
From: mathew muskett <[REDACTED]@[REDACTED].com>
Sent: Monday, 4 May 2026 8:53 PM
To: Kingborough LPS
Subject: Fwd: Mathew Muskett [REDACTED]
Attachments: Mathew Muskett [REDACTED].pdf

----- Forwarded message -----

From: mathew muskett <[REDACTED]@[REDACTED].com>
Date: Sun, May 3, 2026 at 7:01 PM
Subject: Mathew Muskett [REDACTED]
To: <KingboroughLPS@planning.tas.gov.au>

Please find attached my written submission to be added to representation 155 & 296
This is also confirmation that we will be attending our hearing when dates are confirmed.

sincerely
Mathew Muskett
[REDACTED]

Landowner name(s) Katie Pickering and Mathew Muskett

Property address [REDACTED]

Title reference (folio) PID [REDACTED] **and CT** [REDACTED]

Representation NO. 155, 296

Lot size (approx.) 40 HA

Locality: Snug

Current IPS zone: Environmental Living Zone

Draft LPS exhibited zone: LCZ

Ireneinc recommended Zone: LCZ

Zone sought in this Submission: Rural Living Zone

To the Tasmanian Planning Commission,

Please take this submission as my confirmation that Katie Pickering and I will be attending the upcoming hearing regarding the proposed Landscape Conservation Zone (LCZ) zoning for our property located at [REDACTED]. We directly object to the application of LCZ zoning to our property and respectfully request the Commission to instead consider and apply a Rural Living Zone D (RLZ-D), consistent with the historical use, strategic intent, and community context of our land.

We look forward to presenting detailed evidence and further elaborating on the points outlined herein. Furthermore, we wish to state that we will also be representing the broader community in Snug Falls, presenting a united front as a rural living settlement.

Inconsistency with LUPAA Zone Guidelines

We bought the property in 2013 (under 'environmental management zone' with the understanding that we would balance residential use with environmental values. Our DA was approved in 2014, and after spending every second of our spare time for 2 years, lovingly building it ourselves, we completed our self-sustainable off-grid home in 2018. Since then, it has been continuously occupied by ourselves, demonstrating that the primary use and strategic intention of the land under our ownership has always been residential. There is no evidence to suggest otherwise.



The proposed rezoning of our property to LCZ is fundamentally inconsistent with the provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) and the specific directives of the LPS Section 8A Guideline No. 1.

LCZ Guideline 4(a) explicitly states that the LCZ should not be applied where the land's "priority is for residential use and development." Furthermore, Section 12(1) of the LUPAA States "nothing in a provision of a planning scheme, or of the Tasmanian Planning Scheme, in relation to a municipal area is to be taken (including by virtue of requiring a permit to be obtained) to –

(a) prevent the continuance of the use, of any land... for the purposes for which the land was being lawfully used immediately before the provision came into effect

Our property, historically and currently, has a primary strategic intent for residential use.

The guidelines further clarify that LCZ is not intended for large residential lots "characterised by native vegetation cover and other landscape values."

Our property is currently zoned Environmental Living (ELZ).

LUPAA guidelines stipulate that LCZ is not a replacement for ELZ. The priorities of these zones are distinct: ELZ prioritizes living and permits dwellings, whereas LCZ prioritizes conservation, with dwellings being discretionary.

The Tasmanian Planning Commission (TPC) itself noted in correspondence with the Planning Authority that the LCZ "appears to have been used ...to replace ELZ", a policy or strategy shift which should be 'comprehensively justified'. Neither the draft LPS nor IreneInc's review has

provided detailed, site-specific reasons for changing our land's priority, basing their decision on general landscape values and rural settlement judgments without community input.

Inconsistency with LUPAA Objectives

The application of LCZ to our property directly conflicts with the overarching objectives of LUPAA, specifically Schedule 1, Objective (b), which aims for 'fair, orderly, and sustainable' land use.

Applying LCZ is inherently unfair as it removes permitted residential use and represents a net reduction in existing land use rights. This contradicts the principle of fair land use planning.

Many councils, including Kingborough in 2019, have recognized that LCZ can negatively impact property values, affect insurance and finance, and prevent future dwellings on empty blocks. This outcome does not align with the goal of sustainable development that supports communities to provide for their social, economic, and cultural well-being (clause 1 (a), Schedule 1 – Objectives).

The purpose of the statewide LPS was to bring consistency into planning schemes throughout Tasmania, however the clear majority of Tasmanian councils transitioning to the planning scheme have applied the LCZ sparingly or not at all. Only a few have used it moderately or heavily. Most councils (such as Tasman) directly translated ELZ to the RLZ. Irenelnc, however, chose to model their approach on three councils that applied LCZ heavily, which is an inconsistent and potentially biased application of the zone.

State planning provisions LCZ guidelines outline that LCZ has a 50-hectare minimum lot size, which demonstrates that the Landscape Conservation Zone is intended for large-scale landholdings. Applying this zone to significantly smaller parcels, including the majority of the properties in our settlement which are under 15 HA and as small as 0.96HA clearly does not align with its intended purpose or practical outcomes and is an unfair application.

Suitability of Rural Living Zone (RLZ)

We assert that the RLZ is the most appropriate zoning for our property, aligning perfectly with its characteristics and the strategic intent for the area.

RLZ Guideline RLZ 1(a) suggests that RLZ should be applied to residential areas with larger lots used for residential and lower-order rural activities, while prioritizing residential amenity. Our property fits this description precisely.

RLZ Guideline RLZ 2(b) states that RLZ may be applied to ELZ land where the primary strategic intention is for residential use in a rural setting and a similar minimum allowable lot size is being applied. Our property's size of 40 hectares aligns with RLZ-D, which is appropriate for lots exceeding 10 hectares. I also note that there is no maximum size lot in RLZ.

RLZ also accommodates the existing lot pattern in our locality, which includes properties ranging from 0.96ha to 40ha.

Flaws in Irenelnc's Evaluation Pathway

Irenelnc's evaluation pathway, including its decision tree and assessment criteria, exhibits significant flaws and biases that have led to an inappropriate zoning recommendation for our property and community.

As clarified at the review hearing [Kate Heckelmann, 05:53:00], the decision tree is a tool, not a rigid rule, and alternative approaches are permissible with sufficient evidence. Although we would like to demonstrate that even when applying the evaluation pathway correctly, our property meets the RLZ criteria rather than LCZ.

Strategic Intent for Living

Both the original LPS and Irenelnc's report lack clear definitions of "primary strategic intent." They have overlooked existing rural-residential settlements, historical land use, cultural attachment, community ties, and intergenerational living. Neither the Southern Tasmania Regional Land Use Strategy (STRLUS) nor the Kingborough Strategic Plan restricts rural living growth. Past land allocations, subdivision approvals, and development applications consistently demonstrate that residential use is the 'strategic intent' of [REDACTED]

The review for our locality Snug & Coningham is stated as generally meeting strategic intent for living.

Irenelnc's review also acknowledges that the Snug Falls community meets the 'strategic intent for living' due to 'evidence of residential uses scattered throughout'. However, it has largely denied Rural Living Settlement status, citing a 'lack of consistent subdivision pattern with lots of the size which would contribute to a rural living settlement'. This assessment is biased for several reasons:

It unduly favors smaller lot sizes, disregarding RLZ subcategories that limit subdivision of lots under 20ha and minimize development on larger lots through access and services requirements. It also ignores that there is no maximum lot size in RLZ.

The assessment only recognizes a 'consistent pattern' if it resembles urban cul-de-sacs or road clusters, thereby ignoring the natural siting of rural and lifestyle properties around topographical features, inherited large lots, or those purchased with future rural living in mind. In Snug Falls settlement (including Obriens and Palmers Rd) there is a clear pattern of large lot subdivision with 30 titles, 23 of which have residential dwellings and/or DA's or Plans drawn up for residential dwellings that have been structured around the topography of the land

The reliance on desktop analysis, which cannot see beyond tree canopies and often lacks on-the-ground insight, leads to subjective judgments about rural settlements. This short-minded

evaluation overlooks the fact that residents live just minutes from Snug Township, where we work, send our children to school, socialise, recreate, and support local businesses

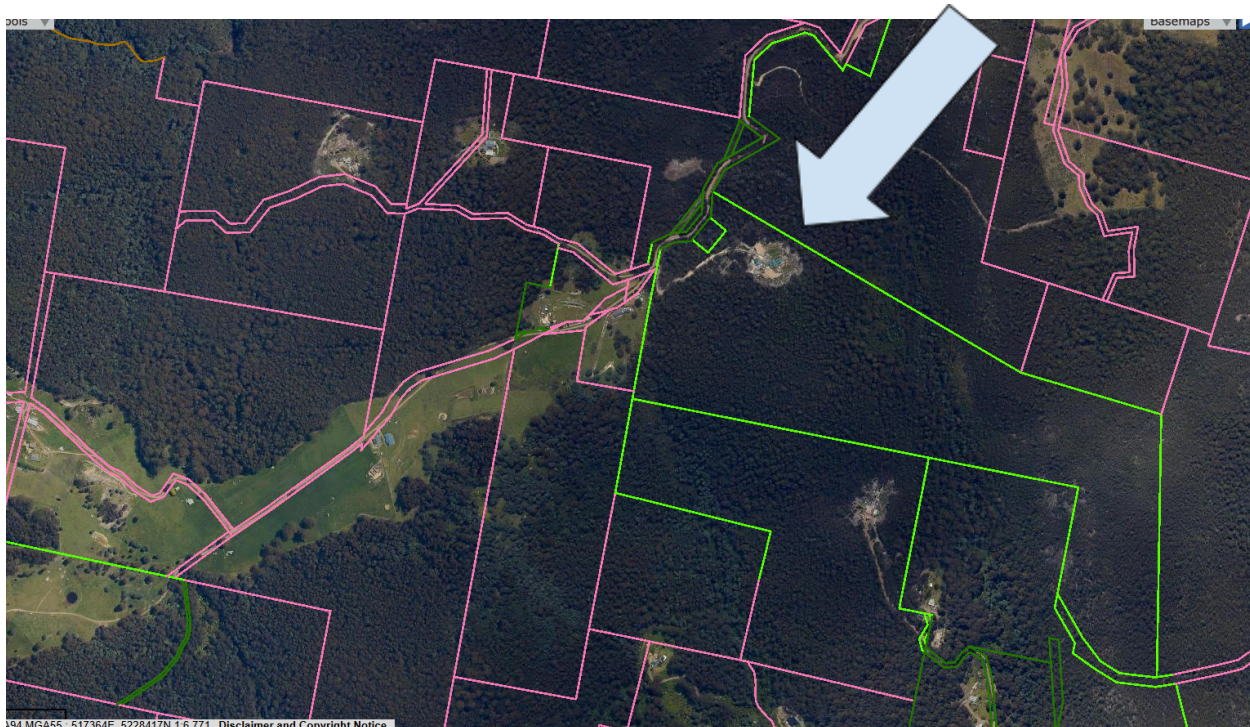
Community Representation and Characteristics of Snug Falls

Homeowners in our area strongly disagree with IrenelInc's narrow assessment. We can demonstrate that the Snug Falls community meets all three rural living settlement characteristics:

While our property is the largest of our community, there is "a clear pattern of at least 10 smaller blocks, generally between 1–15 ha, with a consistent lot pattern". The attached Map 1 shows our property among 29 others in [REDACTED] and surrounding roads with lot sizes from 0.96ha to 40ha, a pattern of residential use established since the mid-late 1800's . Properties can be managed by available RLZ lot sizes and overlays to minimize subdivision potential. Our settlement at Snug Falls also adjoins properties proposed for RLZ at [REDACTED] [REDACTED] and [REDACTED], and [REDACTED].

IrenelInc admits that a pattern of 'detached dwellings and outbuildings' is "generally met, as many lots have identified residences and cleared areas". As can be seen from the attached Map 2, dwellings and outbuildings are located on nearly every property in our community, including properties with development applications or strategic plans for living on empty blocks.

Our property, and others in the community, show clear visual evidence of rural activities such as cleared areas, grazing, animals, and gardens.





The Ireneinc report suggests Rural/LCZ split zones on multiple properties on Snug Falls and O'Brien's Rd, despite the TPS preference to avoid spot zoning. Would it not be more logical that the rural activity conducted at these properties, which is on a low level, forms part of an overall rural living community pattern?

Our community provides a significant free workforce to manage areas that join bush and town. We need to be able to continue to mitigate natural disasters, care for native species, maintain trails and fire access, and remove invasive pests. Not only are these activities at risk within LCZ but the financial loss and limitations applied on property owners will leave more and more of these lots being left vacant, and then who does the onus of continuing these efforts fall onto?

We have proven with historic use that we can protect and care for the land on our own. Assuming LCZ is the only way to protect "landscape values" ignores the existing land management, bushfire mitigation efforts, biodiversity initiatives, and conflicts with the intent of the evaluation pathway of balancing landscape protection with existing land use.

Assessing Landscape Values and Lack of Consultation

The STRLUS CV 4.1 states that community consultation should determine landscape values. IrenelInc admitted in review hearings that they did not conduct such a consultation. This renders the assessment of whether properties meet 'landscape values' entirely based on the Planning Authority's subjective judgment.

We are yet to receive a definition of Kingborough Council's idea of 'landscape values' beyond "natural values in land", "viewpoints from different perspectives", and "values it adds to the landscape".

IrenelInc's reliance on dictionary terms like 'hilly places' and 'bushland,' and a focus on tree-centric descriptions (e.g., 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are ... nestled into vegetation,' and 'bushland backdrop') forms the main basis for our locality's landscape values. This overlooks the value of other features crucial for a healthy rural or biodiverse landscape, such as waterways, fields, foraging areas, and varied terrain (grasslands, clearings, open areas, trails). Such diversity is vital for species habitat and aligns with our communities' preferences for varied scenery, including homesteads, paddocks, and domestic animals.

The report implies that "built form" is secondary to "natural landscape" and that lots in the bushland "contribute" to the "area's natural values." As residents of Snug Falls, we can verify that we did not purchase our land to add to Kingborough residents and visitors' landscape, but because we value the lifestyle living rurally brings to our family.

Describing dwellings and large lots around topography as 'scattered' implies a lack of strategic planning or intent, which is untrue. The attached Map 2 demonstrates clear intent and logic in property placement.

Codes and Overlays

In their S35F report, Kingborough council states that applying the Rural Living zone to rural residential areas **may** "risk that the predominant land use pattern and characteristics of the area could be eroded over time...". This ignores the long-standing rural nature of the area and the fact that rezoning to LCZ would significantly restrict ongoing private land use, **absolutely guaranteeing** a change in "character and amenity".

The report notes a "medium/high" risk of RLZ uses in this locality but doesn't specify what those risks are, how **likely** they are considering the topography, vegetation, and existing settlement patterns, or whether they could be managed through overlay codes, SAPs, or other mechanisms. At the review hearings, Kate Heckelmann admitted she could think of **no land uses** that would impact landscape values that aren't already managed by building codes or

overlays and acknowledged that future reviews could reconsider RLZ decisions, and that any short-term risks could be mitigated.

In their submission of the Irenelnc report to the TPC, elected counsellors (acting as the Planning Authority) stated that where there was another viable option for zoning, they had a high risk appetite, and that LCZ should not be applied. This supports the case that RLZ is appropriate for my property and that overlaps through stricter zoning isn't necessary because landscape "values can be appropriately **managed through the application and operation of the relevant codes**" (Kingborough LPS guidelines, RLZ 4b).

Also addressed at the hearing - "LCZ is not for managing vegetation -that is the role of the Natural Assets Code," which applies to all properties. Irenelnc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify. Therefore, large areas of bushland and vegetation alone do not justify LC zoning.

Despite the codes being adequate to protect the "landscape values" of ours and surrounding properties, the overlays have been broadly applied with no individual considerations made for each property.

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. Even Irenelnc admits that in the locality "bushland, landform, and ridgeline features ... remain visually intact," and the reality is that the siting of almost all homes on [REDACTED] cannot be seen from any or many vantage points, and where they can be, the scenic protection overlay will continue to protect these landscapes.

Channel Highway Central and Lower Snug



Channel highway Kettering and Kettering Jetty



Priority Vegetation overlays have been determined by a desktop assessment to identify landscape or environmental features. We have evidence-based and ground-truthed reports done on our individual property to prove that this assessment is misapplied.

Implications of LCZ

We are hugely concerned about the implications that the LC zoning will bring upon our land, and the effects it will have on ours, our children's, and the neighbouring families' livelihoods.

LCZ places restrictions on the ability to continue reasonable use on our land as intended, and unfairly results in a net reduction in landowner rights.

We oppose the uncertainty of future use that stems from discretionary decision-making. The LPS was developed with the purpose of bringing the state onto a fair and consistent planning scheme. However, the word discretionary contradicts this entirely and leaves decision-making vulnerable to individual or group opinions and biases rather than a structured set of rules.

We have already seen the impacts of LCZ in communities, resulting in loss of property values and future financial security. Under the **Land Acquisition Act 1993, Section 24**, it states: "An owner of subject land whose estate in the land is taken, either wholly or in part, under this Act is entitled to compensation." If our rights to use, develop, or sell our assets are being restricted or removed, then the question is raised, "Where is the offer of compensation?"

Conclusion

In light of the inconsistencies with LUPAA guidelines and objectives, the clear suitability of the Rural Living Zone, the demonstrable flaws in Irenelnc's report and recommendations, as well as the implications LC zoning will have on our livelihood, we strongly urge the Tasmanian Planning Commission to reject the proposed LCZ zoning for [REDACTED] and instead apply the appropriate Rural Living Zone.

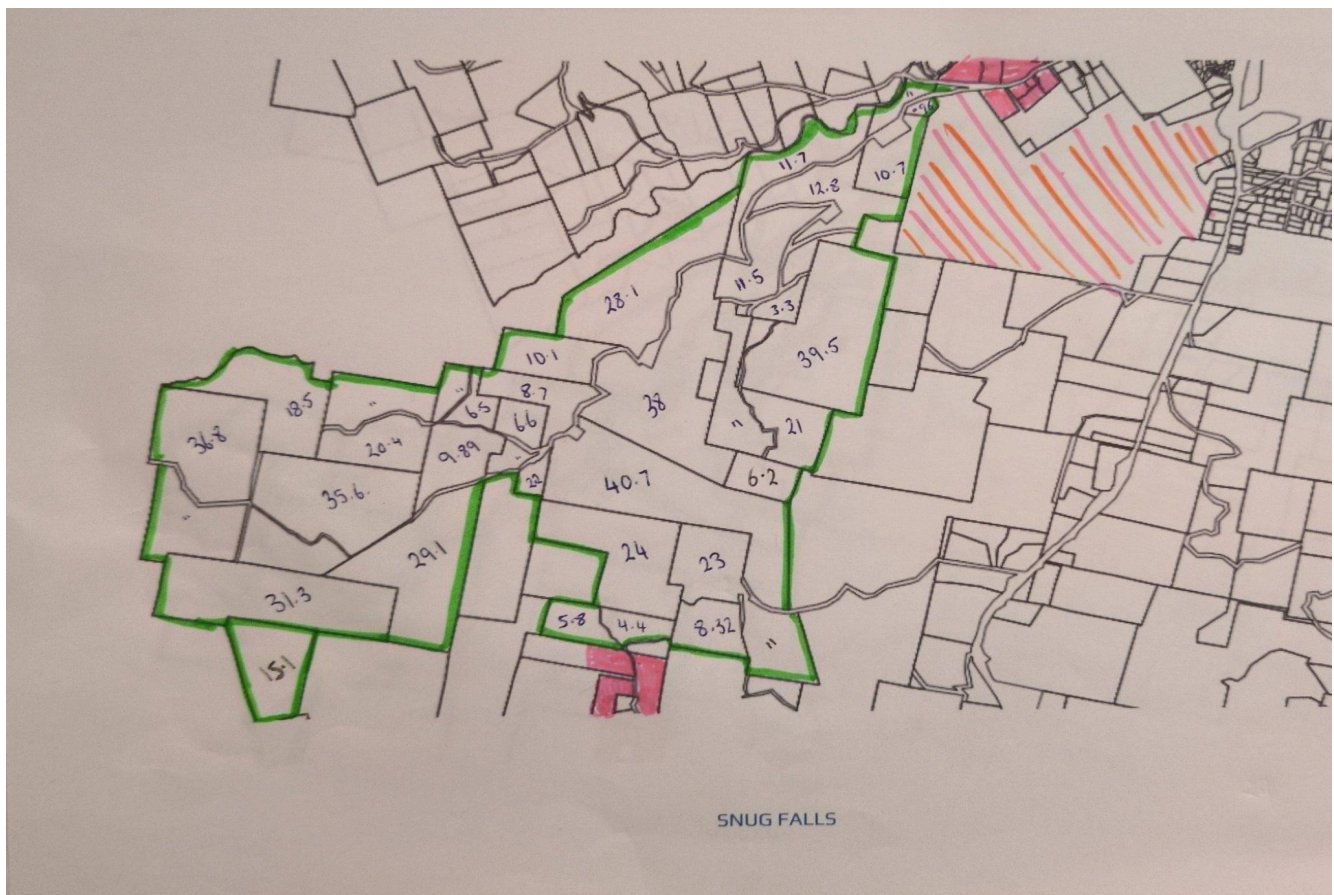
We are prepared to present comprehensive evidence and further reasoning at the upcoming hearing to substantiate these claims.

Sincerely,

Mathew Muskett

[REDACTED]

Map 1 - Rural Living Settlement and Lot Sizes



Map 2 - Residential Dwellings or Strategic Intent to live within our Rural Living Settlement

