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**From:** Lyn Hellewell [REDACTED]  
**Sent:** Monday, 4 May 2026 9:12 AM  
**To:** Kingborough LPS  
**Subject:** Formal Submission re Ireneinc Report for [REDACTED] Margate  
**Attachments:** RLZ\_Document\_[REDACTED].docx;  
Collective\_Cover\_Submission\_Template-1.docx;  
KingboroughLPS\_InconsistencyAnalysis\_Margate&Electrona.docx

Please find our Formal Submission, an Attachment (A) to the Submission and a Collective Submission attached.

Regards

Charles Duncan Shackcloth  
Calum Shackcloth

[REDACTED] Margate

Title: [REDACTED]



25 April 2026

To the Tasmanian Planning Commission

Your Reference: DOC/26/36829

**Owners:** Charles Duncan Shackcloth and Calum Shackcloth

**Property Address:** [REDACTED] MARGATE

**Title Reference (folio):** [REDACTED]

**Lot Size (approx):** 11ha

**Locality:** Margate/Electrona

**Current IPS zone:** Environmental Living

**Draft LPS exhibited zone:** Landscape Conservation Zone (LCZ)

**Ireneinc recommended zone:** Landscape Conservation Zone (LCZ)

**Zone sought in this submission:** Rural Living Zone C (RLZ C)

We write in response to your letter dated 2 April 2026 advising that the Ireneinc report recommends that our property remain within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

As we were not aware of the proposed zoning change until after the public exhibition period, we did not make a formal representation. However, we understand that the Commission has received correspondence on our behalf in relation to the draft LPS.

It is also our understanding that the letter we received (referenced above) 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.

As a precursor to our submission, it should also be noted that we acknowledge that the term "landscape values" is not specifically defined by the Tasmanian Planning Scheme (TPS), leading to uncertainty, with the Council stating there are "no specific tools or

descriptions for assessment". Further, "It is not evident that a consistent approach has been taken in establishing the extent of localised values in all localities across the region" [Response to Direction 69, March 2026, pg 54) and that landscape values have not been defined or agreed in consultation with the community as required under the [Land Use Planning and Approvals Act 1993 \(LUPAA\)](#).

We submit as follows:

Our property has been in the Shackcloth family since 1979 and has, in various ways, supported three generations of our family. This land is not merely a scenic backdrop to be managed primarily for conservation. It is lived-on country with an established family function for over half a century. It has been a place of refuge and community and through the environmental stewardship of our family it has become the ecological asset it is today. It should also be noted that rural activities have been taking place on this property during and well before it was purchased by us.

This parcel of land (and many surrounding it) was owned by the Minehan family and was a small fruits farm from the late 19<sup>th</sup> century and farmed continuously (and inhabited) by multiple generations of this family until the 1967 bushfires. At the time of our purchase of the land it was small, scrubby regrowth. We chose to selectively keep some areas from regenerating to be used for rural activities and future homes. Fenced areas have, over the years, supported sheep, goats and horses at various times. The balance of the property has been allowed to regenerate into the forested woodland that we have enjoyed for so many years.

In planning terms, this all points toward a zone that recognises and manages long-term rural-residential use rather than one whose principal objective is landscape protection.

This property is on one Title and has been held by two owners (brothers) until last year when Calum bought out his Uncle's share to become joint owner with his father, Charles. The psychological strain, stress and worry that this potential rezoning has placed on both of us cannot be underestimated. Calum is a young man and has taken out a mortgage on this property with a view to building a home and his future life there. The effect of LCZ could mean that his ability to build a home could be negated.

The change to LCZ is not the most appropriate planning outcome for this land. Under the current Interim Planning Scheme, the Environmental Living Zone (ELZ) is intended to provide for residential use or development in areas where natural and landscape values are to be retained, including places where services are limited and where land may adjoin

rural activity. It is therefore a residential zone with a landscape-conscious setting. By contrast, the State's own fact sheet says the LCZ is generally applied where the *main purpose* of the zone is the protection of landscape values, such as large bushland areas or land of important scenic value.

We submit that the better strategic fit for [REDACTED] is RLZ because this Zone is specifically intended to provide for residential use or development on large lots in a rural setting where services are limited, while also requiring that use and development respect the natural landscape. In other words, Rural Living is not a free-for-all. It is a zone that already anticipates rural-residential occupation while still expecting the landscape to be respected.

Council's own comparison material reinforces this distinction. It describes the LCZ as a zone that focuses on landscape protection and only allows other compatible uses, whereas the RLZ supports rural-residential use and includes retention of natural and landscape values in its purpose. That comparison shows the central policy question is not whether the land has some landscape value, because many rural-residential properties do, but whether the primary planning purpose of the land should be conservation or rural-residential living. For this property, the more appropriate primary purpose is rural-residential living.

The STRLUS CV 4.1 states that community consultation should determine landscape values. Ireneinc admits in review hearings that they didn't consult. This means the assessment of whether properties meet 'landscape values' is now entirely based on the Planning Authority's judgment.

Ireneinc's choice of dictionary terms 'hilly places' and 'bushland,' and focus on tree-centric descriptions, i.e.: 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are ... nestled into vegetation,' and 'bushland backdrop' are the main basis for our locality's landscape values.

This overlooks the value of other features like waterways, fields, foraging areas, and the importance of varied terrain (grasslands, clearings, open areas, trails) for different species habitat. Such diversity is vital for a healthy rural or biodiverse landscape and aligns with evidence that people prefer varied scenery, including homesteads, sheds, and domestic animals.

The lack of consultation and reliance on terminology that favours the Planning Authority's narrow definition results in a flawed or biased assessment:

1. Large areas of bushland and vegetation alone do not justify LCZ. As confirmed at the TPC review hearing on 14/4/26, “LCZ is not for managing vegetation—that is the role of the Natural Assets Code”, which applies to all properties. Ireneinc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify.
2. Describing dwellings and large lots around topography as ‘scattered’ implies no strategic planning or intent, which is untrue. An aerial view of this area shows that there is overwhelmingly strategic intent for living proven by the number of established dwellings on the majority of allotments in the area.
3. Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, as set by development criteria) is worded in the report as though this is a choice or evidence that our preference was conservation over living: “integration of residential use ... is largely within a small proportion of a parcel”, “the remaining natural setting reinforces the area’s natural values”.

Owning private property in natural settings doesn’t mean residents prioritise landscape conservation over residential amenity. Ireneinc implies this repeatedly, both in review references to “built form” being “secondary to the natural landscape” and, in hearings, that lots in bushland reinforce or “contribute” to the area’s “natural values”. The majority of landowners in the areas this submission pertains to, purchased allotments in natural areas because they value the contribution this makes to their Rural Living, not to add to Kingborough’s undefined scenic or “landscape values”.

4. Ireneinc relied on overlays in a desktop assessment to identify landscape or environmental features across the locality, ignoring the challenges of topography and identifying these (i.e., through the tree canopy) by aerial images alone. Evidence-based alternative reports or maps of individual properties’ natural settings are needed.
5. The scenic protection overlay is broadly applied to properties over 100m above sea level. The photos used in the report, sourced from realestate.com, are aerial shots intended for sale and don’t accurately reflect what is seen from local roads, towns, or waterways. Ireneinc admits that in the locality “bushland, landform, and ridgeline features ... remain visually intact,” and the reality is that the siting of homes in this area means the majority of them cannot be seen from these vantage points.

The proposed LCZ also appears too blunt for this parcel. Council's own Landscape Conservation material says that, although it generally seeks to avoid spot-zoning and split-zoning, there are circumstances where the characteristics of the land or its use mean that applying one zone to an entire cadastral parcel is "not logical or appropriate". That is an important admission. It recognises that the strategic mapping exercise cannot replace site-specific judgment. Where a property has an established residential history and an ongoing rural-living function, it is entirely open to Council and the Commission to conclude that LCZ is not the right planning tool for that parcel.

There is also locality-level evidence that the current LCZ pattern around [REDACTED] is not beyond reconsideration. In Council's section 35F report, the broader area including Hickmans Road, Petterd Road, Old Bernies Road, Valley View Road, [REDACTED] and Longmans Road is specifically identified as an area where Council proposed the Kingborough Bushland and Coastal Living Zone as an alternative to the Landscape Conservation Zone. This is important because it shows Council itself has accepted that, in this locality, LCZ may not be the only or best planning response. We believe, therefore, that there is a strong basis to consider whether a genuinely established rural-residential property in this setting should instead be recognised through the RLZ.

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].

Our property is within a Scenic Protection Area and has Waterway & Coastal Protection and Biodiversity overlays and, under the new plan, will also have Priority Vegetation. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.

A Rural Living outcome would better preserve planning continuity. The current Environmental Living purpose already combines residential use with retention of landscape values. The jump from that framework to Landscape Conservation changes the policy centre of gravity: residential living moves from being the expected function to something secondary to landscape protection, building a home becomes potentially discretionary rather than permitted. Rural Living is a more balanced transition because it continues to recognise residential use on large rural lots with limited services, interface with rural land, and respect for natural landscape.

Importantly, rezoning to Rural Living would not leave the land unprotected. The Rural Living Zone still requires use and development to respect the natural landscape, and the land can continue to be managed through any applicable codes and overlays in the new scheme. Put plainly, LCZ is not the only way to protect landscape values. Where landscape values can be appropriately addressed through a residential large-lot zone and applicable codes, imposing LCZ is unnecessarily restrictive and does not represent the most suitable or proportionate planning response. Council's 2026 independent review expressly notes that the review process included consideration of whether landscape values might be appropriately managed under a different zone such as RLZ, rather than requiring LCZ.

A note in relation to this is that, although our Margate property is in an elevated area of [REDACTED] it sits in a valley and does not have the specific Channel-prominence cited for LCZ. It is not visible at all from the greater Channel area.

The RLZ cluster (the lower half of [REDACTED] and [REDACTED] and a large portion of the Nierinna area) which connects to our property and those surrounding it was recommended for Rural Living Zone because codes manage landscape values and the settlement pattern is consistent with rural living. We strongly dispute the claim that [REDACTED] from [REDACTED] and beyond does not display a clear rural living settlement plan, that there are fewer residential lots and that there is a less consistent pattern than (in some cases) our neighbours directly over the road who are zoned to remain RLZ.

A formal inconsistency analysis has been prepared and is attached to this submission as Attachment A. This analysis compares the landscape value descriptions, settlement characteristics, lot sizes and SPA coverage, PVA/NAC overlay coverage, and risk ratings applied by Ireneinc to this locality against one or more similar localities that received a more favourable Zone outcome using the same or near-identical evidence.

The analysis draws on the following key statements from Day 20 of the TPC hearing:

- Commissioner Rohan Probert [01:07:48] directly identified that landscape descriptions for Tinderbox East and Howden are near-identical yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two. This principle applied to the inconsistency documented in Attachment A for this locality.
- Commissioner Dan Ford [02:33:54] forced the concession that the PVA overlay does the landscape protection work, not the zone. This principle applies as the PVA overlay is present on my property.

- Kate Heckelman (Ireneinc)[05:53:00] state that the evaluation framework is “a tool, not a rule”. It is not a statutory instrument and submissions can depart from it with good evidence.

And finally, in regards to the abovementioned established properties it would also be remiss of the Council to overlook the fact that Rural Residential owners provide a significant free workforce to manage areas on the interface of bush, coast, country and town. They need to be able to continue to mitigate natural disaster, care for native species, maintain trails, carriage ways and fire access, and remove invasive pests, which is at risk in the LCZ. Our efforts help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all - work that simply cannot be replaced by council staff or State Parks and Wildlife service.

For these reasons, we believe that the more appropriate zoning outcome for [REDACTED] [REDACTED] is Rural Living. That outcome would better reflect:

1. the property’s long-established residential and family use since 1979;
2. the existing planning character of the land under the Interim Scheme’s Environmental Living framework;
3. the purpose of the Rural Living Zone as land for large-lot residential use in a rural setting with limited services; and
4. Council’s own acknowledgement that universal application of LCZ to a parcel is not always logical or appropriate, and that parts of the [REDACTED] locality warrant a non-LCZ alternative.

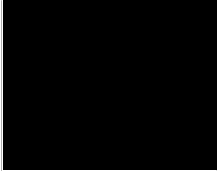
We respectfully request that the Commission:

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



Signed:

Date:



4 May 2026

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Charles Duncan Shackcloth



4 May 2026

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Calum Shackcloth

**COLLECTIVE SUBMISSION**

**PART 1 — SUBMISSION IDENTIFICATION**

|                                      |                                                                                                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Locality</b>                      | Margate & Electrona                                                                                   |
| <b>Submission type</b>               | Collective cover submission — Direction 69 / Ireneinc Report                                          |
| <b>Number of signatories</b>         | 5                                                                                                     |
| <b>Lodgement date</b>                | 3 May 2026                                                                                            |
| <b>Contact person for this group</b> | Calum Shackcloth<br> |

## PART 2 — SIGNATORIES

The following landowners are parties to this collective submission. Each signatory has also lodged their own individual submission addressing their specific property.

| Full name                                      | Property address      | Title reference | Zone proposed (Ireneinc) | Zone sought |
|------------------------------------------------|-----------------------|-----------------|--------------------------|-------------|
| Charles Duncan Shackcloth and Calum Shackcloth | [REDACTED]<br>MARGATE | [REDACTED]      | LCZ                      | RLZ         |
| Andrew Charles Murphy                          | [REDACTED]<br>MARGATE | [REDACTED]      | LCZ                      | RLZ         |
| David Athol Hansson                            | [REDACTED]<br>MARGATE | [REDACTED]      | LCZ                      | RLZ         |
| William Mark Shackcloth                        | [REDACTED]<br>MARGATE | [REDACTED]      | LCZ                      | RLZ         |
| Owen Geoffrey Whitton                          | [REDACTED]<br>MARGATE | [REDACTED]      | LCZ                      | RLZ         |

## PART 3 — PURPOSE OF THIS SUBMISSION

We are a group of neighbouring landowners in the Margate & Electrona 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.

Each of us has 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.

## 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 of our individual submissions.

### 4.1 — Settlement pattern

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Our properties form part of an established residential settlement along [REDACTED] Valley View Road, and Old Bernies Road. The pattern of development includes approximately 20 residential lots, most of which contain a dwelling. This settlement has existed in its current form for over 40 years. The properties are along two single roads and a cul-de-sac and form a contiguous group.

### 4.2 — Typical lot sizes

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Lot sizes in our group range from 2 ha to 17 ha, with a median of approximately 3.86 ha. These lot sizes are consistent with the Rural Living Zone (RLZ) B minimum lot size of 2 ha.

### 4.3 — Existing uses

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The majority of allotments in our area contain existing dwellings used as permanent residences, with the remaining property owners all intending to build in the future. The majority of properties in this cluster also include various rural activities related to grazing, gardens, outbuildings etc. None of the properties are used for commercial agriculture or resource extraction.

### 4.4 — Landscape and vegetation character

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Our properties are all predominantly a mixture of cleared areas and patches of native vegetation. The vegetation on our titles does not include significant native vegetation that would require LCZ to protect it. The landscape character is rural/residential with pockets of regrowth that have been allowed to grow since the 1967 bushfires. Any vegetation values present are already protected by overlay controls such as Priority Vegetation Area, Biodiversity, Scenic Landscape and Waterway & Coastal Protection Codes.

## 4.5 — Overlay controls

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The following overlays apply to all of our properties: Scenic Protection Area (SPA), Priority Vegetation Area (PVA), Biodiversity, Waterway & Coastal Protection Code. These overlays already protect landscape values — they are relevant to the argument in Part 5 below.

## 4.6 — Proximity to existing Rural Living Zone or Rural Zone land

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Our properties are all in close proximity to properties already zoned Rural Living Zone (RLZ) under the draft LPS. The existing RLZ land to the South (i.e. the rest of [REDACTED] and [REDACTED] all the way into the Margate town centre) has similar lot sizes, settlement character, and landscape values to our properties.

## PART 5 — SHARED ARGUMENTS

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

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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.

### B — Comparable localities support the same outcome for our properties

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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 Kingborough.

We submit that the area that contains the stretch of [REDACTED] from the junction with Old Bernie's Rd to where the recommended LCZ zone begins at [REDACTED] and [REDACTED] from [REDACTED] to where the recommended LCZ zone begins at [REDACTED] is the most comparable locality to ours. It immediately joins our locality.

Like our properties, properties in the area adjoining ours (described above) have similar lot sizes of 2–5 ha, established dwellings, similar landscape character and similar overlay coverage. Irene inc 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.

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

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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.

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

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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.

## **PART 6 — COLLECTIVE REQUEST**

We collectively request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include each of the properties listed in Part 2 within the Rural Living Zone (RLZ) (subcategory A,B,C or D according to each individual submission) rather than the Landscape Conservation Zone (LCZ) or other zone currently proposed for those properties.
- 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].

**PART 8 — DECLARATION AND SIGNATURES**

The signatory below acts as a representative for the group, with their permission, and 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 (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.
- I have also lodged, or will lodge by the deadline, a separate individual submission addressing my specific property.

|                                                                                     |                                        |
|-------------------------------------------------------------------------------------|----------------------------------------|
| Full name: Calum Shackcloth<br>Address: [REDACTED] MARGATE<br>Title Ref: [REDACTED] | Signature:<br><br><br>Date: 3 May 2026 |
|-------------------------------------------------------------------------------------|----------------------------------------|

## Attachment A - KINGBOROUGH LPS - INCONSISTENCY ANALYSIS PER LOCALITY

### MARGATE & ELECTRONA (Channel Region)

**MARGATE & ELECTRONA** Margate & Electrona (RLZ cluster) — Outcome:  
**(LCZ- [REDACTED] — RLZ**  
**Outcome: LCZ retained**

|                                      |                                                                                                                                    |                                                                                                                                                                                         |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ireneinc landscape value description | [REDACTED] 'significant natural landscape values and scenic landscape values'; elevated; SPA-covered; prominent views from Channel | RLZ cluster: 'landscape values consistent with that anticipated in a rural living settlement; contributing to overall scenic character' — landscape values PRESENT but found manageable |
| Settlement characteristics found     | Limited — [REDACTED] has fewer residential lots; not a clear rural living settlement pattern                                       | Yes — recognizable subdivision pattern; lots 2-7ha; residential uses and rural activities                                                                                               |
| Lot sizes                            | Larger lots on [REDACTED] less consistent pattern                                                                                  | 2-7ha — consistent with RLZ C                                                                                                                                                           |
| SPA coverage                         | YES — significant SPA coverage on [REDACTED] elevated areas                                                                        | Partial — same general area                                                                                                                                                             |
| PVA/NAC overlay                      | Yes                                                                                                                                | Yes                                                                                                                                                                                     |
| Risk rating applied                  | High ([REDACTED] elevated lots)                                                                                                    | Low - Medium                                                                                                                                                                            |
| DP6 — codes manage landscape values? | NO — SPA coverage does not negate the elevated prominence and visual significance at this specific location                        | YES — codes and min lot size manage values; consistent with adjoining RLZ land                                                                                                          |
| Key differentiation cited            | Elevation, SPA coverage, visual prominence from Channel; no clear rural living settlement pattern                                  | YES — codes and min lot size manage values; consistent with adjoining RLZ land                                                                                                          |