
From: [REDACTED]
Sent: Saturday, 2 May 2026 2:16 PM
To: Kingborough LPS
Subject: Re: Tasmanian Planning Scheme Kingborough draft Local Provisions Schedule (LPS)

Terence Christopher O'Regan

Maryann O'Regan

[REDACTED]

Margate

Tasmanian Planning Commission

Email: KingboroughLPS@planning.tas.gov.au

2 May 2026

Re: Tasmanian Planning Scheme Kingborough draft Local Provisions Schedule (LPS)

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, however I understand that the Commission has received correspondence from me or on my behalf in relation to the draft LPS. I understand that this letter provides me the opportunity to formally participate in this stage of the LPS process by making a written submission. 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.

Landowner name(s)	Terence Christopher O'Regan and Maryann O'Regan
Property address	██████████.
Title reference (folio)	██████████
Lot size (approx.)	2 Hectares
Locality	<i>Margate</i>
Current IPS zone	<i>Environmental Living Zone (ELZ)</i>
Draft LPS exhibited zone	<i>Landscape Conservation Zone (LCZ)</i>
Ireneinc recommended zone	<i>Landscape Conservation Zone (LCZ) — unchanged</i>
Zone sought in this submission	<i>Rural Living Zone (RLZ) — specify subcategory below</i>

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 B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

The predominant lot size in [REDACTED], ie [REDACTED], [REDACTED], [REDACTED], [REDACTED] and surrounds, is approximately 3 ha, consistent with RLZ [B].

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.

There is also locality-level evidence that the current LCZ pattern around [REDACTED] is not beyond reconsideration. In Council's 35F report, the broader area including Hickmans Road, Longmans Road, Petterd Road, Old Bernies Road, Valley View Road and Van Morey Road was specifically identified as an area where Council proposed the Kingborough Bushland and Coastal Living Zone as an alternative to the LCZ. This is important because it shows that Council itself has accepted that, in this locality, LCZ may not be the only or best planning response. Once that door is open, there is a strong basis to consider whether a genuinely established rural-residential property in this setting should instead be recognised through RLZ.

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 \(LUPAA\)](#).

The STRLUS CV 4.1 states that **community consultation** should determine landscape values. IreneInc admits in review hearings that they didn't consult. This means the assessment of whether properties meet 'landscape values' is now entirely based on the Planning Authority's judgment.

IreneInc's choice of dictionary terms 'hilly places' and 'bushland,' and focus on tree-centric descriptions, i.e.: 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are ... nestled into vegetation,' and 'bushland backdrop' are the main basis for our locality's landscape values. This overlooks the value of other features like waterways, fields, foraging areas, and the importance of varied terrain (grasslands, clearings, open areas, trails) for different species habitat. Such diversity is vital for a healthy rural or biodiverse landscape and aligns with evidence that people prefer varied scenery, including homesteads, sheds, and domestic animals.

The lack of consultation and reliance on terminology that favours the Planning Authority's narrow definition results in a flawed or biased assessment:

1. Large areas of bushland and vegetation alone do not justify LC zoning. As confirmed at the TPC review hearing on 14/4/26, "LCZ is not for managing vegetation—that is the role of the Natural Assets Code", which applies to all properties. IreneInc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify.
2. Describing dwellings and large lots around topography as 'scattered' implies no strategic planning or intent, which is untrue. You can see on the attached map b that there's overwhelmingly strategic intent for living.
3. Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, as set by development criteria) is worded in the report as though this is a choice or evidence that OUR preference was conservation over living: "integration of residential use ... is largely within a small proportion of a parcel", "the remaining natural setting reinforces the area's natural values".

4. Owning private property in natural settings doesn't mean residents prioritise landscape conservation over residential amenity. IreneInc implies this repeatedly, both in review references to "built form" being "secondary to the natural landscape" and, in hearings, that lots in bushland reinforce or "contribute" to the area's "natural values". Margate Hills, ie Van Morey Road, Peterd Road, Valley View Road, Old Burnies View and surrounds, residents purchased homes in natural areas because they **value the contribution this makes to their Rural Living**, not to add to Kingborough's undefined scenic or "landscape values".
5. IreneInc relied on overlays in a desktop assessment to identify landscape or environmental features across the locality, ignoring the challenges of topography and identifying these (i.e., through the tree canopy) by aerial images alone. Evidence-based alternative reports or maps of individual properties' natural settings are needed.
6. 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 IreneInc admits that in the locality "bushland, landform, and ridgeline features ... remain visually intact," and the reality is that the siting of homes on Margate Hills, ie Van Morey Road, Peterd Road, Valley View Road, Old Burnies View and surrounds, means they cannot be seen from these vantage points.

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 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 (SPA) and has a Biodiversity overlay, under the new plan, it will remain within an SPA also have a Priority Vegetation overlay. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ. [provide relevant map and/or evidence or remove]

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 Van Morey and Old Bernie's Roads and a large portion of the Nierinna area) which connects to our 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 neighbours directly over the road who are zoned to remain RLZ.

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

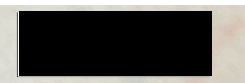
1. the property's long-established use for rural activities since 1983;

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 at [REDACTED] [REDACTED] Road, Margate within the Rural Living Zone C; and that
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

Signed:

A rectangular area containing a redacted signature, appearing as a solid black box.

Date: 2/05/2026