
From: Owen Marshall <[REDACTED]>
Sent: Sunday, 3 May 2026 12:20 PM
To: Kingborough LPS
Subject: Formal Submission – Irenelnc report (Direction 69) Response – [REDACTED] (PID: [REDACTED])
Attachments: Marshall_1[REDACTED].TPC_letter_2026-05-02.pdf

Dear Executive Commissioner,

Please find attached my formal submission regarding my property at [REDACTED], Tinderbox (PID: [REDACTED]), drafted in response to the Commission's correspondence dated 2 April 2026 and the Irenelnc report (Direction 69).

I request that this attached submission be accepted and considered by the Commission as part of the ongoing Kingborough Local Provisions Schedule (LPS) assessment.

I can be contacted via this email address should the Commission require any further clarification.

Yours faithfully,

A/Prof Owen Marshall
[REDACTED]
Tinderbox TAS 7054

A/Prof Owen Marshall

[REDACTED]
Tinderbox TAS 7054

Phone: [REDACTED]

Email: [REDACTED]

Date: 2 May 2026

To: The Executive Commissioner, Tasmanian Planning Commission, GPO Box 1691, Hobart TAS 7001

Email: KingboroughLPS@planning.tas.gov.au

RE: KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE (LPS) – SUBMISSION REGARDING IRENEINC REPORT (DIRECTION 69)

Property: [REDACTED], Tinderbox TAS 7054 (**PID:** [REDACTED] | **Title Ref:** [REDACTED])

Related Representations: 197, 198, and 430

Dear Executive Commissioner,

I write in response to the Commission's correspondence inviting submissions regarding the report prepared by Ireneinc Planning & Urban Design, submitted by the Kingborough Planning Authority pursuant to Direction 69.

1. Clarification of the statutory record

For administrative clarity, I confirm I am the legal owner of the property and formally authorised Calab and Nathanael Elcock (Representations 197 & 198) and Joshua Graeme-Evans (Representation 430), which explicitly encompassed my property's interests. I have also previously submitted a formal Witness Statement to the Commission regarding the proposed rezoning of my property to the LCZ. I now submit this response directly on my own behalf to register my continuous objection to the proposed zoning.

2. Relief sought

I specifically object to Ireneinc's recommendation that my property ([REDACTED]) retain its exhibited classification and transition into the Landscape Conservation Zone (LCZ).

Consistent with the Commission's guidance in its 10 October 2025 letter outlining Direction 69 — which invited the Council to consider the application of the Rural Living Zone (RLZ) more broadly to land presently governed by the Environmental Living Zone (ELZ) — **I request that my property, alongside the contiguous cluster of established sub-10 hectare rural-residential lots on the eastern side of the Tinderbox Peninsula ("Tinderbox East"), be assigned the Rural Living Zone (RLZ).**

3. Inconsistency between assessor methodology and Planning Authority policy directives

The Ireneinc report attempts to justify transitioning the eastern side of the Tinderbox Peninsula into the LCZ based entirely on a conservative risk evaluation regarding landscape values. In assessing the viability of the RLZ for the peninsula, Ireneinc explicitly concluded:

Given the evident rural living settlement pattern and surrounding rural living zoned land which has similar characteristics to much of the locality and the

other controls in place within this area the risk of applying the RLZ is considered medium on the western side of the peninsula and high on the eastern side.

Ireneinc used this specific “high” risk categorisation as an arbitrary threshold to disqualify Tinderbox East from the RLZ, defaulting instead to the highly restrictive LCZ.

However, the Kingborough Planning Authority rejected this risk threshold, formally and explicitly stating a high risk appetite for landscape values in its submission to the Commission and favouring the “least restrictive alternative” zone within this risk appetite. In its official letter responding to Direction 69 and accompanying the Ireneinc report (dated 20 March 2026), the Planning Authority advised the TPC in resolution b):

... that its risk appetite in relation to questions of impact on landscape values is high, and that where more than one zone is considered appropriate for a particular area, the least restrictive alternative should be applied.

The Chief Executive Officer, writing on behalf of the Planning Authority, ended the submission with the following unambiguous policy declaration, emphatically restating this high-risk appetite, and crucially clarifying that this directive applies wherever an alternative zone “may be appropriate”:

Council would like to emphasise, that in progressing the LPS in relation to Direction 69, the Planning Authority’s position is that, where multiple zones may be appropriate and landscape-value impacts are the key consideration, a high-risk appetite should apply, favouring the least restrictive zoning option.

Because the assessor’s estimated risk of applying the RLZ to Tinderbox East falls within the Planning Authority’s declared acceptable risk appetite, Ireneinc’s justification for withholding the RLZ is nullified. As shown below, the RLZ is demonstrably considered capable of managing targeted high-value coastal landscapes via the Natural Assets Code (as evidenced in Oyster Cove) and satisfies the Southern Tasmanian Regional Land Use Strategy (STRLUS) framework for consolidating existing rural communities, firmly establishing it as an appropriate statutory alternative for Tinderbox East. By falling within a high risk appetite threshold, the RLZ thus triggers the Planning Authority’s directive, favouring its application to the established sub-10 hectare lots of Tinderbox East as the least restrictive alternative zone.

4. Methodological inconsistencies in the application of the RLZ in the Ireneinc report

The Ireneinc report applies a methodological inconsistency in how it evaluates the eastern side of the Tinderbox Peninsula compared to other similar coastal communities.

When evaluating Oyster Cove (Page 271), Ireneinc acknowledges the headland is a highly prominent coastal landform and a “key element of the arrival experience for visitors accessing the Bruny Island ferry”. Despite this high visual prominence on arguably the most popular tourist water views in Tasmania, Ireneinc concluded for Oyster Cove (Page 289) that:

there are sufficient mechanisms in the planning scheme to provide for the appropriate management of existing landscape values... such that the RLZ could be an appropriate alternative zone.

Comparing the Ireneinc assessments of both areas, it is clear that coastal properties transitioned to the RLZ at Oyster Cove headland share near-identical physical and statutory characteristics with Tinderbox East. Both areas:

- Rely equally on the Natural Assets Code (Priority Vegetation) and the Waterway and Coastal Protection Area overlays to manage visual and environmental amenity;
- Share equally high visual prominence to waterway traffic;
- Possess significant amounts of native vegetation and landscape value, with dwellings set within the native vegetation;
- Lack the Scenic Landscape/Management Area overlay below the 100m elevation contour; and
- Share similar historical sub-10 hectare rural-residential lot sizes.

It is logically and administratively inconsistent to conclude that the RLZ and standard TPS overlay codes are statutorily robust enough to protect high-value landscapes at Oyster Cove, yet assert those exact same mechanisms are inherently insufficient for the equivalent landscape at Tinderbox East. The methodology applied to Oyster Cove should logically yield an RLZ transition for properties on the eastern half of the Tinderbox peninsula.

5. Acknowledged suitability of an alternative framework for residential use

Ireneinc readily concedes in their report that the LCZ is a poor statutory fit for the eastern Tinderbox lots. In the concluding section of their assessment (Page 195), they state:

However, acknowledging the existing uses occurring and the interface that these parcels have with the coastline, future exploration of alternate zoning similar to that which would have been provided by the PPZ could provide for a more effective management of landscape values and rural/residential uses in this area.

The independent assessor openly acknowledges that an alternative, custom zoning framework (the PPZ) — which specifically permitted residential use as of right and was less restrictive than the LCZ — would provide “more effective” management for this established area.

Because the Commission has directed that the proposed PPZ cannot be further assessed through this stage of the LPS process, the standard RLZ — particularly when operating in tandem with the existing Natural Assets Code (Priority Vegetation) overlay — operates as the only legally available zone capable of providing this “more effective” management of existing rural/residential uses, once the Planning Authority’s stated risk appetite for landscape values is considered. Applying the RLZ to the sub-10 hectare lots on Tinderbox East operates in direct conformity with the Council's explicit directive to utilise the “least restrictive alternative”.

6. Application of Section 8A guidelines and the Regional Strategy (STRLUS)

Transitioning my property to the LCZ violates the mandatory application criteria of Section 8A Guideline No. 1 and ignores the precedent established for interpreting the region's overarching strategy.

- **Guideline LCZ 4(a):** Specifies the LCZ *should not* be applied to land “where the priority is for residential use and development (see RLZ).” My roughly 2-hectare lot was subdivided in the 1980s specifically for rural-residential occupation and has been lawfully occupied as such since the early 1990s.
- **Guideline RLZ 2(b):** Specifies that the RLZ *may* be applied to non-RLZ land if it was within the ELZ under the interim scheme, the primary strategic intention is residential use within a rural setting, and a similar minimum allowable lot size is being applied. These factors are all applicable to my property, and to the adjacent sub-10 hectare lots on Tinderbox East.
- **Southern Tasmanian Regional Land Use Strategy (STRLUS):**
Pursuant to Policy SRD 1.3, the framework actively facilitates consolidating existing rural living communities. As noted in the Ireneinc report regarding the Huon Valley LPS assessment, the Commission has previously accepted the translation of 1-10 hectare ELZ lots to the RLZ precisely where existing settlement patterns dictate it. By applying the correct sub-category (e.g., RLZ C or D) to Tinderbox East, a minimum lot size is established that effectively prevents any further subdivision or fragmentation, allowing the RLZ to manage the landscape values appropriately without extinguishing the primary residential intent.

7. Unreasonable constraint on existing lawful residential use

Applying the LCZ introduces an unreasonable physical and administrative constraint upon properties that lawfully exist for residential purposes.

The LCZ is statutorily engineered for large tracts of land, identifying a minimum lot size of 50-hectares (Clause 22.5.1 A1). Imposing the development standards of a 50-hectare zone onto a 2-hectare sloping lot fundamentally compromises standard residential amenity. Under the LCZ, side and rear setbacks are set at a prohibitive 20 metres (Clause 22.4.2 A3), compared to 10 metres in the RLZ. Furthermore, the maximum building height is arbitrarily reduced to 6 metres (Clause 22.4.2 A1), compared to 8.5 metres in the RLZ.

On a sloping 2-hectare lot such as my own, these LCZ provisions unreasonably constrain the developable footprint, rendering the use of a lawfully established residential lot practically unviable for future rebuilding or modification. This vulnerability is compounded by the high bushfire risk of the peninsula. Should a home be lost to fire and not rebuilt within the statutory existing use rights timeframe (LUPAA Section 20(3)), homeowners would be forced to navigate highly restrictive, discretionary LCZ metrics that were never designed for small-scale rural-residential subdivisions.

8. Conclusion

The Ireneinc assessment applies arbitrarily inconsistent logic to the proposed rezoning of Tinderbox East, and relies on a strictly risk-averse methodology that the Kingborough Planning Authority has formally and explicitly rejected. Through its official transmittal letter to the Commission, the Planning Authority established a clear policy presumption: that where managing landscape values is the key consideration, and an alternative zone to the LCZ may be appropriate, the Commission should favour the “least restrictive zoning option.”

The RLZ firmly satisfies the threshold of being an appropriate, legally viable alternative zone for ELZ-zoned properties such as my own. As demonstrated by Ireneinc’s own

assessment of the highly prominent Oyster Cove headland, standard TPS overlay codes are fully capable of protecting high-value, native-vegetation-dominant constituent landscapes within an RLZ framework. Transitioning the sub-10 hectare lots on the eastern half of the Tinderbox peninsular to the RLZ would be fully compatible with the Planning Authority's declared risk appetite.

The statutory pathway is clear. I respectfully request that the Commission adhere to the stated policy directive of the Kingborough Planning Authority, the procedural invitation of Direction 69, and the principles of administrative consistency, by directing that **my property at [REDACTED] be transitioned to the Rural Living Zone (RLZ)**, enacted as part of the broader application of the RLZ to the contiguous cluster of sub-10 hectare rural-residential lots along the eastern side of the Tinderbox Peninsula.

Yours faithfully,

[REDACTED]

A/Prof Owen Marshall

[REDACTED] Tinderbox TAS 7054