
From: Leigh Richardson [REDACTED]
Sent: Monday, 4 May 2026 8:21 AM
To: Kingborough LPS
Subject: Submission - Kingborough LPS Direction69 - [REDACTED], Margate, Tas. 7054
Attachments: L Richardson Submission Kingborough LPS Direction 69.pdf

To the Tasmanian Planning Commission,

I writ in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising of the zone change for my property.

Please see the attached written submission detailing my objection to Landscape Conservation Zone and my justification for Rural Living Zone.

Regards

L. Richardson

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

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 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.

PROPERTY DETAILS

Landowner name(s)	Leigh Clark Richardson
Property address	██████████ Margate
Title reference (folio)	██████████
Lot size (approx.)	5ha
Locality	Margate and Electrona
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone C (RLZ)

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 C (minimum lot size 5 ha) as this reflects the average existing lot pattern in my locality.

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 and outbuildings and has been continuously occupied as a residence since 1993. 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 based on demonstrated landscape values specific to my title.
- The Ireneinc Locality Report for Margate and Electrona does not identify any specific landscape values on my title. The landscape value assessment is made at locality level without reference to the characteristics of my individual property.

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 approximately 5ha. This is consistent with the RLZ C minimum lot size of 5ha and does not provide for further subdivision under that subcategory.

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.

My property contains a dwelling, associated outbuildings, garden areas, a large vegie patch, fruit trees, a hot house, a dam we keep chickens and turkeys.

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 within a cluster of properties along Longmans Road each with lot sizes ranging from approximately 1 ha to 10ha. The settlement pattern is consistent and has been established for many years. Neighbouring properties contain detached dwellings with associated rural activities including extensive vegetable and native gardens, fruit trees, keeping of chickens, ducks, geese and turkeys and cleared areas for family play/outdoor living. There are also several dams for firefighting purpose, garden maintenance and to provide drinking water for native animals.

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 not 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.

The landscape values identified in the Ireneinc locality baseline does not relate to my property and does not characterise my title.

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' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ [A/B/C/D] to my property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot size and does not create a viable subdivision pathway.

My property in [REDACTED] has an area of approximately 5ha. This is consistent with the RLZ C minimum lot size of 5ha. Subdivision of my property under this subcategory would not be possible, thus 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.

The Ireneinc report rates the transition of land in Margate and Electra to RLZ as high risk. I submit that this rating does not accurately reflect the characteristics of my individual property for the following reasons:

- Residential use as per my current situation
- Lot size, no further ability to subdivide mitigates urbanisation
- No identified or documented landscape values for my property specifically

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 being 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.

My property in [REDACTED] is directly comparable to properties in Oyster Cove where RLZ was recommended. Both areas share the following characteristics: lot sizes, settlement pattern, proximity to existing RLZ, absence of significant landscape values. There is no principled basis on which to treat my property differently.

D4 — 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.

D5 — 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 subject to the NAC / PVA overlay. The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values identified in the locality baseline without resort to LCZ. The landscape values identified in the Ireneinc locality baseline does not relate to my property and does not characterise my title.

D5.1 — Codes can manage landscape values - Day 19 of the TPC Hearings

During the Irene Inc expert's evidence in chief, the following was said about the role of the Natural Assets Code and Scenic Protection Code:

"the scenic protection area code, the natural assets code, could also be mechanisms to appropriately manage those values"

The expert then criticised Council's approach, saying it had made a "pretty global determination of limitations of the application of the rural living zone" that had "ruled out the ability of scheme provisions to consider how scheme provisions might appropriately manage landscape values."

D5.2 — Natural Assets Code provides controls not dissimilar to LCZ - Day 19 of the TPC Hearings

The expert made a direct comparison between the Natural Assets Code and LCZ vegetation protections:

"the natural assets code in considering native vegetation has limited the ability to contribute to appropriately managing landscape values where the site is not mapped by the overlay — so in a practical sense most of Kingborough at this point in time is mapped where there is priority vegetation within the priority vegetation mapping, and the standards of that code of the natural assets code would provide controls that are not dissimilar to some of the landscape protection controls which are available in the landscape conservation provisions and also in the environmental living provisions as they relate to minimising the removal of vegetation"

The expert qualified this by saying the provisions are "not exactly like for like between the two schemes" but concluded that the Natural Assets Code's extent of coverage is "a scheme-wide issue as opposed to something that would stop you necessarily from assigning a particular zone."

D6 — Inconsistency in the Ireneinc evaluation framework

The landscape value descriptions, settlement characteristics, lot sizes, SPA coverage, PVA/NAC overlay coverage, and risk ratings applied by Ireneinc to the Margate and Electrona area are the same as one or more similar localities that received a more favourable zone outcome using the same or near-identical evidence.

Please see the following key statements from the Day 20 TPC hearing:

- Commissioner Rohan Probert [01:07:48]: Directly identified that landscape descriptions for Tinderbox East and Howden are near-identical yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two. This principle applies to the inconsistency documented in Attachment A for this locality.
- Commissioner Dan Ford [02:33:54]: Forced the concession that the PVA overlay does the landscape-protection work, not the zone. This principle applies where PVA overlay is present on my property.
- Kate Heckelmann (Ireneinc) [05:53:00]: The evaluation framework is a tool, not a statutory instrument. Submissions can depart from it with good evidence.

When you compare Margate and Electrona with Oyster Cove, it shows that Ireneinc applied similar landscape value descriptions and settlement findings to both localities yet recommended LCZ for my property and RLZ for Oyster Cove

I request that the Commission have regard to this inconsistency when assessing this submission. It demonstrates that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

PART E — Arguments against Landscape Conservation Zone

LCZ purpose

21.1.1 to provide for the protection, conservation and management of landscape values

21.1.2 to provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values

I argue:

- the draft LPS did not identify any specific landscape values to be conserved or managed through local area objectives or any other specific mechanisms such as scenic protection overlays or specific area plans
- the Supporting Report did not identify any landscape values to be managed at Margate or for this property specifically, aside from a general reference like sloping landforms, native bush areas and hillside and ridgeline characterised by expansive lot sizes
- the lack of identification of any specific values for management under the LPS through use or development raises questions over the use of LCZ on my property and other properties in this locality
- as discussed in the TPC Hearings, there is no clear definition of landscape values by Council or Ireneinc. No community consultation has occurred about the definition of landscape values, so therefore any argument based on perceived landscape values are purely subjective and are therefore invalid (Southern Tasmanian Regional Land Use Strategy criterion CV4.1 requires landscape values to be developed in consultation with the community)

LCZ1 should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate

I argue:

- neither the Interim Scheme nor the LPS identified landscape values for protection (as previously noted)
- the definition of landscape values has not been clearly defined and no community consultation has occurred, so as previously noted, arguments based on landscape values are subjective and therefore not valid
- my property is only 1.2ha, where the zone provides for titles greater than 20 hectares, or 50 hectares under acceptable solution
- the Natural Assets Code protects the native vegetation on our property

LCZ2 may be applied to:

- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation*
- (b) land that has significant constraints on development through the application of the Natural Assets code or Scenic Protection code or*
- (c) land within an interim planning scheme Environmental Living zone and the primary intention is for the protection and conservation of landscape values*

I argue:

- the primary purpose of my property is for residential use, as enabled by the Environmental Living zone of the Interim Planning Scheme, and enacted by us as the owners
- I have a current Retrospective DA in progress that demonstrates the existing natural values of this site can be accommodated with ongoing residential use
- there are no constraints to the ongoing use of the property through overlays under the Natural Assets Code (Priority Vegetation) or Scenic Protection Code (either areas or corridors), nor through other

mechanisms established under the Interim Planning Scheme or the draft LPS. My property therefore cannot be considered as significantly constrained in supporting its primary residential use

- the primary intention for the future use of this property is continuation of the existing and approved residential use, not for the protection or conservation of landscape values

LCZ 3 *The Landscape Conservation zone should not be applied to:*

- (a) *land where the priority is for residential use and development (see Rural Living zone) or*
- (b) *state-reserved land (see Environmental Management zone)*

*Note: The Landscape Conservation zone is not a replacement for the Environmental Living zone in the interim planning schemes. There are key policy differences between the two zones. **The Landscape Conservation zone is not a large lot residential zone, in areas characterized by native vegetation cover and other landscape values.** Instead, the Landscape Conservation zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.*

I argue:

- the primary use of my property is to support the existing and ongoing residential use
- the same could be argued for nearby properties
- the LCZ guideline clearly identifies it is not suitable for large lot residential lands with native vegetation cover and refers to the change in status from residential use from the Environmental Living zone of the Interim Schemes. This is relevant to this property as well as the other properties clustered together to make the Landscape Conservation zone threshold. The Natural Assets code (Priority Vegetation) along with Council's discretionary planning pathway more than adequately provides for the protection and management of native vegetation on these 10 properties.

I have identified that my property, [REDACTED], Margate does not comply with the specific guidelines for the Landscape Conservation zone, with the primary residential use specifically identified for the Rural Living zone under LCZ4. This arguably applies to the other properties in [REDACTED] Margate.

PART F — CONCLUSION AND RELIEF SOUGHT

Rural property 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 not only help to keep us safe, they also help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all. This work cannot be replaced by Council staff or State Parks and Wildlife service.

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
- 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], Margate, be included within the Rural Living Zone in the Kingborough Local Provisions Schedule.

Signed: [REDACTED]	Date: 01/05/2026
Full name: Leigh Clark Richardson	Email: [REDACTED] Phone: [REDACTED]