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**From:** Kali Hindmarsh [REDACTED]  
**Sent:** Monday, 4 May 2026 4:31 PM  
**To:** Kingborough LPS  
**Subject:** Submission Kingborough LPS Direction 69 - [REDACTED] - [REDACTED] Birchs Bay  
**Attachments:** [REDACTED]\_KaliHindmarsh\_T2\_Contest\_LCZ\_Seek\_RuralZone.pdf; [REDACTED]  
\_KaliHindmarsh\_Attachment\_A.pdf

Good afternoon,

Please find attached written submission on the proposed rezoning of my property at [REDACTED] Birchs Bay.

Regards,

Kali Hindmarsh

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Sent from my iPhone

# TASMANIAN PLANNING COMMISSION

*Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report*

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

## PART B — PROPERTY DETAILS

|                                |                                               |
|--------------------------------|-----------------------------------------------|
| Landowner name(s)              | Kali Bianca Hindmarsh                         |
| Property address               | ██████████ Birchs Bay TAS 7162                |
| Title reference (folio)        | ██████████                                    |
| Lot size (approx.)             | 10.04 ha                                      |
| Locality                       | Birchs Bay                                    |
| 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 Zone                                    |

## 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 Zone (RZ) is the appropriate zone for my property. The RZ is a more appropriate translation of the Environmental Living Zone (ELZ) for my land given its character and existing use and is clearly preferable to the LCZ which would impose severe and unjustified restrictions.

My property is unimproved rural land with a narrow pasture strip, steep wooded terrain, no dwelling, and no public visibility; the Rural Zone better reflects its character, context, and potential use, and avoids the disproportionate restrictions of the LCZ.

## PART D — GROUNDS FOR THIS SUBMISSION

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## **D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)**

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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 LCZ is not a replacement zone for the ELZ**

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.

My property :

- is not visible from any public road or public vantage point
- is located at the very end of [REDACTED]
- is screened by dense vegetation and steep topography, and
- contains no identified scenic features

### **D1.2 — LCZ imposes restrictions inconsistent with the existing use of the land**

The Zone Guidelines note that the LCZ 'provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary'. This is inconsistent with the character of my land, which:

- is unimproved rural land,
- contains a narrow pasture strip adjoining a property proposed for Rural Zone,
- has no dwelling,
- has no established residential pattern,
- has potential for rural activity (grazing, small-scale rural use or low impact development).

The LCZ is not intended for land that has this character. For such land, the RZ provides the appropriate framework. Under LCZ, even basic rural uses such as grazing require a discretionary permit that can be refused. This is disproportionate and inconsistent with the Zone Guidelines, which direct LCZ to land where landscape protection is the primary intention. That is not the case for my property and LCZ would make my land subject to restrictions disproportionate to any landscape value on my property.

### **D1.3 — My property satisfies Zone Guideline RZ1 and is not more appropriately included in the LCZ**

Zone Guideline RZ 1 provides that the RZ should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics, and which is not more appropriately included in the LCZ or EMZ for the protection of specific values. My property satisfies this criterion.

- it is non-urban and located within a rural landscape
- it has limited agricultural potential due to steep terrain and dense vegetation
- It is not more appropriately included in LCZ because no specific landscape values have been identified on my title
- it is not EMZ, as it is private freehold land with no conservation covenant
- it adjoins 195 [REDACTED] which is proposed for Rural Zone, reinforcing the RZ context

The RZ is therefore the correct application of the Zone Guidelines for my land.

### **D1.4 — No site-specific landscape values justify LCZ over RZ**

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Zone Guideline LCZ 1 requires land with landscape values 'identified for protection and conservation'. Zone Guideline LCZ 2(c) requires that ELZ transition to LCZ only where the 'primary intention is for the protection and conservation of landscape values.'

The Ireneinc report applies LCZ at locality level without demonstrating site-specific values on my individual title of the kind or significance warranting LCZ.

On my land, neither requirement is met.

My property:

- is not visible from public roads, reserves or scenic viewpoints,
- is not part of a scenic corridor
- is not coastal
- does not contain any mapped scenic features
- is not identified in the Scenic Protection Code as a significant viewpoint
- contains no unique or high-value landscape elements identified by Ireneinc.

The presence of native vegetation alone does not justify LCZ, particularly where the PVA overlay already applies.

At the Day 20 hearing, Commissioner Dan Ford confirmed that:

"The Priority Vegetation Area overlay does the landscape-protection work, not the zone." (Day 20, 02:33:54)

This is directly relevant to my property, which is mapped with PVA, NAC, SPA, Landslip, and Bushfire-Prone overlays. These controls already regulate vegetation clearance, waterway protection, scenic impacts, and hazard management. LCZ adds no additional protection, but imposes significant development restrictions.

#### D1.5 — The LCZ recommendation relies on locality-level generalisations, not title-specific evidence

**The Ireneinc methodology applies LCZ to large areas of former ELZ land based on** broad landscape descriptions. However, at the Day 20 hearing, the TPC repeatedly emphasised that zoning must be justified per title, not by generalised locality characteristics.

For example:

- 
- Commissioner Probert highlighted that near-identical landscape descriptions in different localities produced opposite zone outcomes, questioning the consistency of the methodology (Day 20, 01:07:48).
  - Kate Heckelmann conceded that the evaluation framework is "a tool, not a statutory instrument" (Day 20, 05:53:00).
  - The Commission noted that risk ratings are judgement calls, not binding thresholds.

These statements confirm that the Ireneinc framework cannot override the Zone Guidelines, and that LCZ must be justified by specific values on my title — which it is not.

#### D1.6 — LCZ is disproportionate and unnecessary given the existing overlay controls

My property is covered by:

- Priority Vegetation Area (PVA)
- Natural Assets Code (NAC)
- Scenic Protection Area (SPA)
- Bushfire-Prone Areas Code
- Landslip Hazard Code
- Waterway & Coastal Protection Area

These overlays already regulate:

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- vegetation clearance,
  - scenic impacts,
  - waterway protection,
  - hazard management,
  - bushfire mitigation.

The TPC has already accepted that these overlays perform the protection function, and that LCZ should not be used where overlays already manage the relevant values.

Applying LCZ on top of these controls is duplicative, unnecessary, and inconsistent with the Zone Guidelines, which require LCZ only where landscape values cannot be managed through other provisions.

## **Conclusion for D1**

The LCZ does not comply with the Zone Guidelines when applied to my property. There is no site-specific evidence of landscape values warranting LCZ, and the existing overlay controls already manage the environmental and scenic characteristics of the land.

The Rural Zone (RZ) satisfies the Zone Guidelines and is the appropriate zone for [REDACTED] Birchs Bay.

## **D2 — The RZ better reflects the character and use of my property**

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### **D2.1 — The RZ purpose aligns with the existing and intended use of my land**

The RZ purpose is to provide for a range of use or development in a rural location where agricultural use is limited or marginal, that requires a rural location for operational reasons, and that minimises adverse impacts on surrounding uses. This accurately describes my property, which is:

- unimproved rural land of 10.04 ha
- containing a narrow narrow pasture strip adjoining a property proposed for Rural Zone,
- predominantly steep and heavily wooded,
- without a dwelling or established residential pattern, and
- suitable for low-impact rural activity, small-scale grazing, or future rural use.

By contrast, the LCZ purpose — to protect, conserve and manage landscape values — does not reflect the character of my land. My property is not visible from public viewpoints, is located at the very end of [REDACTED] and contains no identified scenic features. Applying LCZ would impose restrictions designed for land with publicly experienced landscape values, which my property does not possess.

The RZ therefore aligns with both the existing condition and the reasonable future use of my land.

### **D2.2 — RZ is a closer and more appropriate translation of the former ELZ for rural-character land**

Under the former Environmental Living Zone (ELZ), my property was permitted to support:

- rural and resource activities,
- low-impact land management,
- small-scale agricultural or grazing uses, and
- the potential for a dwelling subject to standard assessment.

The RZ is the closest functional equivalent to the ELZ for land that is not primarily residential and does not form part of a rural-living settlement pattern.

By contrast, the LCZ is not a replacement for the ELZ. The Zone Guidelines state explicitly:

“The LCZ is not a replacement zone for the ELZ.”

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The TPC reinforced this in post-lodgement correspondence, noting that LCZ appears to have been used too broadly to replace ELZ and that such a shift must be comprehensively justified. No such justification has been provided for my title.

The Ireneinc report itself acknowledges that:

“RZ should be considered as another alternative in place of RLZ, potentially as being more suitable than LCZ in some instances.”

My property is one of those instances. It is not residential, not scenic, not visible, and not part of a conservation corridor. The RZ is therefore the correct translation of the ELZ for this land.

### **D2.3 — RZ does not compromise landscape protection where overlays already apply**

My property is covered by multiple overlays under the Tasmanian Planning Scheme, including:

- Priority Vegetation Area (PVA)
- Natural Assets Code (NAC)
- Scenic Protection Area (SPA)
- Bushfire-Prone Areas Code
- Landslip Hazard Code
- Waterway & Coastal Protection Area

These overlays already regulate:

- vegetation clearance,
- scenic impacts,
- waterway protection,
- hazard management,
- bushfire mitigation.

At the Day 20 hearing, Commissioner Dan Ford confirmed that:

“The Priority Vegetation Area overlay does the landscape-protection work, not the zone.” (Day 20, 02:33:54)

This statement is directly relevant to my property. The presence of PVA, NAC, SPA, and hazard overlays means that all relevant environmental and scenic values are already managed through the codes.

The LCZ therefore adds no additional protection, but imposes significant development restrictions that are unnecessary and disproportionate.

The RZ, by contrast, allows reasonable rural use while still requiring compliance with all overlay controls. This achieves the correct balance between landscape protection and landowner rights, consistent with the Zone Guidelines and section 34 of LUPAA.

### **D2.4 — The RZ better reflects the surrounding zoning context**

My property directly adjoins [REDACTED] which is proposed for the Rural Zone. The narrow pasture strip along my boundary forms part of the same rural landscape unit as that property.

Applying LCZ to my land would create an inconsistent and fragmented zoning pattern, contrary to the principles applied by Ireneinc and the TPC in other localities such as:

- Allens Rivulet (RZ applied where rural activity character exists),
- Longley (RZ applied to resolve LCZ fragmentation),

- 
- Sandfly / Kaoota (RZ applied where rural uses dominate), and
  - Neika (split-zone approach used to reflect actual land characteristics).

My land shares the same rural interface as [REDACTED] and therefore should be zoned consistently.

## D2.5 — LCZ would sterilise reasonable future use of the land

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Under LCZ:

- a dwelling requires a discretionary permit,
- rural uses such as grazing require a discretionary permit,
- outbuildings are capped at 100 m<sup>2</sup>,
- building height is restricted to 6 m,
- all works are assessed against landscape values,
- and development can be refused even if all standards are met.

Given that my land is not visible, not scenic, and not identified for landscape protection, these restrictions are not justified.

The RZ allows:

- rural uses as permitted,
- dwellings as permitted (subject to standards),
- standard building heights (8.5 m),
- no colour restrictions,
- no outbuilding size cap,
- and no landscape-value test for routine works.

This is the correct and proportionate regulatory framework for my land.

## Conclusion for D2

The Rural Zone (RZ) is the zone that best reflects the existing condition, surrounding context, reasonable future use, and planning intent for [REDACTED] Birchs Bay. The LCZ is disproportionate, unnecessary, and inconsistent with the Zone Guidelines, whereas the RZ satisfies RZ 1 and aligns with both the ELZ translation and the TPC's own hearing evidence.

## D3 — TPC panel statements support RZ for properties like mine

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The Tasmanian Planning Commission's own statements during the Day 20 hearing directly support the application of the Rural Zone (RZ) to my property. These statements confirm that:

- LCZ must be justified per title,
- the Ireneinc evaluation framework is not determinative,
- risk ratings are subjective,
- and RZ is appropriate where LCZ would create fragmentation or where overlay controls already manage the relevant values.

These principles apply squarely to [REDACTED] Birchs Bay.

## D3.1 — RZ accepted where LCZ creates fragmentation

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The Ireneinc report and TPC modifications consistently applied RZ where LCZ would create isolated spot-zonings surrounded by RZ land.

This occurred in:

- Allens Rivulet (RZ applied to rural-activity parcels),
- Longley & Lower Longley (RZ applied to resolve LCZ fragmentation),
- Sandfly & Kaoota (RZ applied where rural uses dominate),
- Neika (split-zone approach used to avoid LCZ overreach).

The fragmentation avoidance principle supports RZ as the more appropriate outcome given where my property sits, directly adjoining 195 [REDACTED] which is proposed for the Rural Zone. The narrow pasture strip along my boundary forms part of the same rural landscape unit as that property.

Applying LCZ to my land would create an isolated LCZ pocket surrounded by RZ and LCZ land with different characteristics. This is precisely the type of fragmentation the TPC and Ireneinc sought to avoid.

The RZ therefore provides the consistent and coherent zoning outcome for my title on this part of [REDACTED]

### **D3.2 — 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.

This means the Commission must assess zoning against:

- the Zone Guidelines,
- section 34 of LUPAA,
- site-specific evidence,
- overlay controls,
- actual land characteristics,

—not against the internal scoring system Ireneinc used to produce its recommendations.

For my property, the Ireneinc framework relied on broad locality-level descriptions and did not identify any site-specific landscape values on my title. The TPC's own statements confirm that such generalised assessments cannot override the statutory criteria.

The Commission must assess my property against the Zone Guidelines, not the Ireneinc framework alone. Where the framework produces an outcome inconsistent with the Zone Guidelines, the Zone Guidelines prevail.

The Rural Zone satisfies the Zone Guidelines for my land; the LCZ does not.

### **D3.3 — Risk ratings are judgement calls, not defined thresholds**

At the Day 20 hearing, Ireneinc acknowledged that:

“Risk ratings are judgement calls.” (*Day 20, general discussion*)

This means that the “medium” or “medium-high” risk ratings applied to large parts of the municipality:

- are not objective,
- are not statutory,
- and cannot be used to justify LCZ where the Zone Guidelines point to a different outcome.

For my property, any risk rating applied to justify LCZ is not warranted, because:

- the land is not visible from public viewpoints,
- it contains no identified scenic features,



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- it is not coastal,
  - it is not part of a scenic corridor,
  - it is not a skyline feature,
  - and all environmental values are already managed by PVA, NAC, SPA, Landslip, and Bushfire overlays.

The TPC's statements confirm that risk ratings cannot substitute for actual evidence of landscape values — which is absent for my title.

#### D3.4 — The TPC emphasised that overlay controls, not LCZ, perform the protection function

One of the most important statements of the entire hearing was made by Commissioner Dan Ford:

“The Priority Vegetation Area overlay does the landscape-protection work, not the zone.” (Day 20, 02:33:54)

This directly supports the application of RZ to my property.

My land is covered by:

- Priority Vegetation Area (PVA)
- Natural Assets Code (NAC)
- Scenic Protection Area (SPA)
- Bushfire-Prone Areas Code
- Landslip Hazard Code
- Waterway & Coastal Protection Area

These overlays already regulate:

- vegetation clearance,
- scenic impacts,
- waterway protection,
- hazard management,
- bushfire mitigation.

The TPC's own statement confirms that LCZ is not required where overlays already manage the relevant values. This is exactly the case for [REDACTED]

#### D3.5 — The TPC questioned inconsistent LCZ outcomes across similar landscapes

Commissioner Rohan Probert highlighted that Ireneinc applied **near-identical landscape descriptions** to different localities but produced opposite zone outcomes, asking Ireneinc to identify the actual difference (Day 20, 01:07:48).

This principle applies directly to my property.

The landscape descriptions used to justify LCZ in Birchs Bay are generic and not specific to my title. Similar descriptions were used in:

- Howden (RLZ applied),
- Albion Heights (RLZ applied),
- Kingston West (mixed LCZ/RLZ),
- Neika (split-zone),

- 
- Sandfly (mixed LCZ/RZ/RLZ).

The TPC's questioning confirms that generic landscape descriptions cannot justify LCZ where the actual land characteristics do not support it.

My property does not contain the landscape values required for LCZ.

## Conclusion for D3

The TPC's own statements at the Day 20 hearing support the application of the Rural Zone to my property. The Commission emphasised:

- the primacy of the Zone Guidelines,
- the need for title-specific evidence,
- the non-statutory nature of the Ireneinc framework,
- the subjectivity of risk ratings,
- and the sufficiency of overlay controls.

These principles confirm that LCZ is not justified for [REDACTED] and that the Rural Zone is the correct and consistent zoning outcome.

## D4 — Council's application of LCZ has been historically inconsistent

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The Ireneinc LCZ Review and the Commission's own post-lodgement correspondence document a clear pattern of inconsistency in the way LCZ has been applied across Kingborough. These inconsistencies are directly relevant to my property at [REDACTED] because they demonstrate that LCZ has not been applied in a manner consistent with the Zone Guidelines, section 34 of LUPAA, or the principles of strategic zoning integrity.

### D4.1 — The TPC has already identified that LCZ has been applied inconsistently across the municipality

In its post-lodgement correspondence to Council, the Commission stated that:

- LCZ appears to have been used "quite extensively to replace the ELZ",
- the application of LCZ "often does not seem to match the criteria" in the Zone Guidelines, and
- zoning decisions "often appear inconsistent with surrounding land."

This is precisely the situation at [REDACTED] where LCZ has been applied despite:

- the absence of site-specific landscape values,
- the presence of multiple overlay controls that already manage environmental and scenic values,
- the property's lack of public visibility,
- and its direct interface with Rural-zoned land at 195 [REDACTED]

The Commission's own concerns about inconsistency directly support the application of RZ to my property.

### D4.2 — The proportion of ELZ land proposed for LCZ has shifted dramatically, demonstrating methodological instability

The Ireneinc LCZ Review notes that:

- Council originally proposed 85% of former ELZ land for LCZ,
- this dropped to 75% at exhibition,

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- and has been reduced further through the Ireneinc process.

This significant fluctuation shows that LCZ application has been fluid, subjective, and inconsistent, rather than grounded in stable, defensible criteria.

If LCZ were genuinely the correct zone for all land with landscape values, such large shifts would not occur. The fact that LCZ has been repeatedly scaled back demonstrates that many properties — including mine — were initially recommended for LCZ without adequate justification.

#### D4.3 — Comparable properties with similar characteristics received RZ or RLZ, while mine was left in LCZ

Across the municipality, Ireneinc recommended Rural Zone for properties that share the same characteristics as my land:

- Longley & Lower Longley — RZ applied where rural activities dominate.
- Allens Rivulet — RZ applied to rural-activity parcels with mixed vegetation.
- Sandfly & Kaoota — RZ applied to steep, wooded, rural-character land.
- Birchs Bay / Flowerpot / Middleton — RZ applied to non-residential rural land with limited agricultural potential.
- Neika — split-zone approach used to avoid LCZ overreach on large, vegetated parcels.

My property shares these characteristics:

- steep, heavily wooded terrain,
- a narrow pasture strip adjoining RZ land,
- no dwelling,
- no public visibility,
- rural-activity potential,
- and no identified scenic or landscape values.

There is no principled basis for treating my land differently from these comparable RZ parcels.

#### D4.4 — LCZ has been applied even where overlay controls already manage the relevant values

The Ireneinc Review and TPC hearing evidence confirm that LCZ has often been applied despite the presence of overlay controls that already regulate:

- vegetation clearance (PVA),
- scenic impacts (SPA),
- waterway protection (C7),
- bushfire risk (C13),
- landslip hazard (C15).

At the Day 20 hearing, Commissioner Dan Ford stated:

“The Priority Vegetation Area overlay does the landscape-protection work, not the zone.” (Day 20, 02:33:54)

My property is covered by PVA, NAC, SPA, Bushfire-Prone Areas, Landslip, and Waterway & Coastal Protection overlays. These controls already manage all relevant environmental and scenic values.

Applying LCZ on top of these controls is duplicative, unnecessary, and inconsistent with the Zone Guidelines.

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#### **D4.5 — LCZ has been applied inconsistently even within the same locality**

In several localities, Ireneinc applied LCZ to some parcels and RZ or RLZ to others despite near-identical landscape descriptions. The TPC highlighted this inconsistency during the Day 20 hearing.

Commissioner Rohan Probert noted that:

landscape descriptions for Tinderbox East and Howden were “near-identical” yet produced opposite zone outcomes, and asked Ireneinc to identify the actual difference. (Day 20, 01:07:48)

This principle applies directly to my property.

The landscape descriptions used to justify LCZ in Birchs Bay are generic and not specific to my title. Similar descriptions were used in:

- Howden (RLZ applied),
- Albion Heights (RLZ applied),
- Kingston West (mixed LCZ/RLZ),
- Neika (split-zone),
- Sandfly (mixed LCZ/RZ/RLZ).

The inconsistent outcomes across these localities demonstrate that LCZ has not been applied in a manner consistent with the Zone Guidelines.

#### **D4.6 — The LCZ recommendation for my property is inconsistent with the surrounding zoning pattern**

My property directly adjoins [REDACTED] which is proposed for the Rural Zone. The narrow pasture strip along my boundary forms part of the same rural landscape unit as that property.

Applying LCZ to my land creates an inconsistent and fragmented zoning pattern, contrary to:

- the Zone Guidelines,
- the TPC’s fragmentation-avoidance principle,
- and the approach taken in comparable localities.

This inconsistency further demonstrates that LCZ is not the correct zone for my land.

#### **Conclusion for D4**

The documented inconsistencies in Council’s LCZ approach — acknowledged by both Ireneinc and the TPC — confirm that LCZ has not been applied in a manner consistent with the Zone Guidelines or section 34 of LUPAA. My property shares the characteristics of numerous parcels that were correctly zoned Rural Zone, and there is no principled basis for treating it differently.

The Rural Zone is the consistent, defensible, and appropriate zoning outcome for [REDACTED]

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#### **D5 — Consistency with comparable RZ localities**

*The Ireneinc report recommended the **Rural Zone (RZ)** for numerous properties across Kingborough that share the same physical characteristics, land use patterns, and landscape context as my property at [REDACTED] **Birchs Bay**. These comparable outcomes demonstrate that the correct and consistent application of the Zone Guidelines leads to **RZ**, not LCZ, for land like mine.*

The following examples illustrate this consistency.

##### **D5.1 — Longley & Lower Longley: RZ applied to steep, wooded, rural-activity land**

In Longley and Lower Longley, Ireneinc recommended RZ for parcels that:

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- were steep and heavily vegetated,
  - had limited agricultural potential,
  - contained mixed rural activity,
  - and were not part of a scenic corridor.

These characteristics match my property:

- steep, wooded terrain,
- narrow pasture strip,
- no dwelling,
- rural-activity potential,
- no public visibility,
- and no identified scenic features.

If these Longley parcels were correctly zoned RZ, then [REDACTED] should be treated consistently.

#### D5.2 — Allens Rivulet: RZ applied where rural activity dominates

In Allens Rivulet, Ireneinc applied RZ to parcels where:

- rural uses were present or possible,
- vegetation was mixed,
- and the land was not primarily residential.

My property is not residential, contains mixed vegetation, and has potential for rural use. The same reasoning applies.

#### D5.3 — Sandfly & Kaoota: RZ applied to steep, vegetated, rural-character land

In Sandfly and Kaoota, Ireneinc recommended RZ for:

- steep, wooded parcels,
- land with limited agricultural potential,
- land used for low-impact rural activity,
- and land not forming part of a scenic corridor.

This is directly comparable to my land, which is:

- steep and heavily wooded,
- not visible from public viewpoints,
- not part of a scenic corridor,
- and suitable for low-impact rural use.

The consistent outcome is RZ.

#### D5.4 — Birchs Bay, Flowerpot, Middleton, Gordon: RZ applied to rural land with limited agricultural potential

Across the Channel region, Ireneinc recommended RZ for parcels that:

- were rural in character,
- had limited agricultural potential due to slope or vegetation,

- 
- were not part of a rural-living settlement pattern,
  - and did not contain identified scenic values.

My property shares all of these characteristics.

It is particularly relevant that other Birchs Bay parcels with similar rural characteristics were recommended for RZ. There is no principled basis for treating my property differently.

#### D5.5 — Neika: Split-zone precedent supports RZ for the cleared portion of my land

In Neika, Ireneinc recommended a split-zone approach for large parcels:

- cleared portions → RLZ or RZ,
- vegetated portions → LCZ.

This precedent is directly relevant to my property, which contains:

- a narrow cleared pasture strip adjoining a property proposed for Rural Zone, and
- a heavily wooded balance.

Even if the Commission were to consider a split-zone approach, the cleared pasture strip should be zoned RZ, consistent with the Neika precedent.

However, given the lack of public visibility, absence of scenic values, and presence of overlay controls, the entire title is more appropriately zoned RZ.

#### D5.6 — Comparable properties received RZ despite having more scenic exposure than my land

In several localities — including parts of:

- Woodbridge,
- Flowerpot,
- Middleton,
- Gordon,

— Ireneinc recommended RZ for properties that:

- had greater public visibility,
- were closer to scenic viewpoints,
- or had more open landscapes.

My property is:

- not visible from any public road or reserve,
- located at the very end of [REDACTED]
- screened by dense vegetation and topography,
- and contains no scenic features.

If more visible and more scenic parcels were zoned RZ, then my property should not be held to a higher standard.

#### D5.7 — The characteristics of RZ-zoned parcels match my property more closely than LCZ-zoned parcels

Across all localities, parcels zoned RZ share the following characteristics:

- rural activity potential,

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- mixed vegetation,
  - limited agricultural capability,
  - no primary residential use,
  - no identified scenic values,
  - no public visibility,
  - and no strategic landscape function.

These characteristics describe [REDACTED] precisely.

By contrast, LCZ-zoned parcels typically:

- contribute to publicly experienced scenic landscapes,
- form part of coastal or ridgeline scenic corridors,
- contain identified scenic features,
- or have high public visibility.

None of these apply to my land.

## Conclusion for D5

The Ireneinc report consistently applied the Rural Zone to properties across Kingborough that share the same characteristics as my land. There is no principled or defensible basis for treating my property differently.

The correct and consistent outcome — aligned with the Zone Guidelines, the TPC's own reasoning, and comparable localities — is to zone [REDACTED] as Rural Zone (RZ).

## D6 — Inconsistency in the Ireneinc evaluation framework (Attachment A)

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A detailed inconsistency analysis has been prepared in Attachment A, comparing the Ireneinc evaluation of my locality with other localities across Kingborough that received Rural Zone (RZ) or Rural Living Zone (RLZ) outcomes despite having near-identical landscape descriptions, vegetation patterns, lot sizes, and settlement characteristics.

This analysis demonstrates that the LCZ recommendation for [REDACTED] is inconsistent with the outcomes produced by the same evaluation framework when applied to comparable land elsewhere in the municipality.

The following key points summarise the inconsistencies relevant to my property.

### D6.1 — The TPC identified that Ireneinc applied near-identical landscape descriptions to different localities but produced opposite zone outcomes

At the Day 20 hearing, Commissioner Rohan Probert highlighted a critical flaw in the Ireneinc methodology:

He noted that the landscape descriptions for Tinderbox East and Howden were “near-identical”, yet Ireneinc recommended LCZ for one and RLZ for the other, and he asked Ireneinc to identify the actual difference. *(Day 20, 01:07:48)*

This principle applies directly to my property.

The landscape descriptions used to justify LCZ in Birchs Bay are generic and not specific to my title. Similar descriptions were used in:

- Howden (RLZ applied),
- Albion Heights (RLZ applied),

- 
- Kingston West (mixed LCZ/RLZ),
  - Neika (split-zone),
  - Sandfly (mixed LCZ/RZ/RLZ),
  - Longley (RZ applied),
  - Allens Rivulet (RZ applied).

Yet my property was recommended for LCZ without any title-specific justification.

This inconsistency demonstrates that the LCZ recommendation is not grounded in the Zone Guidelines.

#### D6.2 — Commissioner Dan Ford confirmed that PVA, not LCZ, performs the landscape-protection function

One of the most important statements of the entire hearing was made by Commissioner Dan Ford:

“The Priority Vegetation Area overlay does the landscape-protection work, not the zone.” (*Day 20, 02:33:54*)

This statement directly undermines the LCZ recommendation for my property, which is covered by:

- Priority Vegetation Area (PVA)
- Natural Assets Code (NAC)
- Scenic Protection Area (SPA)
- Bushfire-Prone Areas Code
- Landslip Hazard Code
- Waterway & Coastal Protection Area

These overlays already regulate vegetation clearance, scenic impacts, waterway protection, and hazard management.

The LCZ adds no additional protection, but imposes significant development restrictions. The TPC's own statement confirms that LCZ is not required where overlays already manage the relevant values.

#### D6.3 — The Ireneinc evaluation framework is not a statutory instrument and cannot override the Zone Guidelines

At the Day 20 hearing, Kate Heckelmann (Ireneinc) conceded:

“The evaluation framework is a tool, not a statutory instrument.” (*Day 20, 05:53:00*)

This means the Commission must assess zoning against:

- the Zone Guidelines,
- section 34 of LUPAA,
- site-specific evidence,
- overlay controls,
- actual land characteristics,

—not against the internal scoring system used by Ireneinc.

For my property, the Ireneinc framework relied on broad locality-level descriptions and did not identify any site-specific landscape values on my title. The TPC's own statements confirm that such generalised assessments cannot justify LCZ.



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#### D6.4 — The LCZ recommendation for my property is inconsistent with comparable RZ outcomes

Attachment A identifies multiple localities where Ireneinc recommended Rural Zone for land that shares the same characteristics as my property:

- steep, wooded terrain,
- limited agricultural potential,
- mixed vegetation,
- rural-activity potential,
- no dwelling,
- no public visibility,
- no identified scenic values.

These include:

- Longley & Lower Longley,
- Allens Rivulet,
- Sandfly & Kaoota,
- Birchs Bay / Flowerpot / Middleton,
- Gordon,
- Neika (split-zone precedent).

There is no principled basis for treating my property differently from these comparable RZ parcels.

#### D6.5 — The LCZ recommendation for my property is inconsistent with the surrounding zoning pattern

My property directly adjoins [REDACTED] which is proposed for the Rural Zone. The narrow pasture strip along my boundary forms part of the same rural landscape unit as that property.

Applying LCZ to my land creates an isolated LCZ pocket, contrary to:

- the Zone Guidelines,
- the TPC's fragmentation-avoidance principle,
- and the approach taken in comparable localities.

Attachment A documents this inconsistency clearly.

#### D6.6 — The Ireneinc framework produced inconsistent outcomes even within the same locality

In several localities, Ireneinc applied LCZ to some parcels and RZ or RLZ to others despite near-identical characteristics. The TPC questioned these inconsistencies repeatedly during the Day 20 hearing.

Attachment A identifies that the same issue arises in Birchs Bay:

- parcels with similar vegetation, slope, and rural character were recommended for RZ,
- while my property was recommended for LCZ without any site-specific justification.

This inconsistency further demonstrates that LCZ is not the correct zone for my land.

#### Conclusion for D6

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The inconsistency analysis in Attachment A, supported by the TPC's own hearing statements, demonstrates that the LCZ recommendation for [REDACTED] is not consistent with the Zone Guidelines, the statutory criteria in section 34 of LUPAA, or the principles of consistent zoning across the municipality.

The Rural Zone (RZ) is the correct and consistent zoning outcome for my property.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific comparison rows identified above, which demonstrate that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

## PART E — LOCALITY-SPECIFIC CONTEXT

The Ireneinc Locality Report for Birchs Bay recommends Landscape Conservation Zone (LCZ) for the majority of the locality, with Rural Zone (RZ) applied to selected parcels where rural activity, cleared land, or existing agricultural use is present. The report describes Birchs Bay as containing a mixture of vegetated hillsides, rural holdings, and coastal landscapes, but the descriptions are made at a broad locality scale and do not identify title-specific landscape values for individual properties.

My property at [REDACTED] shares the characteristics of the parcels that Ireneinc recommended for Rural Zone, including:

- a narrow cleared pasture strip,
- rural-activity potential,
- limited agricultural capability due to slope and vegetation,
- absence of a dwelling,
- absence of public visibility, and
- no identified scenic features.

Despite this, my property was recommended for LCZ without any site-specific justification.

### E2 — TPC panel comments relevant to this locality

While Birchs Bay was not the subject of extended discussion at the Day 20 hearing, the Commission made several general statements that directly apply to this locality:

- The Commission emphasised that zoning must be justified per title, not by broad locality descriptions.
- Commissioner Probert highlighted that near-identical landscape descriptions across localities had produced opposite zone outcomes, questioning the consistency of the methodology.
- Commissioner Ford confirmed that PVA overlays, not LCZ, perform the landscape-protection function.
- The Commission reiterated that the Zone Guidelines, not the Ireneinc framework, are the statutory basis for zoning decisions.

These principles apply directly to Birchs Bay, where the Ireneinc report relies heavily on generalised landscape descriptions that do not reflect the actual characteristics of my property.

### E3 — Existing zoning of surrounding properties

My property directly adjoins [REDACTED] known as *Birchs Bay Farm*, which is proposed for the Rural Zone (RZ). This neighbouring parcel:

- contains cleared land and a primary residence
- supports rural-activity uses including visitor accommodation,

- 
- forms part of the same rural landscape unit as the cleared portion of my property

Applying LCZ to my land would create an isolated LCZ pocket immediately beside RZ land, contrary to the fragmentation-avoidance principle applied by both Ireneinc and the TPC in other localities such as Longley, Allens Rivulet, Sandfly, and Neika.

The zoning pattern around my property therefore supports RZ, not LCZ.

## E4 — Landscape value statement and relevance to my property

The Ireneinc Locality Report describes Birchs Bay as containing:

- vegetated hillsides,
- coastal views,
- scenic rural landscapes,
- and areas of natural vegetation.

Though there are coastal views from my property, it is:

- not visible from public roads, reserve, or scenic viewpoints,
- is located at the very end of [REDACTED]
- is screened by dense vegetation and steep topography,
- contains no coastal frontage,
- contains no mapped scenic features,
- is not part of a scenic corridor,
- and does not contribute to any publicly experienced landscape values.

The presence of vegetation alone does not justify LCZ, particularly where the Priority Vegetation Area (PVA) overlay already applies. The TPC confirmed that PVA performs the protection function, not the zone.

Any landscape values that may exist in the broader locality are already managed through:

- PVA,
- Natural Assets Code (NAC),
- Scenic Protection Area (SPA),
- BushfireProne Areas Code,
- Landslip Hazard Code,
- Waterway & Coastal Protection Area.

These overlays regulate vegetation clearance, scenic impacts, waterway protection, and hazard management. LCZ therefore provides no additional protection, but imposes significant development restrictions that are not warranted for my land.

## E5 — Why LCZ is not appropriate for this locality when applied to my title

The LCZ recommendation for my property is not supported by the actual characteristics of the land or the surrounding context. Specifically:

- My land does not contain the landscape values required by LCZ 1 or LCZ 2(c).
- The property is not visible and does not contribute to scenic landscapes.
- The land is rural in character, not residential or conservation-oriented.

- The cleared pasture strip aligns with the Rural Zone applied to 195 [REDACTED]
- The steep, wooded balance is already regulated by PVA/NAC/SPA overlays.
- The LCZ recommendation relies on generic locality descriptions, not title-specific evidence.
- Comparable parcels in Birchs Bay and nearby localities were correctly zoned RZ.
- LCZ would create an inconsistent and fragmented zoning pattern.

The Rural Zone is therefore the correct and consistent zoning outcome for [REDACTED]

## Conclusion for Part E

The locality-specific evidence for Birchs Bay demonstrates that the LCZ recommendation for my property is not supported by the Zone Guidelines, the TPC's hearing statements, or the actual characteristics of my land. The Rural Zone (RZ) aligns with the surrounding zoning pattern, the physical condition of the land, and the planning intent for rural-character properties in this locality.

## PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out in this submission:

- The application of the LCZ to my property is not consistent with the Zone Guidelines or the requirements of section 34 of LUPAA.
- No site-specific landscape values have been identified on my title that would justify LCZ.
- The existing overlay controls — PVA, NAC, SPA, Bushfire-Prone Areas, Landslip Hazard, and Waterway & Coastal Protection — already manage all relevant environmental and scenic values.
- The Rural Zone (RZ) satisfies Zone Guideline RZ 1 and is the most appropriate zone for my land given its rural character, lack of public visibility, and potential for low-impact rural use.
- Comparable properties across Kingborough with the same characteristics have been zoned RZ, and there is no principled basis for treating my property differently.
- The LCZ recommendation relies on broad locality-level generalisations and is inconsistent with the TPC's own hearing statements and the outcomes produced by the Ireneinc framework in similar localities.

## Relief sought

I respectfully request that the Commission:

**Modify the draft Kingborough Local Provisions Schedule to zone my property — Folio of the Register [REDACTED] [REDACTED] Birchs Bay — as Rural Zone (RZ).**

If the Commission proposes any alternative outcome, I request the opportunity to respond before any final determination is made.

|                           |                                   |
|---------------------------|-----------------------------------|
| <b>Sign</b> [REDACTED]    | <b>Date:</b> [REDACTED]           |
| Full name: Kali Hindmarsh | Contact email / phone: [REDACTED] |

## 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) |
| KIPS2015        | Kingborough Interim Planning Scheme 2015                                                                                             |
| LCZ             | Landscape Conservation Zone                                                                                                          |
| Locality        | Mean the relevant locality as defined in the Ireneinc report                                                                         |
| 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                                                               |

# ATTACHMENT A

## *Inconsistency Analysis — Ireneinc Zone Evaluation*

### PART 1 — SUBMISSION IDENTIFICATION

|                                |                       |
|--------------------------------|-----------------------|
| Submission reference           | Kali Bianca Hindmarsh |
| Property title reference       | ██████████            |
| Locality                       | Birchs Bay            |
| Submission template used       | T2                    |
| Date of attachment preparation | 04/05/2026            |

### PART 2 — PURPOSE OF THIS ATTACHMENT

This attachment has been prepared to support the written submission identified above. It provides comparative analysis of the Ireneinc zone evaluation framework as applied to the landowner's locality, compared against one or more similar localities that received a different — and more favourable — zone outcome using the same or very similar evidence.

The purpose is to demonstrate to the Commission that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied elsewhere in the municipality, and that there is no clear reason to treat this locality differently from the similar localities identified.

This attachment should be read alongside the written submission, in particular the arguments set out in Part D and Part E (Locality-Specific Context) of that submission.

### PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

The following statements from the Day 19 and Day 20 TPC hearings directly support the use of a comparative inconsistency analysis as evidence in a submission:

| Speaker and timestamp                 | Statement and relevance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Delegate Rohan Probert [01:07:48]     | Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality. |
| Delegate Dan Ford [02:33:54]          | At Kettering West: effectively forced the concession that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone. This is directly relevant where PVA applies to the subject property and LCZ has been recommended — the same logic that produced RLZ at Kettering West Groombridges applies.                                                                                                                                                                                                      |
| Kate Heckelmann (Ireneinc) [05:53:00] | Conceded that the evaluation framework is a tool, not a legal requirement. Submissions can move away from it if supported by good evidence. This                                                                                                                                                                                                                                                                                                                                                                                        |

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | confirms that identifying inconsistencies in the framework's application — as this analysis does — is a legitimate basis for a submission.                                                                                                                                                                                                                                                                 |
| <b>Chair Nick Heath<br/>[06:45:48]</b> | Confirmed that the Commission will decide on the basis of section 34 LUPAA criteria (Zone Guidelines and LPS criteria), not on the basis of Council's position or the Ireneinc framework alone. The Zone Guidelines require consistent application of zone criteria — inconsistency of the kind documented in this attachment is therefore directly relevant to the Commission's assessment under the law. |

## PART 4 — MOST RELEVANT COMPARISONS FOR THIS SUBMISSION

The following table identifies the specific comparisons within the attached Inconsistency Analysis that are most directly relevant to this submission.

| Characteristic compared                  | Similar locality cited in Attachment A | Why this comparison supports my submission                                                                                                                                                                                                                     |
|------------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape value description              | Sandfly & Kaoota                       | Ireneinc used the same “steep, wooded, rural landscape” description for Sandfly/Kaoota as for Birchs Bay. Those parcels were recommended for <b>Rural Zone</b> , while mine was recommended for LCZ. There is no meaningful difference in landscape values.    |
| Settlement / land-use character          | Longley & Lower Longley                | Longley parcels with steep terrain, mixed vegetation, and rural-activity potential were zoned <b>RZ</b> . My property has the same characteristics — steep wooded land, narrow pasture strip, no dwelling — yet was recommended for LCZ without justification. |
| Overlay coverage and code-managed values | Allens Rivulet (RZ parcels)            | Allens Rivulet parcels with PVA/NAC/SPA overlays were zoned <b>RZ</b> because the overlays manage the values. My property has the same overlays (PVA, NAC, SPA, Bushfire, Landslip, Waterway), so LCZ is unnecessary and inconsistent.                         |

## PART 5 — PROPERTY-SPECIFIC DIFFERENTIATION

This attachment identifies inconsistencies at the locality level. The submission itself provides the property-specific evidence explaining why those inconsistencies apply to this individual property. In summary, the following characteristics of this property are consistent with the similar localities that received RLZ, and are not consistent with the reasons cited by Ireneinc for LCZ retention:

1. **My property is not visible from any public road or scenic viewpoint**, unlike many LCZ parcels. This matches the RZ parcels in Longley, Sandfly, and Allens Rivulet where visibility was low and codes were considered sufficient.
2. **My land contains a narrow-cleared pasture strip adjoining [REDACTED] which is proposed for Rural Zone.** This is the same rural-activity interface used to justify RZ in Longley and Allens Rivulet.
3. **My property is steep, wooded rural land with no dwelling**, matching the RZ parcels in Sandfly/Kaoota and Longley. Ireneinc used identical landscape descriptions for those parcels but recommended RZ, not LCZ.
4. **My property is covered by PVA, NAC, SPA, Bushfire, Landslip, and Waterway overlays**, which already manage all relevant environmental and scenic values. The TPC confirmed that “the PVA overlay does the landscape-protection work, not the zone” (Day 20, 02:33:54). This directly undermines the LCZ recommendation.

## 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)

## PART 7 — DECLARATION

I 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. I am the owner or authorised representative of the property identified in Part 1 above.

|                                                                                                                                        |                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Sig</b> </p> <p>Full name: Kali Hindmarsh</p> | <p><b>Date:</b> </p> <p>Contact email / phone:</p> |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|