
From: Andy and Grainne [REDACTED]
Sent: Thursday, 30 April 2026 3:30 PM
To: Kingborough LPS
Subject: Submission to the TPS regarding land rezoning
Attachments: Submission to Tasmanian Planning Commission _30_04_26.pdf

Dear Tasmanian Planning Commission (TPC)

With reference to your letter, your reference DOC/26/36829 dated 2 April 2026.

Please find the attached submission noting we do not accept the proposed LCZ and instead respectfully request the Commission determine that Rural Living Zone (RLZ) is the appropriate zone for our property at [REDACTED], Tinderbox, Tasmania.

We thank the Commission for the opportunity to formally participate in this stage of the LPS process by enabling us to make this submission.

Sincerely

Andrew and Grainne Brocklesby

Submission to Tasmanian Planning Commission (TPC) regarding Tinderbox zoning.

To Whom it May Concern,

With reference to your letter, your reference DOC/26/36829 dated 2 April 2026.
Submission to Tasmanian Planning Commission (TPC) regarding Tinderbox zoning.

Like many in the Tinderbox area we were unaware of Kingborough Councils intentions regarding land rezoning as Kingborough Council made no attempt to contact us. We were made aware via a ‘letter drop’ by Caleb Elcock. We understand that the Commission has received correspondence on our behalf (via the Elcock group) in relation to the draft LPS. We understand that this TPS letter provides us the opportunity to formally participate in this stage of the LPS process by making a written submission. We understand that the Commission may decide to invite us to discuss the matters raised. We take up that opportunity and submit as follows.

Property:

Landowner names	Grainne Brocklesby and Andrew Brocklesby
Property address	██████████, Tinderbox, Tasmania, 7054
Title reference (folio)	██████████
Lot size (approx.)	5.5ha
Locality	Tinderbox
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 (RLZ)
Proposed Code Overlays (TPS) included for this lot	Priority Vegetation, Scenic Protection Area

Background: We have lived at our property, ██████████ for over 25 years and are part of the Tinderbox community. Before we purchased the land in 2000 it was used as part of a sheep farm. We have run goats and chickens on the land since construction of our dwelling in 2000. As can be seen from arial photos the land is now mostly bush apart from the dwelling area.

Statement of position:

We submit that the application of the Landscape Conservation Zone (LCZ) to our 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). We will also refer to Day 19 and 20 of the TPC hearing at Kingborough Council offices.

We request that the Commission determine that Rural Living Zone (RLZ) is the appropriate zone for our property. The predominant lot size in Tinderbox is between 1ha and 15ha, consistent with RLZ. RLZ is our preference and, as we have no intention to subdivide, we would accept whichever RLZ A, B or C is deemed appropriate based on our lot size of 5.5ha.

Grounds for the submission:

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. Kingborough Planning Authority (KPA) recognised that it took a very conservative approach to risk identification in relation to zone allocation. The likelihood of those risks occurring were never assessed. The KPA acknowledge this in the accompanying letter to the submitted Ireneinc report (KPA ref 17.228, 20 March 2026) stating: “The KPA advises the TPC that its risk appetite in relation to questions of impact on landscape values is high, and that where more than one zone is considered appropriate for a particular area, the least restrictive alternative should be applied”. That is RLZ not LCZ. Such was the motivation to recognise this, Kingborough Council repeated the statement at the end of the letter: “Council would like to emphasise, that in progressing the LPS in relation to Direction 69, the planning authorities position is that, where multiple zones may be appropriate and landscape value impacts are the key consideration, a high risk appetite should apply, favouring the least restrictive zoning option”. That is RLZ not LCZ. 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]. We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

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.'

Tinderbox has well established residential uses and settlement patterns. Tinderbox was formally gazetted as a locality in 1961. Our property has been used for residential purposes since 2000. It has been zoned Environmental Living Zone (ELZ) under the

Kingborough Interim Planning Scheme 2015. Our dwelling, constructed in 2000, has been continually occupied as a residence. There is no evidence to suggest that the primary use of the land is anything other than residential. As noted by TPC in the hearing, our property and most Tinderbox properties are characterised by rural living. We have had goats and chickens on our lot since 2000.

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.'

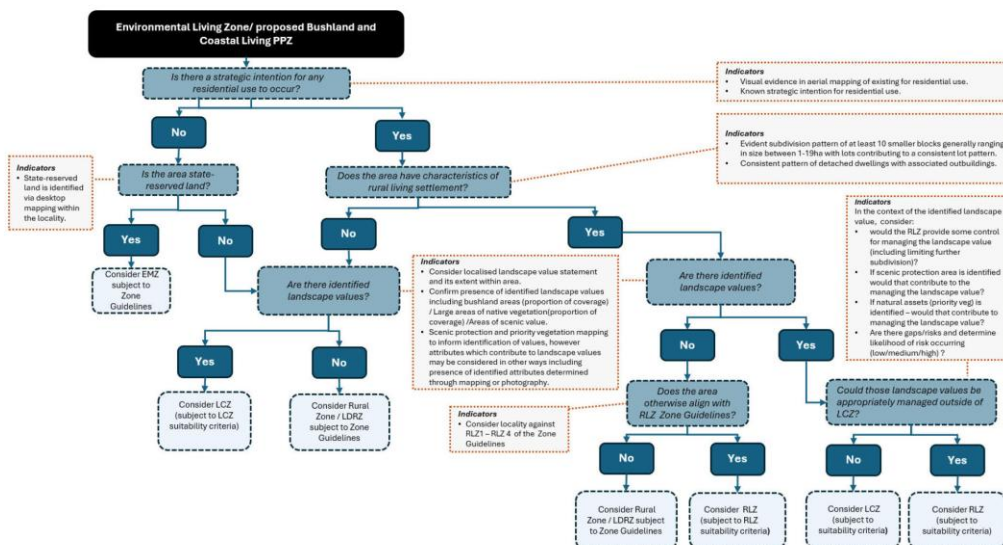
No such comprehensive, site-specific justification has been provided for our property. The Ireneinc report applies the LCZ to our property on the basis of generalised locality i.e. it has used a blanket approach for the area. Landscape values have not been formally identified or defined for our property and there has been no consultation with the community regarding landscape values. We would argue that the landscape values include the landscape character, which for Tinderbox is a landscape of residences on larger blocks as can be seen on the aerial photographs. The majority of our land is bush with the residence using a small fraction of our land. We would argue that the presence of our dwelling and that of other dwellings in the Tinderbox area enhances the landscape value, giving it a unique rural character. We note the minimum subdivision size for LCZ is 50ha, almost ten times the size of our lot. This implies LCZ is not a suitable zoning for smaller lots.

RLZ 1 intended for 'low density residential use in a rural setting' best characterises the Tinderbox area. This low density residential and rural setting was noted by a TPC delegate at the hearing at Kingborough Council. 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 our 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. Our property is 5.5ha and is consistent with RLZ. RLZ C (minimum lot size of 5ha) does not provide for further subdivision of the lot.

The Ireneinc evaluation tool 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, we submit that even applying the framework as intended, our property satisfies the criteria for RLZ rather than LCZ.

With reference to Ireneinc Decision Tree page 105.



- *Visual evidence in aerial mapping.* We have lived at [REDACTED] for over 25 years. Our and other residences in this locality can be viewed on 'theLIST' (thelist.tas.gov.au). YES
- *Does the area have characteristics of rural living settlement.* The area has many smaller residential blocks (ranging from 1-15 hectares) with dwellings and outbuildings. Our lot has goats and our neighbours lots have sheep. It was noted by TPC at the hearing that Tinderbox exhibited the characteristics of Rural Living. YES
- *Are there identified landscape values.* Landscape values have not been formally defined. For the purpose of the Ireneinc tool, YES
- *Could those landscape values be appropriately managed outside of LCZ.* The landscape has been subject to landscape management for decades. This has protected the landscape values. There are 4 code overlays proposed for our property including Scenic Protection and Priority Vegetation. Landscape values could be managed by RLZ and the proposed code overlays. RLZ and overlay codes for landscape protection was suggested as suitable protection by TPC at the hearing. Our property has an area of 5.5ha. Suitable RLZ would address any concerns regarding further subdivision. YES
- *Result.* The Ireneinc's own tool suggests RLZ.

Reflecting on the TPC panels response and statements regarding the decision tree and Ireneinc report.

The following exchanges from the Day 19 and Day 20 TPC hearings directly support the argument that the RLZ is more appropriate than LCZ for our property. These statements were made by TPC Commissioners and are on the public record.

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 our property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

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 our locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence. During the hearing Ireneinc stated that one of the main reasons for proposing LCZ was possible risk due to increased building height that RLZ would allow. Ireneinc suggested this would be medium/high risk. The TPC panel asked if there were any offending high buildings in the Tinderbox Area. Ireneinc did not know of any buildings in the Tinderbox area deemed to be of 'offending' height. This would strongly suggest that the risk of high buildings in Tinderbox is low. We have an existing residence on our property. (Most lots in Tinderbox have dwellings). We do not intend to build further. The risk of significant effect on landscape due to transition from ELZ to RLZ (1m) must also be considered low. We have a proposed Scenic Protection overlay on our land that would reduce all risk. (A Part 5 Agreement could also be used to remove any risk). Appropriate RLZ would remove any risk of subdivision (Ireneinc's other reason to impose LCZ). Appropriate RLZ would be more accurately considered as very low risk for our property (with its overlay codes) and Tinderbox locality in general. As noted earlier, Kingborough Planning Authority (KPA) recognised that it initially took a very conservative approach to risk identification in relation to RLZ versus LCZ. Under scrutiny by TPC in the hearing it became apparent that building height is and would not be high risk. The KPA noted in its accompanying letter to its submission, that it would now be in favour of high risk, favouring the least restrictive zoning option. That is RLZ is to be favoured above LCZ. This further suggest that RLZ is the most appropriate zoning.

In response to the Ireneinc own decision tree, "*Could identified landscape values be appropriately managed outside of LCZ?*", the Ireneinc report, page 193 states: "Considering these mechanisms and as most of the lots within this area are already effectively developed to the capacity provided for within the RLZ, the likelihood of risk occurring is medium and could be lessened in the future through the application of and controls associated with the scenic protection area". Despite this, the report recommends LCZ. This is inconsistent with the decision tree particularly in the light of

the KPA 'appetite for high risk'. In addition, the next paragraph following this recommendation concedes that, "...future exploration of alternate zoning similar to that which would have been provided by the PPZ could provide for a more effective management of landscape values and rural/residential uses in this area". On noting inconsistencies in the Ireneinc report the KPA accompanied its report to the TPC with a letter to cite a change in its 'risk appetite' (as noted above). The accompanying letter was the solution to not wishing to wait for a modification to the report causing more delays. This can be verified on the council meeting recordings. Kingborough Council also notes in the same letter that the mapping remains open to refinement, for several reasons, including the need to reflect long established settlement patterns.

The Ireneinc report recommended full ELZ to RLZ transitions for Tinderbox West while leaving Tinderbox East as LCZ. The characteristics of both localities are similar; established residential settlement, lots generally between 1 and 15 ha, mixed residential and rural activities. Both have Tinderbox Hills as their backdrop. Both go from sea level to the top of Tinderbox Hills (the same hills). As there are no accepted fully defined landscape values for each area this is inconsistent. TPC Day 2 hearing—panel comment: Delegate Dan Ford at [00:35:14] directly challenged Ireneinc on the Tinderbox East side, asking 'Specifically, what cannot be managed through those codes for the eastern side?' Kate Heckelmann's answer—the absence of SPA on the east coast and RLZ height allowances—was directly probed by Ford. The panel labelled this the weakest LCZ retention of the day. Ford noted at [00:47:04] that the distinction between east and west isn't clearly visible in the landscape values assessment. Our lot is covered by a SPA, building height can be controlled in RLZ by overlay codes. Subdivision can be controlled by appropriate allocation of RLZ. As noted in the hearing, building height and subdivision risk is not a reason to impose LCZ. Subdivision and building height can be controlled by RLZ and overlay codes.

Historically inconsistent approach

Historically Kingborough Council have taken a blanket approach of applying LCZ to ELZ land. The TPC have noted that this was often inconsistent with Zone Guidelines. 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 similar approach but the evidence specific to our property supports RLZ not LCZ.

Any landscape values present can be managed without LCZ

Where landscape values are present on or near our property, we 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 overlays and codes do the landscape-protection work, 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 our property. Our land has been suitably managed with respect to landscape values with ELZ, Biodiversity Code and Scenic Landscape Code. The proposed overlay codes for our land include Priority Vegetation and Scenic Protection Area. The combined effect of RLZ and overlay controls is sufficient to manage any landscape values. In day 2 of the hearing the TPC delegates suggested that RLZ and code overlays could manage landscape values (Delegate Dan Ford at [00:35:14])

LUPAA reference to fairness and health and wellbeing.

In considering LUPAA objective '*to provide for the fair, orderly and sustainable use and development of air, land and water*'. It would not be fair to consider someone's existing home of 25 years less important than a landscape as does LCZ. It would not be fair to change the rules for a residence, built in compliance with existing planning rules in 2000, to a set of discretionary rules where a rebuild (after a bushfire for example) would be discretionary.

In considering LUPAA objective '*to promote the health and wellbeing of all Tasmanians ...*' - To introduce uncertainty of a discretionary process relating to one's home and what represents the entirety of life's savings and efforts introduces unprecedented and ongoing stress levels, the results of which can already be seen on community members effected by this process suggesting LCZ.

We (and in general the Tinderbox community) are not opposing landscape protection. We are opposing our homes and way of life becoming discretionary.

Inconsistencies in zone proposals noted in Day 19 and 20 of TPC hearing

TPC delegate Rohan Probert [01:07:48]. Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed.'

TPC delegate Dan Ford [02:33:54]. At Kettering West: effectively forced the concession that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone. This is directly relevant where PVA applies to the subject property and LCZ has been recommended—the same logic that produced RLZ at Kettering West Groombridges applies.

Kate Heckelmann (Ireneinc) [05:53:00]. Conceded that the evaluation framework is a tool, not a legal requirement. Submissions can move away from it if supported by good evidence. This confirms that identifying inconsistencies in the framework's application, as this analysis does, is a legitimate basis for a submission.

Chair Nick Heath [06:45:48]. Confirmed that the Commission will decide on the basis of section 34 LUPAA criteria (Zone Guidelines and LPS criteria), not on the basis of Council's position or the Ireneinc framework alone. The Zone Guidelines require consistent application of zone criteria, inconsistency of the kind noted here is therefore directly relevant to the Commission's assessment under the law.

See also appendix A.

Conclusion

We believe RLZ is both appropriate and fair.

- RLZ would result in no further subdivision.
- [REDACTED] and surrounding area was not originally virgin bushland but was used for sheep grazing before we purchased the land. The land outside of the dwelling has been successfully returned to bushland by the landowner's own diligence, ELZ and the use of additional layers of planning rules.
- The landscape values have been preserved under the existing ELZ using management outside of ELZ. There is no evidence to suggest the land could not be managed appropriately with RLZ and overlay codes.
- Tinderbox has well established residential uses and settlement patterns. Tinderbox was formally gazetted as a locality in 1961.

For the reasons set out above, we submit that:

1. The application of the LCZ to our 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 our property.
4. Any landscape values identified in the locality can be appropriately managed through RLZ and overlay controls without resort to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone, RLZ.
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

Yours faithfully,

[REDACTED]

Andrew and Grainne Brocklesby

[REDACTED] Tinderbox, Tasmania, 7054

30 April 2026

Appendix A Comparisons with Huon Valley Council submissions.

With reference to the report: Review of the LCZ – Kingborough Council. REVIEW OF THE METHODOLOGY AND ZONE APPLICATION, 6/2/2026. The TPC advised Huon Valley Council that they had applied LCZ too broadly to the landscapes in the Huon municipal area. And has failed to consider a wide range of existing uses on the land to which it was applied. It appears to us that KPA have done the same. We note that, how and in what circumstances landscape takes priority over residential is not defined. We would suggest that landscape values cannot be valued over an existing dwelling as this leads us down a very dark path and does not appear to us to be in the spirit intended by LUPAA objectives. In the same report, section 5.3 outlines how Huon Valley Council confirmed that transition from ELZ to RLZ was a valid approach; “particularly where: existing settlement pattern displayed characteristics akin to Rural Living in terms of lot size and density; and transition would result similar minimum allowable lot size is being applied.” Further, in section 5.3 : “The approach to this reconsideration in Huon Valley, that the areas landscape values could be appropriately maintained under the RLZ provisions, given the limited types and intensity of uses allowable, the limited no permit required and permitted uses, together with the zone purpose statements identifying, existing natural and landscape values are to be retained and consideration of scale and intensity of use (in the context of amenity) being required”. Other arguments in this section support transition from ELZ to RLZ. KPA suggested that the zoning in Kingborough was different due to the associated risk even though that risk had not been defined or tested. Evaluation at the TPC hearing has shown that the risks noted in the hearing are not high but low and can be managed with suitable overlay codes. KPA has reviewed its position and as above is favouring a high risk approach favouring the least restrictive zoning, RLZ.