

G25 April 2026

To the Tasmanian Planning Commission

Your Reference: DOC/26/36829

Owners: Owen Geoffrey Whitton

Property Address: [REDACTED] MARGATE

Title Reference (folio): [REDACTED]

Lot Size (approx): 16.97ha

Locality: Margate/Electrona

Current IPS zone: Environmental Living

Draft LPS exhibited zone: Landscape Conservation Zone (LCZ)

Ireneinc recommended zone: Landscape Conservation Zone (LCZ)

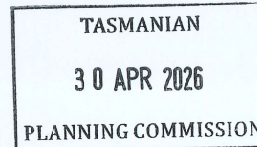
Zone sought in this submission: Rural Living Zone D (RLZ D)

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

I did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission regarding the draft LPS. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process.

I understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite me to discuss the matters raised.

As a precursor to my submission, it should also be noted that I 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 \(LUPAA\)](#).

I submit as follows:

I purchased my property in 1983.

Previously to the 1967 bushfires, it had been part of the extensive small fruits farm worked and inhabited by the Minehans since the late 19th century. There were also small sawmills located in the adjacent area, where saw logs from this property and surrounds were milled.

Extensive fencing was done in later years that facilitated the keeping and farming of cattle on this property and in the surrounding area.

This land is not merely a scenic backdrop to be managed primarily for conservation. It is my history and it is my home. It is lived-on country with an established rural-residential function. It has been a place of refuge and community and through my environmental stewardship has become the ecological asset it is today.

At the time I purchased it, most of the land was small, Eucalypt regrowth. I have chosen to selectively keep some areas from regeneration to be used for rural activities as well as areas of fuel reduction to protect my buildings from wildfire. There is also an established orchard with fruit trees and a vegetable garden.

As well as the above, this property has a very large area of Eucalyptus regrowth, essential for carbon retention in these times of carbon pollution. Most large properties in this area have the same resource and, it should be noted, that the lack of the creation of an active Carbon Credit system for these zonings is a disappointment both to me and my neighbours. The TPC should in its wisdom be providing this facility for land holders being continually put in a position of doubt as to the value of their properties' assets!

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 cannot be replaced by council staff or State Parks and Wildlife service.

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.

I was, until recently, unaware of the scope and potential effect of the proposed zoning changes that would affect my property. The subsequent psychological strain, uncertainty and worry that this potential rezoning has placed on me cannot be underestimated.

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.

I 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 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, Van Morey Road 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. I 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 Ireninc 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].

My 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.

The RLZ cluster (the lower half of [REDACTED] and a large portion of the Nierinna area), which begins a few hundred metres down the road from my 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. I 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 my close neighbours 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.

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

1. the property's long-established rural-residential use by me since 1983;
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.

I respectfully request that the Commission:

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

Signed:

Date:

[REDACTED]

27-04-2026

Owen Geoffrey Whitton

Attachment A - KINGBOROUGH LPS - INCONSISTENCY ANALYSIS PER LOCALITY

MARGATE & ELECTRONA (Channel Region)

MARGATE & ELECTRONA Margate & Electrona (RLZ cluster) — Outcome: (LCZ-Van Morey Road) — RLZ

Outcome: LCZ retained

Ireneinc landscape value description	Van Morey Road: '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 — Van Morey Road 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 Van Morey Road; less consistent pattern	2-7ha — consistent with RLZ C
SPA coverage	YES — significant SPA coverage on Van Morey Road elevated areas	Partial — same general area
PVA/NAC overlay	Yes	Yes
Risk rating applied	High (Van Morey 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