
From: Dave Engisch [REDACTED]
Sent: Monday, 4 May 2026 9:51 PM
To: Kingborough LPS
Cc: TPC Enquiry; K Engisch
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED] - Allens Rivulet
Attachments: Submission - Kingborough LPS Direction 69 - [REDACTED].pdf;
Attachment_A_[REDACTED].pdf;
Allens_Rivulet_Nierinna_Margate_Collective_Submission.pdf

You don't often get email from [REDACTED] . [Learn why this is important](#)

Dear Commissioners,

We write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends our property remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

We take the opportunity to make a formal submission as stated in the letter concerning the recommendations made in the Irene Inc report.

The attachments are as follows:

- 1) Submission - Kingborough LPS Direction 69 for [REDACTED]
- 2) Attachment A in conjunction with Submission - Kingborough LPS Direction 69
- 3) Allens Rivulet Nierinna Margate Collective submission in conjunction with Submission - Kingborough LPS Direction 69

We thank you for this opportunity and look forward to discussing our concerns at a hearing.

Yours Sincerely,
David and Kylie Engisch

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule -Direction 69 / Ireneinc Report

PLEASE NOTE: In addition to our individual submission herein, we are also a signatory to the **Allens Rivulet Nierinna Margate Collective Submission**

PART A -PROCEDURAL OPENING

To the Tasmanian Planning Commission,

We write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends our property remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

We did not make a formal representation during the public exhibition period; however, correspondence has been received in relation to the draft LPS on our behalf. This letter provides the opportunity to participate at this stage of the LPS process by making a written submission. While this does not confer a right to be heard, the Commission may elect to invite us to discuss the matters raised.

We take up that opportunity and submit as follows.

PART B -PROPERTY DETAILS

Landowner name(s)	David & Kylie Engisch
Property address	██████████
Title reference (folio)	123656/1
Lot size (approx.)	20.34ha
Locality	Allens Rivulet
Current IPS zone	Environmental Living Zone
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)

PART C -STATEMENT OF POSITION

We submit that the application of the Landscape Conservation Zone (LCZ) to the subject land is not consistent with section 34 of the Land Use Planning and Approvals Act 1993, the Section 8A Guideline No. 1 - Local Provisions Schedule: Zone and Code Application, or the Southern Tasmania Regional Land Use Strategy (STRLUS).

We seek that the Commission determine the Rural Living Zone (RLZ) as the appropriate zone for the subject land under the draft Kingborough Local Provisions Schedule.

The Rural Living Zone D subcategory (minimum lot size 10 hectares) is the appropriate RLZ designation for the subject land. This subcategory reflects the existing lot size and rural-residential settlement pattern of the Allens Rivulet locality, where properties predominantly range between approximately 10 and 20 hectares.

Application of RLZ-D would align with the established pattern of rural-residential development in the locality and the existing use of the land, without introducing any material change in subdivision potential. The minimum lot size threshold of 10 hectares ensures that no additional intensification outcome is created beyond that already contemplated under the current zoning framework and applicable planning controls.

RLZ-D appropriately reflects the existing pattern of development, land use, and lot size distribution within the locality.

PART D -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 based on 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.

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.'

Our property has been used for residential purposes with associated small-scale rural activities, including maintained paddocks and ancillary structures throughout our period of ownership since 2013. During that time, it has been zoned Primary Industry/Environmental Management (Kingborough Planning Scheme 2000) then in 2015 changed to Environmental Living Zone (ELZ) under the Kingsborough Interim Planning Scheme 2015.

Now an even more restrictive zone, LCZ, is proposed to be applied.

During our tenure, the primary use and strategic intention of the land is and has always been residential.

This is consistent with the broader locality, which exhibits a clear and established rural-residential settlement pattern.

In this context, residential use is not incidental but is the dominant and intended use of the land. The application of the LCZ is therefore inconsistent with Guideline 4(a), which directs that land with a priority for residential use should instead be considered for the RLZ.

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 our property. The Ireneinc report applies the LCZ to our property based on generalised locality-level landscape values, not demonstrated landscape values specific to our title.

In our case, the application of LCZ appears to represent a broad replacement of the former ELZ, rather than a targeted, evidence-based zoning decision specific to the characteristics of our land.

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 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 satisfies both elements of this criterion.

Our property has an area of approximately 20.34 hectares. This is consistent with the RLZ-D minimum lot size of 10 hectares and does not provide for further subdivision under that subcategory.

This aligns directly with the intent of RLZ 1(a), which applies to large lot residential areas where the primary use is residential within a rural setting.

The characteristics of the subject land are consistent with other properties within the locality that are proposed or retained as RLZ, further supporting the appropriateness of this zoning outcome.

D2 - Application of the Ireneinc evaluation framework supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone.

The Commission was advised 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 may depart from it where supported by appropriate evidence.

However, even when the framework is applied as intended, the subject land satisfies the criteria for the Rural Living Zone rather than the Landscape Conservation Zone.

D2.1 - Strategic residential intention

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone.

The Commission was advised 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 may depart from it where supported by appropriate evidence.

However, even when the framework is applied as intended, the subject land satisfies the criteria for the Rural Living Zone rather than the Landscape Conservation Zone.

Figure 1. Evidence of long term Rural Residential living – House, carport, pool and dam were all built in 1996. Shed and additional water tank added 2016.



D2.2 - Our 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 our property sits displays these characteristics.

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 the Landscape Conservation Zone, including through application of the Natural Assets Code, Scenic Protection Code, and any relevant Specific Area Plan.

At Day 20, the Commission accepted in principle that landscape protection outcomes may be achieved through overlay controls rather than zone designation, including in relation to Kettering West, where it was effectively acknowledged that the Priority Vegetation Area overlay performs the primary landscape protection function rather than the zone itself (Transcript, Day 20, 02:33:54).

The subject land is not affected by any identified Threatened Native Vegetation Communities or known threatened fauna habitat, including raptor nesting sites.

The land is subject to the following existing and proposed planning scheme controls:

Current (KIPS 2015) overlay controls:

- Bushfire- Prone Areas Code
- Landslide Code
- Biodiversity Code
- Waterway and Coastal Protection Code
- Scenic Landscapes Code

Proposed LPS overlay controls:

- Waterway and Coastal Protection Area Code
- Priority Vegetation Area Code
- Scenic Protection Area Code
- Bushfire-Prone Areas Code
- Landslip Hazard Code

These overlay mechanisms already provide a comprehensive regulatory framework for the protection and management of environmental and landscape values on the site.

In particular, the Priority Vegetation Area and Scenic Protection Area controls directly regulate vegetation management and visual impact considerations, addressing the relevant landscape planning objectives without reliance on zone- based restriction.

The application of LCZ is not required in order to achieve landscape protection outcomes for the subject land, as those outcomes are already provided for through existing and proposed overlay controls.

D2.4 - The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key Rural Living Zone suitability indicator that application of the zone would result in limited or no further subdivision, and that a comparable minimum lot size standard is being applied.

The subject land has an area of approximately **20.34 hectares**.

Under the applicable Rural Living Zone D subcategory, the minimum lot size is 10 hectares, meaning that subdivision could only occur, if at all, into a maximum of two lots, each meeting the minimum lot size requirement and subject to compliance with relevant performance criteria.

This represents a very limited subdivision outcome and does not provide a realistic pathway for significant intensification of land use.

The application of the Rural Living Zone does not materially increase development potential through subdivision and is consistent with the Ireneinc indicator that RLZ applies where subdivision potential is limited and consistent with an established rural- residential land use pattern.

Any such subdivision would also remain subject to servicing, access, and environmental constraints, further limiting practical feasibility.

D3 - Hearing evidence relevant to application of the Rural Living Zone

The following statements from the Day 19 and Day 20 Tasmanian Planning Commission hearings are relevant to the assessment of whether the Rural Living Zone is more appropriate than the Landscape Conservation Zone for the subject land. These statements form part of the public record.

D3.1 - The evaluation framework is not determinative

Kate Heckelmann (Ireneinc) stated at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument and should be understood as a tool rather than a rule.

This confirms that the framework is not binding in its application to individual properties. The Commission is therefore required to have regard to the statutory assessment criteria under section 34 of the Land Use

Planning and Approvals Act 1993 and the Zone Guidelines when determining the appropriate zoning outcome.

D3.2 - Risk ratings are judgement-based and not determinative

The Ireneinc report assigns a **low risk rating** to the transition of land in this locality to Rural Living Zone.

At Day 20 of the hearing, these risk ratings were described as judgement-based assessments rather than defined thresholds, and characterised as a rule-of-thumb approach rather than a prescriptive or binding methodology. The Commission has not yet determined the weight that should be given to these ratings in the overall assessment.

The risk rating therefore does not constitute a determinative finding. It must be considered in the context of site-specific evidence relating to the actual characteristics of the subject land.

In the case of the subject property, the assigned risk rating does not adequately reflect the following factors:

- the long-established residential use of the land, including a dwelling and associated infrastructure
- the substantially modified and actively managed landscape condition
- the presence of ongoing land management activities, including vegetation management and bushfire mitigation works coordinated with Tasmania Fire Service
- the localised nature of environmental constraints, which do not extend uniformly across the broader locality

While the Ireneinc risk rating provides a broad comparative indicator, it does not accurately represent the specific conditions of the subject land and should be afforded limited weight in the zoning assessment.

Importantly, the Ireneinc report itself (p.140) in relation to the Allens Rivulet locality provides further confirmation that Rural Living Zone outcomes are considered appropriate in comparable circumstances.

Under Decision Point 6, *“Could identified landscape values be appropriately managed outside of the LCZ?”*, the report considers whether Rural Living Zone, in combination with relevant overlays (including NAC, Scenic Protection, or similar controls), would appropriately manage landscape values.

The evaluation concludes:

“These parcels also have characteristics which are consistent with the existing other RLZ land and could be reasonably managed in the same way. This represents a low risk where RLZ is applied.”

This is significant because it confirms that, within the Ireneinc framework, land with characteristics comparable to existing Rural Living Zone areas is expressly assessed as **low risk when RLZ is applied**, even where landscape values are present.

This reinforces that the framework anticipates Rural Living Zone as an appropriate planning outcome where landscape values can be managed through existing planning controls, rather than requiring mandatory application of the Landscape Conservation Zone.

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 several localities, including Kettering East, Oyster Cove, Howden, Blackmans Bay, Albion Heights, and Tinderbox West.

The characteristics of these localities include established rural-residential settlement patterns, predominately low-density residential development, and lot sizes generally ranging between approximately 1 and 15 hectares, with a mix of residential and rural land uses and limited reliance on intact landscape values as a basis for zoning retention.

The subject land is directly comparable to these RLZ-recommended localities, particularly in relation to the Howden and West Tinderbox areas, which exhibit the closest alignment in terms of settlement pattern and land use context.

In particular, the subject land shares the following characteristics with those RLZ-recommended areas:

- established rural-residential dwelling and associated outbuildings
- lot size within the same general range of rural-residential holdings (approximately 20.34 hectares, at the upper end of the RLZ spectrum but consistent with dispersed rural-residential settlement patterns in the locality)
- mixed residential and small-scale rural land use, including hobby farming and land management activities
- modified vegetation conditions consistent with long-term residential occupation rather than intact conservation landscape
- absence of demonstrably unique or dominant landscape values requiring a higher level of protection than adjacent RLZ areas

Taken together, these characteristics indicate that the subject land sits within the same functional land use category as RLZ-recommended localities.

There does not appear to be a clear or consistent planning basis for distinguishing the subject land from those areas where Rural Living Zone was recommended.

D4 - Consistency and fragmentation arguments

D4.1 - Fragmented LCZ application should be resolved in favour of the surrounding zone

The Ireneinc report itself identifies avoidance of fragmented LCZ application as a key principle. The report notes that areas where only 2-3 LCZ-zoned properties are surrounded by Rural Zone (RZ) or RLZ land should be modified to resolve the fragmentation.

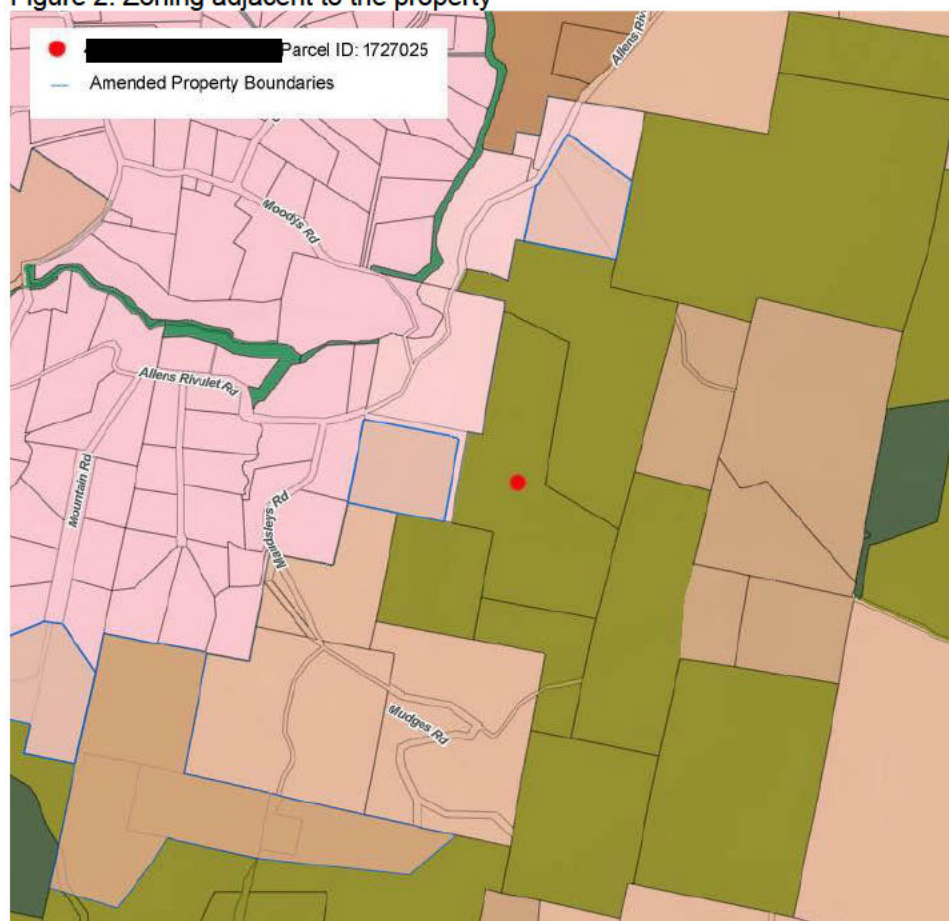
Where our property is located within or adjacent to an area predominantly zoned RLZ or RZ, the application of LCZ creates exactly the kind of spot-zoning that the Ireneinc framework seeks to avoid.

Our property is surrounded on the west and north side by RLZ, plus split zoning on the eastern side under the draft LPS. To the south zoning is RLZ one property over.

The application of LCZ to the small cluster of properties in this area creates a fragmented and isolated pocket of LCZ within a predominantly RLZ/Rural area.

Figure 2 shows the zoning around the property.

Figure 2. Zoning adjacent to the property



D4.2 - Inconsistency with adjoining or comparable properties

The Zone Guidelines require that, as far as practicable, zones be applied in a consistent and coordinated manner across the LPS area. Where land has substantially similar physical characteristics, development patterns, and environmental context, a materially different zoning outcome must be clearly justified by evidence.

In this case, there are properties within the immediate and broader Allens Rivulet locality that share comparable characteristics to the subject land, including established rural-residential use, similar lot sizes, modified vegetation, and long-standing patterns of residential occupation and land management, which have been recommended for Rural Living Zone (RLZ) rather than Landscape Conservation Zone (LCZ).

No corresponding site-specific distinction has been identified in the Ireneinc evaluation framework that would justify a different zoning outcome for the subject land.

The application of LCZ to the subject property results in a spatial inconsistency within the locality that is not explained by any clearly identifiable difference in land use, landscape condition, or development history.

D5 - Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a clear evolution in Council's approach to applying the Landscape Conservation Zone (LCZ) to land previously zoned Environmental Living.

At the initial draft stage of the Local Provisions Schedule (2020), approximately 85% of Environmental Living Zone (ELZ) parcels were proposed for LCZ. The Commission observed at the time that this approach was often inconsistent with the Zone Guidelines, noting that in many cases "the zone proposed does not seem to match these criteria or those of Guideline No. 1."

By public exhibition, the proportion of ELZ land proposed for LCZ had reduced to approximately 75%, with the balance transitioned to Rural Living, Rural, and other zones.

This progression indicates that the initial broad application of LCZ was not consistently supported by the Zone Guidelines and has required refinement as site-specific evidence has been tested through the planning process.

The Ireneinc report represents a further iteration of this reassessment. LCZ should not be retained based on earlier broad-scale assumptions or generalised mapping approaches, where property specific evidence demonstrates that an alternative zoning outcome is more appropriate.

The subject land (PID 1727025) lies within an area identified for significant zoning adjustment. In that context, the continued application of LCZ is not consistent with the demonstrated pattern of refinement, nor with the site-specific evidence presented in this submission, which supports a Rural Living outcome.

D6 - All landscape values present can be managed without LCZ

Where landscape values are identified on or in proximity to the subject land, those values can be appropriately managed through existing statutory overlay controls without the need for the Landscape Conservation Zone (LCZ).

The Tasmanian Planning Scheme already provides a layered regulatory framework for this purpose, including the following

C7.0 Waterway and Coastal Protection Area,
C7.0 Priority Vegetation,
C8.0 Scenic Protection Area,
C13.0 Bushfire-Prone Areas, and C15.0 Landslip Hazard overlays.

These controls directly regulate vegetation disturbance, scenic impact, environmental protection, and hazard management, and apply independently of zoning.

The combined effect of these overlay controls, together with Rural Living Zone (RLZ) provisions, already provides a targeted and enforceable mechanism for managing environmental and landscape values without imposing the broader land use constraints associated with LCZ.

This approach is consistent with the position acknowledged by the TPC panel at Day 20 [02:33:54], where it was recognised that in comparable circumstances, the Priority Vegetation Area (PVA) and related overlay controls perform the primary landscape protection function, rather than the zone itself. That principle is directly relevant here, where similar overlay controls already apply.

It is also consistent with the Ireneinc LCZ Review report, which acknowledged that land use risk considerations associated with RLZ are not fixed or determinative and may be addressed through future planning mechanisms and management actions [Transcript, 03:06:18].

This reinforces that residual environmental or landscape considerations do not necessitate LCZ zoning where appropriate overlay controls already exist.

The presence of landscape and environmental values does not require LCZ designation, as those values are already adequately addressed through the existing overlay framework.

D7 - Comparative Inconsistency in the Ireneinc evaluation framework

A formal inconsistency analysis is provided in Attachment A to this submission. The analysis compares the landscape value descriptions, settlement characteristics, lot sizes, overlay coverage (SPA/NAC/PVA), and risk ratings applied by Ireneinc to this locality against one or more comparable localities that received a different zoning outcome using the same or substantially similar evaluation framework.

The analysis demonstrates that, in multiple instances, materially similar evidence has resulted in different zoning recommendations, without a clearly articulated or evidence-based differentiator to justify the divergence in outcome.

This issue is consistent with matters raised during the Day 20 TPC hearing, including:

- Commissioner Rohan Probert [01:07:48]: Noted that landscape descriptions for Tinderbox East and Howden are effectively comparable, yet produced different zoning outcomes, and requested identification of the substantive difference between those localities.

The inconsistency identified in Attachment A reflects the same issue in relation to this locality.

- Commissioner Dan Ford [02:33:54]: Noted that the Priority Vegetation Area (PVA) overlay performs the primary landscape protection function rather than the zone itself.

This principle is directly relevant where equivalent overlay controls apply to the subject land.

- Kate Heckelmann (Ireneinc) [05:53:00]: Confirmed that the evaluation framework is a tool rather than a statutory requirement, and that submissions may depart from it where supported by evidence.

The most relevant comparison within Attachment A for this property is with Howden, where Ireneinc applied similar landscape and settlement characteristics but recommended a different zoning outcome.

In that comparison, the factor relied upon to justify the different zoning outcome is not present, or is not materially different, on the subject land.

Attachment A therefore demonstrates that the recommended LCZ outcome for the subject land is not consistently derived from the application of the Ireneinc evaluation framework across comparable localities.

Attachment A should be given weight in the Commission's assessment, as the identified comparison tables demonstrate inconsistent application of the recommended zoning outcome across comparable localities within the municipality.

PART E - LOCALITY-SPECIFIC CONTEXT

This section provides locality-specific context relevant to the subject land, drawing on the Ireneinc Locality Report (Locality Parts 001–006) and statements made during the Day 20 TPC hearing.

E1 - Locality identification

The subject land is located within the Allens Rivulet locality as identified in the Ireneinc Locality Reports.

E2 - Ireneinc zoning recommendation for the locality

The Ireneinc report recommends a general application of the Landscape Conservation Zone (LCZ) across much of the Allens Rivulet locality, with limited areas identified for Rural Living Zone (RLZ) in specific sub-areas based on mapped characteristics and evaluation criteria.

The subject land is included within the area recommended for LCZ.

E3 - Hearing evidence relevant to this locality

At the Day 20 TPC hearing, the Commission and Ireneinc representatives discussed the application of the evaluation framework across comparable rural-residential localities, including those with similar landscape descriptions and settlement patterns.

While no detailed, site-specific determination was made in relation to the subject property, the hearing included general acknowledgement that:

The evaluation framework is a tool rather than a binding statutory requirement. Overlay controls (including vegetation and scenic overlays) often perform the primary regulatory function for landscape values.

Similar land use patterns across different localities have resulted in different zoning outcomes depending on interpretation of landscape criteria

These statements are consistent with the comparative analysis set out in Attachment A and support the need for careful site-specific assessment of the subject land within the broader locality context.

E4 - Local landscape character and relevance to subject land

The Ireneinc report describes the Allens Rivulet locality as containing a mix of rural-residential development, agricultural land, and vegetated areas with varying landscape sensitivity depending on slope, exposure, and vegetation condition.

While parts of the locality exhibit more intact or visually prominent landscape characteristics, the subject land itself is located within a modified and actively managed landscape context, including established residential development, cleared areas, and regrowth vegetation.

The characteristics identified in the locality description do not apply uniformly across all parcels, and do not consistently reflect the on-ground condition of the subject land. The following 2 diagrams show the change from minimal use land to rural residential over a 20 year period.

Figure 3. Land Use 2001

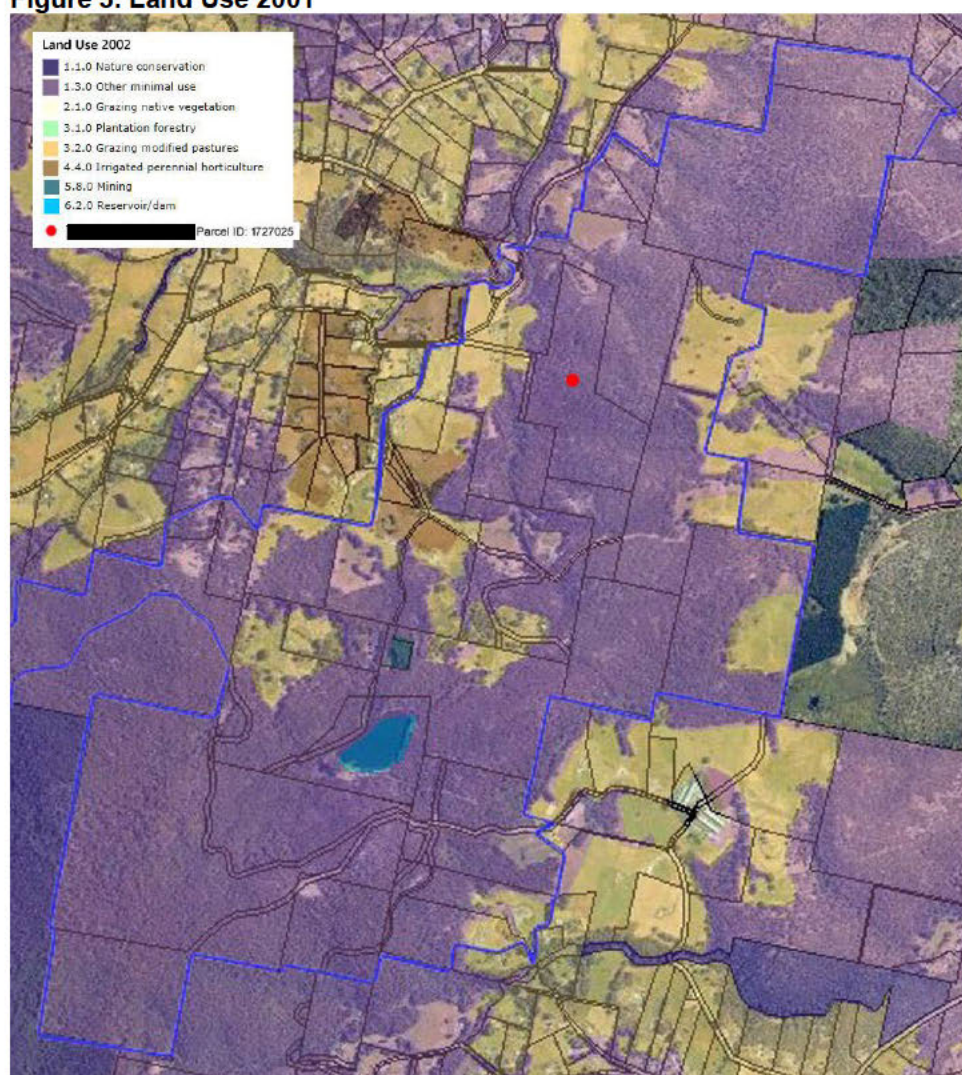
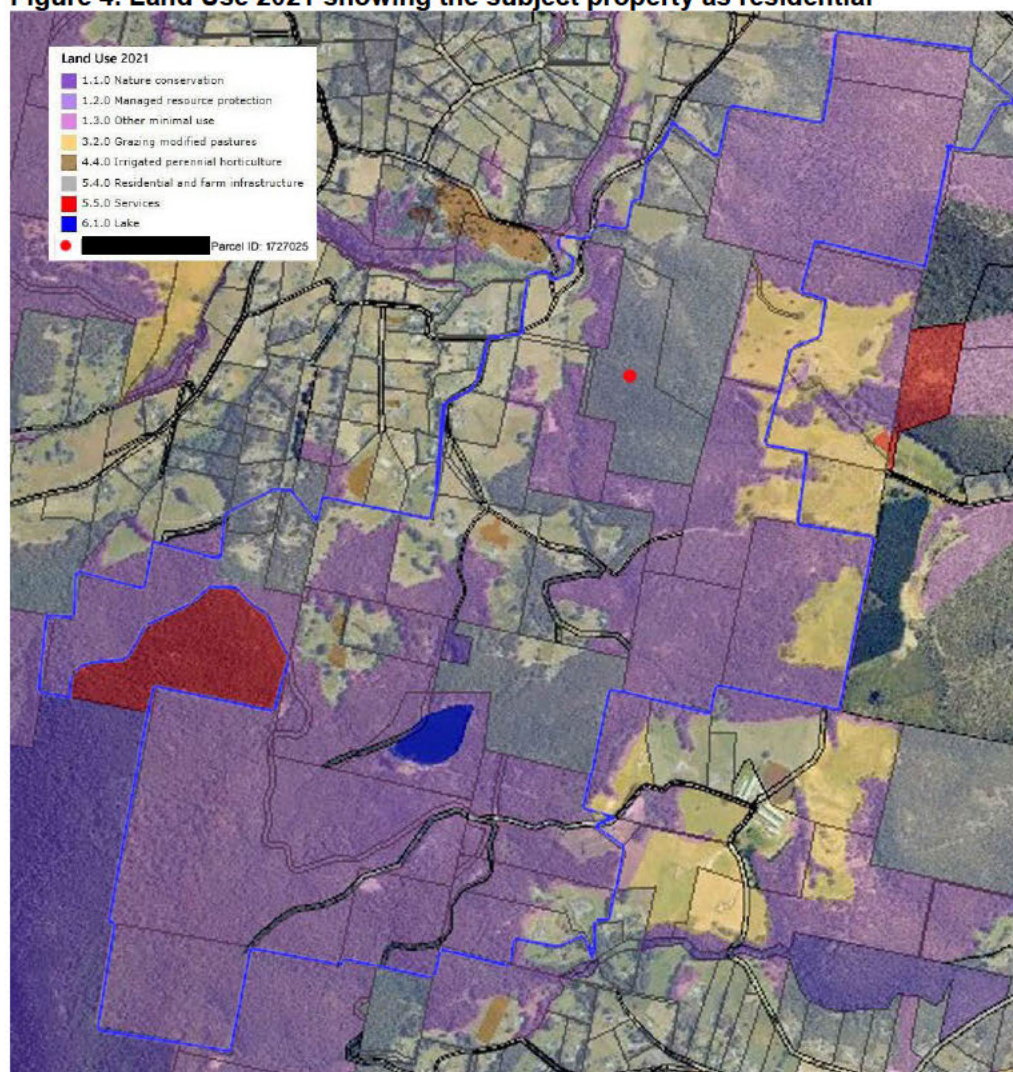


Figure 4. Land Use 2021 showing the subject property as residential**E5 - Existing zoning context within the locality**

The Allens Rivulet locality includes a number of properties currently zoned Rural Living under the existing planning scheme, reflecting an established rural-residential settlement pattern across parts of the area.

The subject land is in proximity to this pattern of rural-residential development and shares similar characteristics, including lot size, dwelling presence, and land management practices.

Despite this, the Ireneinc recommendation applies LCZ to the subject land, resulting in a different zoning outcome within a broadly comparable settlement context.

E6 - Historical zoning context

Under the Kingborough Planning Scheme 2000, a substantial portion of the subject land was zoned Primary Industry, which supported a range of routine rural land management activities, including the use of timber resources for on-site purposes such as firewood collection and fuel management.

These activities form part of normal rural self-sufficiency and ongoing land stewardship, particularly in areas with established dwellings and reliance on wood heating.

Subsequent rezoning to Environmental Living reduced the scope for such activities by introducing additional controls and approval requirements around vegetation removal, as will the proposed application of the Landscape Conservation Zone (LCZ).

This represents a shift away from enabling active land management toward a more restrictive framework that treats vegetation primarily as a conservation value, rather than a resource to be managed.

Importantly, there have been no corresponding changes in the physical characteristics or use of the land that would justify this reduction in land use flexibility. The property remains a working rural-residential holding requiring ongoing vegetation management for both practical and safety purposes.

LCZ would restrict long-standing and necessary land management practices without a clear planning basis linked to the actual condition or function of the land.

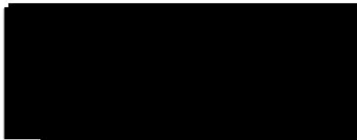
PART F - CONCLUSION AND RELIEF SOUGHT

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 existing 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 - D;
- Provide us with an opportunity to respond, if the Commission proposes any alternative outcome, before any final determination is made.

Signed:  Full name: David John Engisch	Date: 4/5/2026  Contact email / phone:
Signed:  Full name: Kylie Maree Engisch	Date: 4/5/2026  Contact email / phone:

PART G -ACRONYMS / TERMS USED IN THIS SUBMISSION

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
LCZ	Landscape Conservation Zone
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

COLLECTIVE SUBMISSION -ALLEN'S RIVULET/NIERINNA CORRIDOR

PART 1 — SUBMISSION IDENTIFICATION

Locality	Allens Rivulet and Nierinna (Margate)
Submission type	Collective cover submission — Direction 69 / Ireneinc Report
Number of signatories	35
Lodgement date	Monday 4 May 2026
Contact person for this group	Denbeigh Armstrong, [REDACTED]

PART 2 — SIGNATORIES

The following landowners are parties to this collective submission. Each signatory has also lodged their own individual submission addressing their specific property.

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
Lynette Kay and Scott Fairbrother	[REDACTED], Allens Rivulet TAS 7150	9558720	LCZ	RLZ-D
Robyn Rosey	[REDACTED], Allens Rivulet TAS 7150	5772034	RLZ	RLZ-B
Kim and Peter Creef	[REDACTED], Allens Rivulet TAS 7150	5772042	RLZ	RLZ-B
Daniel Sanders	[REDACTED], Allens Rivulet TAS 7150	2130351	LCZ	RLZ-D
David and Kylie Engisch	[REDACTED], Allens Rivulet TAS 7150	1727025	LCZ	RLZ-D

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
Marianne Grace and Kerry Moody	[REDACTED], Allens Rivulet TAS 7150 (9.63 ha)	5772050	RLZ-C	RLZ-C
Marianne Grace and Kerry Moody	[REDACTED], Allens Rivulet TAS 7150 (14.24 ha)	5772050	LCZ	LCZ/RLZ split zone
Sean Cameron Murray	[REDACTED], Allens Rivulet TAS 7150	2760230	LCZ	RLZ-D
Ann and Grant Weatherburn	[REDACTED], Allens Rivulet TAS 7150	9178754	LCZ/RZ split	RLZ -D
Denbeigh Armstrong	[REDACTED], Allens Rivulet TAS 7150	1958288	LCZ/RZ split	RLZ-D
Olga Polduskova and Dmitry Beygul	[REDACTED], Allens Rivulet TAS 7150	1957322	LCZ	RLZ-D
Elizabeth Mary Ekins	[REDACTED], Allens Rivulet TAS 7150	2849083	RZ	RLZ-D
Gregory Richard Whitten	[REDACTED], Allens Rivulet TAS 7150	1964928	LCZ/RZ split	RLZ-D
Craig Neill and Kelly Brown	[REDACTED], Allens Rivulet TAS 7150	1890084	RZ	RLZ-D
Rachel McEldowney	[REDACTED], Allens Rivulet TAS 7150	5772114	LCZ	RLZ-C
Susan Dawson	[REDACTED], Allens Rivulet TAS 7150	9717721	LCZ	RLZ-D
Scott and Renae Saunders	[REDACTED], Allens Rivulet TAS 7150	9564560	LCZ/RLZ split	LCZ /RLZ split
Carl von Savageri	[REDACTED], Margate TAS 7054	9126946	LCZ	RLZ-D
Dale Wallace, for Janette Wallace	[REDACTED], Margate TAS 7054	3070020	LCZ/RZ split	RLZ-D
Mark de Deuge	[REDACTED], Margate TAS 7054 (also listed as [REDACTED])	5773416	LCZ/RZ split	RLZ-D
Stuart William Haughton	[REDACTED], Margate TAS 7054	2601512*	LCZ	RLZ-D
Leslie Hall	[REDACTED], Margate TAS 7054	2599854	LCZ/RZ split	RLZ-D
Robert and Donna de Jong	[REDACTED], Margate TAS 7054	2599862	LCZ/RZ split	RLZ-D

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
Dave Rasch	[REDACTED], Margate TAS 7054	9478677	LCZ	RLZ-D
Rina Sinha Littlefield	[REDACTED], Margate TAS 7054	5787682	LCZ	RLZ-D
Martyn Bradfield Raymond Ottis Littlefield	[REDACTED], Margate TAS 7054	9980418	LCZ	RLZ-D
Clara Bradfield	[REDACTED], Margate TAS 7054	1951510	LCZ	RLZ-D
Martyn Bradfield	[REDACTED], Margate TAS 7054	9980418	LCZ	RLZ-D

Supporting property signatories

The following properties are also included in this collective submission. While they are not affected by the Ireneinc report and have not received an invitation to submit, they form an important part of our submission. Consent for inclusion in this submission is provided at Part 8. From here on in, these properties will be referred to as “supporting properties”.

Full name	Property address	Title reference	Zone proposed (KC)	Would accept zone
Kelvin and Marlene Lovell	[REDACTED], Allens Rivulet TAS 7150	7883491	RZ	RLZ-D
Philippa Morgan	[REDACTED], Allens Rivulet TAS 7150	1547905	RZ	RLZ-D
Lisbeth and Iain Larnar	[REDACTED], Allens Rivulet TAS 7150	1534629	RZ	RLZ-D
DJ and SM Crawford	[REDACTED], Allens Rivulet TAS 7150	1554064	RZ	RLZ-D
Ann Wessing	[REDACTED], Allens Rivulet TAS 7150	2760222	RZ	RLZ-D
Colin Bradley Constance	[REDACTED], Allens Rivulet TAS 7150	1660668	RZ	RLZ-D
Colin and Jennifer Wishart	[REDACTED], Margate TAS 7054	9178753	RZ	RLZ-D

PART 3 — PURPOSE OF THIS SUBMISSION

We are a group of neighbouring landowners in the Allens Rivulet and Nierinna (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.

Each of us has 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.

Summary of key arguments

In this submission, we put forward several arguments to support the claim that our properties satisfy the Rural Living Zone guidelines and that the risk of applying this zone to our properties is low. These arguments include:

1. **Our properties meet Zone Guidelines for RLZ.** RLZ 1(a) applies to large-lot residential areas with mixed residential and rural uses, prioritizing amenity. RLZ 2(b) allows converting ELZ land to RLZ for primarily residential rural use with similar lot sizes. Our properties satisfy both criteria as shown in Part 4.
2. **The overlay codes perform landscape-protection, not the zone.** All properties are subject to Natural Assets, Scenic Protection, Bushfire-Prone Areas, and Landslip Hazard codes. These overlays handle landscape protection where they apply, removing the need for LCZ. Changing to LCZ adds no additional conservation; it only makes existing residential use discretionary, contrary to the Zone Guidelines for established residential areas.
3. **LCZ misrepresents the landscape: it would damage the values it aims to protect.** The Allens Rivulet/Nierinna corridor's landscape value is its rural mosaic of paddocks, orchards, and regrowth. Research shows that removing active management results in canopy closure, habitat loss, homogenisation, and increased fire risk. LCZ limits management; RLZ supports it.
4. **Consistency with similar localities demands the same outcome.** The TPC accepted full ELZ-to-RLZ transitions at Day 20 for Kettering East, Howden, Albion Heights, and Tinderbox West, which share characteristics similar to ours. Ireneinc found LOW RISK for RLZ at Decision Point 6 for properties in Allens Rivulet that reached that question. The principle applied there also applies here. Section 34(2)(g) LUPAA requires the Commission to ensure the zone application is consistent and coordinated. Applying LCZ or RZ to properties with identical features to those receiving RLZ would breach this obligation.
5. **Three STRLUS provisions authorise RLZ for our properties.** TPS Addendum SRD 1.3 allows ELZ-to-RLZ translation aligned with RLZ purpose. SRD 1.3(a) recognises the established rural community, like Allens Rivulet. SRD 1.3(c) supports infill and consolidation along Maudsleys Road. These do not depend on the Ireneinc decision tree. The STRLUS hierarchy classifies other settlements as 'Very Low Growth / Consolidation,' supporting RLZ: LCZ and RZ conflict with consolidation, while RLZ subcategories suited to existing lot sizes promote it.

PART 4 — SHARED CHARACTERISTICS OF OUR PROPERTIES

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.

4.1 — Settlement pattern

Our properties form part of the established rural residential settlement of Allens Rivulet and Nierinna (refer Figure 1). In Allens Rivulet, properties are located along [REDACTED]. In Nierinna, properties are located along [REDACTED], [REDACTED] and [REDACTED]. A further property in Margate is located at the end of [REDACTED]. Each property fronts a road or has private driveway access from a crown reserve road which adjoins a road and shares the same access network into the wider Allens Rivulet and Nierinna locality and out to the Channel Highway via [REDACTED], [REDACTED] or [REDACTED].

These properties form a contiguous rural-residential precinct on the slopes and foothills of the ridge between Hickman's Hill, Knots Hill, and Perrins Ridge. An aerial photo of the properties involved in this submission is provided in Figure 2. A list of all properties, their land size, current, proposed, and preferred zoning, and other settlement characteristics is provided in Appendix 1.

The settlement pattern across both localities consists of established rural residential lots used for residential and rural living purposes. Most properties contain an existing dwelling, associated outbuildings, and rural activities such as hobby farming and grazing. This settlement character has existed in its current form for several decades under Environmental Living Zone (ELZ) and Rural Resource (RRZ) designations and their predecessors. The titles were created in the post-Tree Pull subdivision era of the 1970s through 1990s, following the collapse of Tasmania's apple export market and the consequent fragmentation of the orchards and grazing runs that previously occupied the lower Channel district.

Figure 1: Boundary of the properties referred to in this collective submission, showing Council and Irenic zones

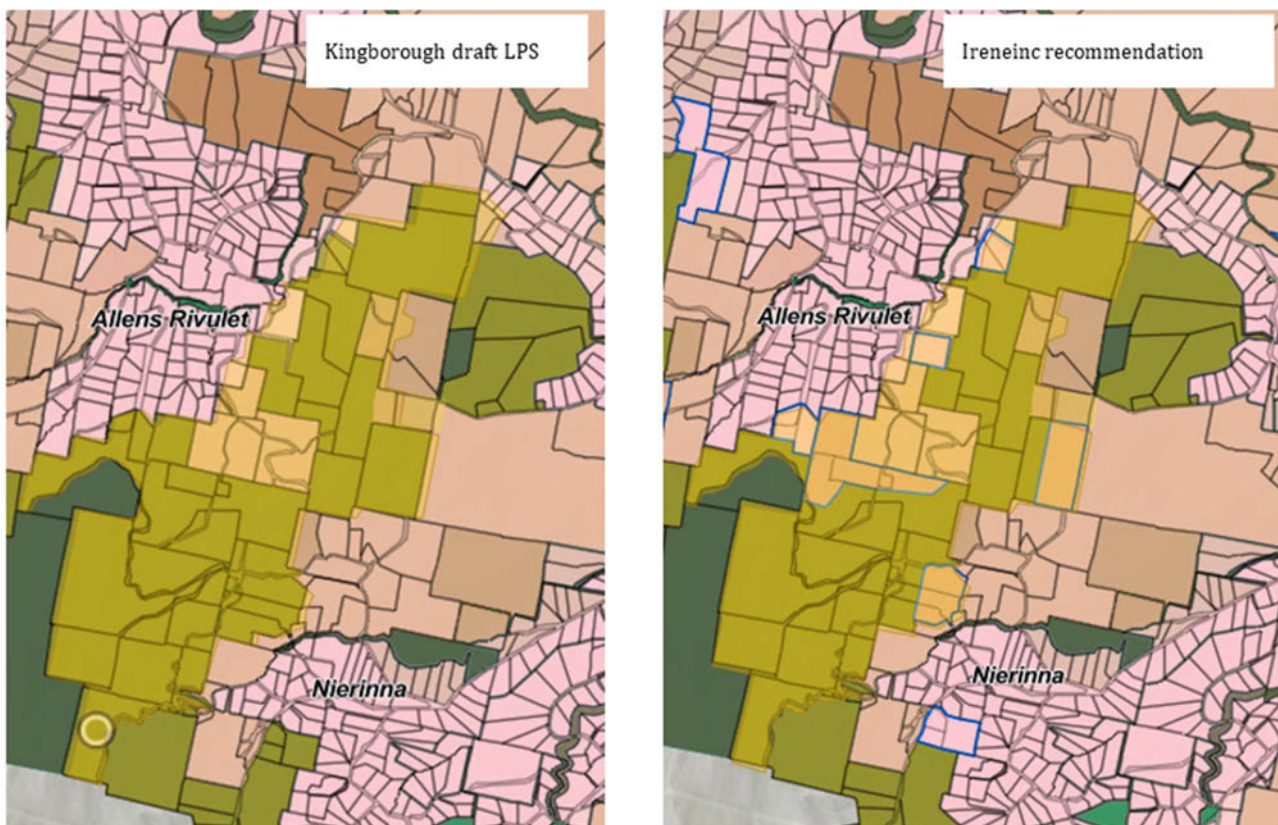
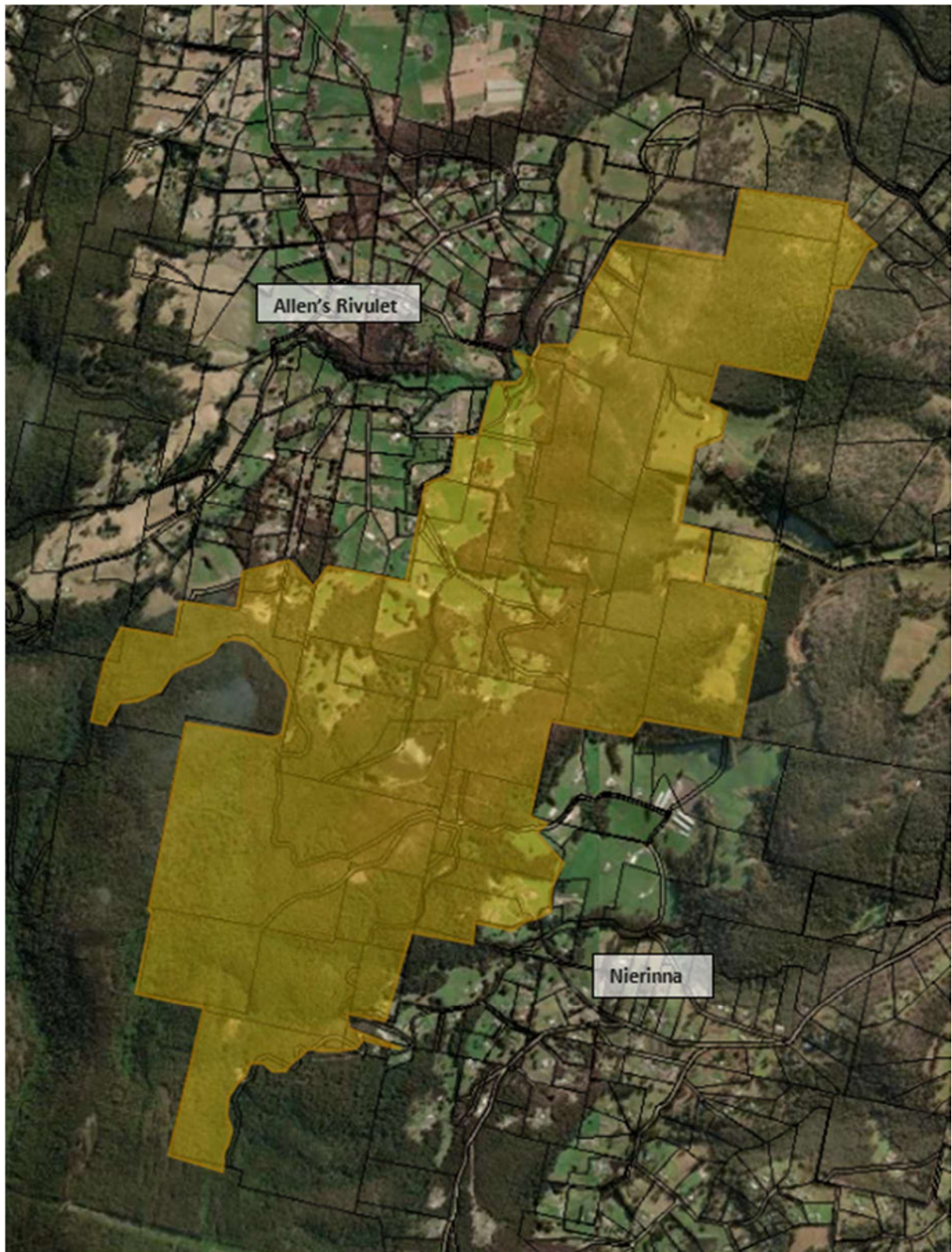


Figure 2: Our properties form a contiguous rural-residential precinct on the slopes and foothills of the ridge between Hickman's Hill, Knots Hill, and Perrins Ridge.



4.2 — Typical lot sizes

Lot sizes across our group range from approximately 1 ha to 74.20 ha. Most properties fall within the 2 ha to 20 ha range. These lot sizes broadly align with RLZ subcategories, as illustrated in Table 1. For the larger-lot properties on [REDACTED], [REDACTED], [REDACTED] and [REDACTED] (20+ ha), RLZ-D is the specifically designed designation: its 10-ha minimum lot size matches the existing ELZ threshold (1 dwelling per 10 ha), preserving the status quo for subdivision while accurately reflecting the residential character of these properties.

Table 1 – Number of properties by lot size

Size	Number of properties (incl in Ireneinc)	Number of supporting properties	Consistent with RLZ
2-5 ha	6	2	RLZ-B
5-10ha	7	3	RLZ-C
10-20ha	5	2	RLZ-D
20-40ha	6	0	RLZ-D
40-80ha	2	0	RLZ-D
For the exact size of each property, see Appendix 1			

The Ireneinc Independent Review confirms that RLZ D is the proper translation for ELZ titles where the primary strategic intention is residential use in a rural setting and the existing minimum allowable lot size is 10 ha or greater. This situation accurately describes our group's larger titles, and RLZ D was specifically created for this purpose. In other words, lot size does not exclude a property from RLZ; instead, it is the key factor the State Planning Provisions use to categorise properties into the appropriate subcategory.

4.3 — Existing uses

As evidenced in individual submissions, every property in this submission falls within one of two categories:

- a) Titles improved with an existing dwelling used as a permanent residence and related outbuildings such as sheds, garages, water tanks, and dams. They also feature private driveways, fenced paddocks, gardens, and, on most sites, a mix of land management activities, hobby farming, small-scale lifestyle grazing (including sheep, horses, cows, and chickens), beekeeping, fruit trees, household vegetable gardens, or low-intensity horticulture such as organic herb farming. These align with RLZ purpose statement 11.1.2, which emphasises "compatible agricultural use and development that does not adversely impact on residential amenity."
- b) Titles bought specifically to establish a permanent residence that are held for several years as owners work through designing the dwelling, arranging financing, conducting bushfire-attack-level assessments, and obtaining other approvals. This is a typical process from purchasing a rural-residential block to moving in.

With one exception, none of the properties in our group engages in activities like commercial agriculture, horticulture, plantation forestry, native forest harvesting, intensive animal husbandry, mining, quarrying, or any large-scale primary production. There are no active commercial orchards, sawlog or pulpwood

operations, or grazing enterprises. One property features a 1-hectare organic herb-growing operation. Aside from this, the land is primarily used for residential purposes by households whose incomes come from Hobart, Kingston, and Margate, valuing rural living as a lifestyle.

This description aligns with a typical Rural Living community.

4.4 — Landscape and vegetation character

Our properties feature a varied landscape of partially cleared residential and garden areas near dwellings and access tracks, gradually blending into semi-vegetated paddocks or pastures across the working section of the title. Larger titles also include regenerated bushland on the elevated rear of the lot, where the terrain rises into ridgelines. This layout is common on rural residential lots in Tasmania's hill country.

Importantly, the bushland on the upper parts of these titles is not pristine primary forest. Examples of landscapes altered by post-colonial human activity across our properties include:

- *Logging* in the Channel district was extensive, starting from the colonial era and continuing until the 1960s when selective logging ended. Much of the elevated land above Allens Rivulet was also selectively logged before being subdivided into the current rural-residential pattern. Aerial photos from the 1980s clearly show signs of clear-felling on the hillside behind the dam at the top of Maudsleys Rd. The nearby Kaoota Tramway rail line supported some of this logging activity.
- *Grazing* - this area was also extensively grazed, including bush grazing, and some of the fencing from this activity remains in place.
- *Fire* - the area was burnt during the 1967 fires, and stags from this event are visible today.
- *Horticulture* – small fruit orchards were scattered across the lower hills.

The vegetation now present on the upper portions of the relevant properties in this submission is predominantly post-logging regrowth on private rural residential land. This is a regenerated working landscape, not pristine wilderness. A detailed analysis of landscape character change in the Allen's Rivulet/Nierinna (Margate) area between 1965 and 2025 is provided in Appendix 2.

The European Landscape Convention is the international reference instrument for landscape policy. Under this policy, landscape is defined as 'the product of the action and interaction of natural and human factors'¹. The cleared-and-treed composition of the hills south of Hobart is, by this definition, a cultural landscape: it reflects approximately 10,000 years of Tasmanian Aboriginal patch-burning, followed by approximately 200 years of European grazing, sawmilling, orchards, and horticulture. Research on regional land-cover change confirms that landscape openness (on average 50%) has been a persistent feature of the Holocene in Tasmania, reflecting active human management rather than natural succession².

"Regional land-cover estimates for forest and non-forest plant taxa show persistent landscape openness throughout the Holocene (average landscape openness ~50%) ... This finding challenges the long-held notion that Tasmania's wilderness is a product of the absence of human activity." Mariani et al. (2017)²

The observable trajectory along the Allens Rivulet — Nierinna Rd corridor is encroachment, not conservation.

Over the past fifty years, the trend has been toward increasing canopy cover. As activities like grazing, sawmilling, orchards, and small-scale horticulture decline, natural regrowth has filled the open spaces. Tree lines have become denser, paddocks smaller, and edge habitats (the rich zones where open landscapes meet wooded areas) have diminished. The landscape, which was once a mosaic of open and wooded areas,

¹ Council of Europe (2000) European Landscape Convention, ETS No. 176, Article 1(a)

² Mariani, M. et al. (2017) 'How old is the Tasmanian cultural landscape?', *Journal of Biogeography*, 44(10), pp. 2410–2420

is now increasingly turning into uniform, closed-canopy forests. This shift is currently occurring, even without the influence of the LCZ. Introducing the LCZ could speed up and prolong this trend.

Research quantifying fire regime change across Tasmania confirms this pattern at the regional scale:

“We estimate that 41% of the flammable vegetation (forest and treeless combined) that Robinson traversed has not been burned in the last 50 years, with 32% of the treeless moorland and scrub vegetation currently in a long-unburned state ... Many of these are now dense scrub. This is the first time this scrubby thickening has been shown to have occurred at regional scale in Tasmania.”³

Reforestation by abandonment degrades biodiversity and landscape quality.

Peer-reviewed research shows that withdrawing active land management, such as grazing, selective clearing, small-scale horticulture, and cool burning, leads to structural homogenisation. Lindenmayer et al. describe a 'landscape trap' in which landscapes shift into and remain in a compromised state due to feedback between human and natural disturbances⁴. Active, low-intensity intervention restores mosaic structure, enhances biodiversity, and reduces bushfire risk⁵. The working rural mosaic (the interface of cleared paddocks, grazed openings, remnant bush and regrowth edge) is not a degraded natural state. Rather, it is the landscape value that active occupation under the RLZ maintains. Residential activity and associated low-intensity land management are now the main factors sustaining this mosaic in much of rural Kingborough. The RLZ, with its permitted residential use and compatible land uses, provides the necessary planning framework to support this.

The LCZ prohibits or restricts the very activities that evidence shows are essential: residential land use, selective clearing, small-scale grazing, horticulture, sawmilling, and bushfire fuel reduction. In the mosaic landscape, this is not conservation but managed abandonment. Withdrawing human activities leads to canopy closure, loss of edge habitat, homogenisation, and increased fire risk. This is the degradation sequence described in the landscape trap literature.

For examples of the mosaic landscape in rural Kingborough, including areas identified by Kingborough Council and Ireneinc as having high landscape value, see Appendix 3.

The landscape values the LCZ aims to protect are not the result of natural succession; they are the outcome of sustained human land management over millennia, from Aboriginal patch-burning to post-invasion grazing, clearing, orchards, and horticulture. These activities intentionally shaped a landscape of conservation value; they are the reason for its current character. A zone that limits activities responsible for shaping and preserving the landscape cannot safeguard its values and may even hasten their decline. Using the LCZ approach in the mosaic landscape does not equate to conservation; rather, it removes the fundamental conditions that sustain these values.

The Tasmanian Planning Scheme clearly states:

11.0 Rural Living Zone

11.1 Zone Purpose

The purpose of the Rural Living Zone is:

11.1.1 To provide for residential use or development in a rural setting where:(a) services are limited; or(b) existing natural and landscape values are to be retained.

³ Bowman, D.M.J.S. et al. (2026) 'Fire regime change in western Tasmania between 1830 and 2025', Geographical Research, 64(1), e70046.

⁴ (Lindenmayer, D.B. et al. (2011) 'Newly discovered landscape traps produce regime shifts in wet forests', Proceedings of the National Academy of Sciences, 108(38), pp. 15887–15891)

⁵ Furlaud, J.M. et al. (2023) Journal of Environmental Management, 344, 118301; Kirkpatrick, J.B. et al. (2011) Journal of Applied Ecology, 48(3), pp. 642–649

The RLZ, with its permitted residential land use, and a range of permitted and discretionary land uses that, in combination with the Codes, can facilitate the appropriately regulated low-intensity activities needed to maintain and restore natural and landscape values.

The progressive canopy closure described above is evident in LiDAR-derived canopy height data for the Allens Rivulet area. The three figures below compare tree canopy height in RLZ and RL land adjacent to the subject area with that in the LCZ-proposed subject area. RLZ and RZ land contain high-canopy forest, whereas the LCZ subject area is dominated by low-canopy regrowth, consistent with post-agricultural regeneration following the cessation of active land management. This demonstrates that the landscape trap is an observable and measurable condition in the current landscape.

In summary, the RLZ provides a balanced framework for managing human activities that support the mosaic landscape. According to peer-reviewed evidence and Zone Guidelines, the RLZ is most effective in fulfilling the landscape objectives for areas in Kingborough with this mosaic landscape.

In the next section, we address the function and purpose of code overlays, emphasising their role in protecting ecological and scenic values.

Figure 2. Tree canopy height — RL and Rural-zoned areas, Allens Rivulet. High-canopy forest is concentrated in the zones adjacent to the LCZ subject area.

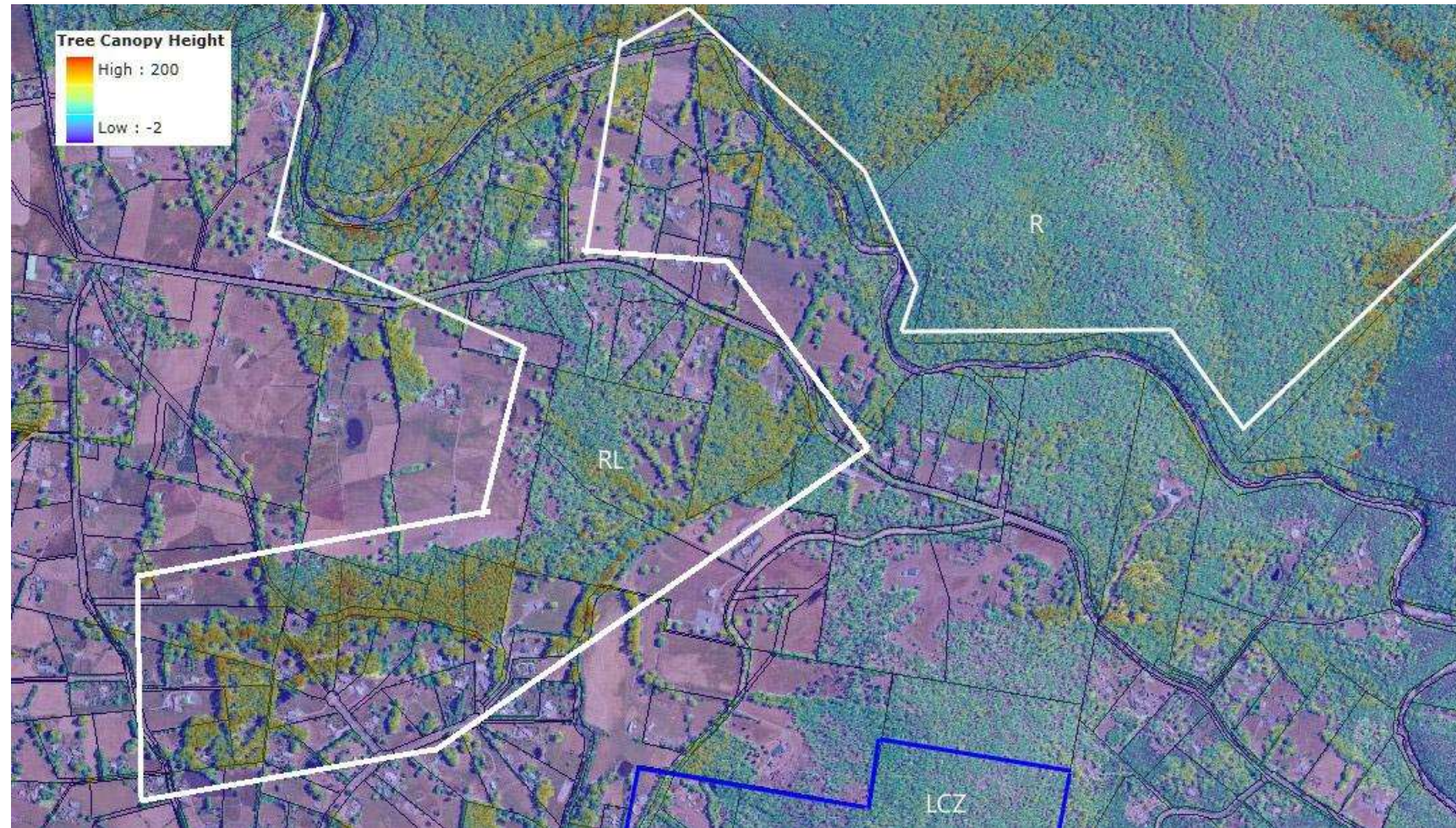


Figure 3. Tree canopy height — LCZ subject area. Areas with similar vegetation patterns to adjacent RL-zoned land are visible.

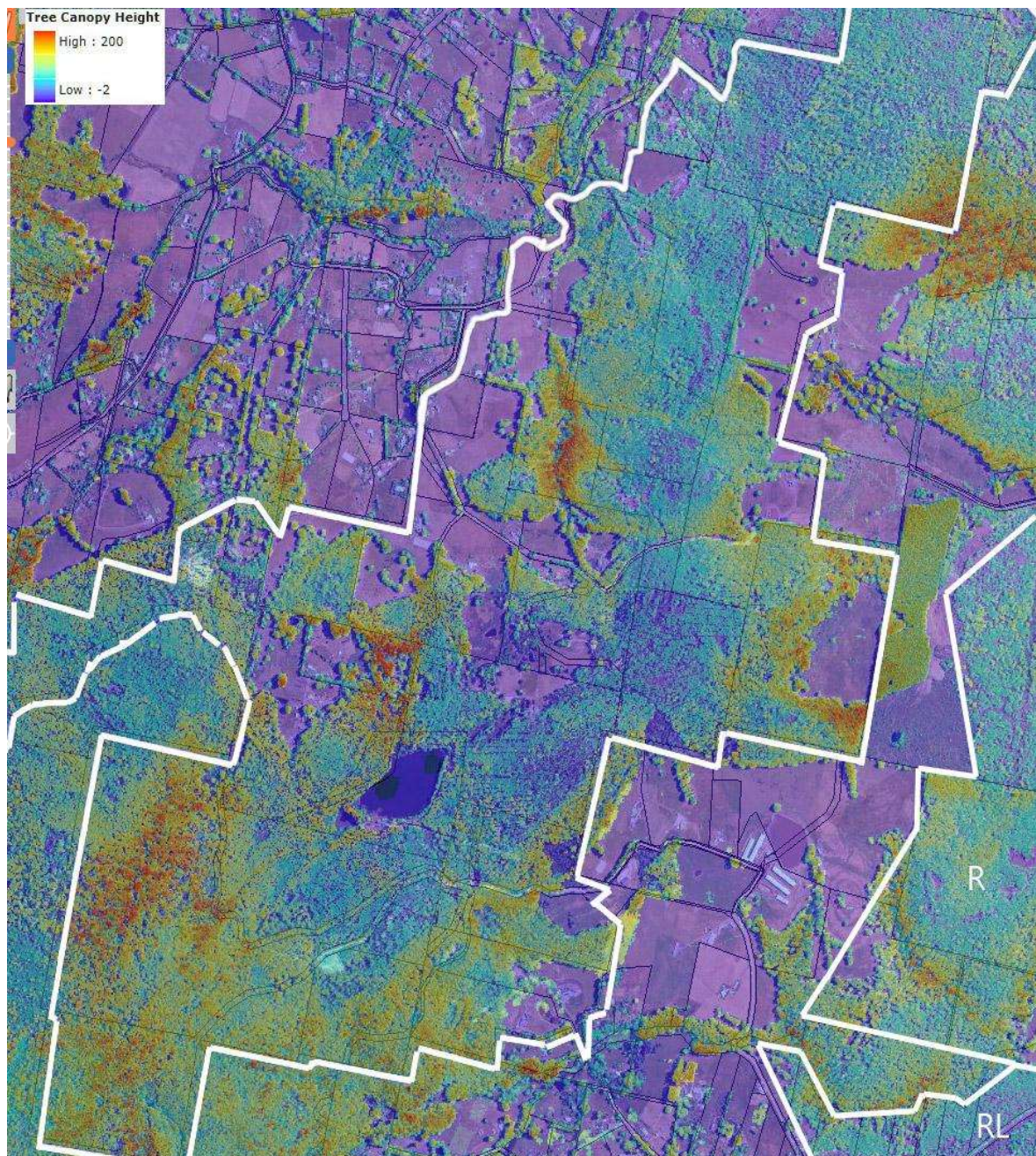
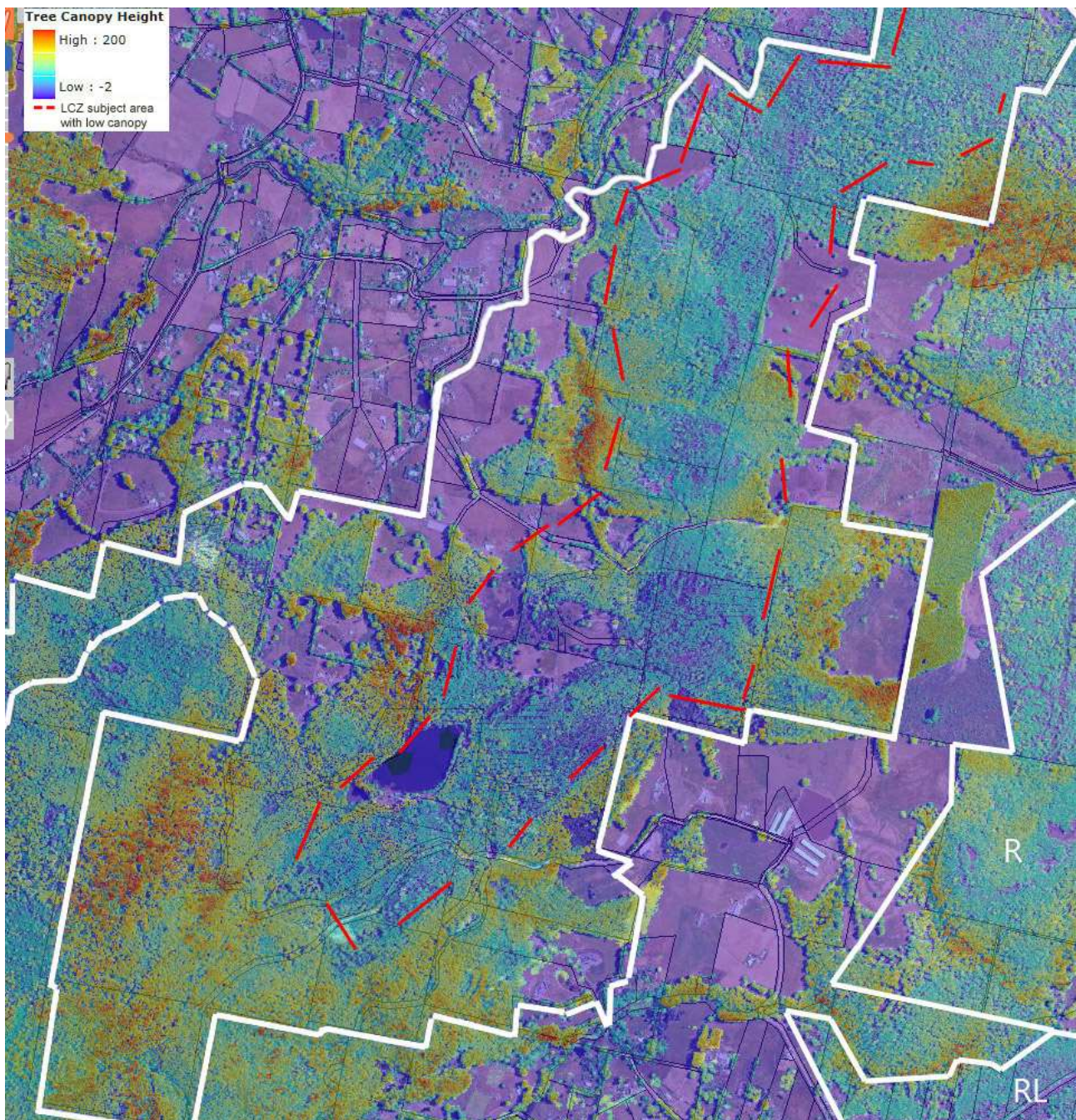


Figure 4. Tree canopy height — LCZ subject area. Red highlights show LCZ areas with majority low-canopy regrowth.



4.5 — Overlay controls

Our properties' vegetation and landscape values are protected by overlays like the Natural Assets Code, Scenic Protection Area Code, Bushfire-Prone Areas Code, Flood-Prone Areas Code, and Landslip Hazard Code. These apply regardless of zone; none are unlocked by LCZ, and all are available under RLZ. A full list of codes that apply to each property in this submission is provided in Appendix 1.

These overlays are the main protective tools, imposing legally binding restrictions on activities like clearing, earthworks, building, and development in sensitive areas. They inform landowners about considerations when proposing vegetation removal, construction, visual changes, or other projects. Their protective role works in RLZ, LCZ, RZ, or other zones. They do not need LCZ to function, as the Ireneinc report in section 5.3.1 confirms. The report states that managing landscape values through relevant codes determines if RLZ is suitable, and these overlays fulfill that requirement.

The Tasmanian Planning Commission itself accepted at Day 20 of the Kingborough Planning Scheme hearings [02:33:54] that the Priority Vegetation Area overlay and Scenic Protection Code perform the landscape-protection function, removing the justification for LCZ in areas where those overlays apply. LCZ adds no additional conservation protection beyond what these overlay codes already achieve; its only practical effect is to render existing residential and lower-order rural activity uses discretionary.

This is the central technical proposition of our submission and is developed further in Part 5: the work LCZ would do is already being done, on a property-specific basis, by overlay codes that sit over the RLZ. Choosing RLZ as the zone and relying on those overlays for landscape management is the planning instrument the State Planning Provisions expressly envisage for residential precincts of this kind.

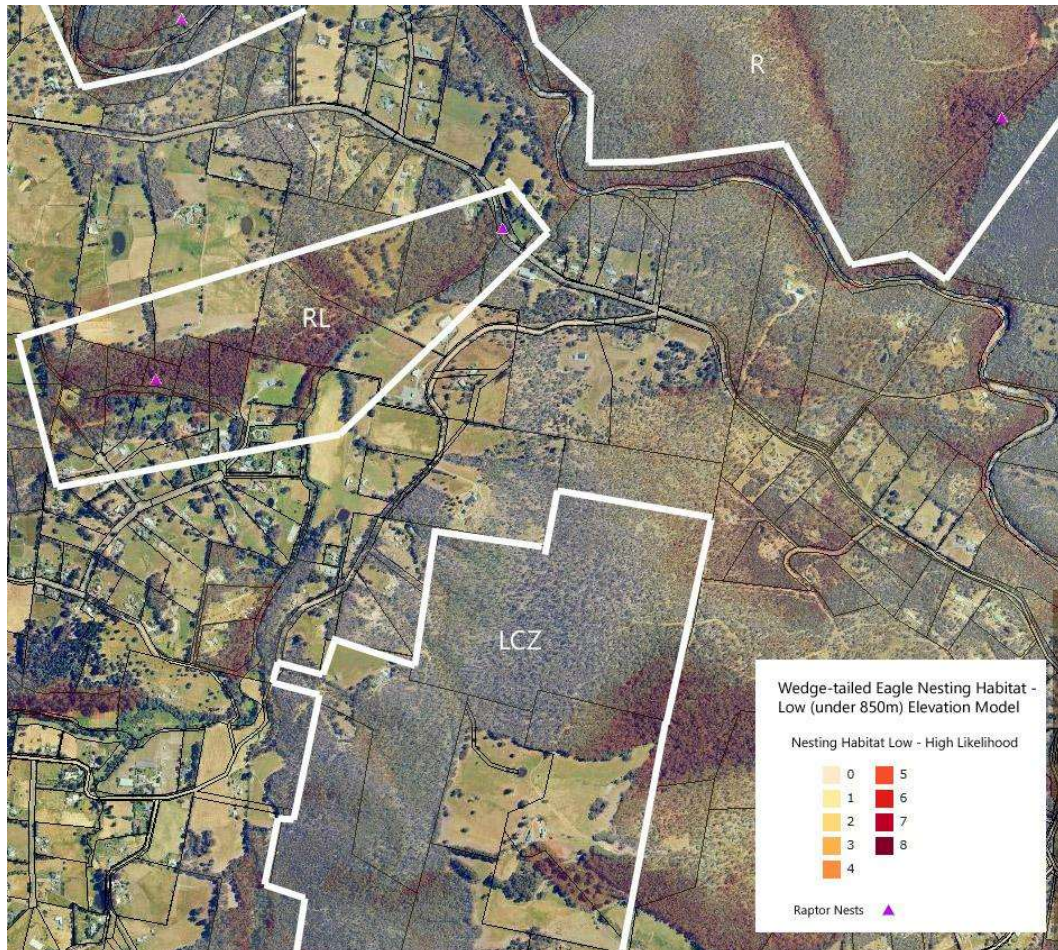
LCZ not only fails to enhance conservation protections beyond existing overlay codes but also conflicts with its stated goal of safeguarding landscape values, as discussed in section 4.4. By suppressing rural activities, such as dwellings that maintain the mosaic of cleared and treed areas, LCZ removes practical and economic incentives for active land management. This inadvertently promotes abandonment, leading to canopy closure, loss of edge habitats, homogenisation, increased fire risk, and the eventual replacement of the mosaic with closed-canopy regrowth. This assessment of the causes of such degradation is supported by peer-reviewed evidence. Conversely, RLZ, together with the current overlay codes, encourages productive land use, maintains the mosaic, and manages risks through site-specific, evidence-based assessments. Table 3 compares the regulatory and ecological outcomes of both approaches.

Table 2 - regulatory and ecological outcome comparison.

Outcome	LCZ	RLZ + Codes
Threatened flora/fauna and natural values	Questionable protection	Codes and overlays apply alongside active management
Active mosaic maintenance	Suppressed	Enabled
Encroachment / canopy closure	Accelerated	Controlled
Bushfire risk trajectory	Rising (landscape trap)	Managed
Biodiversity trajectory	Declining (homogenisation)	Stable / improving
Scenic diversity	Declining (monotony)	Preserved
Landscape character	Transition to closed-canopy forest	Mosaic preserved
Regulatory burden	High, Restrictive	Proportionate, code-based regulation

The inversion of conservation outcomes is clearly shown by raptor habitat data for Allens Rivulet. Figure 4 displays verified raptor nest sites and habitat across the area and nearby regions. The land proposed in the LCZ does not include any verified raptor nests and has very little raptor habitat. The actual nests are mainly on the RLZ ridgeline above Crofton Drive (with 2 nests) and in the RZ land to the west (with 2 nests). The environmental values that the LCZ aims to protect are not found where the LCZ is being implemented.

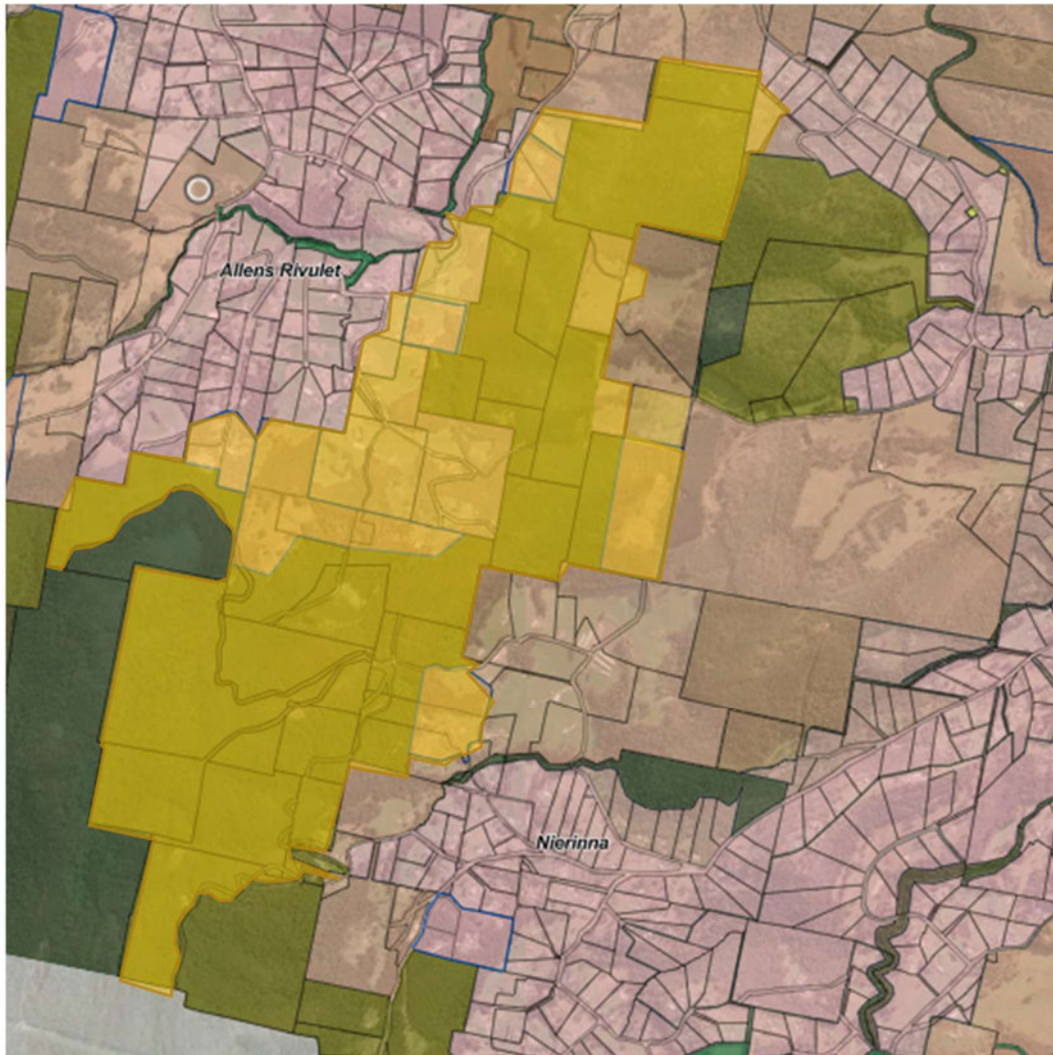
Figure 5. Raptor habitat and identified nest sites across subject area. The LCZ-proposed area holds no verified nest sites; RL-zoned and Rural-zoned land holds four.



4.6 — Proximity to existing Rural Living Zone or Rural Zone land

As noted at 4.1 our properties form part of the established rural residential settlements of Allens Rivulet and Nierinna.

Figure 7: location of the properties in this submission in relation to Allen’s Rivulet and Nierinna.



Proposed zoning for these properties includes LCZ, RZ, LCZ/RZ Split and RLZ (details for each property are provided in Appendix 1)

This section addresses the spatial and statutory relationship between those categories and explains why, when the zoning context is properly understood, RLZ is the correct zone for all properties in our group, including those currently proposed for RZ.

The settlement pattern continues across all three proposed zone groups

The properties in our group are a continuation of the established residential core of the two rural living settlements, Allen’s Rivulet and Nierinna. As described in 4.1-4.5, the properties within this submission share several characteristics, regardless of their current or proposed zone. Many of these characteristics are shared by properties already zoned RLZ, except for lot size.

Key to our proposal is the case of six RZ properties located along [REDACTED] and [REDACTED]. These sit between the confirmed RLZ properties and those proposed for LCZ (see Figure 8). Although not part of the Ireneinc review, Kingborough Council's recommendation to shift from Rural Resource to RZ does not align with the properties' actual use and character. Each of these six RZ lots has an existing dwelling and shows clear signs of rural residential living activity. None are used for large-scale commercial agriculture, nor are they marked as Significant Agricultural Land on STRLUS Map 5. In both character and use, they are like the neighbouring RLZ properties.

Figure 8: map of RZ properties (previously zoned rural resource) over Ireneinc zone proposal layer



The LIST agricultural designations are constrained and do not represent genuine agricultural potential

The reason these properties have been assigned RZ rather than RLZ appears to be their listing on the LIST (Land Information System Tasmania) as 'Land Potentially Suitable for Agricultural Zone', rather than a proactive settlement strategy that assesses whether these properties truly warrant agricultural protection. In fact, the potential for commercial agricultural use on these properties is economically and spatially unviable due to constraints on their agricultural suitability. Those constraints render, as the LIST itself records:

- **Criteria 2A** pertains to economic constraints related to land value. [REDACTED] (covering 6.79 ha along with associated titles of 1.25 ha and 0.38 ha) and parcels at [REDACTED] are each affected by Criterion 2A. The LIST indicates that the capital value of these titles exceeds \$50,000 per hectare, which could represent a potential economic barrier to purchasing and integrating the land into neighbouring agricultural zones. This limitation is not due to physical or environmental factors affecting agricultural productivity but is an economic constraint linked to the land's residential character and valuation, which the RLZ aims to describe and preserve.
- **Criteria 2B — spatial isolation (limited agricultural connectivity)**. Both [REDACTED] (11.82 ha) and [REDACTED] (9.09 ha) are subject to this criterion. The LIST notes that these titles have limited links to other unconstrained agricultural land and that their size could hinder viable agricultural use. This represents a spatial isolation constraint: these titles are not part of an agricultural landscape. Instead, they are situated within a rural residential area, which explains their lack of connectivity to agricultural land.

- **Criteria 3 — land use conflict (adjoining Rural Living Zone).** [REDACTED] (10.07 ha) is affected by this criterion. The LIST states that this property adjoins RLZ, creating potential land use conflicts. It also notes that due to this adjacency, the property cannot reasonably be assigned to an agricultural zone. Despite this, the draft planning scheme suggests RZ for the property. The correct interpretation of the LIST's own constraint is that this property should be within the RLZ, alongside the properties it borders.

The [REDACTED] precedent is decisive

[REDACTED] is already designated as RLZ C in the draft LPS (see Figure 9). It also appears on the LIST as 'Land Potentially Suitable for Agricultural Zone,' limited by the same Criteria 3 that applies to [REDACTED] —namely, being adjacent to RLZ and the potential for land use conflicts. If the LIST designation were a barrier to RLZ allocation, [REDACTED] would need to be zoned RZ. However, it is not. The presence of a Criteria 3 constraint on a property listed, including the one citing RLZ adjacency relevant to 86 Maudsleys Road, has not barred its allocation to RLZ C. There is no logical reason to treat the same constraint differently for 86 Maudsleys Road. In this context, the LIST designation has not been decisive for zone allocation, especially with a Criteria 3 constraint in place.

Figure 9: map showing location of [REDACTED] and the Ireneinc proposed RZ zoning for properties adjacent to existing RZ properties in the draft Kingborough LPS



Applying RLZ-D to all six properties as a landscape-scale designation would:

1. Resolve spot-zoning concerns by creating a coherent seven-property zone corridor rather than a single isolated parcel;
2. Create a continuous belt of RLZ land connecting existing RLZ-proposed areas to the west and south with LCZ areas to the east and north, producing an orderly and logical zone transition;
3. Accurately describe the character of all seven properties, which are used for residential, lifestyle, or limited rural-residential purposes, none supporting primary production;
4. Be consistent with STRLUS policy explicitly supporting the consolidation and retention of existing rural living areas.

The Rural Zone designations contaminate the LCZ recommendations

The Ireneinc LCZ/RZ split zone recommendations for [REDACTED] and [REDACTED] and the RZ recommendation for [REDACTED] have been influenced by their adjacency to the RZ properties at [REDACTED] and [REDACTED] and [REDACTED], rather than their current characteristics and land use.

Given the case made above that [REDACTED] and [REDACTED] may be more appropriately zoned RLZ, the LCZ/RZ or RZ recommendation for properties adjacent to those RZ titles loses its spatial basis. The correct zone sequence along [REDACTED], assessed on the merits of each property, is a coherent rural living settlement extending from the confirmed RLZ-C properties along [REDACTED].

The adjacency to RZ properties has also determined the LCZ/RZ split zoning for [REDACTED] and [REDACTED] and RZ for [REDACTED]. Both [REDACTED] and [REDACTED] have a primary use of rural residential. There is currently no dwelling on [REDACTED], however the strategic intent is for rural residential with substantial investment made into developing road access via [REDACTED].

We contend that RZ designation of the adjacent properties should not be permitted to anchor a more restrictive zone outcome for their neighbours.

Rural Zone and Landscape Conservation Zone create the same problems for existing residents

The application of RZ is not appropriate for [REDACTED] and [REDACTED], [REDACTED], [REDACTED] and [REDACTED]⁶ and [REDACTED] and for the same fundamental reason LCZ is not: it makes residential use discretionary rather than as-of-right⁷. The RZ purpose at clause 20.1.1 is the protection of land for agricultural use — the priority of the zone is agriculture, not residential settlement, and dwellings are subject to the agricultural-priority tests of the zone.

A split LCZ/RZ allocation across a single title compounds the problem: the property is then governed by two discretionary regimes, neither of which reflects the land's established residential character.

Neither LCZ nor RZ reflects what the settlement pattern and land use actually is. RLZ does. The land use pattern is a residential settlement on larger lots in a rural setting, with mixed residential and lower-order rural use — the precise wording of Guideline RLZ 1(a). Only RLZ, where a dwelling is a permitted use, properly recognizes and preserves the residential character of these properties

[REDACTED] and [REDACTED] and [REDACTED] are all accessed via a Crown Road reserve. Both the LCZ and RZ stipulate that new dwellings must have legal access via a right of carriageway to a road maintained by a road authority (Performance Criteria P1). However, a Crown Road reserve is not considered a road maintained by such an authority, and no right of carriageway exists over it. Properties in our group that are accessed through a Crown Road reserve face the same legal uncertainty,

⁶ [REDACTED] is also known as [REDACTED], depending on whether use the council mapping or the LIST. The access to [REDACTED] is via [REDACTED]

⁷ We acknowledge the protection of existing legal land use rights under LUPAA but note that should a dwelling be lost to flood or fire and require rebuilding, there is every likelihood that substantial commencement could not be achieved within the 2-year time limit required by LUPAA. We also note that most of the properties in this submission do not have a building envelope on a sealed plan; a requirement for residential development to be considered permitted under LCZ. In this situation any replacement dwelling would be considered under the new zone requirements via a discretionary pathway.

whether they are zoned RZ or LCZ. Neither zone provides a solution to this issue. RLZ offers a consistent framework for residential use and development, recognizing the existing settlement context, and is the only zone that properly addresses the access question alongside its primary residential purpose.

4.7 — Subdivision potential: Rural Living Zone D enables proportionate code-based regulation

The Commission may wish to satisfy itself that allocating Rural Living Zone to the properties in our group will not expose the area's landscape values to unmanaged risk through subdivision and residential intensification. We address that concern directly. The overlay code framework applicable to all properties in our group provides robust, site-specific regulation of subdivision risk, and does so more precisely and more proportionately than the area-based minimum of the Landscape Conservation Zone.

Guideline No. 1 RLZ 2(b) sets the lot-size test for ELZ-to-RLZ translation as “a **similar** minimum allowable lot size is being applied”. It does not say that “a more restrictive minimum lot size” should be applied. The “no further subdivision” formulation that appears in the Ireneinc decision tree (LCZ Review p.87, is a consultant-authored spin on RLZ 2(b). It is not in the Guideline. It is not in the State Planning Provisions. It is not in LUPAA. It cannot lawfully be elevated above the instruments it purports to implement.

Where the existing ELZ minimum lot size is 10 ha and the proposed RLZ sub-category minimum is also 10 ha, parity is exact and no new subdivision potential is created by the translation. The lot-size test under the Guideline as written is met.

The risk of intensification is confined to a minority of properties

The lot size across the properties in our group is provided in Table 2 above. There are 18 properties under 10ha where RLZ-A, B, or C could be applied, preventing further subdivision based on their respective minimum lot sizes.

The remaining 15 properties range in size from 13.11ha to 74.20ha. Excluding the 2 properties over 40ha, the average lot size is 20.34ha. There are 5 properties between 13 and 19.95 ha that have no potential for further subdivision under RLZ-D.

The remaining 8 properties have lot sizes of 20 ha or more and therefore have subdivision potential under their proposed RLZ-D allocation. These properties are: [REDACTED] (47.94 ha), [REDACTED] (20.72 ha), [REDACTED] (20.34 ha), [REDACTED] (21.36 ha), [REDACTED] (22.96 ha), [REDACTED] (21.35 ha), [REDACTED] (28.38 ha), and [REDACTED] (74.20 ha). Only these eight properties raise any question of landscape risk from intensification.

The overlay code framework, rather than an area-based zone prohibition, is the proportionate and appropriate regulatory tool for managing that risk, as the analysis below demonstrates.

The overlay codes directly address the landscape values most at risk from intensification

The landscape values that influence LCZ allocation—such as bushfire-prone terrain, risks of landslip and flooding, native vegetation and biodiversity, and scenic character—are exactly the values recognized by the overlay codes applicable to all eight larger properties. These are not generic countryside values; they are specific, mapped regulatory concerns. Importantly, the same codes that identify these values also impose binding requirements at the time of subdivision, ensuring protection is enacted precisely when landscape values are most vulnerable to development.

Under the **Bushfire-Prone Areas Hazard Code** (C13.0), a subdivision application must demonstrate that each new lot contains a building area that, together with its hazard management areas (HMAs), satisfies Bushfire Attack Level BAL 19 separation distances in accordance with AS 3959:2018. Compliance must be certified by the Tasmania Fire Service or an accredited assessor before subdivision is approved (clause C13.6.1). Vehicle access suitable for firefighting must be demonstrated for each lot (C13.6.2), and an adequate water supply for firefighting identified (C13.6.3). All eight properties carry a Bushfire Prone designation. Any subdivision that would require HMA clearance so extensive as to destroy significant vegetation, or that cannot demonstrate safe access and emergency water supply for each new lot, cannot proceed.

Under the **Landslip Hazard Code** (C15.0), each new lot must contain a building area, vehicle access, and services that are wholly outside the mapped landslip hazard area (clause C15.7.1 A1). All eight properties

carry a Landslip designation. Where landslip constraints cover a substantial portion of a property, the code effectively limits subdivision to the area where a compliant building site can be identified outside the hazard. A subdivision that would place residential development in a landslip hazard area cannot proceed. This directly reduces the risk of landscape damage from inappropriate development on hazard-prone terrain.

Under the **Natural Assets Code** (C7.0), clearance of native vegetation within Priority Vegetation Areas must minimise adverse impacts on priority vegetation (clause C7.5.1 P1.2). All eight properties carry a Priority Vegetation designation. Any subdivision requiring extensive native vegetation clearance to establish a second building envelope, access, or services cannot satisfy this requirement. The code ensures that native vegetation character — the most visible landscape value shared by all properties in the group — is preserved as a binding condition of creating each new lot, not as a discretionary consideration to be weighed against the applicant's interests.

Under the **Scenic Protection Code** (C8.0), the act of subdivision itself — a change in title rather than a physical alteration of land — is exempt where it does not involve works (clause C8.3(d)). Any subsequent development on a new lot is then assessed against the full scenic protection provisions in the ordinary way. This is the appropriate regulatory sequence: the lot is created cleanly; the built form that follows is assessed for its visual impact on the landscape.

Code-based protection is more targeted than the LCZ area minimum

The Landscape Conservation Zone's 50 ha minimum lot size uses area as a proxy for landscape protection, without considering the specific characteristics of each subdivision. It treats a proposal for two safe, well-separated, code-compliant building envelopes on gently graded, accessible land with minimal vegetation impact the same as a subdivision that creates a second lot on a steep, densely vegetated, fire-prone slope above a residential settlement. Both are prohibited by the LCZ's area threshold, regardless of their actual impact on landscape values.

The overlay codes make exactly this distinction. They require the applicant to demonstrate, with site-specific evidence and independent certification, that each proposed lot can accommodate a safe and appropriate building site without compromising the identified landscape values — bushfire safety, landslip stability, vegetation integrity, and scenic character. Where the application can satisfy those requirements, the landscape values are protected and there is no planning justification for prohibition. Where it cannot, the subdivision does not proceed. The same protective outcome is achieved, but by analysis rather than assumption.

In practice, the combined requirements of the Bushfire, Landslip, Natural Assets, and Flood codes significantly limit where a second compliant building envelope can be located on the steep, bushfire-prone, vegetated rural land typical of the eight larger properties in this group. The number of additional lots permitted by these codes across the eight properties is modest. The Commission can be confident that RLZ-D, together with the relevant overlay codes, does not allow unrestricted residential intensification in this landscape. Subdivision occurs only where the site clearly meets all safety, environmental, and landscape requirements, which align with the values the Landscape Conservation Zone is intended to protect.

PART 5 — SHARED ARGUMENTS

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.

A — Our properties satisfy the Zone Guidelines for the zone we are seeking

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 Zone Guidelines, therefore, positively support the application of the RLZ to our properties

B — Our proposal is a landscape-scale solution that avoids fragmentation or spot zoning

The STRLUS requires planning schemes to maintain consistency in structure and expression. Our community collaborated to develop a landscape-scale alternative to the proposals from Kingborough Council and Ireneinc.

The corridor from Nierinna Road through Cuthberts Road, Lawless Road, and east to Allens Rivulet forms a contiguous community of rural-living properties. This area shares a single physical and cultural landscape, consistent settlement pattern, common overlays, and landscape character. The community seeks the same zoning outcome for identical reasons.

The cadastral pattern reflects subdivisions from the 1970s to 1990s, following the collapse of Tasmania's apple export market. Valuer-General property sales records for this corridor list the purpose of purchase as "vacant — rural residential" or "large lot or rural residential." This is not a recent re-characterisation but a documented record of the original intent and continuous residential occupation of these titles.

The locality boundaries used by the Council and Ireneinc (Margate and Allens Rivulet) are administrative constructs. The s.34(2)(g) test should be applied to the entire corridor as a single landscape. Assigning different zones to contiguous properties with identical characteristics breaches the consistency requirement.

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 receive different zoning outcomes from others or the surrounding land, it will create a fragmented and inconsistent zone pattern. This would conflict with the Zone Guidelines, which require zones to be applied consistently and coordinated across the LPS wherever practicable.

Our properties are located on [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] in Allens Rivulet, as well as [REDACTED], [REDACTED], [REDACTED], and [REDACTED] in Margate. Several of these properties are adjacent to land already proposed for Rural Living Zone or surrounded by properties with the same rural residential character. Assigning the LCZ or Rural Zone to our properties while neighbouring properties receive the Rural Living Zone would create isolated pockets of more restrictive zoning within an established rural residential area. This is the fragmented and inconsistent zoning that the Zone Guidelines require the Commission to avoid.

C — Comparable localities support the same outcome for our properties

Under section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA), the Tasmanian Planning Commission must ensure that the spatial zoning is as consistent and coordinated as possible. This requires the Commission to evaluate whether our locality has been treated similarly to other localities with comparable characteristics in Kingborough.

Furthermore, the Huon Valley LPS directed that more than 450 titles be rezoned from Landscape Conservation Zone to Rural Living Zone under similar conditions. The principle of consistency in administrative decisions mandates applying the same approach in this case.

Ireneinc determined a LOW RISK for RLZ application in the Allens Rivulet area at Decision Point 6 for properties that addressed that question. The principle used — that landscape values 'could be reasonably managed' outside LCZ with Priority Vegetation and Scenic Protection overlays — also applies to our properties. The Commission should apply this reasoning consistently throughout the locality.

We argue that the most comparable localities to ours are the ones accepted by the TPC at Day 20 for full ELZ-to-RLZ transitions: Kettering East, Howden, Albion Heights, and Tinderbox West. Like our properties, these areas have established residential communities, lots typically between 2 and 15 hectares, a mix of residential and rural activities, and limited signs of landscape values that would need LCZ-specific protection beyond existing overlay controls.

D — The Southern Tasmania Regional Land Use Strategy directly supports Rural Living Zone for this locality

The Southern Tasmania Regional Land Use Strategy 2010–2035 (STRLUS), updated on 19 May 2025 and replaced by the Tasmanian Planning Scheme Addendum for LPS purposes, offers three clear and legitimate statutory reasons for designating the RLZ on the properties in our group.

First, there is direct authorisation from ELZ to RLZ under TPS Addendum SRD 1.3, subclause 2. This clause explicitly allows land within an existing ELZ to be rezoned to an RLZ when preparing a Local Provisions Schedule, provided it aligns with the zone's intent. This particularly impacts properties in our group currently zoned ELZ or RRZ under the Kingborough Interim Planning Scheme 2015. The provision offers a clear legal basis for reclassification to the RLZ, without relying on the Ireneinc decision-tree or landscape-value policies. It simply requires that the zone's purpose (residential use and development in a rural setting that protects natural and landscape features) matches the land, which is true for most properties in our group.

Second: recognising an existing rural living community (STRLUS SRD 1.3(a)). According to SRD 1.3(a), land can be reclassified as RLZ if it is part of a recognised rural community, the area is substantial or borders a settlement, and it isn't designated for other settlement purposes, with only limited subdivision opportunities. The Allens Rivulet/Nierinna area is quite large, with many titled properties along the roads listed in this submission. It isn't allocated for other settlement uses, such as Greenfield Development Precincts, planned infrastructure, or activity centre functions. The Kingborough Land Users Body (KLUB) has indicated that 'the current STRLUS does not define a rural living "settlement" — stating that they need to be "recognised" (KLUB submission, p. 8), emphasising that the test is practical and depends on the area's actual character. A community that has consistently been a rural residential settlement during its ELZ designation qualifies as a rural living community under SRD 1.3(a).

Third, the settlement hierarchy and growth framework from STRLUS Tables 2–3 and SRD 2.7 are reviewed. Allens Rivulet and Nierinna are not explicitly included in the STRLUS settlement hierarchy (Table 3), where it falls under the residual category: 'All other settlements — Very Low Growth / Consolidation.' This suggests that zone selection should preserve the current settlement pattern without encouraging additional growth. Subcategories within the RLZ, aligned with current lot sizes, support this approach. However, the LCZ and RZ do not: LCZ makes existing dwellings discretionary, which conflicts with consolidation objectives, while RZ applies a primary production framework to a settlement without commercial agricultural uses. Neither fits the Very Low Growth / Consolidation aim. Additionally, STRLUS SRD 2.7 allocates only 5% of residential infill growth to Kingborough—amounting to 662 dwellings over 25

years—yet KLUB estimates this is 770 dwellings short of projected demand by 2035 (KLUB submission, p. 9). This under-allocation focuses on established urban areas, and no interpretation of STRLUS considers Allens Rivulet or Nierinna as a housing supply option. Conservation zoning in this area does not meet regional settlement frameworks or landowners’ interests.

The Allen’s Rivulet/Nierinna corridor relies on SRD 1.3(c) for infill and consolidation. Properties along the Allen’s Rivulet/Nierinna corridor, currently proposed for RZ or divided between LCZ and RZ, are supported by STRLUS SRD 1.3(c) for RLZ designation. This section permits rezoning to RLZ if the land allows infill or consolidation within an existing rural community, shares boundaries with existing RLZ areas or communities that meet SRD 1.3(a), does not significantly expand rural land in the area, avoids land use conflicts, provides vehicular access to nearby rural areas, is not labelled as Significant Agricultural Land on STRLUS Map 5, and does not border the Urban Growth Boundary or future urban zones. The [REDACTED] corridor satisfies all these criteria, establishing SRD 1.3(c) as a clear legal basis for including it in the RLZ- D.

E — The LCZ rationale inverts the landscape evidence: restricting land management risks the values it purports to protect

The case for LCZ presumes that preserving landscape values requires restricting human activities. However, for the [REDACTED] corridor, evidence indicates the opposite. The thriving rural landscape, comprising cleared paddocks, grazed fields, orchards, remaining bush, and regrowth, is the true value of the landscape. Because LCZ discourages these very activities that sustain this mosaic, it endangers the landscape more than RLZ does. This view aligns with Tasmania’s published scenic assessment frameworks, which the LCZ recommendation has not considered.

Two recognized Tasmanian scenic assessment methods are available for Kingborough: one created by the Forest Practices Authority and the other by the Southern Tasmanian Councils Authority. Both methods challenge the idea that vegetation automatically signifies landscape value. However, neither has been used to support the use of LCZ in this area.

1. The Forest Practices Authority considers a dense forest monotonous and provides a quantitative measure for the scenic optimum:

“Variety or patterned variations in a landscape are generally considered desirable, while uniformity is generally deemed monotonous ... most people expressed a preference for [the intermediate sketches], which have a roughly 40 to 60% ratio of trees to space.”(FPA 2006, p.18)⁸

A closed-canopy regrowth forest is considered monotonous and has low diversity. The highest scenic quality, as measured by the FPA, is achieved with 40–60% trees-to-space, creating a mosaic landscape. This kind of landscape exists over much of the slopes of the Allens Rivulet - Nierinna corridor.

The term “mosaic pattern” appears in the FPA’s High Scenic Quality criteria. As detailed in Chapter 7 (p.167), the statewide standards for High Scenic Quality include a “greater variety of landscape and diversity of vegetation,” explicitly mentioning that agricultural landscapes should exhibit “greater vegetative diversity and mosaic pattern due to crops and openings.” (FPA 2006). The word “mosaic” is incorporated into the framework.

The character-type frame of reference is conclusive. The submission area sits within FPA Landscape Character Type 6: South-east Coastal Hills. The Scenic Quality Frame of Reference for this character type (Appendix B, p.177) rates vegetation as:

⁸ Forest Practices Authority (2006) *A Manual for Forest Landscape Management*. Hobart: Forest Practices Authority (originally published 1990 by the Forestry Commission, Tasmania). Available at: https://www.fpa.tas.gov.au/planning/visual_landscape_management

High Scenic Quality: “combinations of openings of different sizes and shapes with irregular edges”.

Low Scenic Quality: “Extensive areas of similar vegetation without discernible pattern.”

The FPA classifies a uniform, closed-canopy regrowth slope as Low Scenic Quality for this character type. In contrast, the actively managed rural mosaic is considered one of its High Scenic Quality examples. This aligns with several instances in both the Council and the Ireneinc Report, which describe hillside mosaic landscapes as having high scenic value. However, the justification for applying the LCZ designation to these areas is questionable, given its restrictions on human activities that have contributed to and sustain these high scenic quality landscapes.

2. The Southern Technical Reference Group (TRG) methodology, developed with input from Kingborough planning staff, aligns with this approach. The Guidelines for Scenic Values Assessment Methodology (Inspiring Place / Geoscene International, 2018), created for twelve Southern Tasmanian Councils, evaluates scenic value using a GIS-based formula: $\text{Scenic Quality} + \text{Viewpoints} \times \text{Viewer Sensitivity} + \text{Visibility Distance Zones} = \text{Scenic Value Areas}$ (Section 3, p.21). Scenic value is determined through systematic visual assessment based on specific perception factors, rather than simply tree vegetation density. Kingborough Council did not apply this methodology, and its assessment of landscape values has been inconsistent. Ireneinc notes this inconsistency. (LCZ Review, p.67).

The Scenic Protection Code (SPC) is intentionally narrowly focused rather than a broad restriction. The Southern TRG clearly states that the SPC “focus[es] on Skylines and not all Scenic landscapes” and offers “limited scope for scenic protection within” rural landscapes (§2.3.1, 2.3.3). It functions as a targeted overlay, not a broad one. Its presence does not justify replacing LCZ with RLZ—in fact, it indicates the opposite: scenic protection should be part of overlays, systematically assessed and applied over rural zones that support the land uses that originally contributed to and sustain the scenic values.

Neither the FPA framework nor the Southern TRG methodology supports the LCZ rationale for this area; in fact, both conflict with it. The so-called “landscape values” used to justify LCZ over the Allens Rivulet/Nierinna corridor have not been formally identified using the methodologies endorsed by the State, Southern Tasmanian Councils Authority, or Kingborough’s regional body. Essentially, these values are, in fact, unidentified.

The following photographs and maps compare the Crofton Drive area (zoned RL) with the Hickman Hill area (proposed LCZ) in Allens Rivulet, illustrating local evidence for this conclusion. The Crofton Drive ridgeline, zoned RL, shows an unbroken forested backdrop with Cathedral Rock and Wellington Park in the distance, highlighting a landscape of notable scenic diversity and quality. In contrast, the Hickman Hill area proposed for LCZ features a fragmented ridgeline with visible residential and farming activities in the foreground. The FPA scenic optimum—characterized by a diverse mosaic of trees and open spaces—is more accurately represented in the RL zone than in the proposed LCZ area.

Figure 10: locating the Hickman’s Hill area example within the Allen’s Rivulet/Nierinna Corridor

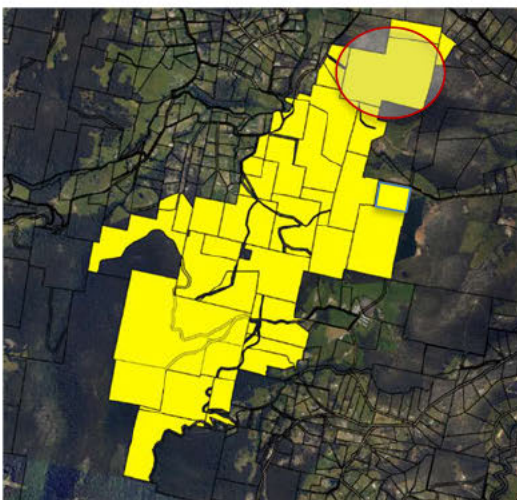


Figure 11. [REDACTED] area, Allens Rivulet — RL-zoned ridgeline with unbroken forested backdrop, Cathedral Rock and Wellington Park in the distance.



Figure 12. RL-zoned ridgeline, [REDACTED]. Vegetated area continues to the right.

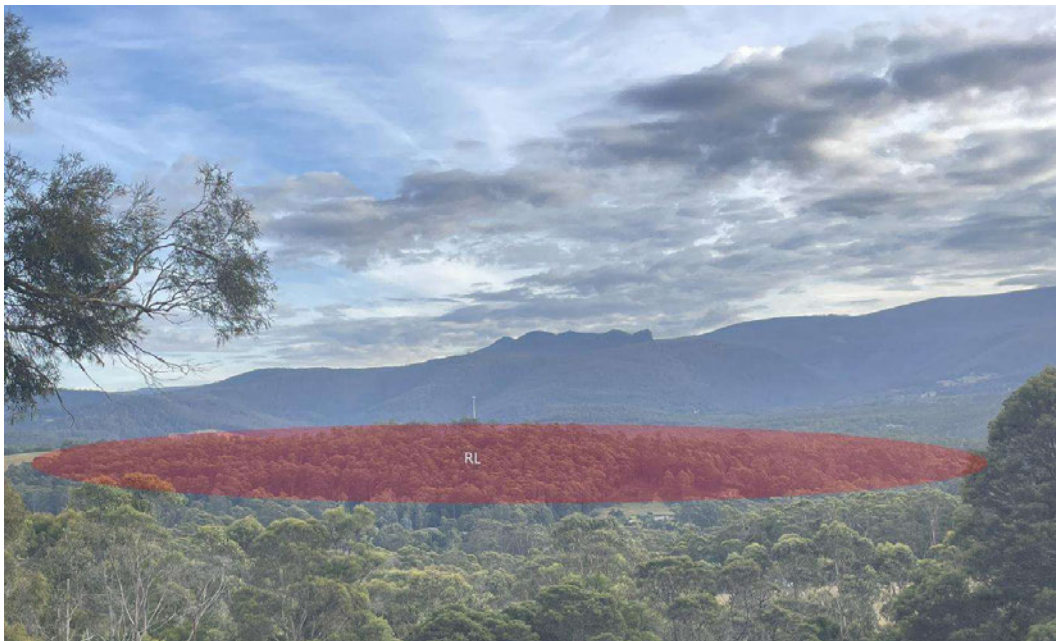


Figure 13. Photo location map, [REDACTED] area.



Figure 14. Hickmans Hill area — proposed LCZ. Note broken ridgeline and visible residential and farming activity.



Figure 15. Highlighted residential and farming activity, Hickmans Hill. Apart from the paddock on the top of the hill () this area is all proposed for LCZ.



Figure 16. Location map, Hickmans Hill area.



F — The Ireneinc review produced internally inconsistent zone recommendations for properties with identical characteristics

The Ireneinc independent review mentioned in its methodology that the assessment was primarily a desktop, map-focused exercise, without any site visits to the properties evaluated. This submission respectfully contends that this method, applied in an area with detailed settlement patterns and parcels ranging from 2 ha to 74 ha, produced results that are not justifiable on any rational basis. Several internal inconsistencies in the Allen's Rivulet area illustrate the shortcomings of the desktop assessment, and one example is included here.

57 Cliff View Drive

The property marked in blue on the images below was proposed as an LCZ in the draft Kingborough LPS. Ireneinc suggested rezoning this property to RZ. In the Allen's Rivulet area, [REDACTED] (11.92ha) and [REDACTED] (7.61ha) were recommended for RLZ (marked in red on the images below). [REDACTED] (9.66ha) was recommended for RZ. These three properties share similar land use characteristics, topography, vegetation, and lot sizes. They are adjacent to existing RLZ properties on one boundary and to LCZ and RZ properties on others. It is unclear why [REDACTED] and [REDACTED] are considered more suitable for RLZ than [REDACTED].

Figure 17: location of properties where zones have been applied inconsistently

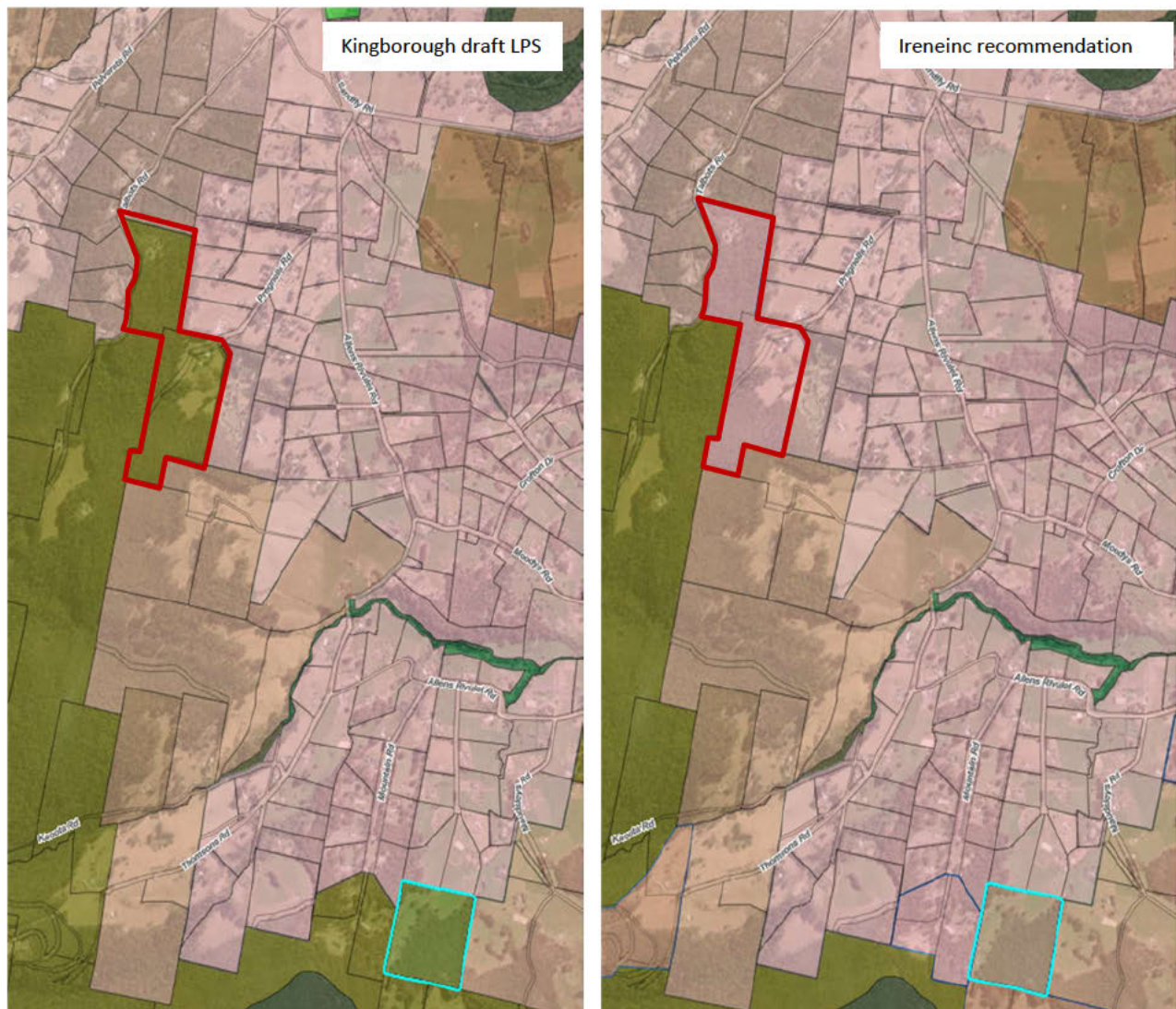


Figure 18: comparison of characteristics of [REDACTED], [REDACTED], and [REDACTED], illustrating how little difference there is between the three properties

Looking towards [REDACTED] and [REDACTED], from [REDACTED]



Looking towards [REDACTED], from [REDACTED]



G - Land use not lot size, should determine zone choice

As outlined in 4.2, lot size does not disqualify a property from RLZ. However, Ireneinc clearly uses lot size when deciding zone allocations, as it is part of their decision-tree process. The DP4 indicators establish a quantitative density criterion, requiring at least 10 lots within an area of 1–15 hectares— a standard not specified in the Zone Guidelines. A property can fulfil all four RLZ criteria—such as residential intent, absence of reservations, rural activities, and manageable landscape values—yet still fail DP4 if its lot exceeds 15 hectares or if the cluster has fewer than 10 lots. The Zone Guidelines do not specify such a threshold. RLZ-D, which sets a minimum lot size of 10 hectares, is designed specifically for rural residential properties in the 10+ hectare range. The use of the lot-size threshold in Ireneinc’s decision tree prevents my property from accessing the DP6 balancing question, which is required by the Zone Guidelines.

The use of lot size to exclude properties from access to the RLZ affects most of the properties in this collective submission. One example is illustrated below. Figure 19 shows the location and lot sizes of the properties in this example.

Figure 19: location and lot sizes of [REDACTED], and [REDACTED]

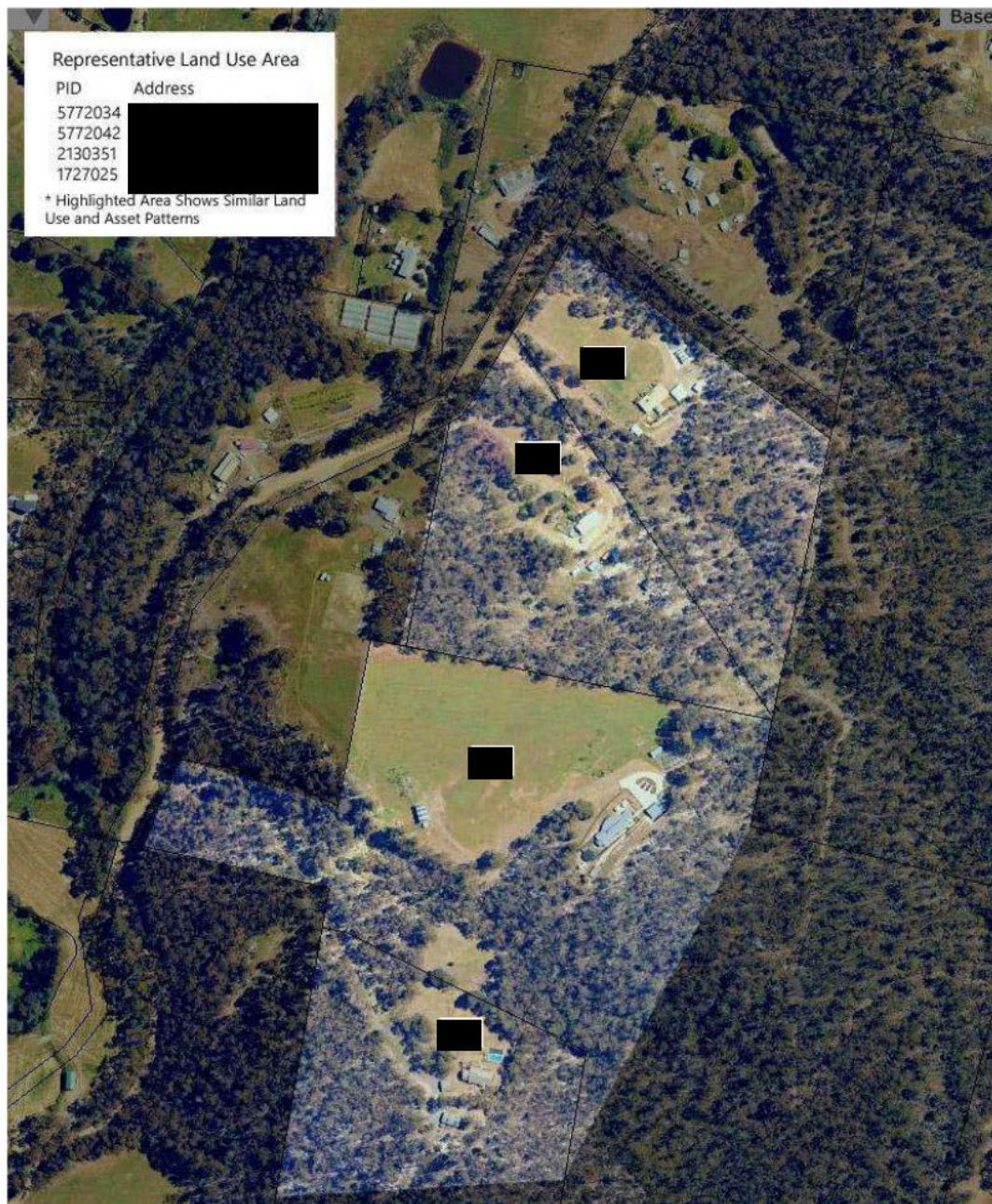


Figure 20 on the following page clearly illustrates the similar land use across the four properties. The only substantive difference among these properties is lot size, yet 4 of them have been allocated to different zones, under the Ireneinc review:

- [REDACTED] and [REDACTED] are recommended for RLZ
- [REDACTED] and [REDACTED] are retained in LCZ.

There is no landscape, vegetation, ecological, or land-use difference between these properties that could rationally explain the divergent zone outcomes. The disparity appears to stem from using a map-based boundary rather than a site-specific assessment. The Commission is encouraged to conclude that this inconsistency, along with the other evidence provided, clearly shows that the Ireneinc framework should not be the deciding factor for the zone outcome. As Argument D suggests, directly applying the Zone Guidelines to the common features of our properties yields the appropriate result.

Figure 20. Four subject properties showing similar land-use characteristics.



PART 6 — RELEVANT COMMENTS FROM THE DAY 20 HEARING

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.

- At [06:55:53–06:58:31], Chair Nick Heath explicitly invited collective submissions and confirmed that future hearings will be organised locality by locality, enabling groups to present collectively as well as individually. We ask the Commission to arrange the hearing for our localities accordingly.
- At [06:45:48], Chair Nick Heath confirmed that the Commission will decide on the basis of section 34 LUPAA criteria, and that Kingborough Council's 16 March 2026 resolution favouring the 'least restrictive alternative' is not binding on the Commission. The Commission will reach its own independent assessment
- At [05:53:00], Kate Heckelmann of Ireneinc confirmed that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by framework outputs and must apply the section 34 LUPAA criteria and Zone Guidelines directly. Where the Ireneinc framework produces outcomes inconsistent with those Guidelines — as it does for the Maudsleys Road larger-lot properties by denying them access to the Decision Point 6 balancing question — the Commission should apply the Guidelines directly.
- At [02:33:54], the TPC panel effectively found that the Priority Vegetation Area overlay and Scenic Protection Code do the landscape-protection work in areas where those overlays apply, removing the justification for Landscape Conservation Zone in those areas. All properties in our group are subject to these overlay codes. This principle directly supports our submission.

PART 7 — WHAT WE ARE ASKING THE COMMISSION TO DO

We collectively request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include each of the properties listed in Part 2 within the Rural Living Zone (most properties, subcategory appropriate to each lot — RLZ-A, B, C, or D), rather than the Landscape Conservation Zone (LCZ) or other zone currently proposed for those properties.
- 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 20 hearing [06:55:53].

PART 8 — DECLARATION AND SIGNATURES

Each signatory below confirms that:

- This submission has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
- The information in this submission is, to the best of my knowledge, accurate.
- I am the owner or authorised representative of the property identified against my name in Part 2.
- I have also lodged, or will lodge by the deadline, a separate individual submission addressing my specific property.

Signatory 1 Full name: Lynette Kay and Scott Fairbrother Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 111526/1 Signature: [REDACTED] Date: [REDACTED]
Signatory 2 Full name: Robyn Rosey Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 9478/1 Signature: [REDACTED] Date: [REDACTED]
Signatory 3 Full name: Kim and Peter Creef Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 9478/2 Signature: [REDACTED] Date: [REDACTED]
Signatory 4 Full name: Daniel Hugh Sanders Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 123655/3 Signature: [REDACTED] Date: [REDACTED]
Signatory 5 Full name: David and Kylie Engisch Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 123656/1 Signature: [REDACTED] Date: [REDACTED]
Signatory 6 & 7 Full name: Marianne Grace and Kerry Moody Address: [REDACTED], Allen's Rivulet TAS 7150	Title Ref: 205019/1 & 219436/1 Signature: [REDACTED] Date: 3/5/2026
Signatory 8 Full name: Sean Cameron Murray Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 46538/1 Signature: [REDACTED] Date: [REDACTED]
Signatory 9 Full name: Ann and Grant Weatherburn Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 182619/2 Signature: [REDACTED] Date: 3/5/2026
Signatory 10 Full name: Denbeigh Jane Armstrong Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 130582/1 Signature: [REDACTED] Date: [REDACTED]

Signatory 11 Full name: Olga Polduskova and Dmitry Beygul Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 130579/1 Signature: [REDACTED] Date: 02 MAY 2026
Signatory 12 Full name: Elizabeth Mary Ekins Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 111534/1 Signature: [REDACTED] Date: 3/5/2026
Signatory 13 Full name: Gregory Richard Whitten Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 130581/1 Signature: [REDACTED] Date: 2nd May 2026
Signatory 14 Full name: Craig Neill and Kelly Brown Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 104213/1 Signature: [REDACTED] Date: 02/05/2026
Signatory 15 Full name: Rachel McEldowney Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 11662/12 Signature: This property is being sold, and the owner has moved elsewhere. Date:
Signatory 16 Full name: Susan Dawson Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 183929/11 Signature: [REDACTED] Date: 2/05/2026
Signatory 17 Full name: Scott and Renae Saunders Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 183929/1 Signature: [REDACTED] Date: 2/05/2026
Signatory 18 Full name: Carl von Savageri Address: [REDACTED], Margate TAS 7054	Title Ref: 181826/1 Signature: [REDACTED] Date: 4/5/2026
Signatory 19 Full name: Dale Wallace, for Janette Wallace Address: [REDACTED], Margate TAS 7054	Title Ref: 157362/1 Signature: [REDACTED] Date:

Signatory 20 Full name: Mark de Deuge Address: [REDACTED] Margate TAS 7054	Title Ref: 250215/1 Signature: [REDACTED] Date: 4/5/2026
Signatory 21 Full name: Stuart Haughton Address: [REDACTED], Margate TAS 7054	Title Ref: 142706/3 Signature: [REDACTED] Date: [REDACTED]
Signatory 22 Full name: Leslie Hall Address: [REDACTED], Margate TAS 7054	Title Ref: 143544/1 Signature: unable to obtain. Verbal agreement to be included in this submission provided.
Signatory 23 Full name: Robert and Donna de Jong Address: [REDACTED], Margate TAS 7054	Title Ref: 143544/2 Signature: [REDACTED] Date: 4/5/2026
Signatory 24 Full name: Dave Rasch Address: [REDACTED], Margate TAS 7054	Title Ref: 130921/1 Signature: Dave is unable to sign currently due to being in the hospital. He has given his verbal permission to be included in this submission.
Signatory 25 Full name: Rina Sinha Littlefield Address: [REDACTED], Margate TAS 7054	Title Ref: 6018/1 Signature: [REDACTED] Date: 4/5/2026
Signatory 26 Full name: Marty Bradfield Address: [REDACTED], Margate TAS 7054	Title Ref: 117421/1 Signature: [REDACTED] Date: [REDACTED]
Signatory 27 Full name: Clara Bradfield Address: [REDACTED], Margate TAS 7054	Title Ref: 115368/1 Signature: [REDACTED] Date: 4/5/2026
Signatory 28 Full name: Marty Bradfield and Raymond Ottis Littlefield Address: [REDACTED], Margate TAS 7054	Title Ref: 202673/1 Signature: [REDACTED] Date: 4/5/2026

Properties not subject of Ireneinc report, but relevant to this submission

Each signatory below confirms that:

- This submission has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
- The information in this submission is, to the best of my knowledge, accurate.
- I am the owner or authorised representative of the property identified against my name in Part 2.

Signatory 29 Full name: Kelvin and Marlene Lovell Address: [REDACTED] Allens Rivulet TAS 7150	Title Ref: 102344/1, 100421/2, 100421/3 Signature: Title Ref: 102344/1, 100421/2, 100421/3 [REDACTED] Date: Signature: [REDACTED] Date: 3/5/2026
Signatory 30 Full name: Philippa Morgan Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 48695/1 <i>Philippa Morgan</i> Barrister LIVERPOOL CHAMBERS Email: philippa.morgan@liverpoolchambers.com.au Phone: [REDACTED] 166 Liverpool Street Hobart TASMANIA 7000 Date: 4/5/2026
Signatory 31 Full name: Lisbeth and Iain Larnar Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 45687/1 Signature: Title Ref: 45687/1 [REDACTED] Date: Signature: [REDACTED] Date: 3/5/2026
Signatory 32 Full name: DJ and SM Crawford Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 45688/1 Signature: Title Ref: 45688/1 [REDACTED] Date: Signature: [REDACTED] Date: 3/5/2026
Signatory 33 Full name: Ann Wessing Address: [REDACTED] Allens Rivulet TAS 7150	Title Ref: 45688/2 Signature: Title Ref: 45688/2 [REDACTED] Date: Signature: [REDACTED] Date: 3/5/26
Signatory 34 Full name: Colin Bradley Constance Address: [REDACTED], Allens Rivulet TAS 7150	Title Ref: 48834/1 Signature: Title Ref: 48834/1 [REDACTED] Date: Signature: [REDACTED] Date: 3/5/26
Signatory 35 Full name: Colin and Jennifer Wishart Address: [REDACTED], Margate TAS 7054	Title Ref: 182619/1 Signature: Title Ref: 182619/1 [REDACTED] Date: Signature: [REDACTED] Date: 3/5/26

Appendix 1 – PROPERTY DETAILS

Submission ID #	Full name	Property address	Title reference	Property size (ha)	Current zone	Zone proposed (Kingborough Council)	Zone proposed (Ireneinc)	Zone sought	Current Code Overlay ⁹	Proposed code overlays ¹⁰
1	Lynette Kay and Scott Fairbrother	██████████ Allens Rivulet TAS 7150	9558720	47.94	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
2	Robyn Rosey	██████████ Allens Rivulet TAS 7150	5772034	2.97	RRZ	LCZ	RLZ	RLZ-B	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
3	Kim and Peter Creef	██████████ Allens Rivulet TAS 7150	5772042	3.08	RRZ	LCZ	RLZ	RLZ-B	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
4	Daniel Sanders	██████████ Allens Rivulet TAS 7150	2130351	20.72	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
5	David and Kylie Engisch	██████████ Allens Rivulet TAS 7150	1727025	20.34	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
6	Marianne Grace and Kerry Moody	██████████ Allen's Rivulet TAS 7150	5772050	9.63ha	RRZ	RLZ-C	RLZ-C	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
7	Marianne Grace and Kerry Moody	██████████ Allen's Rivulet TAS 7150	5772050	14.24ha	ELZ	LCZ	LCZ/RLZ split zone	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
8	Sean Cameron Murray	██████████ Rivulet TAS 7150	2760230	6.04	ELZ	LCZ	LCZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
9	Ann and Grant Weatherburn	██████████ Rivulet TAS 7150	9178754	21.35	ELZ	LCZ/RZ split	LCZ/RZ split	RLZ -D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
10	Denbeigh Armstrong	██████████ Allens Rivulet TAS 7150	1958288	22.96	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
11	Olga Polduskova and Dmitry Beygul	██████████ Allens Rivulet TAS 7150	1957322	13.11	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
12	Elizabeth Mary Ekins	██████████ Allens Rivulet TAS 7150	2849083	6.59	ELZ	LCZ	RZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
13	Gregory Richard Whitten	██████████ Allens Rivulet TAS 7150	1964928	19.95	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
14	Craig Neill and Kelly Brown	██████████ Allens Rivulet TAS 7150	1890084	9.66	ELZ	LCZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
15	Rachel McEldowney	██████████ Allens Rivulet TAS 7150	5772114	4.53	ELZ	LCZ	RLZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
16	Susan Dawson	██████████ Allens Rivulet TAS 7150	9717721	2.16	ELZ	LCZ	RLZ	RLZ-B	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
17	Scott and Renae Saunders	██████████ Allens Rivulet TAS 7150	9564560	21.36	ELZ	LCZ	LCZ/RZ split	LCZ/RLZ-D split	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
18	Carl von Savageri	██████████ Margate TAS 7054	9126946	74.20	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0

⁹Legend for Current Code Overlays E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E9.0 Attenuation Code E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E14.0 Scenic Landscapes Code¹⁰ Legend for proposed Code Overlays: C7.0 WCPA - Waterway and Coastal Protection Area C7.0 PVA - Priority Vegetation C8.0 Scenic Protection Area C12.0 Flood-Prone Areas C13.0 Bushfire-Prone Areas C15.0 Landslip Hazard

Submission ID #	Full name	Property address	Title reference	Property size (ha)	Current zone	Zone proposed (Kingborough Council)	Zone proposed (Ireneinc)	Zone sought	Current Code Overlay ⁹	Proposed code overlays ¹⁰
19	Dale Wallace, for Janette Wallace	[REDACTED], Margate TAS 7054	3070020	17.30	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C12.0, C13.0; C15.0
20	Mark de Deuge	[REDACTED] Margate TAS 7054 (also listed as 37 [REDACTED])	5773416	28.38	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C12.0, C13.0; C15.0
21	Stuart Haughton	[REDACTED] Margate TAS 7054	2601512	15.80	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C13.0; C15.0
22	Leslie Hall	[REDACTED], Margate TAS 7054	2599854	6.51	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0, E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
23	Robert and Donna de Jong	[REDACTED], Margate TAS 7054	2599862	7.99	ELZ	LCZ	LCZ/RZ split	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 PVA; C8.0, C13.0; C15.0
24	Dave Rasch	[REDACTED] Margate TAS 7054	9478677	8.46	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 PVA; C8.0, C13.0; C15.0
25	Ray Littlefield	[REDACTED] Margate TAS 7054	5787682	20.26ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
26	Marty Bradfield	[REDACTED] Margate TAS 7054	9980418	19.99ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
27	Clara Bradfield	[REDACTED], Margate TAS 7054	1951510	1.69ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0
28	Marty Bradfield	[REDACTED], Margate TAS 7054	9980418	6.31ha	ELZ	LCZ	LCZ	RLZ-D	E1.0; E3.0, E9.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0, C12.0, C13.0; C15.0

The following properties are not subject to the Ireneinc report. They are included here as they are relevant to this submission. Property owners have been contacted and are supportive of their inclusion in the case for a landscape-scale alternative zoning solution for the Allen's Rivulet/Nierinna corridor.

Submission ID #	Full name	Property address	Title reference	Property size (ha)	Current zone	Zone proposed (Kingborough Council)	Zone proposed (Ireneinc)	Would accept zone	Current Code Overlay ¹¹	Proposed code overlays ¹²
29	Kelvin and Marlene Lovell	██████████, Allens Rivulet TAS 7150 (6.79 ha)	7883491 (3 titles)	6.79 1.25 0.38	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
30	Philippa Morgan	██████████, Allens Rivulet TAS 7150	1547905	10.07	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
31	Lisbeth and Iain Lerner	██████████, Allens Rivulet TAS 7150	1534629	9.09	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
32	DJ and SM Crawford	██████████, Allens Rivulet TAS 7150	1554064	1.03	RRZ	RZ	RZ	RLZ-A	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
33	Ann Wessing	██████████, Allens Rivulet TAS 7150	2760222	7.90	RRZ	RZ	RZ	RLZ-C	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
34	Colin Bradley Constance	██████████ Allens Rivulet TAS 7150	1660668	11.82	RRZ	RZ	RZ	RLZ-D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0
35	Colin and Jennifer Wishart	██████████, Margate TAS 7054	9178753	7.14ha	ELZ	RZ	RZ	RLZ -D	E1.0; E3.0; E10.0; E11.0; E14.0	C7.0 WCPA; C7.0 PVA; C8.0; C13.0; C15.0

¹¹Legend for Current Code Overlays E1.0 Bushfire-Prone Areas Code E3.0 Landslide Code E9.0 Attenuation Code E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E14.0 Scenic Landscapes Code

¹² Legend for proposed Code Overlays: C7.0 WCPA - Waterway and Coastal Protection Area C7.0 PVA - Priority Vegetation C8.0 Scenic Protection Area C12.0 Flood-Prone Areas C13.0 Bushfire-Prone Areas C15.0 Landslip Hazard

Appendix 2 - Allens Rivulet / Margate: Landscape Character Change 1965–2025

Aerial Photographic Evidence of Progressive Canopy Closure

Annexure to Collective Planning Submission — Kingborough Local Provisions Schedule | April 2026

1. Purpose and Scope

This annexure presents a chronological sequence of aerial photographs of the Allens Rivulet and Margate hinterland from 1965 to 2025. The photographs are sourced from TASMAP aerial survey archives and Google Earth, spanning approximately 60 years. Taken together, they provide direct visual evidence of a significant and ongoing transformation in the landscape character of the valley floors and slopes over that period. They show a progressive transition from a predominantly open, agriculturally managed mosaic to a closed-canopy forested landscape that dominates much of the subject area, while a residentially managed mosaic prevails in other parts.

This evidence is relevant to the Collective Submission in two ways. Firstly, it shows that the landscape character of the subject area is not static but has evolved substantially due to changes in land use and management practices. With the decline of active horticultural and pastoral agriculture, there has been an associated natural regeneration and encroachment of native vegetation. Secondly, it supports the argument in Section 4.4 of the Collective Submission that some of the subject areas are exhibiting the characteristics of a ‘landscape trap’ (Lindenmayer et al. 2011), in which the cessation of active management has allowed canopy closure to advance to a point where the original open mosaic is difficult or impossible to restore without deliberate intervention. The Rural Living Zone, rather than the Landscape Conservation Zone, provides the appropriate regulatory framework to enable and encourage that restoration and to maintain it.

Nine representative aerial photographs have been selected to cover each decade of the study period and prioritise images with clear coverage of the Allens Rivulet locality.

2. Chronological Aerial Photograph Sequence

1960s: Peak Agricultural Mosaic

The 1965 and 1967 images show the Allens Rivulet area at its most open. The landscape is dominated by cleared paddocks, orchard rows, and managed grasslands with patches of retained native forest, and areas of dense native vegetation confined to steep slopes and ridges. The high contrast between clear and vegetated areas, characteristic of active orchard and pastoral agriculture, produces the visually varied mosaic that the European Landscape Convention (2000) and the FPA’s Forest Landscape Management manual identify as the scenic optimum for this landscape character type. Orchard rows are clearly discernible in both images, confirming active fruit production at this date.



Figure 1: Allens Rivulet, Jan 1965. Open agricultural mosaic with orchards and clear paddocks dominant across the valley floor and slopes. TASMAR aerial survey.

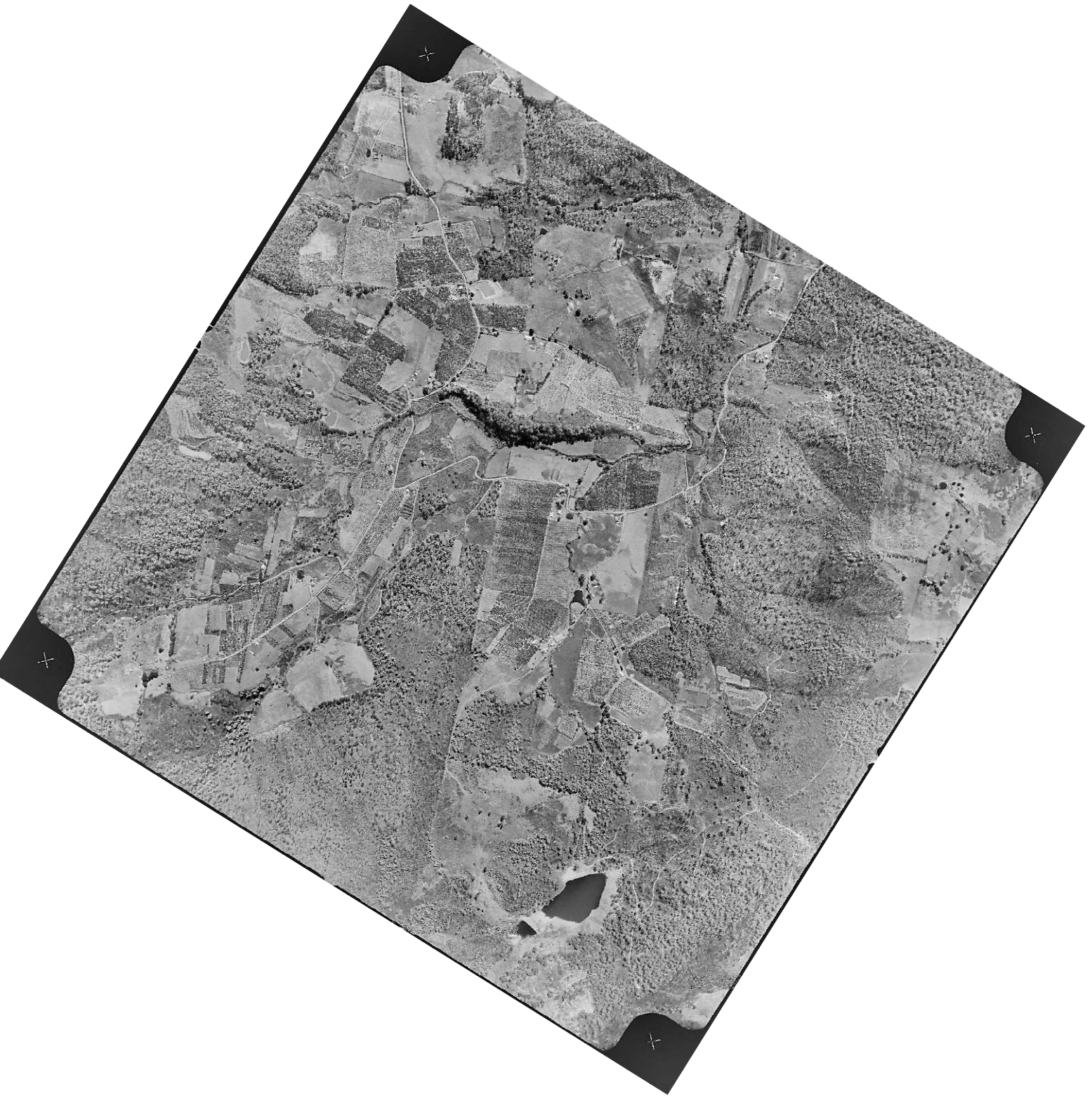


Figure 2: Allens Rivulet, February 1967. Maximum openness. Orchard rows visible in the lower areas. High light/dark contrast across the subject area reflects actively managed agricultural land. Taken only a few days after the 1967 fires, the visible burnt areas will regenerate densely in subsequent years.

1970s: Continued Agricultural Activity with Early Signs of Change

By the mid-1970s the overall character remains open and agriculturally managed, but the first signs of vegetation encroachment are evident in some paddock margins and gully lines. Areas of native vegetation burnt in 1967 are regenerating thickly. The agricultural mosaic is still clearly legible, with the valley floor retaining its characteristic light tones of open grassland and orchards. The 1975 image, taken from a higher altitude, shows the broader context. While the lower areas remain predominantly open, the surrounding higher areas carry an unmanaged vegetation fringe that will expand significantly in subsequent decades.



Figure 3: Allens Rivulet area, 1975. Valley floor remains predominantly open with managed agricultural character. Vegetation fringe visible on steeper slopes and ridge margins. TASMAP aerial survey.

1980s: Agricultural Decline and Changes in Land Use

The 1981 image, which was taken as part of a Private Forests survey, shows the area still carrying significant open areas. The overall mosaic character persists, but the clarity of orchard rows has diminished compared with the 1960s, suggesting some reduction in active orchard management. This decade marks the beginning of the structural shift that will accelerate through the 1990s and 2000s. As commercial agricultural viability declines, residential subdivision takes over in some areas while elsewhere previously clear land is progressively ceded to natural regeneration of native forest.



Figure 4: Allens Rivulet, 1981. Private Forests survey. Open mosaic still predominant but signs of transition visible as native vegetation expands and tree canopies close, while residential subdivision starts to appear.

1990–2000: Accelerating Regrowth and Loss of Mosaic

The 1990 and 1996 images record the most significant period of landscape character change in the study period. By 1990, natural regeneration is visibly taking over former paddock areas, particularly on mid-slopes. The valley floor retains some open character but the high-contrast mosaic of the 1960s has softened considerably. By 1996, as captured in the first colour survey image, the landscape has undergone a decisive shift. The green canopy cover now dominates the mid and upper slopes, with remaining open areas concentrated on the valley floor and maintained by land uses related to residential activity and active grazing. Where residential properties contain native vegetation, this is also generally expanding and contributing to a residential landscape mosaic.



Figure 5: Allens Rivulet, 1990. Regrowth expanding strongly on slopes. Mosaic still evident on valley floor and lower slopes, but contrast and openness significantly reduced compared with 1965–1967.



Figure 6: Allens Rivulet, 24 February 1996 (colour). S.E. Forestry Extension survey. Canopy closure now dominant across mid and upper slopes. Open areas confined to lower slopes and valley floor where residential activity is expanding.

2000s: Consolidation of Forested Character

The 2004 image, taken as part of the Huon-Derwent Urban OPM programme, shows much of the landscape in a substantially forested state. Remaining open areas are clearly confined to parcels under active management, now forming islands within a predominantly vegetated matrix rather than the dominant feature they once were. Rural residential development is increasingly evident in this period, confirming that the landscape character is now being largely driven by lifestyle rural residential land use, with decline of active agricultural management and the subdivision of former agricultural holdings. The 2010 image confirms the continued trajectory of increasing tree cover across valley slopes and ridgelines where it is now dense and largely continuous, with the agricultural mosaic substantially extinguished.



Figure 7: Allens Rivulet, 28 March 2004. Huon-Derwent Urban OPM survey. Forested character now dominant. Many open areas are isolated management units within a vegetated matrix.



Figure 8: Allens Rivulet, 2010. Substantial further canopy closure compared with 2003. Ridge and upper slope canopies largely continuous. Scattered openings on the slopes. Valley floor retains open areas, with increasing areas of native vegetation on residential properties, augmenting the mosaic landscape.

2025: Predominantly Forested Landscape

The 2025 satellite image shows the current state of the 60-year transition. Ridges and upper slopes are almost entirely under closed canopy. The open mosaic character that was the dominant feature of the landscape in 1965 is now visible only in residual form, with areas of mosaic where there is residential activity, or paddocks under active management, and a limited number of properties where deliberate clearing has been carried out. The canopy closure on the higher ground is sufficient to qualify as a landscape trap in the sense described by Lindenmayer et al. (2011). It has passed a threshold beyond which restoration of the open mosaic character requires active, deliberate sustained management effort.

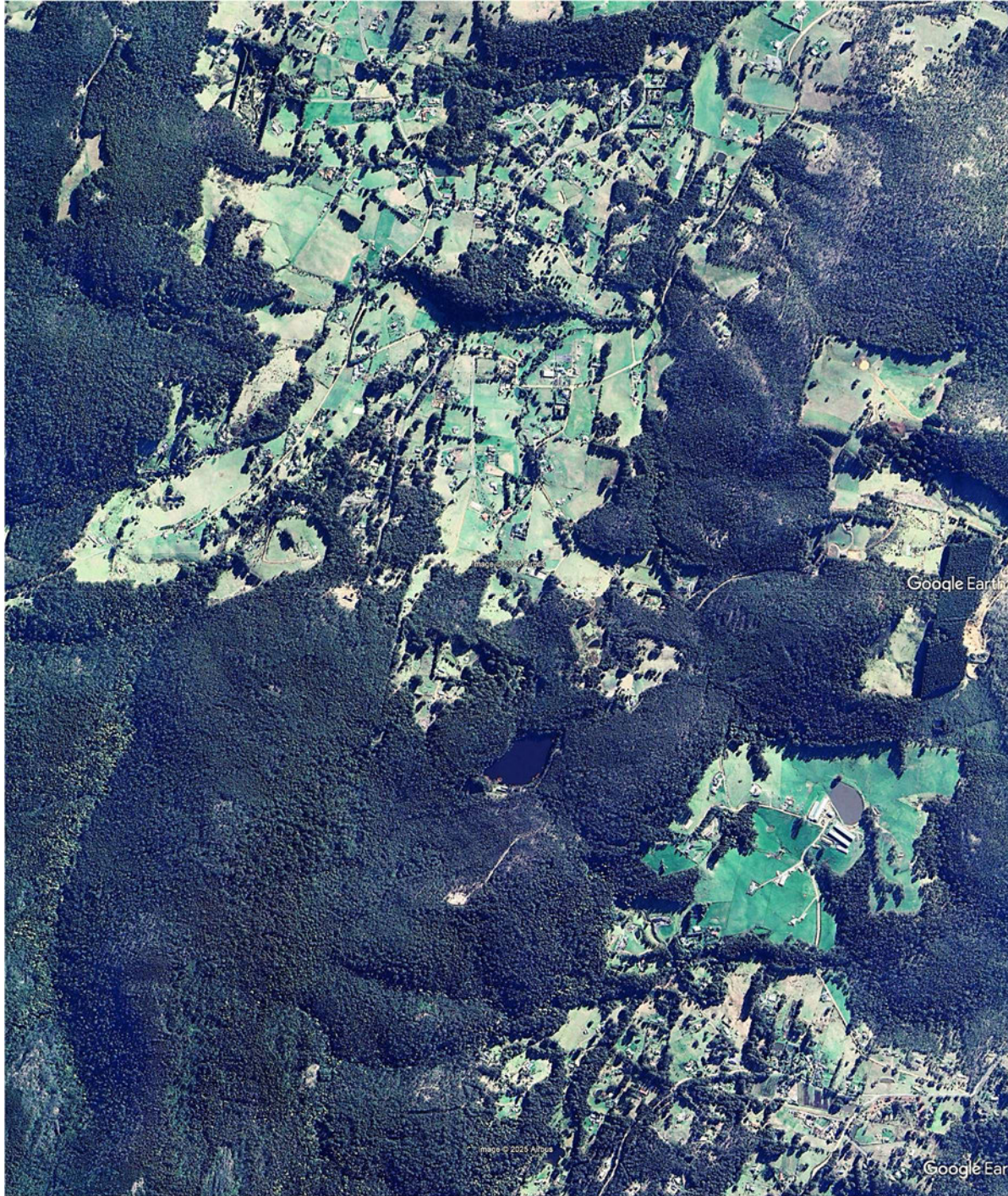


Figure 9: Allens Rivulet, 2025 (Google Earth imagery). Ridgelines under almost continuous closed canopy. Open mosaic character survives only in residual form on actively managed parcels.

3. Synthesis: The Trajectory of Landscape Change

The photographic record presented in this annexure documents a consistent, directional, and accelerating transition in landscape character across the Allens Rivulet and Margate hinterland. The key findings are as follows.

- The 1960s landscape was characterised by an agricultural mosaic of cleared paddocks, orchards and other horticultural activities, managed grasslands, and retained native vegetation, consistent with the scenic optimum, a 40–60% ratio of trees to open space, as described in the FPA’s Forest Landscape Management manual for Landscape Character Type 6 (South-east Coastal Hills).
- From approximately 1970 onward, the decline of commercial-scale agriculture has allowed native vegetation to regenerate across former grazing and horticulture areas. This process accelerated markedly through the 1990s as rural residential subdivisions replaced some of the agricultural holdings, becoming the predominant land use and augmenting the mosaic landscape in those areas, while other properties were essentially abandoned, no longer maintaining the management regimes that had created and/or sustained their open mosaic character.
- By 2025, the landscape has shifted to mostly closed or semi-closed canopy cover on ridges and mid-slopes. The open mosaic seen in the 1965–1967 baseline remains only in isolated, actively managed areas. This development aligns with the landscape trap concept by Lindenmayer et al. (2011), which explains how human and natural disturbances create feedback loops that push landscapes into a degraded state resistant to recovery. The decline in active management has led to canopy expansion and increased fuel loads, resulting in dense, continuous vegetation. This heightens the risk of severe fires, which would worsen structural complexity loss and hinder recovery, rather than restore the open mosaic. According to Lindenmayer et al.’s framework, the landscape has likely crossed a threshold, making natural recovery to the open mosaic unlikely without targeted, ongoing efforts.
- The transition has occurred despite no formal change in planning zone or land use category. It is a product of changed management practice at the parcel level, not of any planned or sanctioned landscape-scale change. This underscores the argument that zone allocation alone does not determine landscape character outcome and that management and incentive frameworks are equally important.

4. Relevance to Planning Arguments

The aerial photographic evidence presented in this annexure directly supports the arguments advanced in Section 4.4 of the collective submission. Specifically:

- Landscape character is a product of human as well as natural factors (European Landscape Convention 2000; Mariani et al. 2017). The evidence shows that the open agricultural mosaic that characterised Allens Rivulet in the mid-twentieth century was itself a product of sustained human management over many decades, centuries and even millennia. It did not arise spontaneously and has not been maintained in the absence of that management. A planning framework that treats the present closed-canopy state as the natural or desirable baseline misapplies the landscape character concept and privileges one

historically contingent state over another without acknowledging the human agency involved in both.

- The trajectory documented here is consistent with the landscape trap hypothesis (Lindenmayer et al. 2011; Bowman 2026). The transition from open mosaic to closed canopy has passed a threshold at which spontaneous reversal is unlikely. Active land management is required to maintain and restore open mosaic character. The Rural Living Zone, with its framework of permitted and discretionary low-intensity rural uses that facilitates the maintenance of clearings, provides the regulatory conditions under which such management is practicable. By contrast, the Landscape Conservation Zone, which treats vegetation retention as the primary land use objective, would systematically disadvantage management practices that would arrest or reverse canopy closure.
- The visual evidence also reinforces the Southern Tasmanian Regional Guidelines' (Inspiring Place/Geoscene 2018) approach to scenic assessment, by which scenic value is properly assessed through systematic visual analysis, not through vegetation density as a proxy. The landscapes of highest scenic quality visible in the 1965–1967 images, that best embody the 'scenic optimum' of 40–60% tree-to-open-space ratio for Landscape Character Type 6, were landscapes of active agricultural management. Present-day scenic quality cannot be assessed by reference to current vegetation cover alone. The historical trajectory documented in this annexure is an essential part of the assessment.
- Where rural land containing native vegetation (including land currently zoned Rural Living) has been converted to residential use over the study period, the areas of native vegetation have generally been retained and expanded over the decades, maintaining and restoring the mosaic scenic optimum landscape values.

The Commission is respectfully invited to have regard to this photographic evidence when considering the appropriate zone allocation for the properties the subject of this submission. It demonstrates that the landscape of Allens Rivulet and the Margate hinterland has a documented history as a managed agricultural landscape that is transforming to a managed residential landscape. It demonstrates that where residential land uses have persisted over time, a desirable mosaic landscape character has been maintained and restored. On the other hand, on some former agricultural properties where residential activity has been absent, a dense forested landscape has developed, the result of management change and not necessarily the most desirable landscape or ecological outcome. This evidence clearly indicates that the Rural Living Zone is the appropriate regulatory vehicle for ensuring the management conditions that maintain and, over time, restore the area's scenic rural character.

Image Sources

Figures 1–7: TASMAP aerial survey archives, various dates as captioned. Reproduced for planning submission purposes.

Figures 8 and 9: Current satellite imagery (2025). Source: Google Earth Pro.

Key References

Bowman, D. (2026). [Reference as cited in Collective Submission Section 4.4.]

Council of Europe (2000). European Landscape Convention. Florence.

Forest Practices Authority (undated). Manual for Forest Landscape Management. Hobart.

Inspiring Place Pty Ltd and Geoscene International (2018). Southern Tasmania Regional Landscape Assessment. Prepared for Southern Tasmanian Councils Authority.

Lindenmayer, D., Fischer, J., Felton, A., et al. (2011). "Landscape traps" and their relevance to ecosystem management. *Journal of Applied Ecology*, 48(3), 563–568.

Mariani, M., et al. (2017). Landscape as viewed through the lens of the ELC. *Landscape Research*, 42(4).

Appendix 3 — MOSAIC LANDSCAPE OF RURAL KINGBOROUGH: AERIAL ILLUSTRATIONS

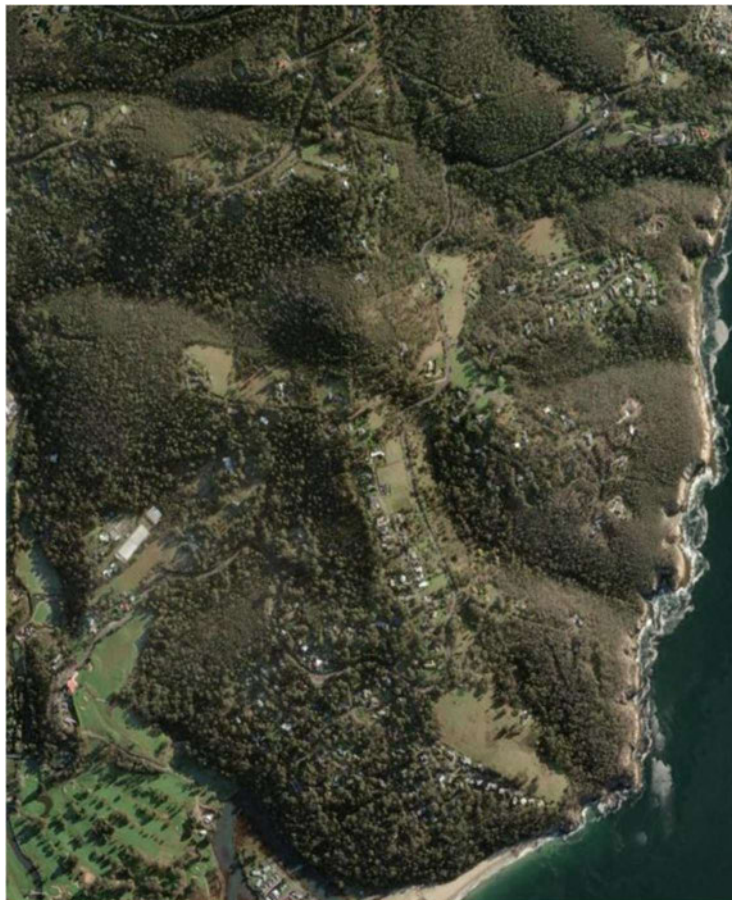
What is perhaps not widely recognized is the extent and significance of the mosaic landscape in rural Kingborough. The four high-value landscape examples, identified by both the Kingborough Council in its Local Provisions Schedule Supporting Document and Ireneinc in the LCZ Review, mainly consist of a mosaic of forest, open woodland, and clear land. This becomes more apparent when viewing aerial images of these areas. Figures 46 to 49 from the Kingborough Local Provisions Schedule Supporting Document are included below, alongside aerial views of each landscape.

Bonnet Hill / Albion Heights

Figure 46 – Bonnet Hill Albion Heights (viewed from Roslyn Avenue, Kingston Beach)



Aerial view of Bonnet Hill / Albion Heights area, Kingborough.



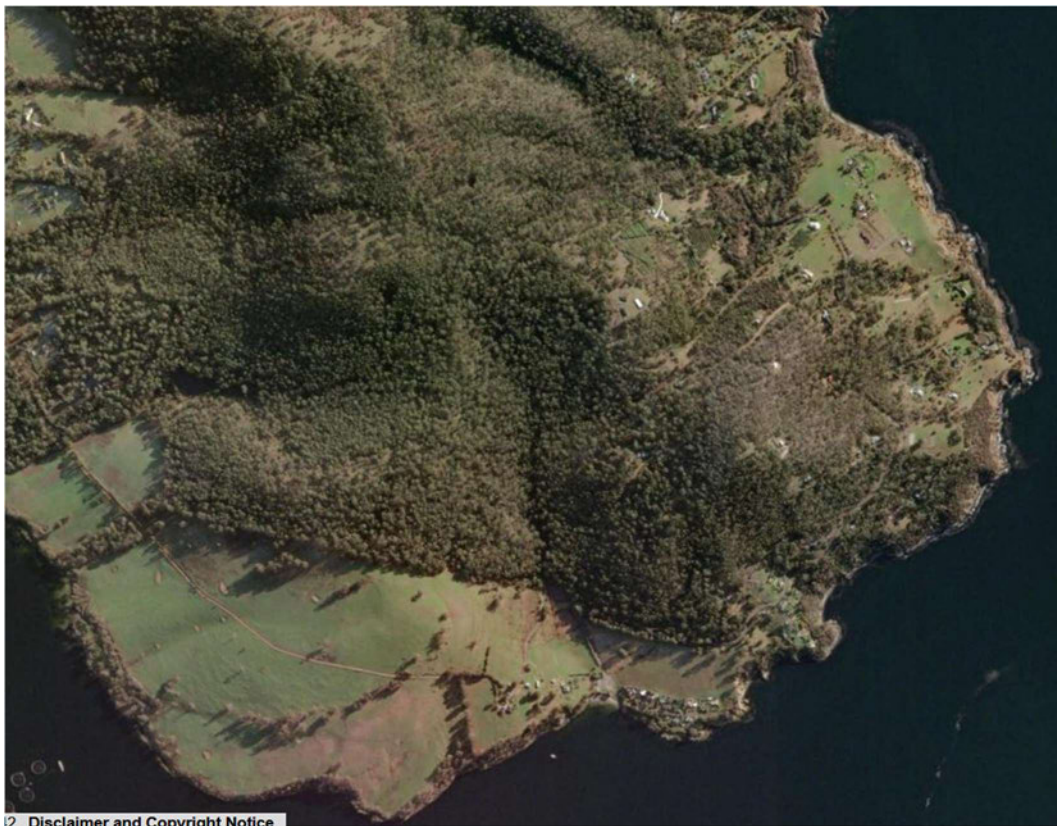
Aerial view of Bonnet Hill / Albion Heights showing mosaic of open land and forest.

Southern Tinderbox Peninsula

Figure 47 – Tinderbox Peninsula (viewed from Dennes Point, Bruny Island)



Aerial view of southern Tinderbox Peninsula.



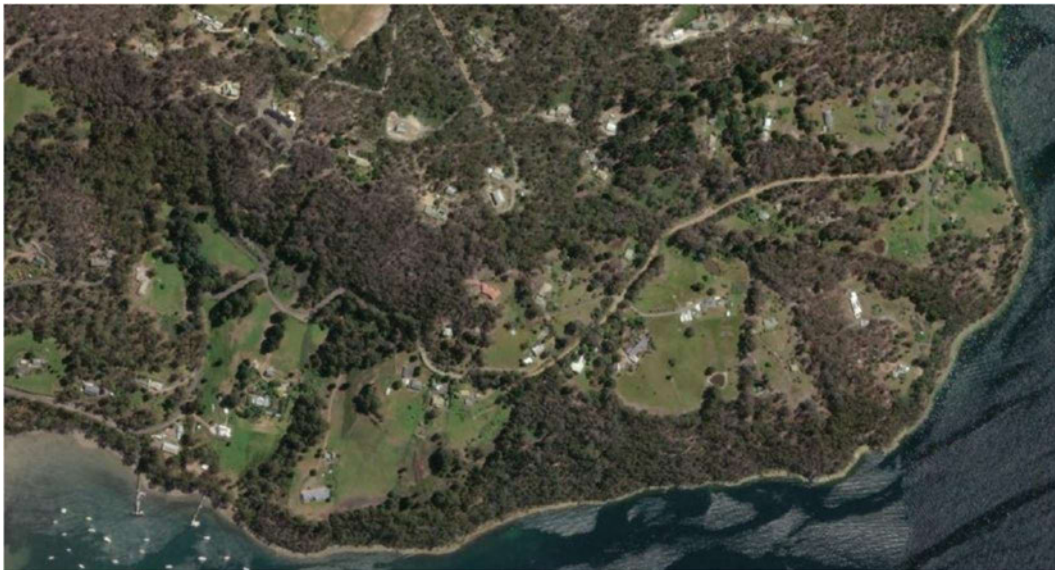
Aerial view of southern Tinderbox Peninsula showing mosaic character.

Southeastern Oyster Cove Peninsula

Figure 48 – Oyster Cove (viewed from Kettering)



Aerial view of southeastern Oyster Cove Peninsula.



Aerial view of southeastern Oyster Cove Peninsula.

Kettering Area



Elevated areas as a backdrop to Kettering — Figure 49 from the Kingborough Local Provisions Schedule Supporting Document.



Aerial view of area west of Kettering.

ATTACHMENT A

Inconsistency Analysis - Ireneinc Zone Evaluation

IMPORTANT DISCLAIMER: This analysis has been prepared to support a written submission to the Tasmanian Planning Commission. It represents a personal analysis of publicly available Ireneinc reports and hearing records and is NOT professional planning advice. All references to Ireneinc locality reports and hearing transcripts should be verified against the primary source documents before being relied upon. The primary documents - Ireneinc Locality Baseline and Alternative Zone Evaluation, the Ireneinc LCZ Review and Findings Report, and the Day 20 TPC hearing transcript — are publicly available on the Commission's website and Kingborough Council's website.

PLEASE NOTE: In addition to our individual submission herein, we are also a signatory to the **Allens Rivulet Nierinna Margate Collective Submission**

PART 1 - SUBMISSION IDENTIFICATION

Submission reference	David & Kylie Engisch – [REDACTED] — Direction 69
Property title reference	123656/1
Locality	Allens Rivulet...
Submission template used	Contest LCZ – Seek RLZ
Date of attachment preparation	4 th May 2026

PART 2 - PURPOSE OF THIS ATTACHMENT

This attachment supports the written submission identified above.

It provides a comparative analysis of the Ireneinc zone evaluation framework as applied to the subject locality, compared with one or more comparable localities that received a different, more favourable zoning outcome based on the same or substantially similar evidence.

The purpose of this attachment is to demonstrate that the Ireneinc recommendation for the subject locality is inconsistent with outcomes produced by the same evaluation framework elsewhere in the municipality, with no clear or justified basis for differential treatment.

This attachment should be read in conjunction with the written submission, in particular Part D (D7 — Comparative Inconsistency Analysis) and Part E (Locality-Specific Context).

PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

The following statements from the Day 19 and Day 20 TPC hearings are relevant to the use of comparative analysis in assessing zoning outcomes and the application of the Ireneinc framework.

Speaker and timestamp	Statement (extract)	Relevance
Delegate Rohan Probert [01:07:48]	“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. What we really need to say is the difference between those two.”	Indicates that similar landscapes may have received different zoning outcomes and that differences between localities require clear explanation.
Delegate Dan Ford [02:33:54]	Discussion at Kettering West regarding Priority Vegetation Area (PVA) overlays and zoning outcomes.	Demonstrates that environmental outcomes may be driven by overlays (e.g. PVA) rather than zone classification alone, where comparable areas have received different zoning treatment.
Kate Heckelmann (Ireneinc) [05:53:00]	The evaluation framework is a tool rather than a statutory requirement; submissions may depart from it where supported by evidence.	Confirms that the framework is not determinative and that alternative evidence-based assessments may be provided.
Chair Nick Heath [06:45:48]	The Commission will determine outcomes under section 34 LUPAA criteria, including the Zone Guidelines and LPS requirements.	Confirms that assessment is based on statutory criteria, and that consistency in applying zone principles is relevant to the Commission's consideration.

PART 4 — MOST RELEVANT COMPARISONS FOR THIS SUBMISSION

The following sections identify the key comparisons within Attachment A that are most directly relevant to this submission. Detailed comparative analysis for each locality is provided in the pages that follow.

1. Landscape value and settlement pattern — Howden / West Tinderbox

Comparable locality: Howden / West Tinderbox

Key characteristics:

- Established rural-residential settlement pattern
- Dwellings, paddocks, and ancillary structures present
- Modified vegetation and mixed land use

Relevance:

These areas exhibit established rural-residential development with modified landscapes and similar land use characteristics. Despite this, they are zoned Rural Living. This indicates that the presence of vegetation and landscape values alone has not resulted in LCZ being applied where a rural-residential pattern is established. Figure 1 provides an example of a comparable property within this locality.

Figure 1. Property similar to subject property in Howden, proposed to transition from ELZ to RLZ

PID 3142530 [REDACTED] Howden

The property shows a family home in the bottom right, with a swimming pool behind.

2. Vegetation condition and environmental values — [REDACTED], Allens Rivulet

Comparable locality: [REDACTED], Allens Rivulet

Key characteristics:

- More intact native vegetation than subject land
- Elevated terrain with higher canopy cover
- Identified habitat values, including raptor nesting activity

Relevance:

Despite stronger ecological and habitat indicators than those present on the subject land, this locality remains zoned Rural Living. This demonstrates that higher environmental value alone has not resulted in LCZ being applied in comparable circumstances.

Please refer to Allens Rivulet Nierinna Margate Collective Submission p15 for further detail and map.

3. Visual impact and ridgeline context — Local ridgeline properties

Comparable locality: Ridgeline above and surrounding subject land

Key characteristics:

- Highly visible, elevated landforms
- Extensive agricultural clearing
- Strong visual exposure across broader landscape

Relevance:

These areas exhibit greater visual prominence and landscape exposure than the subject land, yet include areas zoned Rural Living or Rural. In contrast, the subject land is partially screened, located mid-slope, and only visible from limited viewpoints, yet is also included within LCZ mapping.

This indicates that LCZ application does not consistently distinguish between differing levels of visual exposure or landscape sensitivity.

Figure 2 illustrates the ridgeline context, including PID 9295357 ([REDACTED]) and PID 9178754 ([REDACTED]).

Figure 2. Hickmans Hill and Knotts Hill area with subject property outlined in red.

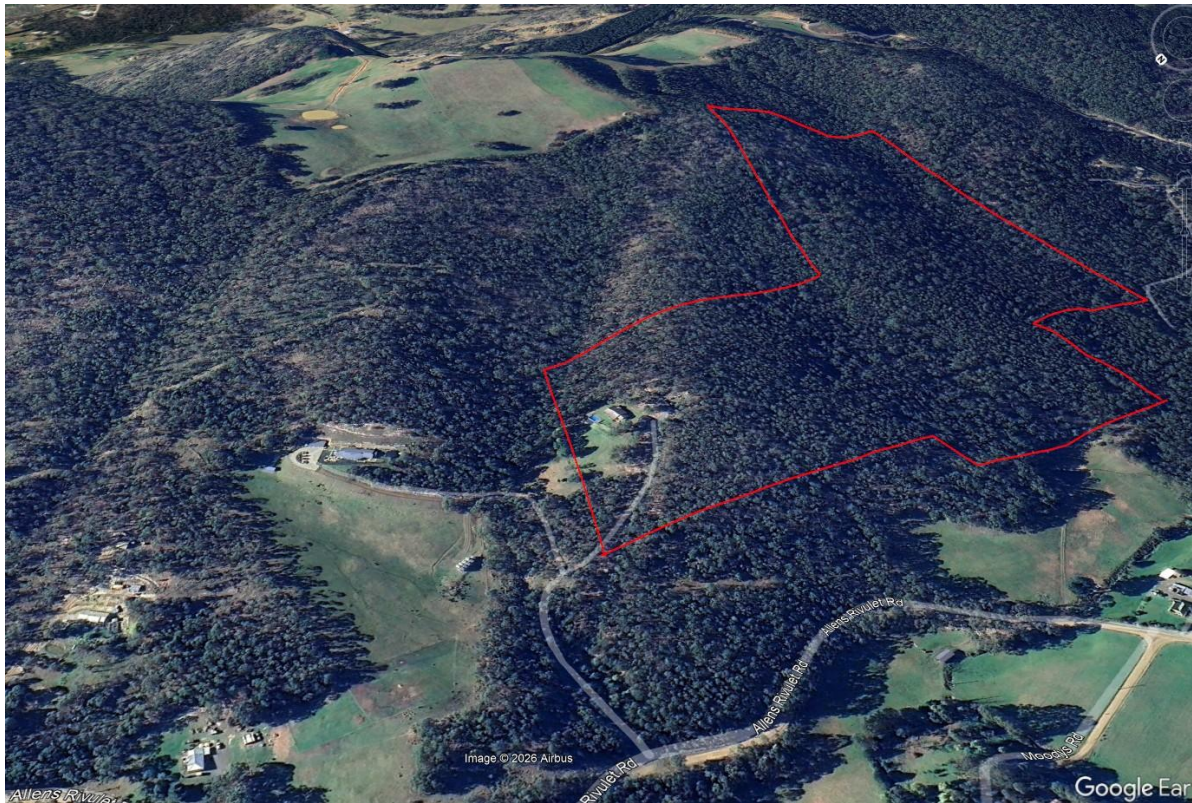
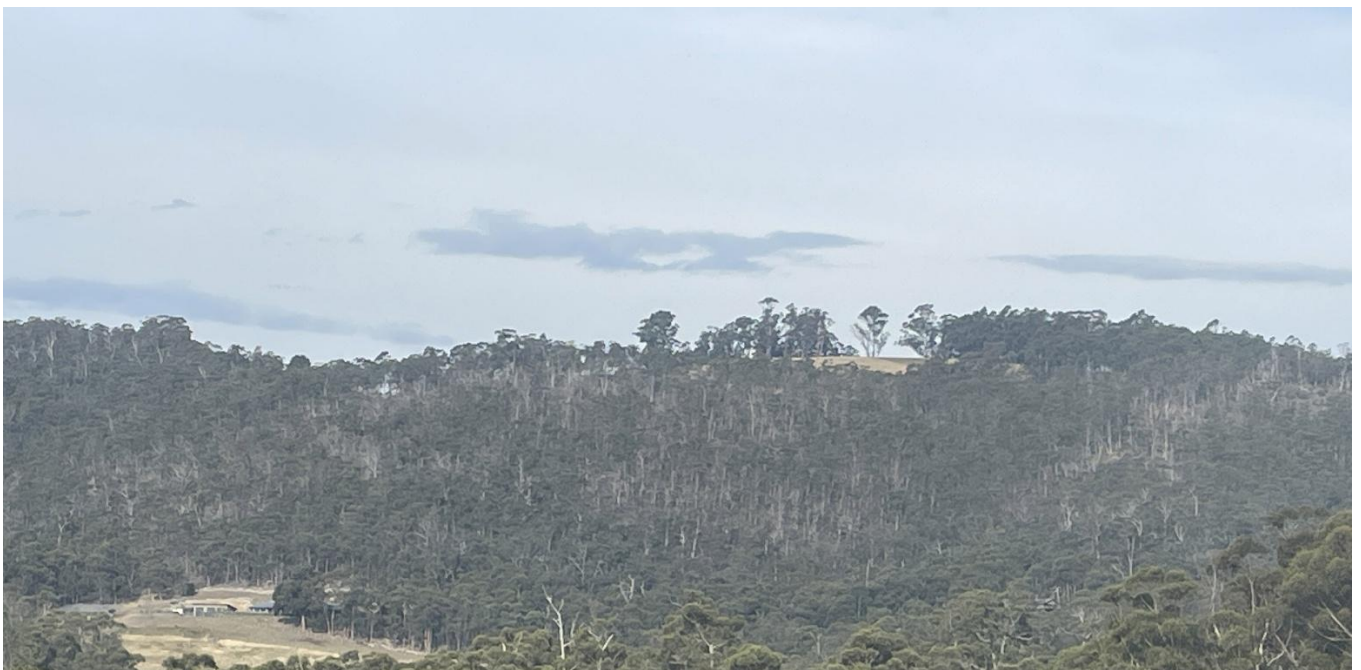


Figure 3. Hickmans Hill area



4. Local zoning pattern consistency — Allens Rivulet Road area

See pages 29-32 of the Allens Rivulet Nierinna Margate Collective Submission for full details between specific properties. Importantly this comparison involves the subject property

PART 5 — PROPERTY-SPECIFIC DIFFERENTIATION

This attachment identifies inconsistencies at the locality level. The submission provides property-specific evidence demonstrating why those inconsistencies apply to the subject land.

In summary, the subject land exhibits characteristics consistent with localities zoned Rural Living, and not with the basis typically relied upon for the application of the Landscape Conservation Zone.

5.1 Landscape condition and existing development

The subject land is not an undisturbed or pristine landscape. It contains established development, including a substantial outbuilding (approximately 12 m × 7 m), lawfully approved under the previous Environmental Management zoning framework. That approval required assessment of environmental and visual impacts, demonstrating that the site has already been considered capable of accommodating built form of this scale. The land also exhibits a history of modification, including clearing and agricultural use. Surrounding paddocks and altered vegetation patterns are evident.

These characteristics are not consistent with land typically warranting the highest level of landscape conservation control.

These characteristics establish a substantially modified and developed site context, which informs the assessment of appropriate zoning but is distinct from issues relating to future development rights and tenure certainty.

5.2 Existing use rights, tenure certainty, and rebuild risk

5.2.1 Existing use rights under LUPAA and the Tasmanian Planning Scheme

The *Land Use Planning and Approvals Act 1993* and the Tasmanian Planning Scheme State Planning Provisions protect existing lawful uses when a zoning change occurs. A use lawfully established prior to a scheme amendment is recognised as a non-conforming use and may continue.

The subject dwelling and associated residential and land management activities were lawfully established under the current zoning and retain existing use protection through the transition process.

However, this protection is conditional. Under the State Planning Provisions, if a building associated with a non-conforming use is destroyed (including by bushfire, storm, or other natural hazard), the right to rebuild and continue the use is generally retained only if rebuilding substantially commences within a two-year period. If this timeframe is not met, the non-conforming use status may lapse, and any subsequent application is assessed as a new use under the zone applying at that time.

5.2.2 Practical implications of the rebuild timeframe

While a two-year period may appear sufficient in principle, in practice it can be significantly constrained by the sequence of events following loss of a dwelling, including insurance assessment, demolition, site clearance, design, planning approval processes, and permit conditions.

Where a proposal is discretionary and subject to public notification, additional timeframes and procedural requirements may further reduce the practical window for commencement of rebuilding.

This is particularly relevant given the subject land is located within a mapped bushfire-prone area, where the risk of loss of dwelling is not merely theoretical but recognised through the application of the Bushfire-Prone Areas Code.

5.2.3 Absence of a building envelope

The subject land does not include a pre-approved building envelope.

In the absence of a designated building envelope, any replacement dwelling must be assessed as a new use against the applicable zone provisions at the time of application.

Under the Landscape Conservation Zone, a dwelling is a discretionary use and must be assessed against the zone purpose, which prioritises the conservation of landscape and ecological values. Approval is therefore not assured and is subject to assessment against those objectives.

By contrast, under the Rural Living Zone, residential development is an expected and established use outcome, and dwelling approval is generally consistent with the purpose of the zone where it occurs within an existing rural-residential pattern.

5.2 Vegetation structure and condition

The vegetation is characterised by densely overstocked dry sclerophyll forest with a high basal area (m^2/ha), indicative of regrowth following historical disturbance rather than intact native vegetation.

This structure reflects:

- regrowth conditions rather than mature forest
- suppressed canopy development
- ongoing self-thinning processes

The understorey is simplified, with limited species diversity and areas of exposed ground, further indicating constrained ecological condition and reduced structural complexity.

While the site may appear vegetated in aerial imagery, on-ground conditions demonstrate that it represents regrowth within a modified landscape rather than high-value, intact native vegetation.

We have received advice from forestry expert Rob Smith, MSc, ND For, AIWSc, Advisor Tree Tas that:

“Potential restrictions and/or bureaucracy to routine rural pursuits and property maintenance for necessary active native forest management, especially in your situation of a densely overstocked dry sclerophyll forest ie. high basal area (m^2/ha) is not conducive to good forest health and can result in perverse natural values outcomes.”

Active forest management is required to address these conditions. However, application of the Landscape Conservation Zone would introduce additional regulatory complexity and potential approval requirements for routine vegetation management activities.

This creates a risk that necessary works may be delayed or discouraged, which may in turn result in the continued persistence of dense regrowth conditions rather than improvement toward a more resilient and ecologically stable vegetation structure.

The following images demonstrate vegetation regrowth over time.

Figure 7 shows the property on 18th Feb 1967 after the 1967 fires. Much of the property is devoid of vegetation. The current layout of buildings has been overlaid to illustrate asset position and vegetation change outline in Figure 8.

Figure 8 Shows the house and ancillary structures shortly after completion. The cleared area around the dam on the right and the circular driveway (not yet sealed) are clearly visible.

Figure 9 shows the property with residential envelope today. The vegetation regrowth is significant

Figure 7. 1967 bushfire destruction – 18 Feb 1967



Figure 8 Newly completed house and ancillary structures – 13 Jan 1997



Figure 9. Current vegetation regrowth

5.3 Bushfire risk and land management

The vegetation structure contributes to elevated bushfire risk due to:

- high fuel loads
- continuous vertical and horizontal fuel layers
- presence of ladder fuels enabling crown fire development

The property is identified as having a high bushfire risk rating (approximately 9/10) and forms part of a broader landscape subject to coordinated fuel reduction planning.

In our correspondence from the Tasmania Fire Service they confirm that individual landowners retain responsibility for managing bushfire risk on their land. Effective mitigation requires ongoing vegetation management, including the removal of regrowth and maintenance of defendable space.

The application of the Landscape Conservation Zone introduces additional approval requirements and uncertainty around these activities, creating a risk that necessary works may be delayed or constrained. This outcome is inconsistent with the need for proactive bushfire risk management.

In addition, the Tasmania Fire Service has undertaken multiple site visits to the property and surrounding area over approximately the past three years as part of preparations for a coordinated fuel reduction burn program. These visits have included assessment of assets, vegetation condition, and access requirements, and have involved direct engagement with landowners to obtain consent for planned fuel reduction activities.

This process reflects ongoing recognition of elevated fuel loads and the need for active, staged intervention across the broader landscape rather than isolated treatment of individual properties.

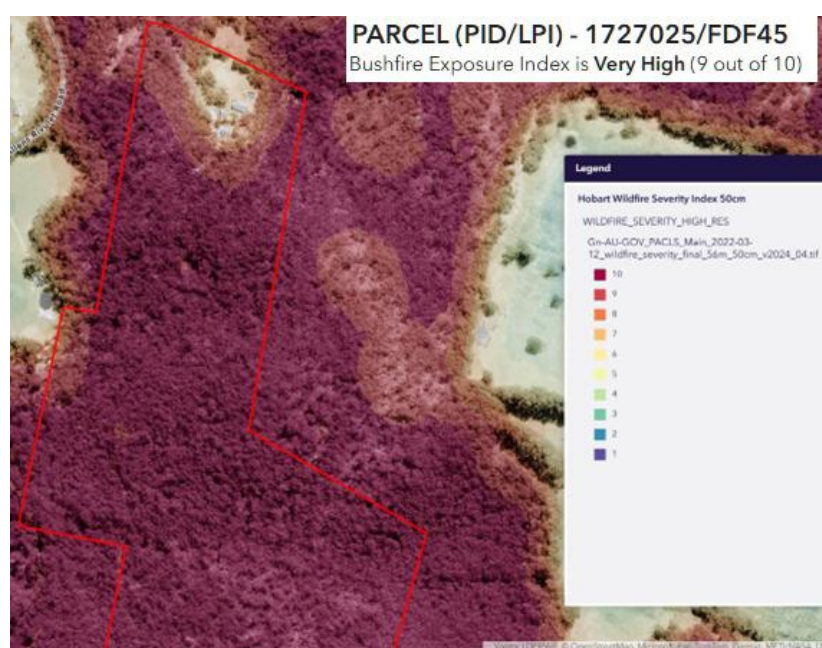
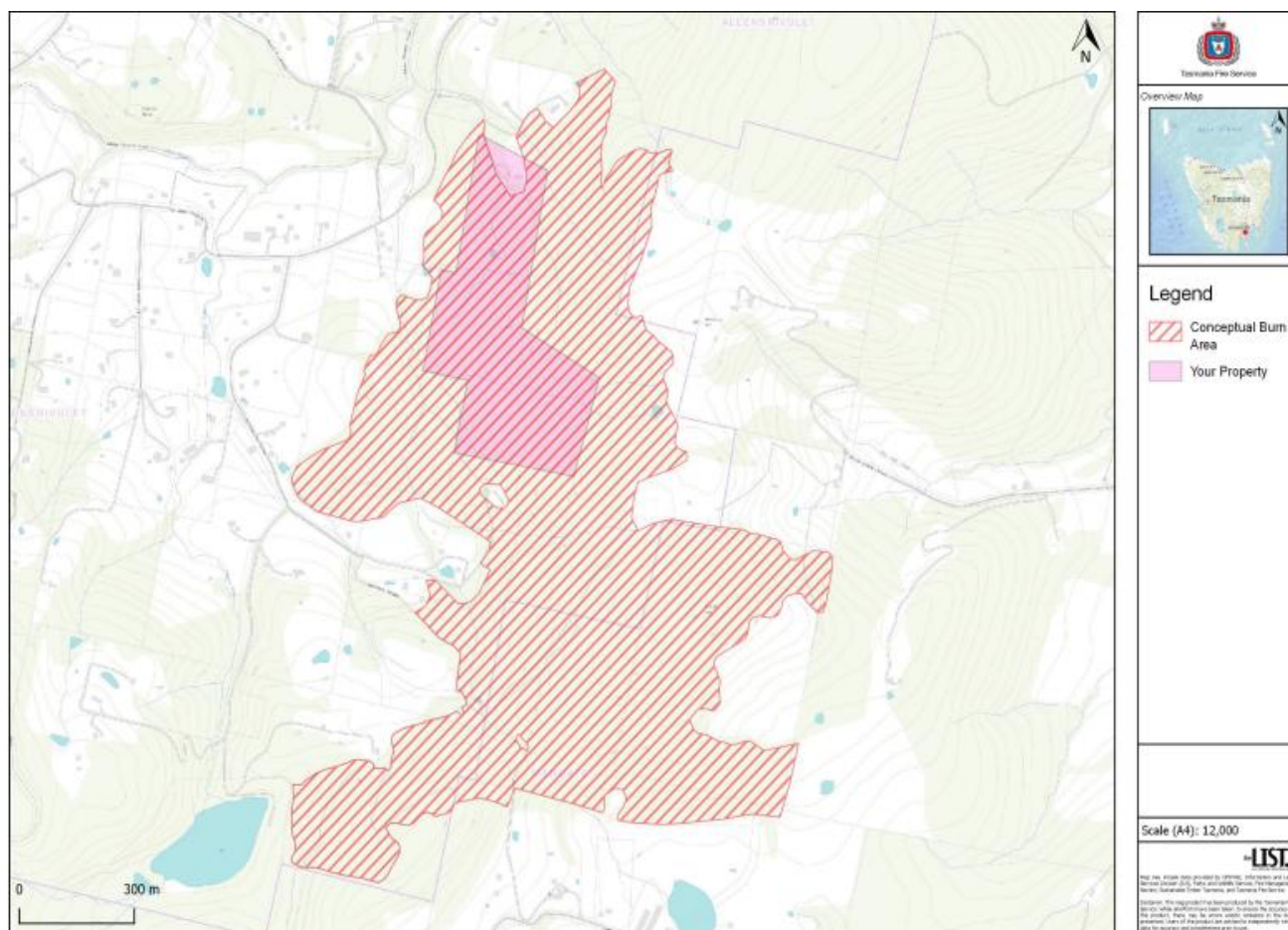
The property also contains TasNetworks power infrastructure, including a pole located within the property boundary in proximity to the dwelling. This infrastructure requires periodic vegetation clearing and maintenance access within the site to maintain safety and service reliability.

This demonstrates that the land is subject to ongoing, necessary intervention and is not an undisturbed or passively managed landscape.

The application of the Landscape Conservation Zone would create an inconsistent outcome whereby essential vegetation management undertaken by infrastructure providers proceeds as required, while comparable management by the landowner may be subject to additional approval requirements. This further illustrates the impractical and disproportionate effect of LCZ controls in this context.

As can be seen in Figure 10, the property is clearly located within a landscape identified for coordinated hazard reduction planning.

Figure 10. TSG734BU- Knotts Hill Planned Fuel Reduction Burn



5.4 Consistency with surrounding land

Nearby land with comparable or greater environmental values, including areas with taller canopy forest, identified habitat values, and less disturbed vegetation, remain zoned Rural Living or Rural. These areas are not subject to the same level of constraint and typically support ongoing land management practices that reduce fuel loads and maintain landscape condition.

This highlights an inconsistency in the application of the Landscape Conservation Zone, where:

- more intact or higher-value land is afforded greater flexibility, and
- more modified land is subject to more restrictive controls

This is covered in more detail on pages 25-28 of the Allens Rivulet Nierinna Margate Collective Submission.

5.5 Practical effect of LCZ controls

The practical effect of the Landscape Conservation Zone is best understood in terms of its impact on routine use and management of the developed portion of the property.

The LCZ introduces additional constraints on residential and ancillary development, including structures necessary to support land management and bushfire mitigation. While discretionary approval pathways exist, increased regulation creates uncertainty and may discourage proactive land management.

At the same time, existing lawful buildings may be maintained or rebuilt under the Land Use Planning and Approvals Act 1993, limiting the effectiveness of the controls in shaping long-term development outcomes. This creates a potentially fragmented and inconsistent planning outcome.

Table 1 — Practical impact of proposed zoning on developed portion of the property

Feature	Environmental Living (ELZ)	Proposed LCZ	Practical impact
Dwelling / extensions	Permitted (subject to approval)	Planning permit required	Increased complexity, cost, and approval risk
Landscaping / vegetation	Minor clearing generally allowed	Most clearing requires approval	Restricts routine property maintenance and use of paddocks
Fencing	Standard rural-residential practice	Height, materials and visual impact controlled	Adds regulatory burden to typical boundary works
Ancillary structures (sheds, etc.)	Generally supported	More constrained and discretionary	Reduces flexibility for normal rural-residential use
Land use	Residential and small-scale home uses	Limited and more restrictive	Reduces lawful flexibility without change in actual use
Subdivision	Limited but possible	Generally not supported	Reinforces restriction (not a primary objective)

Table 1 demonstrates that the proposed Landscape Conservation Zone would introduce additional regulatory burden and reduce flexibility for routine residential and land management activities, despite no change in the existing use or character of the land.

5.6 Relationship to zone intent

The practical outcomes outlined above are consistent with the intended role of the Landscape Conservation Zone, which prioritises landscape protection over residential use. However, they are not consistent with the established use and characteristics of the subject land, which align more closely with Rural Living outcomes.

This relationship is summarised in Table 2.

Table 2 — Comparison of relevant zone intent and characteristics

Characteristic	RLZ	LCZ	RZ
Primary intent	Rural-residential living	Landscape and conservation protection	Rural production / mixed use
Typical land use	Dwellings, hobby farming	Minimal development	Agriculture, forestry, resource use
Vegetation context	Mixed — cleared + remnant vegetation	Predominantly native vegetation	Cleared or productive land
Built form	Established dwellings common	Limited and visually constrained	Functional buildings for rural use
Development flexibility	Moderate	Low	Moderate (for rural purposes)
Vegetation management	Managed / discretionary	Highly constrained	Generally permitted (subject to codes)

5.6— Historical zoning and progressive loss of rural land use function

Under the Kingborough Planning Scheme 2000, a substantial portion of the subject land was zoned Primary Industries, reflecting its suitability for active rural use and ongoing land management, including the use of on-site resources such as timber for purposes like firewood and fuel management. See Figure 12

These activities form part of normal rural practice and self-sufficiency, particularly for properties with established dwellings and reliance on wood heating and land-based management.

Subsequent rezoning to Environmental Living over the whole property and now the proposed application of the Landscape Conservation Zone (LCZ) over the whole property represents a progressive shift away from enabling active land use toward increasing restriction on routine vegetation management.

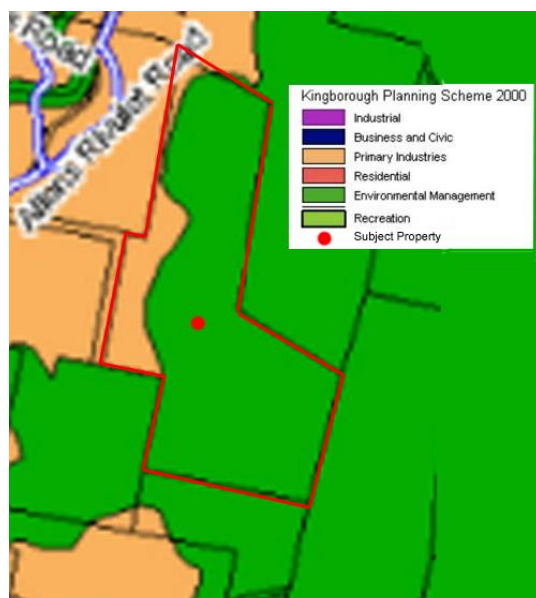
Under LCZ, vegetation is primarily treated as a value to be protected, with clearing and resource use subject to additional controls and approval pathways. This creates a materially different land use outcome compared to the earlier Primary Industries zoning, where active management and use of vegetation resources formed part of the intended function of the land.

Importantly, there has been no corresponding change in the fundamental characteristics or use of the property to justify this progression in constraint. The land remains:

- used for established residential purposes
- actively managed
- reliant on ongoing vegetation management for both practical use and bushfire mitigation

Accordingly, the proposed LCZ would restrict long-standing and necessary rural land management practices, including the use of on-site timber resources, without a clear planning basis linked to the actual condition or function of the land.

This progression reflects a change in planning policy rather than a change in land capability or condition.

Figure 12. Subject land with primary industries zone on the western side

5.7 Conclusion

The subject land exhibits established residential use, a modified and actively managed landscape, and vegetation characteristics consistent with regrowth rather than intact conservation land.

These characteristics are more consistent with a rural-residential environment and align with the intended function of the Rural Living Zone, rather than the primary conservation purpose of the Landscape Conservation Zone.

The application of LCZ does not appear to reflect a consistent or evidence-based assessment of landscape value, vegetation condition, or risk profile when compared to surrounding land.

When considered alongside the locality-level inconsistencies identified in Part D of the submission, the application of LCZ to the subject land results in both a misalignment with the strategic intent of the zone and a disproportionate regulatory outcome at the property level.

We are one of many landowners in Allens Rivulet who have jointly lodged a collective Allens Rivulet Nierinna Margate Collective submission dated 4th May 2026. We adopt and rely upon the arguments in that submission as part of this individual submission.

PART 6 — VERIFICATION AND PRIMARY SOURCES

All comparisons in this attachment can be verified against the following primary source documents, which are publicly available:

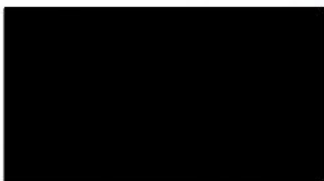
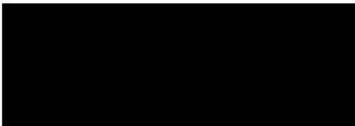
- Ireneinc Locality Baseline and Alternative Zone Evaluation (available on the TPC website)
- Ireneinc LCZ Review and Findings Report (available on the TPC website)
- TPC Day 20 hearing recording — Kingborough Council YouTube channel (available until midnight 19 June 2026)
- Section 8A Guideline No. 1 — LPS Zone and Code Application (available on the TPC website)
- ListMap

The timestamps in this attachment (e.g. [01:07:48]) show how far into the Day 20 YouTube recording each exchange takes place. To verify a quoted exchange, navigate to that timestamp in the recording. The full text transcript is also available as a supporting document to this submission.

PART 7 — DECLARATION

We confirm that:

1. This attachment has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
2. The comparisons contained in this attachment are based on publicly available Ireneinc reports and TPC hearing records, and I have made reasonable efforts to ensure accuracy.
3. We are the owners or authorised representative of the property identified in Part 1 above.

Signed:  Full name: David John Engisch	Date: 4/5/2026  Contact email / phone:
Signed:  Full name: Kylie Maree Engisch	Date: 4/5/2026  Contact email / phone: