
From: Andree Simpson <[REDACTED]>
Sent: Tuesday, 28 April 2026 7:24 PM
To: Kingborough LPS
Subject: CM: Submission - Kingborough LPS Direction 69 - [REDACTED] Gordon 7150
Attachments: Caroline's Contest_LCZ_Seek_RLZ.docx

For the Attention of those Concerned,
Please find attached the file for the following:

Submission: Kingborough Draft LPS and subsequent Ireneinc Report recommendations for:
Title [REDACTED]
[REDACTED], Gordon, TAS. 7150
Objection to Proposed Zoning

I would appreciate confirmation, to **both** the below emails, that this email has been received.

[REDACTED]
and
[REDACTED]

Kind regards
Caroline McGregor

For the attention of: TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

27th April 2026

Submission: Kingborough Draft LPS and subsequent Ireneinc Report recommendations for:

Title [REDACTED];
[REDACTED] Gordon, TAS. 7150

Objection to Proposed Zoning

PART A

To the Tasmanian Planning Commission,

I write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends my property remains 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.

I take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Landowner name(s)	Caroline McGregor
Property address	[REDACTED]
Title reference (folio)	[REDACTED]
Lot size (approx.)	25ha
Locality	Gordon

Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone - unchanged
Zone sought in this submission	Rural Living Zone - D

PART C — STATEMENT OF POSITION

I submit that the application of the Landscape Conservation Zone (LCZ) to my property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone D (minimum lot size 10 ha) — appropriate where lot sizes exceed 10 ha and no further subdivision is intended

PART D — GROUNDS FOR THIS SUBMISSION

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary use and strategic intention of the land is and has always been residential.

The property contains a dwelling constructed approximately 104 years ago, and has been continuously occupied as a residence. There is also an outbuilding, two sheds, water tanks, established gardens and a chook shed. The property is connected to the grid, with single and 3 phase power. There is no evidence to suggest the primary use is other than residential.

D1.2 — The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for my property. The Ireneinc report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title.

The majority of my property is invisible to the areas of the Channel Hwy/Channel waterway as it sits deep in the valley. During Day 20 of the Commission hearing, the Ireneinc report shows a visual mapping on the screen (4:02:43). A large area of "green value" (seen heading south on the Channel Hwy from Middleton) includes the south side of Dulcia and Websters rds, which have been allocated RLZ and of which there is no visibility of the majority of the property at [REDACTED].

D1.3 — The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

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 description accurately characterises my property.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the 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 allowable lot size is being applied. My property satisfies both elements of this criterion.

My property has an area of 25ha. This is consistent with the RLZ-D minimum lot size of 10ha. Due to the lay of the land, council access road and the overlays already in place, further subdivision would not be deemed possible.

D2 — The Ireneinc evaluation framework, applied correctly to my property, supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00]. Representations can depart from it with good evidence. However, I submit that even applying the framework as intended, my property satisfies the criteria for RLZ rather than LCZ.

D2.1 — My property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators. My property clearly satisfies this criterion.

As previously mentioned, my property contains a dwelling, outbuilding, two sheds, water tanks, cleared areas, established gardens, a chook shed and fencing. Aerial photography over a period of approximately 65 years confirms the consistently residential character of the property.

D2.2 — My property has the characteristics of a rural living settlement

The Ireneinc framework identifies rural living settlement characteristics as: 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 (cleared areas, hobby farming, grazing etc.). The Ireneinc report's own locality baseline confirms that the broader settlement in which my property sits displays these characteristics.

My property is situated in an area on [REDACTED] which is made up of approximately 16 residential properties (including adjoining properties on Massey st), ranging in size from approximately 1 – 15ha. The settlement pattern is consistent and has been established for close to 100 years. Neighbouring properties contain detached dwellings with associated rural activities including hobby farming and grazing.

D2.3 — The identified landscape values can be managed outside of LCZ

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, 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 (SPA). It is subject to the NAC/PVA overlay. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.

D2.4 — The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision'. Subdivision of my property, under the RLZ – D subcategory I am seeking, would be significantly constrained due to the lay of the land, overlays and council road access to date, addressing any concern about intensification.

D3 — The TPC panel's own statements support RLZ for properties like mine

The following exchanges from the Day 19 and Day 20 TPC hearings directly support the argument that the RLZ is more appropriate than the LCZ for my property. These statements were made by TPC Commissioners and are on the public record.

D3.1 — The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by its application in any individual case and must assess my property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

D3.2 — Risk ratings are judgement calls, not defined thresholds

At Day 20, the low/medium/high risk ratings applied by Ireneinc to LCZ recommendations were described as judgement calls, not defined thresholds. Ireneinc's position was that these ratings are a rule of thumb only [Day 20 guide]. The Commission has not yet determined what weight to give these ratings. Where the risk rating applied to my locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

Applying the less restrictive RLZ – D to my property does not render it as a high risk to over development. The sheer idea that it could become used for large scale farming today is ludicrous. For one thing access along the council road would never allow it, which also goes for any possibility of mass tourism development, a service station, housing lots etc.

D3.3 — Visible rural activity is not required for RLZ

The TPC panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This was applied consistently across multiple localities including Howden, Albion Heights, and Kingston West [Day 20 guide]. Properties need not demonstrate active farming or grazing to satisfy the RLZ criteria — residential use in a rural setting is sufficient.

D3.4 — Analogy to accepted RLZ localities

The Ireneinc report recommended full ELZ to RLZ transitions for a number of localities, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission. The characteristics of those localities — established residential settlement, lots generally between 1 and 15 ha, mixed residential and rural activities, limited evidence of significant landscape values requiring LCZ protection — are shared by my property.

D4 — Consistency and fragmentation arguments

D4.1 — Fragmented LCZ application should be resolved in favour of the surrounding zone

The Ireneinc report itself identifies avoidance of fragmented LCZ application as a key principle. The report notes that areas where only 2–3 LCZ-zoned properties are surrounded by Rural Zone (RZ) or RLZ land should be modified to resolve the fragmentation. Where my property is located within or adjacent to an area predominantly zoned RLZ or RZ, the application of LCZ creates exactly the kind of spot-zoning that the Ireneinc framework seeks to avoid.

My property is surrounded to the north (on the compass), over a ridgeline, by most properties being RLZ. To the east (on the compass), below us, all properties are RLZ. And to the south (on the compass), most properties are RLZ and Low density residential. The application of LCZ to my property, and my neighbour above, creates a fragmented pocket of LCZ within a predominately RLZ.

D5 — Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a significant evolution — and inconsistency — in Council's approach to the application of the LCZ to ELZ land. At the time the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC noted that this approach was often inconsistent with the Zone Guidelines and that 'often when assessing particular sites the zone proposed does not seem to match these criteria or those of Guideline No.1.' By the time of public exhibition the proportion had been reduced to approximately 75%, with the balance transitioning to RLZ, RZ, and other zones.

This history demonstrates that the initial presumption in favour of LCZ was not well-founded and that the LCZ application has been progressively narrowed as the evidence base has been tested. The Ireneinc report represents a further iteration of this process, but where the evidence specific to my property supports RLZ, the LCZ recommendation should not be allowed to stand.

D6 — Any landscape values present can be managed without LCZ

Where landscape values are present on or near my property, I submit that they can be appropriately managed through the application of the relevant overlay controls, without the need for LCZ. The TPC panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas.

Ireneinc itself acknowledged in the LCZ Review report that a future rural living settlement review may reconsider current RLZ decisions, and that any short-term risk is 'not something that's a definitive or a risk that can't be mitigated with future action' [Transcript, 03:06:18]. This acknowledgement of residual risk mitigation further supports the appropriateness of RLZ rather than LCZ for my property.

My property is within the SAP, PVA overlay, and subject to the NAC. The Specific Area Plans (SAP) manages development density and aims to maintain vegetated backdrops. The Priority Vegetation Areas (PVA) ensures vegetation removal is minimized and any subdivision design accounts for environmental values. The Natural Assets Code regulates development with high natural values including biodiversity, waterways and coastal areas., It requires detailed assessment for development.

Removing the LCZ and replacing with the RLZ – D will not remove these overlays, but will remove the life changing and damaging restrictions that come with the LCZ.

PART E — LOCALITY-SPECIFIC CONTEXT

Locality Name: Gordon

Ireneinc recommendation for this locality: The Ireneinc report appears to recommend RLZ for the majority of established residential areas in Gordon, except for 3 property's at the top of the [REDACTED] [REDACTED]....one with existing dwelling; one with building approval in place and one with shack.

Specific landscape value statement: While the Ireneinc report claims Gordon is made up of mixed settlement, with historically shack type patterns and holiday houses predominantly (3:53:53), I believe this to not be the case. Gordon is, and has been established as a rural living area for at least the past 65 years or more. Mine, and my neighbours adjoining property (originally the [REDACTED]'), has been inhabited/in use in numerous ways for the past 100 years, and only for the fact that people have been using and caring for the land, does it present as it does today...free of rubbish, environmental weeds and logging activity. In 2024 a building approval for a dwelling and shed was granted to my neighbours, with building to commence in 2026.

Transitioning from ELZ to RLZ-D will ensure both mine, and their property, stays well cared for, for years to come. A LCZ zoning will likely lead to a detrimental devaluation of the land, and subsequent future decline.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The application of the LCZ to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for my property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

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

I request that the folio of the Register [REDACTED] at [REDACTED], Gordon 7150, be included within the Rural Living Zone in the Kingborough Local Provisions Schedule.

On a final note, may I express my gratitude to the Commission for allowing me this opportunity for representation. I am neither a planner nor lawyer and the lack of appropriate communication from our council has meant I have needed to invest significant time, and endure much stress, in trying to decipher and understand this issue, and 'catch up' on proceedings. I am making this representation in the hope of arriving at a zoning outcome that actually reflects the property I own, and is in line with surrounding properties.

Signed:	Date:
Caroline McGregor	27 th of April, 2026
_____	_____
Full name: Caroline McGregor	Contact email / phone:
	[REDACTED]
	and
	[REDACTED]