
From: Adam Davey <[REDACTED]>
Sent: Tuesday, 28 April 2026 5:01 AM
To: Kingborough LPS
Cc: Lucy Lawson
Subject: CM: Submission — Kingborough LPS Direction 69 — [REDACTED] Road, Margate- Adam Davey
Attachments: Kingborough_LPS_Submission_[REDACTED].Davey.docx

To the Tasmanian Planning Commission,

Please find attached my written submission in relation to the Kingborough Local Provisions Schedule (Direction 69) and the Ireneinc report.

This submission relates to my property at [REDACTED] Margate (Title Reference: [REDACTED]), and supports the recommendation to include the property within the Rural Living Zone (RLZ), specifically RLZ C.

I respectfully request that the Commission adopt the Ireneinc recommendation and not revert to the exhibited Landscape Conservation Zone.

Please confirm receipt of this submission.

Kind regards,
Adam Davey

[REDACTED]
Adam Davey
Invertebrate Biologist
Fisheries and Aquaculture Centre

Institute for Marine and Antarctic Studies (IMAS)
College of Sciences and Engineering
University of Tasmania

[REDACTED]
Taroona, Nubeena Crescent
imas.utas.edu.au

UNIVERSITY of TASMANIA
IMAS 
Institute for Marine and Antarctic Studies



**Aquaculture
Environment
Team**

CRICOS 00586B
University of Tasmania Electronic Communications Policy (December, 2014).

This email is confidential, and is for the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone outside the intended recipient organisation is prohibited and may be a criminal offence. Please delete if obtained in error and email confirmation to the sender. The views expressed in this email are not necessarily the views of the University of Tasmania, unless clearly intended otherwise.

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

PART A — PROCEDURAL OPENING (select one variant)

VARIANT A3 — LETTER 6 (NON-REPRESENTOR WHO CONTACTED TPC, RLZ RECOMMENDED)

To the Tasmanian Planning Commission,

I write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends my property be included within the Rural Living Zone (RLZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ) as exhibited.

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

PART B — PROPERTY DETAILS

Landowner name(s)	Adam Davey, Lucille Davey
Property address	██████████ Margate, 7054
Title reference (folio)	██████████
Lot size (approx.)	8.17 ha
Locality	<i>Fehres Road</i>
Current IPS zone	<i>Environmental Living Zone (ELZ)</i>
Draft LPS exhibited zone	<i>Landscape Conservation Zone (LCZ)</i>
Ireneinc recommended zone	<i>Rural Living Zone (RLZ) — C</i>
Position in this submission	<i>Accept RLZ — support and argue correct subcategory C</i>

PART C — STATEMENT OF POSITION

I welcome and support the Ireneinc recommendation that my property be included within the RLZ under the draft Kingborough LPS. The RLZ is a significantly more appropriate zone for my property than the exhibited LCZ.

I make this submission to: (1) provide the Commission with property-specific evidence supporting the RLZ recommendation; (2) identify the most appropriate RLZ subcategory for my property; and (3) ensure the Commission does not revert to LCZ at the final determination stage.

RLZ Subcategory Reference Table

The RLZ has four subcategories with different minimum lot sizes. Under Zone Guideline RLZ 3, the appropriate subcategory must reflect the existing pattern and density of development within the rural living area or be supported by strategic justification. The table below summarises the options:

Subcategory	Min. lot size (acceptable solution)	Performance criteria	Typical use context
RLZ A	1 ha	8,000 m ²	Smaller rural lots with established residential settlement
RLZ B	2 ha	1.4 ha	Medium-sized rural residential lots, some subdivision potential
RLZ C	5 ha	4 ha	Larger rural residential lots, limited subdivision
RLZ D	10 ha	8 ha	Large lots, ELZ transition where no further subdivision intended

The subcategory I seek for my property is:

- Rural Living Zone C (minimum lot size 5 ha) — the existing lot pattern in my locality is consistent with lots of approximately 5–10 ha

Properties along [REDACTED] and the immediate surrounding locality display a consistent rural living pattern, with lot sizes typically ranging between approximately 3 ha and 10 ha.

My property is 8.17 ha, which sits within the upper end of this prevailing range. This is consistent with Rural Living Zone C, which applies to larger rural residential lots in the 5–10 ha range with limited subdivision potential.

Applying RLZ C to my property reflects the existing pattern and density of development in the locality and ensures consistency with surrounding land. It would allow only limited subdivision potential, aligned with the established settlement pattern, and would not introduce a materially different development intensity.

PART D — SUPPORTING EVIDENCE AND ARGUMENTS

D1 — The RLZ recommendation is consistent with the Zone Guidelines

D1.1 — Zone Guideline RLZ 1(a) — residential character with rural activities

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower-order rural activities, with priority given to residential amenity. This accurately describes my property.

The property contains an established dwelling constructed in 1987, along with several sheds and associated outbuildings. The primary use of the land is residential, and it has been continuously occupied by my family for approximately 16 years.

The broader property comprises a mix of bushland and cleared areas surrounding the dwelling. The cleared areas are used for typical rural lifestyle purposes including vegetable gardening and informal recreational use (e.g. open space for family activities). This combination of residential use and low-intensity rural activity is entirely consistent with the intended function of the RLZ under Guideline 1(a).

D1.2 — Zone Guideline RLZ 2(b) — ELZ land with residential intention

Zone Guideline RLZ 2(b) confirms that the RLZ may be applied to land currently zoned Environmental Living Zone where the primary strategic intention is residential use within a rural setting, and where the applied minimum lot size is consistent with the existing pattern.

My property clearly satisfies both elements. The primary and longstanding use of the land is residential, supported by an established dwelling and associated infrastructure. While the property contains areas of native vegetation, its function is not conservation-focused but rather that of a rural residential holding. The property has an area of 8.17 ha. The RLZ C minimum lot size of 5 ha is consistent with this existing lot size and reflects the prevailing pattern of development in the locality. It does not create inappropriate subdivision pressure and maintains the established rural residential character of the area.

D1.3 — Zone Guideline RLZ 3 — subcategory selection

Zone Guideline RLZ 3 provides that RLZ subcategories should reflect the existing pattern and density of development within the rural living area.

As set out in Part C, properties along Fehres Road and the surrounding locality generally fall within a mid-sized rural lifestyle pattern, typically in the range of approximately 3–10 ha. My property, at 8.17 ha, is consistent with this pattern.

The application of RLZ C (5 ha minimum) directly reflects this established lot size distribution. It maintains consistency across the locality and avoids introducing either an artificially intensive subdivision outcome (as would occur under RLZ A or B) or an unnecessarily restrictive regime inconsistent with the existing pattern (as would occur under RLZ D).

D2 — Property-specific evidence supporting RLZ

D2.1 — Established residential settlement

The Ireneinc framework identifies rural living areas as those with a consistent pattern of residential occupation, detached dwellings, and associated outbuildings.

My property forms part of an established rural residential area along Fehres Road. Surrounding properties are predominantly developed with dwellings, sheds, and access infrastructure, indicating a settled and functioning rural lifestyle community rather than an undeveloped or conservation-focused landscape.

The presence of an established dwelling (constructed in 1987), long-term occupation (16 years), and multiple outbuildings on my property is consistent with this pattern. The locality clearly exhibits the characteristics of a rural living settlement.

D2.2 — Landscape values can be managed within RLZ

Zone Guideline RLZ 4(b) provides that the RLZ should not be applied where land contains important landscape values identified for protection and conservation, unless those values can be appropriately managed through the application of the relevant codes. The TPC panel confirmed at Day 20 [02:33:54] that the Priority Vegetation Area (PVA) overlay and Scenic Protection Code (SPC) do the landscape-protection work in many cases, removing the need for LCZ. Any landscape values present on or near my property can be managed in this way.

While the property includes areas of native vegetation, it is not solely or primarily valued for landscape conservation purposes. The mix of bushland and cleared residential space is typical of rural lifestyle properties in this locality.

Any landscape or environmental values present can be appropriately managed through the application of existing planning scheme controls, including the Natural Assets Code and any applicable overlays such as the Priority Vegetation Area overlay or Scenic Protection Code.

These mechanisms are specifically designed to regulate vegetation clearing, visual impact, and environmental values, and operate independently of the underlying zone. Their application removes the need to rely on the Landscape Conservation Zone as a blanket control.

D2.3 — No further subdivision is intended or enabled

A key concern identified in the Ireneinc framework and Zone Guidelines is whether application of the RLZ would enable inappropriate subdivision that could intensify development and affect landscape values.

In this case, the application of RLZ C appropriately limits that risk. My property is 8.17 ha. Under RLZ C (minimum lot size 5 ha), subdivision would be highly constrained and would result in, at most, a very limited number of additional lots.

Importantly, I do not intend to subdivide the property. The existing use and configuration of the land is suited to a single rural residential holding, and the application of RLZ C maintains this outcome while aligning with the established pattern of development in the locality.

D3 — The LCZ should not be reinstated

While I support the RLZ recommendation, I am concerned that the Commission may revert to LCZ rather than adopting Ireneinc's recommendation. I place the following matters on the record.

D3.1 — LCZ was historically over-applied and inconsistently justified

The Ireneinc LCZ Review documents that the TPC found Council's initial LCZ application was often inconsistent with the Zone Guidelines and with surrounding land. The exhibited LCZ for my property was part of a blanket application covering approximately 75% of ELZ parcels — an approach the TPC itself queried repeatedly. Ireneinc's recommendation to apply RLZ to my property is the product of a more rigorous, property-level analysis that should be preferred over the exhibited LCZ.

D3.2 — The Commission is not bound by the exhibited LCZ

Chair Nick Heath confirmed at Day 20 [06:45:48] that the Commission will decide on section 34 LUPAA criteria and is not bound by Council's exhibited position or by Council's 16 March 2026 resolution favouring the 'least restrictive alternative'. The Commission is therefore free to adopt the RLZ recommendation, and I urge it to do so.

D3.3 — The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) confirmed at Day 20 [05:53:00] that the evaluation framework is a tool, not a statutory instrument. The Commission may adopt, modify, or depart from Ireneinc's recommendations as it sees fit under section 34 LUPAA — but where Ireneinc's analysis supports RLZ and is consistent with the Zone Guidelines, as here, the Commission should adopt it.

PART E — LOCALITY-SPECIFIC CONTEXT

Locality name

Fehres Road / Margate locality

Ireneinc recommendation for this locality and subcategory specified

The Ireneinc report recommends that my property be included within the Rural Living Zone. I support this recommendation and specifically support the application of RLZ C to my property.

RLZ C appropriately reflects the existing pattern of mid-sized rural lifestyle properties within the [REDACTED] locality. My property, at 8.17 ha, is consistent with this pattern and aligns with the intended function of RLZ C as applying to larger rural residential lots with limited subdivision potential.

TPC panel comments specific to your locality

While the [REDACTED] locality was not singled out for detailed discussion at the hearing, the Commission and Ireneinc consistently recognised that areas characterised by established rural residential settlement — including those with a mix of bushland and cleared residential use — are appropriate candidates for RLZ rather than LCZ.

The absence of specific challenge to RLZ recommendations in comparable areas indicates that such transitions are broadly consistent with the Commission's interpretation of the Zone Guidelines.

Existing zoning of surrounding properties

The surrounding area contains a mix of rural residential properties with established dwellings, outbuildings, and access infrastructure. This reflects a settled rural living environment rather than a predominantly conservation-focused landscape.

My property forms part of this existing pattern and should be treated consistently with surrounding land that exhibits similar characteristics. Applying RLZ C ensures that my property is zoned in a manner aligned with its actual use and with neighbouring properties of similar scale and function.

Comparable localities accepted for RLZ at the hearing

The Ireneinc report identified a number of localities across Kingborough where land previously zoned Environmental Living Zone was recommended to transition to Rural Living Zone, particularly where there is an established pattern of residential occupation on larger lifestyle lots.

These include areas such as parts of Howden and Kettering East, where properties display similar characteristics — including detached dwellings, mixed vegetation, and rural lifestyle use. My property shares these characteristics, including long-term residential occupation, mixed bush and cleared land, and use for low-intensity rural and recreational purposes.

Consistent treatment of comparable localities supports the application of RLZ C to my property.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The Ireneinc recommendation to include my property within the Rural Living Zone (RLZ) is correct and is consistent with the Zone Guidelines (Guideline No. 1) and the requirements of section 34 of LUPAA.
2. The exhibited Landscape Conservation Zone (LCZ) was not appropriate for my property and should not be reinstated. The RLZ recommendation reflects a more accurate, property-specific assessment and should be adopted.
3. The most appropriate RLZ subcategory for my property is RLZ C, which reflects the existing pattern and density of development in the Fehres Road locality under Zone Guideline RLZ 3, and appropriately limits further subdivision.
4. Any landscape values present can be effectively managed through existing overlay controls — including the Natural Assets Code, Priority Vegetation Area overlay, and Scenic Protection Code — in combination with the lot size controls under RLZ C.

I respectfully request that the Commission:

1. Adopt the Ireneinc recommendation and include my property within the **Rural Living Zone C (RLZ C)** in the Kingborough Local Provisions Schedule; and
2. Not revert to the exhibited Landscape Conservation Zone (LCZ), which is not supported by the site-specific evidence for my property.

Signed:

Adam Davey

Date: 28/4/2026

[REDACTED]

Full name:

Contact email / phone:

PART G — ACRONYMS / TERMS USED IN THIS SUBMISSION

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
KIPS2015	Kingborough Interim Planning Scheme 2015
LCZ	Landscape Conservation Zone
Locality	Mean the relevant locality as defined in the Ireneinc report
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application