
From: Samantha Woodhouse <[REDACTED]>
Sent: Monday, 4 May 2026 1:36 PM
To: Kingborough LPS
Cc: Ben W
Subject: TPC Submission, [REDACTED], Margate
Attachments: Att. 1, Imagery.pdf; Att. 2, Collective_Cover_Submission_McGowans Rd and Old Bernies Rd.pdf; TPC Submission-[REDACTED].pdf

Hi

See attached.

Regards,
Ben and Samantha Woodhouse

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

We previously made a submission on the draft LPS. We understand that our representation has not yet been heard and will be heard at a future hearing. We understand that this letter provides us the opportunity to make a further written submission specifically in relation to the Ireneinc recommendations, and that we may speak to this submission when we appear before the Commission.

We take up that opportunity and submit as follows.

Landowner Names	Ben and Samantha Woodhouse
Title reference	██████
Lot size	7.3ha
Locality	Margate
Current IPS Zone	Environmental Living Zone
Draft LPS exhibited zone	Landscape Conservation zone
Ireneinc recommended zone	Landscape Conservation Zone
Zone sought in this submission	Rural Living Zone

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 sub-category we seek is:

- Rural Living Zone

1. The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position—including its 16 March 2026 resolution favouring the 'least restrictive alternative'—is not binding on the Commission [Transcript, Day 20, 06:45:48]. We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

a. The Zone Guidelines prohibit LCZ where priority is residential LCZ 4(a).

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. The subject land comprises approximately 7.3 hectares and contains an established dwelling, large shed, driveway access, and associated outbuildings and gardens.

Approximately 1 hectare surrounding the dwelling has been cleared and is maintained for residential use (see Att. 1).

This existing development demonstrates that the land functions as an established rural residential property rather than undeveloped land intended for conservation.

b. The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines state expressly: '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. 'No such comprehensive, site-specific justification has been provided for our property. The Ireneinc report applies the LCZ to our property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to our title.

c. The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

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 the protection of residential amenity. This description accurately characterises our property. Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the ELZ in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied. Our property satisfies both elements of this criterion.

The land is a declared Private Timber Reserve (PTR) under the Forest Practices Act 1985 and is actively managed for timber production, including small-scale hobby sawmilling and firewood collection (see Att. 1). This represents ongoing low-intensity primary production associated with rural residential use and demonstrates that the land is managed for productive outcomes rather than conservation as the dominant purpose.

It is noted that the Ireneinc review states that PTR status does not dictate the underlying zoning and that zoning should instead be based on land characteristics. While this is acknowledged, assessing individual land characteristics from a desktop survey does not adequately assess the existing use, management and individual characteristics of the property.

Section 20(7) of the Land Use Planning and Approvals Act 1993 provides that planning schemes cannot prohibit or restrict forestry operations on PTR land. While forestry operations are exempt, applying the LCZ to the remainder of land use creates an inconsistent planning outcome.

Our property contains native vegetation; however, this should not equate to the automatic application of a conservation zoning. The property, and specifically the native vegetation is being constantly managed for timber production purposes. Regular activities include thinning, selective harvesting, track construction and maintenance, clearing of undergrowth and back burning.

The declaration of a PTR is a formal recognition that the land is to be managed for timber production, which is directly relevant when determining whether conservation or productive use is the dominant purpose. Treating PTR land as neutral in zoning considerations overlooks that it demonstrates the land is actively managed for production rather than conservation, which is the reality for our property.

The LCZ is intended for land where the priority is protection of landscape and vegetation values and where development is limited. Given the existing dwelling, cleared residential curtilage, access infrastructure, and ongoing forestry activities, the subject land does not exhibit the characteristics typically associated with LCZ land. This mixed residential and productive use aligns with the intent of the Rural Living Zone.

2. The Ireneinc evaluation framework, applied correctly to our property, supports RLZ.

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument—it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00]. Representations can depart from it with good evidence. However, we submit that even applying the framework as intended, our property satisfies the criteria for RLZ rather than LCZ.

a. Our property has strategic residential intention.

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators. Our property clearly satisfies this criterion. Our property contains an established dwelling, large shed, driveway access, and associated outbuildings, fencing and gardens. The surrounding property's further support this, with long term established dwellings and similar surrounding infrastructure to our property.

b. The identified landscape values can be managed outside of LCZ

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, 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].

Our property is within a Scenic Protection Area (SPA). It is subject to the following codes:

- E1.0 Bushfire-Prone Areas Code
- E3.0 Landslide Code
- E10.0 Biodiversity Code
- E11.0 Waterway and Coastal Protection Code
- E14.0 Scenic Landscapes Code

These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.

Being a Private Timber Reserve, Landscape and environmental values on the property are also managed under the Forest Practices Code, which provides a comprehensive regulatory framework for timber harvesting, biodiversity protection, and soil and water management.

Applying the LCZ therefore introduces an additional layer of planning control that duplicates existing regulation without providing additional environmental benefit.

3. The TPC panel's own statements support RLZ for properties like mine

The following exchanges from the Day 19 and Day 20 TPC hearings directly support the argument that the RLZ is more appropriate than the LCZ for my property. These statements were made by TPC Commissioners and are on the public record.

a. The evaluation framework is not a statutory instrument

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 my property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

b. Visible rural activity is not required for RLZ

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 constant and ongoing activity, associated with the Private Timber Reserve, on our property. Due to the sustainable practices and selective nature of these activities, it's unlikely that these management practices would be detected from a desktop survey. This highlights the flawed process used to assess properties, that has ignored the individual property characteristics and the reality on the ground.

4. Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a significant evolution—and inconsistency—in Council' approach to the application of the LCZ to ELZ land. 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.

5. Any landscape values present can be managed without LCZ

Where landscape values are present on or near our property, we submit that they can be appropriately managed through the application of the relevant overlay controls, without the need for LCZ. The TPC panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas. Ireneinc itself acknowledged in the LCZ Review report that a future rural living settlement review

may reconsider current RLZ decisions, and that any short-term risk is 'not something that's a definitive or a risk that can't be mitigated with future action' [Transcript, 03:06:18]. This acknowledgement of residual risk mitigation further supports the appropriateness of RLZ rather than LCZ for our property

6. Historical/ Surrounding Area Context

- a. The subject property, located at the end of [REDACTED], sits within an area that has historically supported small-scale agriculture and timber production. Multiple sawmills previously operated within the immediate vicinity, and the surrounding properties continue to reflect this land use pattern. Neighbouring land is either declared Private Timber Reserve or small-scale rural holdings used for hobby farming, most containing established residential buildings. This established pattern demonstrates a mixed rural residential and productive landscape, rather than an area managed primarily for landscape conservation.
- b. I am one of 15 landowners in [REDACTED] who have jointly lodged a collective submission date 03 May 2026. I adopt the arguments in that collective submission and incorporate them into my individual submission by reference at Attachment 3.

7. Environmental Context

- a. While it is acknowledged that the property and surrounding locality contain native vegetation, it is important to recognise that this vegetation is predominantly regrowth following the 1967 bushfires. The landscape therefore represents regenerated working bushland rather than pristine or undisturbed native vegetation warranting application of the Landscape Conservation Zone.
- b. A Natural Values Assessment was undertaken at our property in 2021; it confirms the following conclusion:

Vegetation communities

1. *The vegetation community is consistent with TASVEG 4.0 classification of wet Eucalyptus obliqua forest with broadleaf shrubs (WOB),*
2. *WOB is not listed as threatened under Tasmania's Nature Conservation Act 2002,*

Threatened Flora

3. *No threatened flora has been detected onsite, or previously recorded within a 500m radius of the property*
4. *No threatened plant species listed under Tasmania's Threatened Species Conservation Act 1995 or the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 had previously been recorded on site or recorded in this survey*

Threatened Fauna

5. *No fauna species listed under Tasmania's Threatened Species Conservation Act 1995 and Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 have previously been recorded within the allotment,*
6. *No threatened fauna has been detected onsite, or previously recorded within a 500m radius of the property*

This further indicates that the environmental characteristics of the property do not justify a conservation-focused zoning.

9. Conclusion

For the reasons set out above, we submit that,

- a. The application of the LCZ to our property is inconsistent the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
- b. The LCZ is prohibited by Zone Guideline LCZ 4 (a) where, as here, the priority of the land is residential use.
- c. 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.
- d. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to the LCZ.

We respectfully request that the commission:

- e. **Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone**
- f. **Request that the folio of the Register [REDACTED] at [REDACTED], Margate be included within the Rural Living Zone in the Kingborough Local Provisions Schedule.**
- g. **If the commission proposes any alternative outcome, that we be provided with an opportunity to respond before any determination is made.**

Please find attached the following supporting documentation:

1. Imagery demonstrating that the property is currently being managed as a Private Timber Reserve and rural residential allotment.
2. Collective Group Submission

Yours sincerely,

[REDACTED] [REDACTED]

Ben and Samantha Woodhouse

[REDACTED], Margate, 7054

email: [REDACTED]

[REDACTED]

ATTACHMENT 1- Imagery

Fig. 1, 398 Old Bernies Road- Image demonstrates that the property is being used as a residence and actively managed as a Private Timber Reserve.

- Blue- approx. boundaries
- Red= Areas of forest which have been thinned/ harvesting occurred
- Yellow= Driveway, cleared areas, dwelling, sheds and access tracks for forestry operations

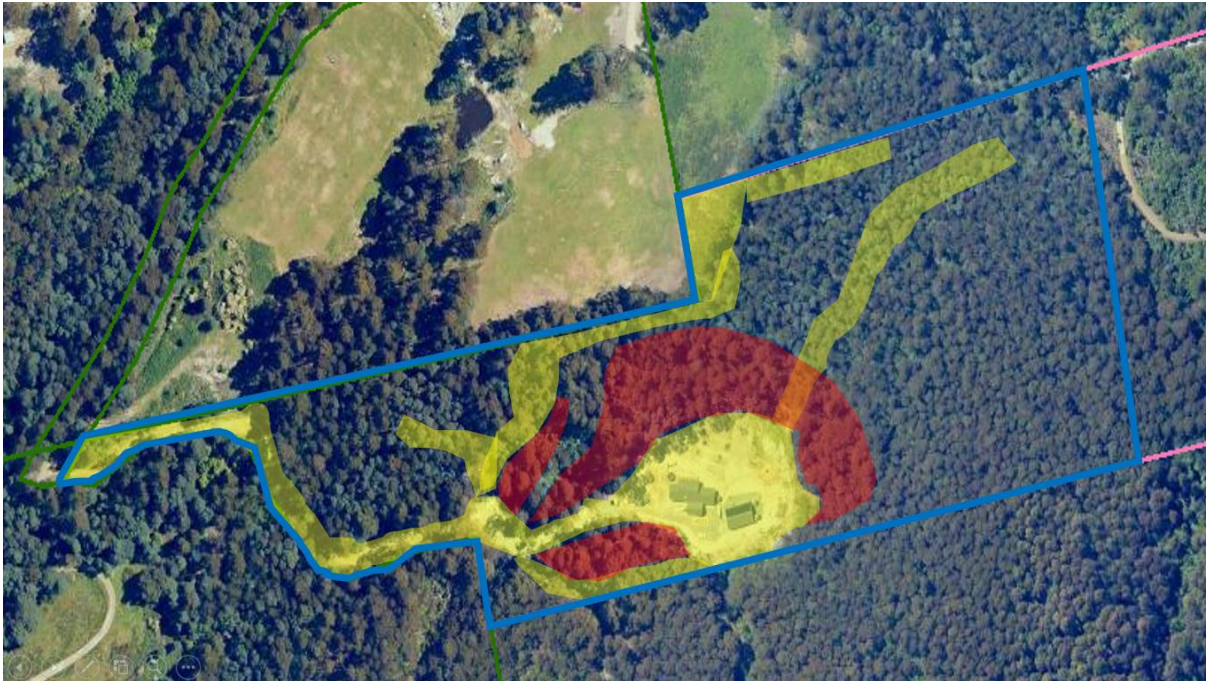


Fig 2, Area Surrounding Property- Image demonstrates the rural/ residential nature of the area.

Blue= Approx. boundaries

Red= Approx. location of dwellings on surrounding properties

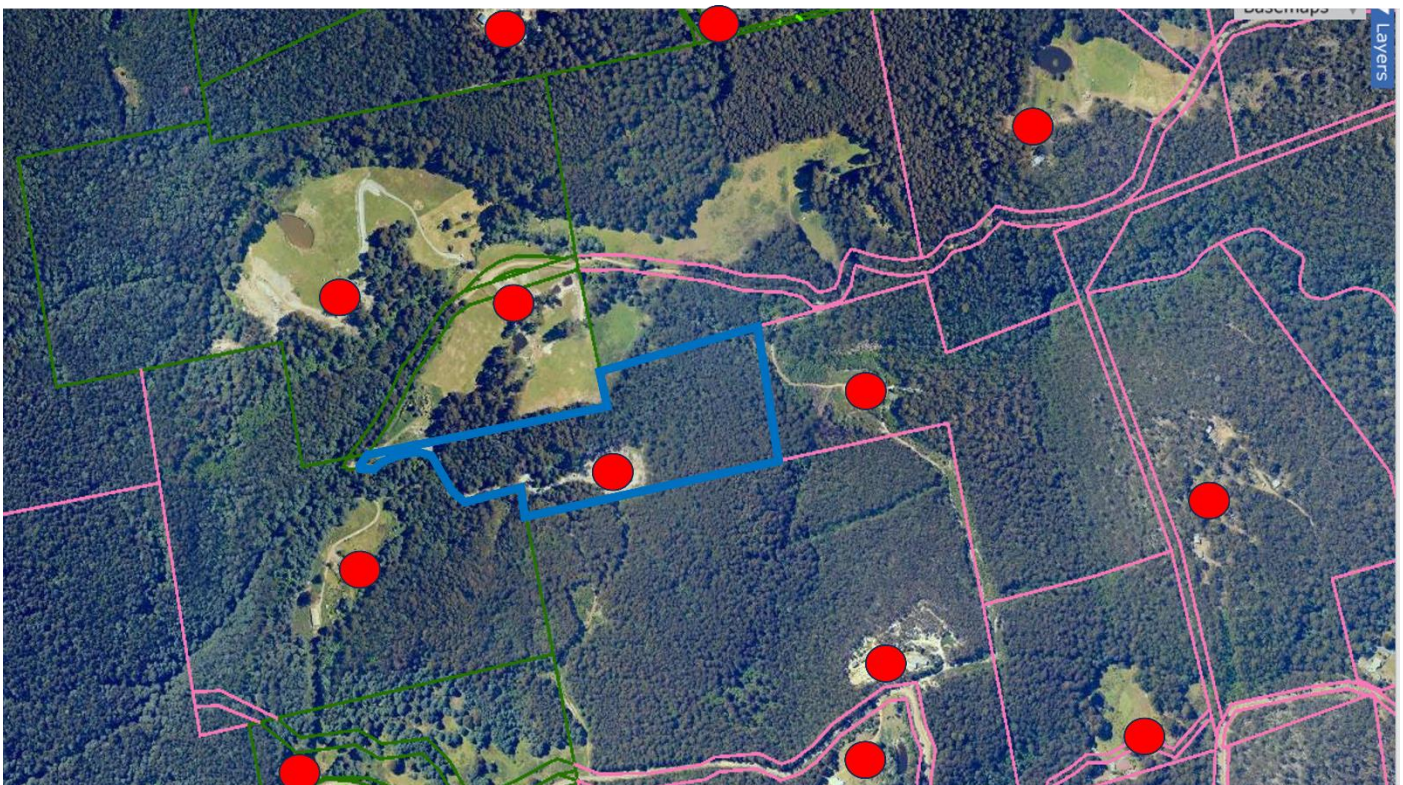


Fig. 3,- Image demonstrates that the property is being managed as a Private Timber Reserve with recent harvesting/ thinning operations evident.



Fig. 4,- Image demonstrates that the property is being managed as a Private Timber Reserve with recent harvesting/ thinning operations evident.



WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

COLLECTIVE COVER SUBMISSION

Locality	<i>McGowans Road and Old Bernies Rd, Margate</i>
Submission type	<i>Collective cover submission — Direction 69 / Ireneinc Report</i>
Number of landowners	<i>15</i>
Lodgement date	<i>3 May 2026</i>
Contact person for this group	<i>Simon Sprent, snow_photog@yahoo.com.au, 0458 517 162</i>

The following landowners are parties to this collective submission. Majority of landowners have also lodged their own individual submission addressing their specific property.

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
Amanda and Sam Thompson	220 McGowans Rd Margate	162424/5	LCZ	RLZ
Siri Bjorhusdal	203 MCGowans Rd	162424/7	LCZ	RLZ
Zoe Barker	200 McGowans Rd Margate	162424/6	LCZ	RLZ
James Aherne	225 McGowans Rd	167432/1	LCZ	RLZ
Amanda Wass	80 McGowans Rd	234074/1	LCZ	RLZ
Ricky and Katie Dunbar	210 McGowans Road	162424/2	LCZ	RLZ
Simon and Bruna Sprent	152 McGowans Rd	172702/1	LCZ	RLZ
Yvonne and Sean Conry	100 McGowans Rd	172702/2	LCZ	RLZ
Richard and Donna Jupe	221 McGowans Rd	162424/3	LCZ	RLZ
Paul and Erica Coull	330 Old Bernies Rd	151662/2	LCZ	RLZ
Ben Woodhouse	398 Old Bernies Rd	153930/1	LCZ	RLZ
Phillip Worsley	353 Old Bernies Rd	151662/1	LCZ	RLZ
Tim Robertson	309 Old Bernies Rd	110474/2	LCZ	RLZ
Morris Worsley	282 Old Bernies Rd	110474/1	LCZ	RLZ

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
Michael and Michelle Foster	396 Old Bernies Rd	153930/2	LCZ	RLZ

We are a group of neighbouring landowners in the MARGATE locality. We have each received a letter from the Tasmanian Planning Commission (TPC) advising that the Ireneinc report has recommended a zone for our property as part of the Kingborough Local Provisions Schedule (LPS).

We are lodging this collective submission to present our shared position to the Commission. Our properties share a common settlement character and landscape context, and we believe the same zone outcome is appropriate for all of them.

Majority of us have also lodged an individual submission using the appropriate individual template. Those individual submissions contain the property-specific evidence for each title. This collective submission is not a substitute for those individual submissions — it sits alongside them.

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

Our properties form part of an established residential settlement along McGowans Rd and Old Bernies Rd. The pattern of development includes 15 residential lots, most of which contain a dwelling. This settlement has existed in its current form for up to 16 years.

Majority of Lot sizes in our group range from 4.09ha to 10ha. These lot sizes are consistent with the Rural Living Zone (RLZ)

All 15 properties in our group contain existing dwellings used as permanent residences. Most properties also include hobby farming / grazing / gardens / outbuildings/ water tanks/ orchards. None of the properties are used for commercial agriculture or resource extraction."

Our properties are predominately partially vegetated and contain patches of native vegetation. The vegetation on our titles does not include significant native vegetation that would require LCZ to protect it.

The following overlays apply to majority of our properties, Private Timber Reserve (PTR) these overlays already protect landscape values — they are relevant to the argument in Part 5 below.

Our properties are also covered under SPC and NAC

Our properties are very close to already zoned Rural Living Zone (RLZ) under the draft LPS. The closest one to us is the Kaoota/Pelverata areas. The existing RLZ in Kaoota has larger lot sizes, but the settlement character, and landscape values are consistent to our properties."

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 signatory's individual submission builds on these shared arguments with property-specific evidence.

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 (such as hobby farming), and where priority is given to residential amenity.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the Environmental Living Zone (ELZ) in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting, and a similar minimum lot size is applied.

Our properties satisfy both criteria. The shared characteristics described in Part 4 above demonstrate that our properties have an established residential settlement pattern, lots of a size consistent with RLZ subcategories, and a primary use and intention that is residential.

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

Our properties form a coherent, contiguous group. If some of our properties receive a different zone outcome from others — or from the surrounding land — the result will be a fragmented and inconsistent zone pattern. This would be contrary to the Zone Guidelines, which require that the spatial application of zones be, as far as practicable, consistent and coordinated across the LPS.

Our 15 properties are surrounded on the north by land already recommended for [RLZ / Rural Zone]. Applying LCZ to our properties would create an isolated pocket of LCZ within a predominantly RLZ

The Tasmanian Planning Commission is required under section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA) to ensure that the spatial application of zones is, as far as practicable, consistent and coordinated. This means the Commission must consider whether our locality has been treated the same way as localities with similar characteristics elsewhere in Tasmania.

We submit that Pelverata/Kaooota is the most comparable locality to ours. Like our properties, properties in Pelverata/Kaooota have shared features — e.g. lot sizes of 2–10ha, established dwellings, similar landscape character, similar overlay coverage. Ireneinc recommended [RLZ / Rural Zone] for this area, and that recommendation was not challenged at the Day 2 hearing. There is no clear basis for treating our locality differently. We request that the Commission apply the same reasoning here.

Kate Heckelmann of Ireneinc confirmed at the Day 2 TPC hearing [05:53:00] that the evaluation framework used to produce the zone recommendations is a tool, not a statutory instrument. It is not the legal test the Commission must apply. The legal test is the LPS criteria set out in section 34 of LUPAA, which include compliance with the Zone Guidelines (Guideline No. 1). The Commission is not bound by the Ireneinc framework or its outputs.

We submit that if the Commission applies the Zone Guidelines directly to the shared characteristics of our properties, as set out in Part 4 above, it will find that [RLZ / Rural Zone] is the appropriate zone. Any departure from the Ireneinc recommendation in our favour is well within the Commission's proper exercise of its statutory role.

Chair Nick Heath confirmed at the Day 2 hearing [06:45:48] that the Commission will decide this matter on the basis of the LPS criteria set out in section 34 of LUPAA. He explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission. The Commission will reach its own independent assessment based on the evidence before it, including the evidence in this submission and in each of our individual submissions.

The following comments made by TPC delegates or Ireneinc at the Day 2 hearing on 16 April 2026 are directly relevant to our locality and our submission. We ask the Commission to have regard to these comments.

We collectively request that the Commission:

- Have regard to the shared characteristics and shared arguments set out in this collective submission when assessing each of our individual submissions.
- Organise the hearing for our locality so that our group can present collectively as well as individually, as Chair Heath invited at the Day 2 hearing [06:55:53].

Thank you for your time in reading our submission,

Kind regards

Simon Sprent

On behalf of the landowners on McGowans Rd and Old Bernies Rd, as stated above.