
From: J Mag <[REDACTED]>
Sent: Thursday, 23 April 2026 8:23 PM
To: TPC Enquiry
Cc: Peter Magill
Subject: CM: Submission - Kingborough LPS Direction 69 - [REDACTED] Oyster Cove
Attachments: Accept RLZ.pdf

To the Tasmanian Planning Commission,

Please find attached our submission accepting Rural Living Zone inclusion in the Kingborough Local Provisions Schedule, rather than remaining in the Landscape Conservation Zone as exhibited for our property -

Title: [REDACTED]
Address: [REDACTED] Oyster Cove.

Yours

Peter and Judith Magill

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

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) as exhibited.

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. 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)	Peter Noel Magill and Judith Lucia Magill
Property address	██████████, Oyster Cove
Title reference (folio)	██████████
Lot size (approx.)	6 acres/2.46 hectares
Locality	Kettering East and Oyster Cove
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Living Zone (RLZ) — subcategory B
Position in this submission	Accept RLZ — support and argue correct 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 our property; and (3) ensure the Commission does not revert to LCZ at the final determination stage.

RLZ Subcategory

The RLZ has four sub categories with different minimum size lots. 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 B (minimum lot size 2 ha) — the existing lot pattern in our locality is consistent with lots of approximately 2–5 ha

Properties in this area average 2.12. Our land is 2.46 hectares. This fits into RLZ B which has a minimum size of 2 hectares. Applying RLZ B to our property would not allow more subdivision which reflects the existing settlement pattern.

PART D - 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.

Our property contains a house, large shed, small orchard and vegetable garden with surrounding bush.

D1.2 - Zone Guidelines 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.

Our property has been primarily a residence since 1993. Our land is 2.4 hectares which is consistent with sub category B and has no subdivision potential.

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.

The Ireneinc Locality Report for Oyster Cove confirms lots ranging between 2-5 ha with residential development dispersed and low density, “ with generous lot sizes and dwellings generally set within native vegetation.” Our property supports the application of RLZ B.

D2 - Property-specific evidence supporting RLZ

D2.1 - Established residential settlement

The Ireneinc framework identifies the following as indicators of rural living settlement characteristics: 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 of these characteristics.

Our cluster of properties on Balleny Drive are all around the same size, each with a dwelling and outbuildings. It has been settled since 1987.

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) do 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 2 ha means that subdivision of our property would not be possible, consistent with the intent of Zone Guideline RLZ 2(b) which contemplates applying RLZ D (10 ha minimum) to prevent further subdivision where appropriate.

D3 - The LCZ should not be reinstated

While we support the RLZ recommendation, we are concerned that the Commission may revert to LCZ rather than adopting Ireneinc's recommendation. We place the following matters on the record:

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 here, the Commission should adopt it.

PART E - LOCALITY- SPECIFIC CONTEXT

Locality name: Kettering East, Oyster Cove

Ireneinc recommendation for this locality specified RLZ subcategory B for our property. We agree with this recommendation because it has the necessary codes to cover any concerns about future development in this area.

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 does not allow 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 subcategory.

We respectfully request that the Commission:

- Adopt the Ireneinc recommendation and include our property within the RLZ subcategory 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 request that the folio of the Register [REDACTED], at [REDACTED], Oyster Cove, in the Kettering East/ Oyster Cove locality, be included within Rural Living Zone B in the Kingborough Local Provisions Schedule consistent with the Ireneinc recommendation.

Signed:	Date: 23/4/2026
Peter Noel Magill and Judith Lucia Magill	[REDACTED] [REDACTED]