REDACTED] to LCZ
Attachments: Quarrell_[REDACTED].pdf

Dear TPC,
Please find our response to Direction 69 relating to our property [REDACTED], Margate (Title: [REDACTED] currently proposed to be rezoned from Environmental Living to Landscape Conservation Zone (LCZ).
Kind regards,
Stephen and Han Quarrell

S.R & H.N Quarrell
[REDACTED]
Margate, TAS 7054

1 May 2026

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 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 by making a written submission. We understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite us to discuss the matters raised.

We take up that opportunity and submit as follows.

Landowner name(s)	Dr Stephen Quarrell & Mrs Han Quarrell
Property address	[REDACTED], Margate
Title reference (folio)	[REDACTED]
Lot size (approx.)	2.16 ha
Locality	Margate
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone B (minimum lot size 2 ha)

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 (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

We request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for our property under the draft Kingborough LPS. The specific subcategory we seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in our locality

We make this request as no comprehensive, site-specific landscape values have been provided on our title. The Ireneinc report applies the LCZ to our property based on generalised locality-level landscape values, not on demonstrated landscape values specific to our title.

This recommendation has been made despite Ireneinc stating that *'the majority of Land within this locality is identified as having significant natural landscape values and scenic landscape values and the elevation framework aligns with a transition from ELZ to the LCZ'* [page 247].

The Zone Guidelines expressly states that *'The **LCZ is not a replacement zone for the ELZ** in interim planning schemes. There are key policy differences between the two zones.'* The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ *'appears to have been used quite extensively to replace the ELZ'* and that *'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'*

Indeed, Ireneinc confirmed that the 'high risk' rating and recommendation for rezoning to **LCZ was based on a judgement call, not defined thresholds** and therefore have not comprehensively justified the LCZ zoning of our property. They also acknowledged that their position was that these ratings are a rule of thumb only [Day 20 guide]. It is our understanding that the Commission has not yet determined what weight to give these ratings. Where the risk rating applied to our locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

We also submit that Ireneinc's **generalised assessment** has not only been performed based on locality-level landscape values that aren't specific to our title, but this assessment has also been performed with an overreliance on substandard *'aerial evidence'* [page 243] sourced from a real estate sales website (realestate.com) and a lack of ground truthing during the report's development. This lack of context specific assessment has been conducted with a **complete lack of consultation** by either Kingsborough Council or Ireneinc which has led to the inappropriate recommendation of our property being deemed high risk requiring LCZ zoning.

It is our understanding that the TPC is not bound by Ireneinc's recommendation as **their evaluation framework is not a statutory instrument**. Indeed, Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by its application in any individual case and must assess our property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

We submit that this risk rating and recommended rezoning to LCZ based on the evidence does not accurately reflect the characteristics of our individual property for the following reasons:

- The Zone Guidelines (Section 8A Guideline No. 1) explicitly state that the LCZ '*is not a large lot residential zone*' and '**not a replacement zone for the Environmental Living Zone in interim planning schemes.**' The guidelines also state that the LCZ '*provides a clear priority for the protection of landscape values, with residential use largely being discretionary.*' Ours and the surrounding properties demonstrate a **prolonged history of dispersed residential development**, with most of the houses on [REDACTED] at least 30+ years old. Indeed, due to the level of residential activity on [REDACTED] the road was sealed by Council which is a clear acknowledgement of the activity on the area. Applying a zone with this purpose to land primarily used and intended for residential purposes is, by the guidelines' own terms, inappropriate.
- The aerial images used within Ireneinc's report as evidence to support their zoning **recommendations in no way represents the environmental (or scenic values) of our property.** The properties in [REDACTED] and surrounds clearly demonstrate significant land clearing (not '*minimal*' [page 243]), to maintain bushfire abatement measures around these established residential structures. This vegetation management is obscured by interspersed large eucalypts that support fire abatement through ember interception during a fire. The level of land clearing is not evident in the aerial imagery used to as a basis their recommendations. As acknowledged by Ireneinc, these dispersed eucalypts are protected under the Scenic Protection Area (SPA) and Priority Vegetation overlays and are therefore undermine Ireneinc's categorisation of our property as being at high risk of development that would impact on the vegetative and scenic values of our property.
- The Ireneic Report also used the sole undeveloped property on [REDACTED] – [REDACTED] [page 223] – as an exemplar of the characterises of the parcels of land including our property. The location and orientation of ours and the neighbouring properties are **well below the ridgeline** and located on a NW facing hillside that is oriented towards Leslie Vale (not the North West Bay area). Furthermore, even from Leslie Vale the SPA of our property is obscured by established eucalypts that protected by the current (and proposed) overlays **precluding any potential risk to the SPA coverage.**
- The Ireneinc framework also identifies rural living settlement characteristics as:
 - o at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern.
 - o a consistent pattern of detached dwellings with associated outbuildings
 - o visual evidence of rural activities (cleared areas, hobby farming, grazing etc.).

The Ireneinc report's own locality baseline confirms that the broader settlement in which our property sits displays these characteristics. Our property is situated within a cluster of 11 properties long [REDACTED], each with lot sizes ranging from approximately 1.97 ha to 3.87 ha except for [REDACTED] which 5.78 ha. The settlement pattern is consistent and has been established since at least 1990. Neighbouring properties contain detached dwellings with associated rural activities.

- The Ireneinc framework identifies as a key RLZ suitability indicator that the transition *'would result in limited/no further subdivision'* and that *'a similar minimum allowable lot size is being applied.'* Applying RLZ (B) to our property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot size and does not create a viable subdivision pathway. Our property has an area of 2.16 ha. Under RLZ (Zone B), the minimum lot size is 2 ha. Subdivision of our property under this subcategory would not be possible, addressing any concern about intensification.
- The proposed rezoning and shift towards greater discretionary powers relating to our property has the potential to disallow our ability to either make further improvements to our property or more importantly impede our ability to rebuild a similar premises with limitations imposed with LCZ zoning including but not limited to: rebuilding to our existing building height (>6 m), and our existing colour palette despite the vegetation obscuring potential visual degradation of the SPA with discretionary approval. With no defined criteria provided to guidance we are left to the whims of the planners of the day creating the potential for a greater administrative, economic and emotional burden if we were required to rebuild in the future.

The Ireneinc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of LCZ, specifically through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission itself accepted this argument in relation to Kettering West at Day 20 of the Hearing, where the panel effectively found that the Priority Vegetation Area (PVA) overlay does the landscape protection work, not the Zone [Transcript, Day 20, 02:33:54]. Similarly, our property on [REDACTED] is directly comparable to numerous properties along the lower half of Van Morey Rd and Old Bernies Rd in Margate where RLZ was recommended. These areas share characteristics including:

- 2-3 ha properties
- Well established residential use
- Large areas of cleared land maintained for bush fire mitigation that are not always discernible in the aerial imagery
- nearby existing other properties proposed as RLZ
- protected vegetation and SPA by the same code overlays.

Although we do have free ranging animals on our property, the TPC panel confirmed at Day 20 that **visible rural activity is not a prerequisite for RLZ**. This was applied consistently across multiple localities including Howden, Albion Heights, and Kingston West [Day 20 guide]. Properties need not demonstrate active farming or grazing to satisfy the RLZ criteria — residential use in a rural setting is sufficient.

There is no principled basis on which to treat our property differently.

The Ireneinc LCZ Review report documents a significant evolution in Council's approach to the application of the LCZ to ELZ land but continues to perpetuate inconsistencies for many properties still recommended for LCZ zoning. At the time the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC noted that this approach was often inconsistent with the Zone Guidelines and that *'often when assessing particular sites, the zone proposed does not seem to match these criteria or those*

of Guideline No.1.' By the time of public exhibition, the proportion had been reduced to approximately 75%, with the balance transitioning to RLZ, RZ, and other zones.

This history demonstrates that the initial presumption in favour of LCZ was not well-founded and that the LCZ application has been progressively narrowed as the evidence base has been tested. The Ireneinc report represents a further iteration of this process, but where the evidence specific to our property supports RLZ, the LCZ recommendation should not be allowed to stand.

For the reasons set out above, we submit that:

1. The application of the LCZ to our property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for our property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resorting to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property at [REDACTED], Margate (Register [REDACTED] within the **Rural Living Zone B**.
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

Signed:

Date:

[REDACTED]

1 May 2026

Dr Stephen Quarrell

[REDACTED]

[REDACTED]

Mrs. Han Quarrell

1 May 2026