
From: Colleen Morris | Aquenal Pty Ltd [REDACTED]
Sent: Thursday, 30 April 2026 12:51 PM
To: Kingborough LPS
Subject: SUBMISSION TO TPC - TAS PLANNING SCHEME KINGBOROUGHT DRAFT LPS Hello
Attachments: Submission to TPC 30 April 2026 (Title [REDACTED] [REDACTED] Margate Tas.pdf

Hello'

I have attached our submission to TPC regarding review of zoning for our property.

Can you please confirm receipt of this submission.

Regards

Colleen Cracknell
[REDACTED]

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

PART A — PROCEDURAL OPENING

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 our property be included within the Rural Living Zone (RLZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ).

We did not make a formal representation during the public exhibition period; however, we understand that the Commission has received correspondence from us or on our behalf in relation to the draft LPS (refer page 235 *Ireneinc Baseline Report* REP 198.236). We understand that this letter provides us the opportunity to formally participate in this stage of the LPS process. We take up that opportunity and submit as follows:

PART B — PROPERTY DETAILS

Landowner name(s)	COLLEEN MARY CRACKNELL & ANTHONY JOHN PEPPER
Property address	██████████ Margate Tas 7054
Title reference (folio)	██████████
Lot size (approx.)	40,561 m2 (4.1 ha)
Locality	Margate & Electrona
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Living Zone (RLZ) — [subcategory to be specified]
Position in this submission	Accept RLZ — support and argue subcategory B

PART C — STATEMENT OF POSITION

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

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

RLZ Subcategory Reference Table

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

The subcategory we seek for our property is:

- Rural Living Zone Category B (minimum lot size 2 ha) — the existing lot pattern in our locality is consistent with lots of approximately 2–5 ha. Refer table below.

Subcategory	Min. lot size (acceptable solution)	Performance criteria	Typical use context
RLZ B	2 ha	1.4 ha	Medium-sized rural residential lots, some subdivision potential

Properties in Fehres Road Margate typically range from 1.2ha to 4.1ha. Our property is 4.1 ha. This is consistent with RLZ [B] which has a minimum lot size of 2ha. Applying RLZ B to our property would reflect the existing settlement pattern in RLZ.

SUPPORTING EVIDENCE AND ARGUMENTS

D1 — The RLZ recommendation is consistent with the Zone Guidelines

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

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

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

Zone Guideline RLZ 2(b) confirms that the RLZ may be applied to ELZ land 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: the primary intention is residential, and the RLZ subcategory we are seeking applies a minimum lot size that is consistent with or larger than the current lot size. The primary strategic intention for our property has always been residential. Our property is 4.02ha. The RLZ subcategory B minimum lot size of 2ha is consistent with this existing lot size.

D1.3 — Zone Guideline RLZ 3 — subcategory selection

Zone Guideline RLZ 3 provides that the differentiation between RLZ A, B, C and D should reflect the existing pattern and density of development within the rural living area or be supported by further strategic justification. Our preferred subcategory — RLZ B directly reflects the existing lot size pattern in our locality (see D2 below).

D2 — Property-specific evidence supporting RLZ

The Ireneinc Locality Report for Margate & Electrona confirms the settlement pattern noted in the report viz.

Evidence-based snapshot of lot sizes and subdivision pattern for [REDACTED] -This area is well documented in planning submissions.

Fehres Road

Individual parcels -Size range: ~1.8 ha typical smaller holdings; ~2–5 ha common; Large outliers up to ~9 ha+

Examples:

-  ~1.85 ha
-  ~2.99 ha
-  ~2.15 ha
-  ~8.2 ha
-  ~4.1ha
-  ~2.13ha
-  ~4.1ha

D2.1 — Established residential settlement

The Ireneinc framework identifies the following indicators of rural living settlement:

- at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern.
- a consistent pattern of detached dwellings with associated outbuildings; and
- visual evidence of rural activities.

Our property and the surrounding settlement display all these characteristics.

D2.2 — Landscape values can be managed within RLZ

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

D2.3 — No further subdivision is intended or enabled

The Ireneinc framework and Zone Guidelines both flag the risk that RLZ could enable subdivision that would intensify development and affect landscape values. The RLZ subcategory we are seeking addresses this risk directly. Under RLZ B the minimum lot size of 2ha means that subdivision of our property (in the unlikely event it is sought in future) would produce only one other lot of 2ha. The pattern of lots that would result would be consistent with surrounding properties.

D3 — The LCZ should not be reinstated

In support of the RLZ recommendation by Ireneinc and to deter any possible suggestion of adopting the original LCZ proposal, the following comments are made:

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

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

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

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

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

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

PART E — LOCALITY-SPECIFIC CONTEXT

The name of our locality is Margate & Electrona as identified in the Ireneinc Locality Report (#12). The Ireneinc report for this locality recommends RLZ for our property in terms of residential cluster. We agree with this determination which was not challenged at the TPC hearing on day 2 (refer 01.29 to 01.34). In fact, there were no questions asked on Day 2 of the hearing about Margate. For the sake of consistency our property should be treated as being in the RLZ area rather than the LCZ originally proposed as we share similar characteristics to the RLZ zone.

Comparable localities were accepted for RLZ at the hearing e.g. 'Ireneinc recommended full ELZ to RLZ transitions for Kettering East / Howden / Albion Heights. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission.

Our property shares similar characteristics therefore consistent treatment supports the RLZ recommendation for our property.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, we submit that:

1. The Ireneinc recommendation to include our property within the RLZ is correct and is consistent with the Zone Guidelines (Guideline No. 1) and the requirements of section 34 of LUPAA.
2. The exhibited LCZ was not appropriate for our property and should not be reinstated. The RLZ recommendation reflects a more rigorous analysis and should be adopted.
3. The most appropriate RLZ subcategory for our property is RLZ B which reflects the existing pattern and density of development in our locality under Zone Guideline RLZ 3 and significantly constrains further subdivision.
4. Any landscape values in the broader locality can be appropriately managed through existing overlay controls — NAC, PVA overlay, and SPC — in combination with the lot size controls of the RLZ B subcategory.

We respectfully request that the Commission:

- Adopt the Ireneinc recommendation and include our property within the RLZ B in the Kingborough Local Provisions Schedule; and
- Not revert to the exhibited LCZ, which is not supported by the site-specific evidence for our property.

We further request that the folio of the Register [REDACTED] at [REDACTED] Margate be included within the Rural Living Zone (Subcategory B) in the Kingborough Local Provisions Schedule, consistent with the Ireneinc recommendation.

Signed: Co [REDACTED] ----- Anthony John Pepper [REDACTED]	Date: Contact email / phone: [REDACTED] / [REDACTED]
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PART G — ACRONYMS / TERMS USED IN THIS SUBMISSION

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