
From: Russell Holywell [REDACTED]
Sent: Thursday, 23 April 2026 5:06 PM
To: Kingborough LPS
Subject:

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 be included within the Rural Zone (RZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ) as exhibited.

I did not make a formal representation during the public exhibition period and have not previously had correspondence with the Commission. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. I take up that opportunity and submit as follows

Landowner name(s)	Dorothy Margaret Mitsakis
Property address	[REDACTED] Kingston
Title reference (folio)	[REDACTED]
Lot size (approx.)	2.02ha
Locality	Kingston
Current IPS zone	Environmental Living
Draft LPS exhibited zone	LCZ
Ireneinc recommended zone	Rural Living
Position in this submission	Acceptance of Rural Living

I support the Ireneinc recommendation that my property be included within the RZ under the draft Kingborough Local Provisions Schedule. The RZ is a significantly more appropriate zone for my property than the LCZ as exhibited. I make this submission to provide the Commission with property-specific evidence supporting the RZ recommendation and to ensure the Commission has a complete picture before making its final determination.

I submit that the RZ is the correct zone for my property under 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), and the Southern Tasmania Regional Land Use Strategy (STRLUS). I ask that the Commission adopt the RZ recommendation and not revert to the exhibited LCZ.

Historically my property has been used for hobby farming, including but not limited to animal grazing and crop growing, these activities have been going on for over 70yrs, and accordingly doesn't have any significant landscape values

requiring LCZ-level protection, and therefore rural zoning best reflects the previous, current and future intended uses of the land.

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. I submit that the RZ recommendation satisfies these criteria for my property.

Zone Guideline RZ 1 provides that the RZ should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics, and which is not more appropriately included within the LCZ or EMZ for the protection of specific values. My property satisfies this criterion. It is in a non-urban area, has limited or marginal potential for intensive agriculture, and does not have specific landscape values of the kind or significance that would justify LCZ.

The marginally rural setting of the property (2ha) having a history of hobby farming (grazing) and no prospect of significant ability to cultivate on a commercial scale based on topography and highly acidic soil makes an Agricultural zoning non-viable.

Zone Guideline LCZ 1 requires that the LCZ be applied to land with landscape values 'identified for protection and conservation'. Zone Guideline LCZ 4(a) states that the LCZ should NOT be applied to land where the priority is for residential use and development. The Zone Guidelines also note that the LCZ is not a replacement for the ELZ and is 'not a large lot residential zone'. The exhibited LCZ application to my property was inconsistent with these guidelines — a point the TPC itself recognised in its post-lodgement correspondence with Council.

My property consists of mixed rural land, and has no specific landscape values on my title — no threatened vegetation communities, no significant native vegetation, no identified scenic values — that would justify the restrictions the LCZ imposes. The Ireneinc review has correctly identified that LCZ is not appropriate.'

The existing use and character of my property is consistent with the RZ purpose, which provides for a range of use or development in a rural location where agricultural use is limited or marginal, and that minimises adverse impacts on surrounding uses. Whereby the land is partially cleared with a couple of sheds on the property.

The RZ is appropriate where land does not have specific values justifying LCZ or EMZ protection. My property does not have such values. There is No Priority Vegetation Area, threatened species habitat, or scenic feature that has been identified on my title in the Ireneinc Locality Report. Any vegetation on the property is managed as part of ordinary rural use.

Additionally the RZ application is consistent with surrounding properties and the broader rural character of the area. My property and its use are not materially different from the adjacent RZ land. My property adjoins Rural Zone land to the in all directions. The surrounding area is characterised by similar rural activities/ mixed rural use. My property's use and character is consistent with this surrounding context.

I note and support the reasoning applied by Ireneinc in recommending RZ for my property. The Ireneinc methodology considered the existing settlement pattern, landscape values, and surrounding zoning context. For my property, the correct conclusion is that RZ is more appropriate than LCZ. Specifically the sparse and dispersed semi rural residential character with all the surrounding properties and area being the area has existing rural activities / the property borders Rural Zone land]. These findings accurately describe my property.

I am concerned that the Commission, in making its final determination, might revert to the exhibited LCZ rather than adopting the RZ recommendation. I wish to place the following matters on the record to ensure this does not occur.

The Ireneinc report documents that approximately 85% of ELZ parcels were originally proposed for LCZ — a proportion the TPC itself found to be excessive and inconsistent with the Zone Guidelines. The TPC noted in post-lodgement correspondence that 'often when assessing particular sites the zone proposed does not seem to match these criteria' and that 'decisions often appear inconsistent with surrounding land.' The reduction to 75% and then further through the Ireneinc process confirms that the initial LCZ application to my property was not well-founded.

At Day 20 of the hearing, Chair Nick Heath confirmed that the Commission will decide on the basis of section 34 LUPAA criteria, and that Council's 16 March 2026 resolution — which favoured the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. The Commission is therefore free to adopt the RZ recommendation regardless of Council's exhibited preference for LCZ.

Where landscape values exist in the broader locality, they can be managed through overlay controls — the Natural Assets Code (NAC), Priority Vegetation Area (PVA) overlay, and Scenic Protection Code (SPC) — without the need for LCZ. No questions were raised about this at the hearing, though this does not indicate acceptance by the Commission. This argument was presented at Day 20 [02:33:54]. These controls apply regardless of zone and do not require LCZ to be effective.

My property is not within a Scenic Protection Area. The Natural Assets Code does not apply to vegetation on my title. These controls are active regardless of zone and are sufficient to manage any landscape values without LCZ.

For the reasons set out above, I submit that:

1. The Ireneinc recommendation to include my property within the RZ is correct and is consistent with the Zone Guidelines (Guideline No. 1) and the requirements of section 34 of LUPAA.
2. The RZ is a significantly more appropriate zone for my property than the exhibited LCZ, which was inconsistent with Zone Guideline LCZ 1, LCZ 4(a), and the statutory requirement that LCZ be supported by site-specific landscape value identification.
3. The property-specific evidence set out above confirms that the characteristics of my land — its existing use, land cover, rural character, and surrounding zoning context — are consistent with the RZ purpose and application guidelines.
4. Any landscape values in the broader locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

- Adopt the Ireneinc recommendation and include my property within the RZ in the Kingborough Local Provisions Schedule; and
- Not revert to the exhibited LCZ, which is not justified by the evidence specific to my property.

I request that the folio of the Register [REDACTED] at [REDACTED], Kingston, be included within the Rural Zone in the Kingborough Local Provisions Schedule, consistent with the Ireneinc recommendation.'

Signed:	Date:
Dorothy Mitsakis	20/04/2026
Full name: Dorothy Magaret Mitsakis	Contact email / phone: [REDACTED]