
From: Michael Foster <[REDACTED]>
Sent: Monday, 4 May 2026 10:48 AM
To: Kingborough LPS
Subject: Re: Kingborough Draft Local Provisions Schedule (LPDS) - McGowans Rd and Old Bernies Rd - Collective submission
Attachments: Collective_Cover_Submission_McGowans Rd and Old Bernies Rd.pdf

Dear Tasmanian Planning Commission

Re: Kingborough Draft Local Provisions Schedule (LPDS) - McGowans Rd and Old Bernies Rd - Collective submission

We, Michael and Michelle Foster as the owners of the property at [REDACTED] Margate, confirm that we provide our support to and have agreed for our names and addresses to be joined to the McGowans Rd and Old Bernies Road, collective submission.

Yours Sincerely,

Michael and Michelle Foster

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

COLLECTIVE COVER SUBMISSION

Locality	McGowans Road and Old Bernies Rd, Margate
Submission type	Collective cover submission — Direction 69 / Ireneinc Report
Number of landowners	15
Lodgement date	3 May 2026
Contact person for this group	Simon Sprent, [REDACTED]

The following landowners are parties to this collective submission. Majority of landowners have also lodged their own individual submission addressing their specific property.

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
[REDACTED]	220 McGowans Rd Margate	162424/5	LCZ	RLZ
	203 MCGowans Rd	162424/7	LCZ	RLZ
	200 McGowans Rd Margate	162424/6	LCZ	RLZ
	225 McGowans Rd	167432/1	LCZ	RLZ
	80 McGowans Rd	234074/1	LCZ	RLZ
	210 McGowans Road	162424/2	LCZ	RLZ
	152 McGowans Rd	172702/1	LCZ	RLZ
	100 McGowans Rd	172702/2	LCZ	RLZ
	221 McGowans Rd	162424/3	LCZ	RLZ
	330 Old Bernies Rd	151662/2	LCZ	RLZ
	398 Old Bernies Rd	153930/1	LCZ	RLZ
	353 Old Bernies Rd	151662/1	LCZ	RLZ
	309 Old Bernies Rd	110474/2	LCZ	RLZ
	282 Old Bernies Rd	110474/1	LCZ	RLZ

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
	396 Old Bernies Rd	153930/2	LCZ	RLZ

We are a group of neighbouring landowners in the MARGATE locality. We have each received a letter from the Tasmanian Planning Commission (TPC) advising that the Ireneinc report has recommended a zone for our property as part of the Kingborough Local Provisions Schedule (LPS).

We are lodging this collective submission to present our shared position to the Commission. Our properties share a common settlement character and landscape context, and we believe the same zone outcome is appropriate for all of them.

Majority of us have also lodged an individual submission using the appropriate individual template. Those individual submissions contain the property-specific evidence for each title. This collective submission is not a substitute for those individual submissions — it sits alongside them.

The properties listed in Part 2 share the following characteristics. We ask the Commission to have regard to these shared characteristics when considering each of our individual submissions.

Our properties form part of an established residential settlement along McGowans Rd and Old Bernies Rd. The pattern of development includes 15 residential lots, most of which contain a dwelling. This settlement has existed in its current form for up to 16 years.

Majority of Lot sizes in our group range from 4.09ha to 10ha. These lot sizes are consistent with the Rural Living Zone (RLZ)

All 15 properties in our group contain existing dwellings used as permanent residences. Most properties also include hobby farming / grazing / gardens / outbuildings/ water tanks/ orchards. None of the properties are used for commercial agriculture or resource extraction."

Our properties are predominately partially vegetated and contain patches of native vegetation. The vegetation on our titles does not include significant native vegetation that would require LCZ to protect it.

The following overlays apply to majority of our properties, Private Timber Reserve (PTR) these overlays already protect landscape values — they are relevant to the argument in Part 5 below.

Our properties are also covered under SPC and NAC

Our properties are very close to already zoned Rural Living Zone (RLZ) under the draft LPS. The closest one to us is the Kaoota/Pelverata areas. The existing RLZ in Kaoota has larger lot sizes, but the settlement character, and landscape values are consistent to our properties."

The following arguments apply to all properties listed in Part 2. They are presented here as shared arguments so that the Commission can consider them once, rather than across multiple individual submissions. Each signatory's individual submission builds on these shared arguments with property-specific evidence.

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 (such as hobby farming), and where priority is given to residential amenity.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the Environmental Living Zone (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 lot size is applied.

Our properties satisfy both criteria. The shared characteristics described in Part 4 above demonstrate that our properties have an established residential settlement pattern, lots of a size consistent with RLZ subcategories, and a primary use and intention that is residential.

The Ireneinc report itself identifies avoidance of fragmented zone application as a key principle. The report notes that areas where only two or three LCZ-zoned properties are surrounded by Rural Zone or RLZ land should be resolved in favour of the surrounding zone.

Our properties form a coherent, contiguous group. If some of our properties receive a different zone outcome from others — or from the surrounding land — the result will be a fragmented and inconsistent zone pattern. This would be contrary to the Zone Guidelines, which require that the spatial application of zones be, as far as practicable, consistent and coordinated across the LPS.

Our 15 properties are surrounded on the north by land already recommended for [RLZ / Rural Zone]. Applying LCZ to our properties would create an isolated pocket of LCZ within a predominantly RLZ

The Tasmanian Planning Commission is required under section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA) to ensure that the spatial application of zones is, as far as practicable, consistent and coordinated. This means the Commission must consider whether our locality has been treated the same way as localities with similar characteristics elsewhere in Tasmania.

We submit that Pelverata/Kaooota is the most comparable locality to ours. Like our properties, properties in Pelverata/Kaooota have shared features — e.g. lot sizes of 2–10ha, established dwellings, similar landscape character, similar overlay coverage. Ireneinc recommended [RLZ / Rural Zone] for this area, and that recommendation was not challenged at the Day 2 hearing. There is no clear basis for treating our locality differently. We request that the Commission apply the same reasoning here.

Kate Heckelmann of Ireneinc confirmed at the Day 2 TPC hearing [05:53:00] that the evaluation framework used to produce the zone recommendations is a tool, not a statutory instrument. It is not the legal test the Commission must apply. The legal test is the LPS criteria set out in section 34 of LUPAA, which include compliance with the Zone Guidelines (Guideline No. 1). The Commission is not bound by the Ireneinc framework or its outputs.

We submit that if the Commission applies the Zone Guidelines directly to the shared characteristics of our properties, as set out in Part 4 above, it will find that [RLZ / Rural Zone] is the appropriate zone. Any departure from the Ireneinc recommendation in our favour is well within the Commission's proper exercise of its statutory role.

Chair Nick Heath confirmed at the Day 2 hearing [06:45:48] that the Commission will decide this matter on the basis of the LPS criteria set out in section 34 of LUPAA. He explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission. The Commission will reach its own independent assessment based on the evidence before it, including the evidence in this submission and in each of our individual submissions.

The following comments made by TPC delegates or Ireneinc at the Day 2 hearing on 16 April 2026 are directly relevant to our locality and our submission. We ask the Commission to have regard to these comments.

We collectively request that the Commission:

- Have regard to the shared characteristics and shared arguments set out in this collective submission when assessing each of our individual submissions.
- Organise the hearing for our locality so that our group can present collectively as well as individually, as Chair Heath invited at the Day 2 hearing [06:55:53].

Thank you for your time in reading our submission,

Kind regards

Simon Sprent

On behalf of the landowners on McGowans Rd and Old Bernies Rd, as stated above.