
From: Kim Talbert [REDACTED]
Sent: Monday, 4 May 2026 4:00 PM
To: Kingborough LPS
Subject: Kingborough LPS - multiple submissions
Attachments: Adrian and Kim Phillips Kingborough LPS.pdf; John Talbert Kingborough LPS.pdf; David Talbert Kingborough LPS.pdf; Talbert Phillips - Group Submission.pdf

Good afternoon,

I am forwarding submissions on behalf of myself, my father John Talbert and my brother David Talbert

I hope that it is ok to attach them here together, rather than sending multiple emails.

There are 4 attachments

1. Submission from Adrian and Kim Phillips regarding [REDACTED], Margate
2. Submission from David Talbert, regarding [REDACTED] Gordon [REDACTED])
3. Submission from John Talbert, regarding [REDACTED], Gordon on 3 titles
4. Group submission from us as a group, regarding the 4 properties at Gordon.

Kind regards
Kim Phillips
[REDACTED]

WRITTEN SUBMISSION TO THE

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 previously made a representation on the draft LPS. We understand that our representation has not yet been heard and will be heard at a future hearing. We understand that this letter provides us the opportunity to make a further written submission in relation to the Ireneinc recommendations, and that we may speak to this submission when we appear before the Commission. We take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Landowner name(s)	Adrian Phillips and Kim Phillips (nee Talbert)
Property address	██████████, Margate
Title reference (folio)	██████████
Lot size (approx.)	2.1ha
Locality	Margate
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 – preference for RLZ-A

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.

We purchased this property as vacant land in 2003. Triangular in shape, our property has dual access with the top corner fronting Jamiesons Road and the lower corner fronting Fehres Road.

When purchased, our property had mixed zoning – Primary Production / Environmental Management.

We completed building our home in 2008 and have been living here ever since, raising pigs, planting fruit trees and more.

We have long term plans to build a granny flat and look towards intergenerational living in the future to provide for our two sons. We intentionally purchased on the outskirts of Kingston, with the expectation that development would eventually reach our area, given our close proximity to central Kingston. In recent years we have watched the Spring Farm subdivision bring development as close as Maddocks Road. The most recent expansion of the Huntingfield subdivision is within a km or so of our property.

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 table below summarises the options:

Subcategory	Min. lot size (acceptable solution)	Performance criteria	Typical use context
RLZ A	1 ha	8,000 m ²	Smaller rural lots with established residential settlement
RLZ B	2 ha	1.4 ha	Medium-sized rural residential lots, some subdivision potential
RLZ C	5 ha	4 ha	Larger rural residential lots, limited subdivision
RLZ D	10 ha	8 ha	Large lots, ELZ transition where no further subdivision intended

The subcategory we seek for our property is:

- Rural Living Zone A (minimum lot size 1 ha) — there is a mixture of lot sizes along the length of Fehres and Jamiesons Roads, out of 26 properties, 12 are less than 2.5ha and 9 are 4ha or less.
- Our property is 2.13ha, consistent with both RLZ-A and RLZ-B. Given our close proximity to other 1ha properties along both Fehres Road and Jamiesons Road, we believe RLZ-A is appropriate.

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.

We have lived here since building in 2008 with several outbuildings – a large workshop, shipping container storage and music studio.

We are surrounded by neighbours also living on their properties with gardens, outbuildings, livestock and other rural activities taking place.

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 the current 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. My preferred subcategory — RLZ A — reflects the existing lot size pattern in my locality.

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. My property and the surrounding settlement display all of these characteristics.

There are 26 residential properties along Fehres Road and Jamiesons Road, varying in size from 1ha to 12ha. Almost half of these properties are less than 2.5ha in size.

The attached screenshot from thelist.tas.gov.au helps to illustrate the settlement pattern for both Fehres and Jamiesons Roads, while also highlighting our proximity to the Spring Farm and Huntingfield subdivisions.



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 Hearings 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 my property can be managed in this way.

Our property is within a Scenic Protection Area. The Natural Assets Code applies to native vegetation on my title. The combined effect of these overlay controls and the RLZ minimum lot size provides adequate management of any landscape values without the need for LCZ.

D2.3 — Limited 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 I am seeking addresses this risk directly. Under RLZ A, the minimum lot size of 1 ha means that subdivision of my property would produce a single additional lot.

D3 — The LCZ should not be reinstated

While I support the RLZ recommendation, I am concerned that the Commission may revert to LCZ rather than adopting Ireneinc's recommendation. I 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 my 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 my 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 Hearings 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 I urge it to do so.

PART E — PRIORITY VEGETATION AREA

The Priority Vegetation Area overlay was proposed over the entire title in the exhibited draft LPS under the Natural Assets Code, carrying forward the Biodiversity Protection Area that applied under the Interim Scheme.



Figure 1. Proposed priority vegetation code overlay



Figure 2. TASVEG overlay

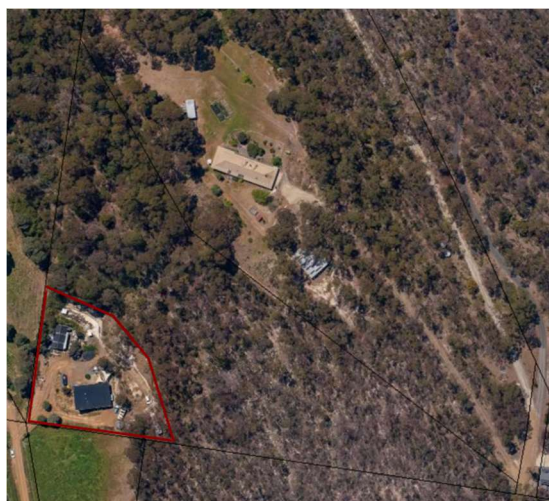


Figure 3. Proposed Priority Veg exclusion area

The Biodiversity Protection Area was subject to a transitional provision declaration issued by the Minister for Planning under Schedule 6(8D) of the Land Use Planning and Approvals Act 1993, which deals with code-applying provisions including overlays and maps. As a consequence, the overlay as transitioned could not be the subject of representation during the LPS exhibition process.

Both the Interim Scheme and the State Planning Provisions exempt landscaping and vegetation management within a private garden from the relevant code provisions, where the vegetation is not otherwise protected by legislation, a permit condition, an agreement made under section 71 of the Act, or a covenant. This exemption applies regardless of whether a Priority Vegetation Area overlay is mapped over that land.

Guideline No. 1 provides the following criteria for application of the Priority Vegetation Area overlay:

NAC 7 The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the LIST.

NAC 8 For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas as published DPIPWE's website and available on the LIST.

NAC 9 In applying the priority vegetation area overlay for threatened flora species, the overlay map may include an area that around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority

NAC 10 For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat should be based on the threatened fauna data from the Natural Values Atlas, as published on DPIPWE's website

NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:

- (a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or*
- (b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above*

Given the effect of these exemptions, it is submitted that the Priority Vegetation Area overlay serves no operative purpose over the portion of the title comprising the private garden area around the dwelling.

Retaining the overlay over the garden area does not advance the objectives of the Natural Assets Code and creates unnecessary regulatory ambiguity for the landowner.

It is therefore submitted that the overlay should be removed from no less than the area identified by the red outline on Figure 3, with removal from a greater extent of the title also open for the Commission's consideration.

Because the overlay derives its status from the transitional declaration under Schedule 6(8D), any modification cannot be achieved through representation alone. However, the Commission's powers under section 35KB of the Act to direct substantial modifications as part of its decisions on the Local Provisions Schedule operate independently of the constraints on representation. It is submitted that this is the appropriate mechanism, and that the Commission has the power to act accordingly.

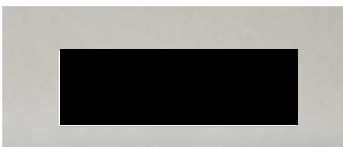
PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The Ireneinc recommendation to include my 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 my 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 my property is RLZ A, which reflects the existing pattern and density of development in my 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 subcategory.

I respectfully request that the Commission:

- Adopt the Ireneinc recommendation and include our property within the RLZ-A 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.
- Review the application of the Scenic Protection and Priority Vegetation overlays per our original submission

Signed: 	Date: 30/04/26 Contact email / phone: 
Full name: Kim Phillips	