
From: Mark De Deuge [REDACTED]
Sent: Monday, 4 May 2026 7:07 PM
To: TPC Enquiry; Kingborough LPS
Subject: Submission - Kingborough LPS Direction 69 - [REDACTED]
Attachments: RLZ_ResponseFinalSigned.pdf; ZoningSubmission.pdf

Hi,
Please find attached my response to the letter LPS direction 69.
Also note that I am one of 35 landowners in the Allen's Rivulet / Nierinna corridor who have jointly lodged a collective submission dated 4/5/2026. I adopt the arguments in that collective submission and incorporate them into this individual submission by reference.

I have attached my original "ZoningSubmission" letter as reference.

Thanks
Mark

To the Tasmanian Planning Commission,

I am writing in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends my property be split between the Landscape Conservation Zone (LCZ) and the Rural Zone (RZ) under the draft Kingborough Local Provisions Schedule (LPS).

I previously made a representation on the draft LPS. My representation has not yet been heard and will be heard at a future hearing. I understand this letter provides me the opportunity to make a further written submission, and that I may speak to it when I appear before the Commission. I take up that opportunity and submit as follows.

Landowner name(s)	Mark de Deuge
Property address	Margate TAS 7054
Title reference (folio)	
size (approx.)	28.38 ha
Locality	Sandfly/Allens Rivulet/Margate
Current zone (IPS)	Environmental Living Zone (ELZ)
Ireneinc recommended zones	Split: Landscape Conservation Zone (LCZ) + RZ
Split boundary description	The LCZ applies to the western vegetated portion (approx. 10 ha) above the ridgeline. The RZ applies to the cleared eastern portion (approx. 18ha) used for grazing / residential use.
Approx. area in LCZ	10ha - Western vegetated portion
Approx. area in RZ	18ha - Eastern cleared portion
Zone sought in this submission	Full Rural Living Zone RLZ-D

PART C - STATEMENT OF POSITION

I do not accept either zone recommended for my property. The split between LCZ and RZ does not appropriately reflect the character or lawful use of my land. I submit that the Rural Living Zone (RLZ) is the correct zone for my entire property under section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 LPS Zone and Code Application (the Zone Guidelines), and the Southern Tasmania Regional Land Use Strategy (STRLUS).

I make this submission on the following grounds that apply to the whole property:

1. The LCZ portion: The LCZ is not appropriate for the portion of my property recommended for LCZ. The landscape values on that portion, to the extent they exist, can be adequately managed through the Natural Assets Code (NAC), the Priority Vegetation Area (PVA) overlay, the Scenic Protection Code (SPC), and the minimum lot size of the RLZ. LCZ is not required.
2. The Rural Zone (RZ) portion: The RZ does not adequately recognise the residential character of my property.
3. Both LCZ and RZ treats dwellings as a discretionary use and is directed at land where agricultural use is the primary purpose. The RLZ better reflects the existing and intended use of the cleared and settled portion of my land.

I request that the Commission determine that the RLZ applies to my entire property under the draft Kingborough LPS.

The RLZ subcategory I seek is:

- Rural Living Zone D (minimum lot size 10 ha) - this subcategory prevents any further subdivision and directly addresses any landscape value concern about the upper portion of my property

As My property is 28.38 ha in total. Under RLZ D, minimal subdivision lot size is 10ha. This means the vegetated eastern portion would remain undisturbed, addressing the landscape concern without imposing LCZ.

PART D - GROUNDS FOR THIS SUBMISSION

D1 - The split zone recommendation is not appropriate for this property

D1.2 - The split creates practical problems that full RLZ would avoid

A split zone boundary across a single title creates practical difficulties for the landowner. The LCZ portion restricts uses and development in ways inconsistent with the way the land has been used. It creates uncertainty about what approvals are needed for works that cross the boundary.

The proposed LCZ boundary encompasses my only practical access way. Any future works on the western portion, including upgrading of the current road, clearance of the only suitable building site and maintenance of vegetation clearing for fire access, would require a discretionary permit under LCZ. This is disproportionate given that the Rural Zone portion, which has essentially the same character, does not require that level of approval.

D2 - The LCZ portion should be Rural Living Zone, not LCZ

D2.1 - Landscape values on the LCZ portion are manageable by existing codes

Zone Guideline LCZ 4(b) provides that the LCZ should **not** be applied where landscape values can be appropriately managed by the Natural Assets Code or the Scenic Protection Code.

At the **Day 20** hearing, the TPC panel found at Kettering West [02:33:54] that the Priority Vegetation Area overlay does the landscape-protection work, not the zone. Where PVA applies to my property, LCZ is not needed to protect vegetation values.

The entire property is within the Scenic Protection Area. The Priority Vegetation Area overlay already applies to native vegetation on this portion. These controls, combined with the RLZ minimum lot size of 10ha, provide adequate protection for any landscape values without requiring LCZ.

D2.2 - RLZ D eliminates the subdivision risk on the upper portion

A key reason Ireneinc applies LCZ to vegetated or elevated portions of a split property is concern about subdivision potential, intensifying development into areas of landscape value. The application of RLZ D (minimum lot size 10 ha) directly addresses this concern. Under RLZ D, no further subdivision of my property would be possible, regardless of which portion is considered. This eliminates the subdivision risk cited for LCZ without imposing the full restrictions of that zone.

D3 - The RZ portion should be Rural Living Zone, not RZ

D3.1 - The RZ does not recognise the residential character of the cleared portion

Zone Guideline RZ 1 provides that the RZ should be applied to land in non-urban areas where agricultural use is limited or marginal, and that requires a rural location for operational reasons. The cleared portion of my property does not satisfy this description. Its primary existing and intended use is residential, not agricultural. The Rural Living Zone (RLZ), which gives priority to the protection of residential amenity in a rural setting, is more appropriate.

Any rural activities on the ireninc proposed RZ portion, which include:

- Light grazing
- hobby animals
- a small orchard
- a vegetable garden

Are incidental to its primary residential use. This is precisely the mix of residential and lower-order rural activities that the Rural Living Zone is designed for.

D3.2 - RLZ is consistent with the surrounding zoning pattern

Zone Guideline RLZ 2(b) confirms that RLZ may be applied to ELZ land where the primary strategic intention is for residential use in a rural setting. The cleared portion of my property sits within a broader rural living settlement area of Allens Rivulet. Applying RZ to this portion creates an inconsistency with surrounding RLZ properties that have the same residential character.

D4 - The Ireneinc evaluation framework supports RLZ, not a split

Kate Heckelmann (Ireneinc) confirmed at Day 20 [05:53:00] that the evaluation framework is a tool, not a statutory instrument. The Commission must assess my property against the Zone Guidelines. Where the Zone Guidelines support RLZ for the whole property - because the residential character is established, the lot size prevents subdivision, and existing codes manage landscape values, a split outcome is not required by the Zone Guidelines, even if Ireneinc has recommended one.

The Ireneinc LCZ Review report itself acknowledges that split zoning is a last resort, used only where one part of a title clearly meets LCZ criteria and the other clearly does not. That is not the case here, neither portion of my property meets the criteria for LCZ or RZ over RLZ.

PART E - LOCALITY-SPECIFIC CONTEXT

A locality specific analysis has been done as part of a collective submission. I am one of **35 landowners in the Allen's Rivulet / Nierinna corridor who have jointly lodged a collective submission dated 4/5/2026**. I adopt the arguments in that collective submission and incorporate them into this individual submission by reference.

PART F - CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, and **submitted in my previous application**, also attached, I submit that:

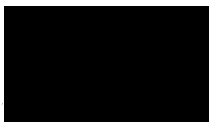
1. **Reject** The split zone recommendation - LCZ for part of my property and RZ for the remainder, does not correctly reflect the character, use, or zone guideline criteria applicable to either portion of my land.
2. The LCZ portion should be **Rural Living Zone**, not LCZ. Landscape values on that portion, to the extent they exist, can be managed by existing codes and by the minimum lot size of the RLZ subcategory I am seeking. LCZ is **not** required by Zone Guidelines LCZ 1–4.
3. The RZ portion should be **Rural Living Zone**, not RZ. The primary existing and intended use of that portion is residential. RZ does not give priority to residential amenity and is not appropriate for a portion of land that contains or is ancillary to an established dwelling in a rural setting.
4. Rural Living Zone D is the correct zone for my entire property. Under this subcategory, the minimum lot size is 10ha, which significantly limits the possibility of further subdivision, directly addressing any concern about intensification of landscape values on the vegetated portion.

I respectfully request that the Commission:

- Apply the Rural Living Zone D to my entire property (folio of the Register [title reference]) in the Kingborough Local Provisions Schedule; and
- Not apply a split zone recommendation across this title, as neither portion of the property meets the criteria for LCZ or RZ over RLZ under the Zone Guidelines.

I request that the folio of the Register [redacted] or PID-[redacted]. Title [redacted]
CT: [redacted] be included in its entirety within the Rural Living Zone [D] in the Kingborough Local Provisions Schedule.

Signed:



Full name: Mark de Deuge

Date: 03/05/2026



Contact email:



Dear Sir/Madam,

Objection to Zoning Change from Environmental Living Zone to Landscape Conservation Zone PID [REDACTED]

I am writing to formally lodge my objection to the proposed rezoning of my property PID-[REDACTED] from the Environmental Living Zone (ELZ) to the Landscape Conservation Zone (LCZ).

While I fully support the need to protect the environment, the new restrictions under the LCZ will severely limit my ability to develop the property in a way that aligns with its current and previously allowed/intended use.

When I purchased this property, it was with the intent to **build a house** and maintain its **existing use for grazing**, a practice that has been carried out for many years. The land was chosen precisely because it was suited to this purpose, and I expected to continue this use with minimal restrictions. Under the current ELZ in KIPS2015, this property is suitable for subdivision into min 10ha lots, given we are on 27ha, we would at least be able to subdivide to 2 (and with discretion 3) lots.

The Environmental Living Zone allowed for a balance between low-density residential development and the protection of environmental values, the LCZ goes much further in restricting our land use, especially by classifying residential use as **discretionary**. This discretionary classification puts my entire development and life savings at risk. To date, we have invested >150k AUD on development of an access road, and >50k on environmental surveys in preparation for a development application for a house+shed. Having the lifetime effort of me and my family put at risk and left to the 'discretion' of a council planner is entirely unacceptable.

The change in zoning to Landscape Conservation Zone would place substantial restrictions on my ability to use the land for grazing or any related hobby agricultural activities. The constraints imposed by the LCZ would limit my ability to maintain the land in its current use and would likely require significant modification to my hobby farming practices, making it more difficult, if not impossible, to maintain these activities.

As noted in the LPS guidelines LCZ4: <https://www.kingborough.vic.gov.au/~/media/2017/06/LPS-Guidelines-2017.pdf> page 128,129

"The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. **The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.** Instead, the Landscape Conservation Zone provides a clear **priority for the protection of landscape values and for complementary** use or development, with residential use largely being **discretionary**."

However, a primary argument from KC is that rural living based zones would accommodate unwanted use patterns such as:

"...there is a risk that the predominant land use pattern and characteristics of the area will change through the introduction of a range of additional uses that are not prevalent or have not historically been allowed. The Rural Living Zone, for example, will allow for additional uses that may not necessarily be conducive to the character and amenity of those locations and could also have detrimental impacts on the landscape values that exist. Additional land uses provided by the Rural Living Zone are:

- Grazing
- General Retail and Hire
- Resource Processing
- Vehicle Fuel Sales and Service

" -

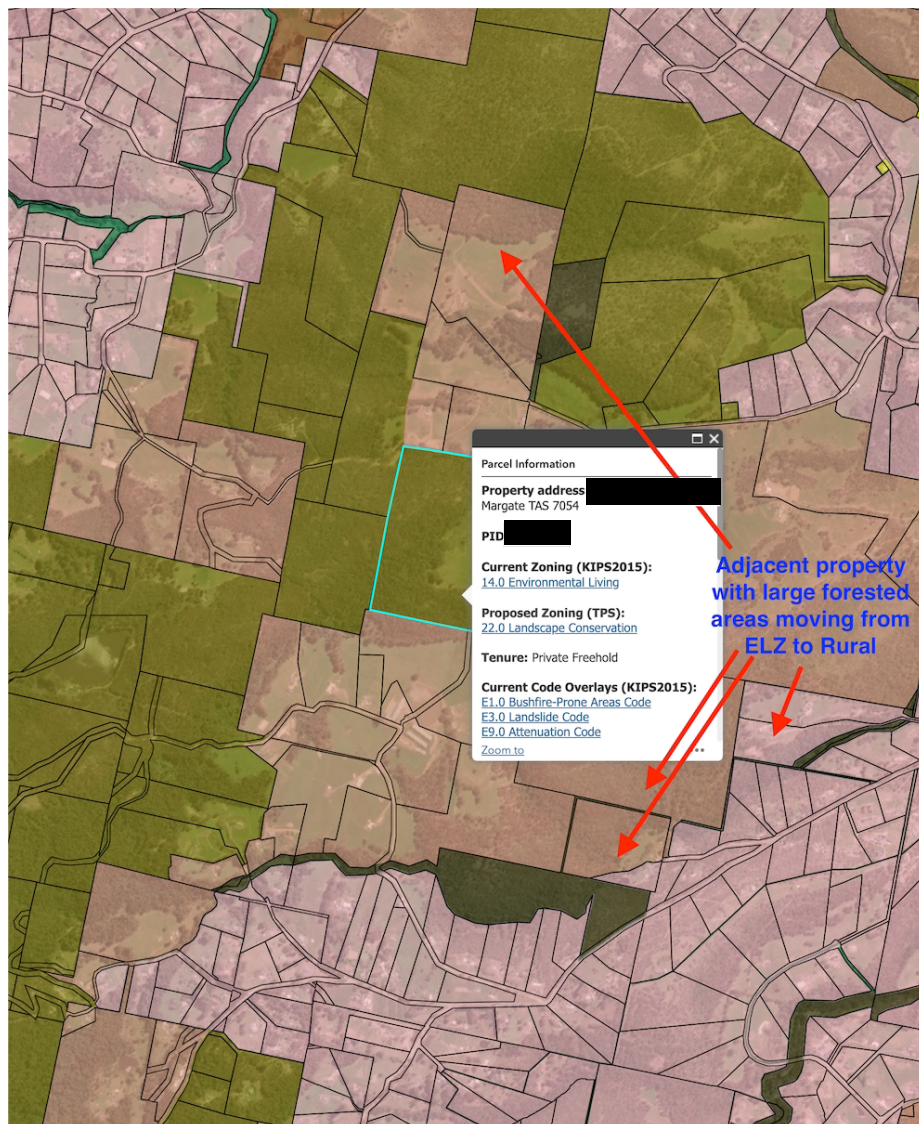
The zoning being applied here ignores the fact that our property is **45% cleared** and is used as a hobby farm currently **grazing horses**, and has **historically been used to graze horses, sheep and cattle**.

Adjusting the zoning to LCZ means we would be subject to all negative aspects of our rural property, such as:

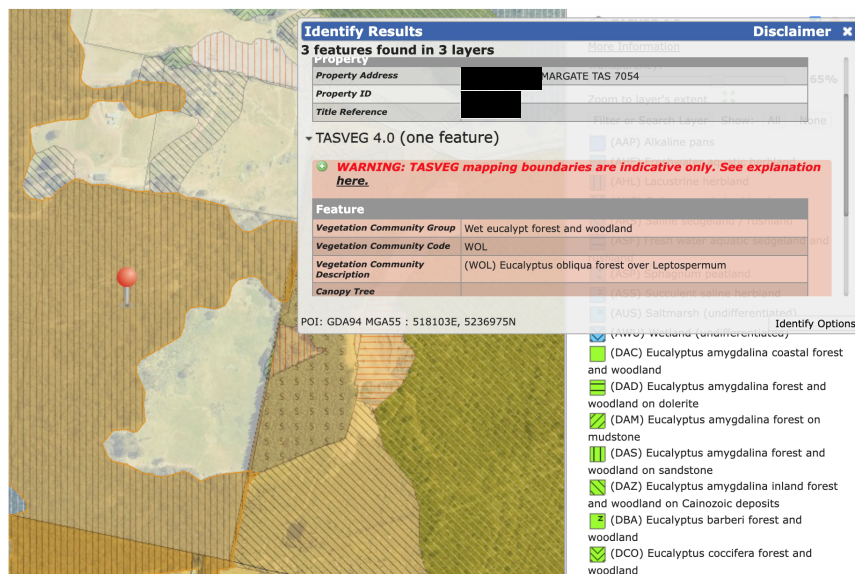
- Poorly maintained road and access
- longer commutes
- No services such as town water or power
- situated adjacent to an active quarry
- situated adjacent to actively grazed land (cattle)

Yet we would maintain none of the rural living benefits.

It should also be noted that this property is covered by the scenic protection overlay and hence the combination of the scenic protection overlay and **rural living zone D** would match the current usage patterns of the property and provide the desired level of protection for the remaining bushland and match the zoning applied to adjacent properties with greater forest coverage that have been zoned from ELZ -> Rural. This application of Rural or Rural living D would match the zoning of adjacent properties in this cluster which have similar characteristics.



It should also be noted that there is a priority vegetation overlay being applied, however the tas veg maps indicate only Obliqua which is not a threatened species.



This assessment is supported by the guidelines in RLZ2:

"the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater."

Another concern I have is the inconsistent application of the LCZ across the region and in particular my local area. The neighbouring Huon Valley Council has not automatically mapped large areas of bushland hills to the Landscape Conservation Zone, even though these areas contain similar environmental and landscape features. It is unfair and inconsistent that properties in the Kingborough Municipality, like mine, would be subjected to such stringent restrictions, while properties in the nearby Huon Valley Council area, with equivalent ecological or visual significance, are not zoned in this way.

This inconsistency raises questions about the fairness of the zoning decision, especially since there are areas of bushland and steep hills in the local area and Huon Valley that have been left out of the LCZ mapping. If the primary aim is to protect the environment, it would be more appropriate to adopt **a combination of Rural living zones and the Scenic Landscape protection overlay** across the broader region to ensure that similar lands are treated consistently, rather than imposing disproportionate restrictions on specific properties in Kingborough.

The limitations on development and the restrictions on agricultural practices are likely to lower the property's market value, as its utility as both a grazing property and a potential residential development site will be severely restricted. These changes, if implemented, will result in the complete financial ruin of my family and literally leave us unable to ever afford a house.

In light of these concerns, I respectfully request that the Planning Authority reconsider the proposed Landscape Conservation Zone and instead apply the Rural living Zone D to my property. This will result in a reasonable balance between conservation and development, and I believe this approach should continue to apply to my land. Thank you for considering my objections. I look forward to your response.

Yours sincerely,
Mark De Deuge