
From: Ben Brinkhoff [REDACTED]
Sent: Monday, 4 May 2026 6:19 PM
To: Kingborough LPS
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED], Margate [REDACTED]
Attachments: submission for [REDACTED] Margate.docx

Dear members of the TPC,

Please find attached notes submitted for the property at [REDACTED], Margate - [REDACTED] regarding information for zoning.

Kind regards,

Bernadette Brinkhoff

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

TEMPLATE T1

Contesting LCZ Retention
Seeking Rural Living Zone

Use this template if you received:

Letter 1 — Representor, already heard, LCZ retained
Letter 3 — Representor, not yet heard, LCZ retained
Letter 5 — Non-representor who contacted TPC, LCZ retained
Letter 7 — Non-representor, no prior contact, LCZ retained

⚠ DEADLINE: Submissions must be lodged by midnight Monday 4 May 2026. This deadline is hard and fast (Chair Nick Heath, TPC hearing Day 20). Late submissions cannot be accepted.

PART A — PROCEDURAL OPENING

To the Tasmanian Planning Commission,

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

I previously made a representation on the draft LPS. I understand that my representation has not yet been heard and will be heard at a future hearing. I understand that this letter provides me the opportunity to make a further written submission specifically in relation to the Ireneinc recommendations, and that I may speak to this submission when I appear before the Commission.

In my previous representation (Rep. No 325) I requested a change to LCZ Rural Zone. I would like to amend to Rural Living Zone.

PART B — PROPERTY DETAILS

Landowner name(s)	Benjamin Peter Brinkhoff and Bernadette Mary Brinkhoff
Property address	██████████
██████████	9177/1
Lot size (approx.)	0.63 hectares
Locality	Margate
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone (RLZ)

PART C — STATEMENT OF POSITION

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

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone A (minimum lot size 1 ha) — reflecting the existing lot pattern in my locality

Our property is established rural/residential. We have lived here continually for over 35 years. Our house, sheds and garden take up a significant amount of the block.

This zoning is consistent with other RLZ properties in our area. We are now one of very few properties in our area that has been lived in by a family for decade and has not had this reflected by a change to RLZ.

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 on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary use and strategic intention of the land is and has always been residential.

The property contains our house, which was built in 1990. We have lived in this house continually since then and have raised our family here. We also have a studio building which is used as a music studio for rehearsals and lessons.

Our property, various buildings and the land cleared around them for fire safety, take up most of our block.

The Ireneinc report for our area (p 240) notes:

- "Dwellings are often scattered and often nestled into vegetation."
- "Where there is an integration of residential uses this largely within a small portion of a parcel which the remaining natural setting."

This is not true for us. In our case, the bushland is the smaller part — most of our land is being used for residential purposes.

D1.2 — The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for my property. The Ireneinc report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title.

D2 — The Ireneinc evaluation framework, applied correctly to my property, supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00]. Representations can depart from it with good evidence. However, I submit that even applying the framework as intended, my property satisfies the criteria for RLZ rather than LCZ.

D2.1 — My property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators. My property clearly satisfies this criterion.

We bought our piece of land in 1988. It was part of the subdivision of the small farm belonging to the Steet family, who had lived and farmed there over generations.

Our property contains an established house, which we built in 1989/1990. There is also a second building that we use as a music and teaching studio. We have a gravel driveway and a reasonable sized parking area. We have several woodsheds. Other parts of the property are used for garden, including vegetables and fruits. We also have an outdoor bathroom within the garden.

These take up a significant part of our 0.6 hectare block.

Aerial photography over the period of the last 36 years will confirm these uses of the property over that time, confirming that this property has been continuously residential in character.

Our property and its uses align with the attributes of other properties in the RLZ in our area, not the LCZ properties, which are large and not used for residential purposes.

This is the place we have made our lives and raised our children.

D2.2 — My property has the characteristics of a rural living settlement

The Ireneinc framework identifies rural living settlement characteristics as: at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern; a consistent pattern of detached dwellings with associated outbuildings; and visual evidence of rural activities (cleared areas, hobby farming, grazing etc.). The Ireneinc report's own locality baseline confirms that the broader settlement in which my property sits displays these characteristics.

My property is situated within a cluster of properties along [REDACTED]. The settlement pattern is consistent and established. Neighbouring properties also contain similar dwellings with associated outbuildings.

D2.3 — The identified landscape values can be managed outside of LCZ

The Ireneinc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of LCZ, specifically through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission itself accepted this argument in relation to Kettering West at Day 20, where the panel effectively found that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone [Transcript, Day 20, 02:33:54].

My property is within a Scenic Protection Area (SPA). It is subject to the PVA overlay. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.

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

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ A to my property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot size and does not create a viable subdivision pathway.

My property has an area of approximately 0.6 ha. Under RLZ [D], the minimum lot size is 10 ha (with an 8 ha performance criteria). Subdivision of my property under this subcategory would not be possible, addressing any concern about intensification.

D3 — The TPC panel's own statements support RLZ for properties like mine

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

D3.1 — The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by its application in any individual case and must assess my property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

D3.2 — Risk ratings are judgement calls, not defined thresholds

At Day 20, the low/medium/high risk ratings applied by Ireneinc to LCZ recommendations were described as judgement calls, not defined thresholds. Ireneinc's position was that these ratings are a rule of thumb only [Day 20 guide]. The Commission has not yet determined what weight to give these ratings. Where the risk rating applied to my locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

D3.3 — Visible rural activity is not required for RLZ

The TPC panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This was applied consistently across multiple localities including Howden, Albion Heights, and Kingston West [Day 20 guide]. Properties need not demonstrate active farming or grazing to satisfy the RLZ criteria — residential use in a rural setting is sufficient.

D3.4 — Analogy to accepted RLZ localities

The Ireneinc report recommended full ELZ to RLZ transitions for a number of localities, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission. The characteristics of those localities — established residential settlement, lots generally between 1 and 15 ha, mixed residential and rural activities, limited evidence of significant landscape values requiring LCZ protection — are shared by my property.

My property in Margate is directly comparable to many properties in these similar locations where RLZ was recommended. Both areas share characteristics such as lot sizes, settlement pattern, proximity to existing RLZ. There is no principled basis on which to treat my property differently.

Additionally, my property has very similar attributes to other properties very close by, such as the properties in the existing part of McGowans Road. These properties were established by families at a similar time to us

(late 80s) and have the same overlays for protection. However, these properties have been proposed to be zoned Rural Living.

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 my 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.

My property adjoins on the east, properties zoned RLZ and Rural Zone under the draft LPS. The application of LCZ to my property alone, with a small cluster of 3 essential properties creates a fragmented and isolated pocket of LCZ within a predominantly RLZ and Rural area.

The adjoining properties on the western side are huge blocks which are not lived on, which is totally dissimilar to us.

D4.2 — Inconsistency with adjoining or comparable properties

The Zone Guidelines require that the spatial application of zones be, as far as practicable, consistent with and coordinated across the LPS. Where neighbouring properties with substantially similar characteristics have been recommended for RLZ, the application of LCZ to my property is inconsistent and not supported by evidence of any material difference.

My property is only one of 3 residential properties in all of [REDACTED] and most of its off-shoot roads, to be recommended for LCZ. A recommendation to RLZ would be much more constant in creating a uniform approach to the area zoning.

D5 — Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a significant evolution — and inconsistency — in Council's approach to the application of the LCZ to ELZ land. At the time the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC noted that this approach was often inconsistent with the Zone Guidelines and that 'often when assessing particular sites the zone proposed does not seem to match these criteria or those of Guideline No.1.' By the time of public exhibition the proportion had been reduced to approximately 75%, with the balance transitioning to RLZ, RZ, and other zones.

This history demonstrates that the initial presumption in favour of LCZ was not well-founded and that the LCZ application has been progressively narrowed as the evidence base has been tested. The Ireneinc report represents a further iteration of this process, but where the evidence specific to my property supports RLZ, the LCZ recommendation should not be allowed to stand.

D6 — Any landscape values present can be managed without LCZ

Where landscape values are present on or near my property, I submit that they can be appropriately managed through the application of the relevant overlay controls, without the need for LCZ. The TPC panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas.

Ireneinc itself acknowledged in the LCZ Review report that a future rural living settlement review may reconsider current RLZ decisions, and that any short-term risk is 'not something that's a definitive or a risk that can't be mitigated with future action' [Transcript, 03:06:18]. This acknowledgement of residual risk mitigation further supports the appropriateness of RLZ rather than LCZ for my property.

My property is within the SPA / PVA overlay. The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values identified in the locality baseline without resort to LCZ.

CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The application of the LCZ to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for my property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the Rural Living Zone [specify subcategory A/B/C/D];
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

I request that the folio of the Register [redacted] at [redacted], Margate, be included within the Rural Living Zone [A] in the Kingborough Local Provisions Schedule.

Signed: [redacted] Full name: Bernadette Mary Brinkhof	Date: [redacted] Contact email / phone:
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LODGEMENT: Email your completed submission to KingboroughLPS@planning.tas.gov.au with the subject line: 'Submission — Kingborough LPS Direction 69 — [your property address]'. Include your title reference in the body of the email. The deadline is midnight Monday 4 May 2026.

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

