
From: Nix Cee [REDACTED]
Sent: Monday, 4 May 2026 8:27 PM
To: Kingborough LPS; TPC Enquiry
Subject: TPC Submission - Property ID 2761313 ([REDACTED], Woodbridge)
Attachments: TPC Submission - Property ID 2761313.docx

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Please see attached our LPC Submission.

Regards, Lyndon Glancy and Nicky Crestani.

WRITTEN SUBMISSION TO THE

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 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 make a formal representation during the public exhibition period and was offered the opportunity to be heard by the council but the meeting was cancelled and I understand that the Commission has received correspondence from me or on my behalf in relation to the draft LPS. I understand that this letter provides me with the opportunity to formally participate in this stage of the LPS process by making a written submission. I understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite me to discuss the matters raised.

I take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Landowner name(s)	Lyndon GLANCY, Nicole CRESTANI
Property address	██████████, Woodbridge
Title reference (folio)	2761313 Property ID
Lot size (approx.)	18 Hectares
Locality	Woodbridge
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) — subcategory C or Rural Zone (RZ) whichever is the least restrictive or failing that urban living.

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 Subcategory C) or Rural Zone (RZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone C (minimum lot size 5 ha) — reflecting the existing lot pattern in my locality
- Or Rural Zone (whichever is the least restrictive)
- Or urban sprawl (the Kingston subdivision model. I am unsure of its name)

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 15 year period we have lived at the address. It was rezoned, without any form of notification, to Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During the tenure of my family the primary use and strategic intention of the land is and has always been residential.

Since its original occupation it has been extensively renovated at substantial cost with council approval and is now a 3 bedroom 2 bathroom fully functional modern and upgraded residence with recent rewiring upgrades and plumbing upgrades and an upgraded chalet and is now supplemented with Solar Power with batteries, solar hot water and a man-made dam for irrigation. The property is still serviced by Tas Networks for electricity and has full telecom services for communications. There is no evidence to suggest that the primary use is other than residential for myself, my wife, and our children.

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 that are themselves not clearly articulated and without consultation, rather than on the basis of clearly articulated and demonstrated landscape values specific to my title. My title borders others that are delineated as non LCZ and the oddity that a road is the border between some form of unstated landscape value seems to be justification for a decision that shows no form of support.

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 my 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. My property satisfies both elements of this criterion.

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

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.

My property has had an authorised dwelling upon it for over 30 years. It has one powered and insulated outbuilding, 1 large agricultural shed. A dam plumbed into the fully netted cherry orchard and established gardens with exotic flora that has been present for more than 20 years. Aerial surveys of the land will show an established area of grass and maintained gardens over an area of approximately 5 to 6 acres with storage areas and roads across the property. There are pre-existing tracks and roads across the property allowing access to the cherry orchard, dam, chicken enclosure and an access road running approximately 2km's along the Eastern border of the property allowing access to 7 properties. This road is a right of way access and approximately 800 meters of this road is on the land of 450 Woodbridge Hill Road. There is second road, approximately 1 km long, giving access to a further 2 properties on the Western border of the property.

D2.2 — 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]. Moreover, there is an essential problematic here in that neither Ireneinc nor Kingborough Council have articulated consistency in what landscape values even are – which points to an inconsistency to LCZ's application on the basis of landscape values. There has not been clear articulation of landscape values, so it seems arbitrary that some properties have landscape values and others recommended for Rural Zone do not. That is to say there is an inherent inconsistency in LCZ attribution - especially considering that many proposed Rural Zones have dense vegetation. Either way overlays and codes protect biodiversity and vegetation not Landscape values. In Ireneinc's report landscape values remain unclear and arbitrary in their subjective attribution. This subjectivity is something that was conceded by Ireneinc's delegate on Day 1 of the hearings.

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

My property has a long history of being used as display garden farm, a flower farm, a small egg producing farm, a cherry orchard, a berry farm and was clear felled as a log producing property. There is clearing of approximately 3 ha upon which the house and various buildings lay with an area dedicated to the keeping of goats that remains in situ. Beyond this is predominantly acacia dealbata that is of moderate density for approximately 5 ha. For the remaining 8 ha there is approximately 60yo regrowth of both Eucalyptus Obliqua and Globulus. There is a mix of long established European, North American and native vegetation with the

remaining 2 ha being dedicated to two dirt roads as established right of way access and internal roads leading between the outbuildings and the orchard and driveway.

Importantly, a proposed roadway along with telecommunications and power infrastructure run through the property for approximately 400 metres. This constitutes approximately 2 acres of land dedicated to infrastructure meant to support future development of the land for residential purposes of surrounding properties.

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 or RZ 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.

The Ireneinc report rates the transition of land in Flowerpot to RLZ as medium to high risk. This rating is again problematic as Ireneinc could not define what this risk was or is as it relates both generally to the area but importantly to my property. It is implied that the risk is to vegetation and landscape values however, these landscape values are not clearly articulated or demonstrable as they relate to my specific property. Therefore, I submit that this rating does not accurately reflect the characteristics of my individual property.

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. Again, I submit that given my residential dwelling has been improved via renovations through iterative builds and extensions over the past 35 years.

D3.4 — Comparison 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 Woodbridge is directly comparable to properties in a similar locality where RLZ was recommended. Both areas share the following characteristics: settlement pattern is demonstrable see map, absence of defined and clearly articulated landscape values. There is no principled basis on which to treat my property differently.

D4 — 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 or RZ the LCZ recommendation should not be allowed to stand.

This supports evidence that the methodology of the councils' recommendations for LCZ entailed a confirmation bias that led to mistakes defining 'settlements' as being not applicable and residential values unrecognised as per Criteria 1 as part of their reports and recommendations for LCZ in the case of my property and Gallaghers Road more generally.

D5 — Inconsistency in the Ireneinc evaluation framework (Attachment A)

A formal inconsistency analysis has been prepared and is attached to this submission as Attachment A. That analysis compares the landscape value descriptions, settlement characteristics, lot sizes, SPA coverage, PVA/NAC overlay coverage, and risk ratings applied by Ireneinc to this locality against one or more similar localities that received a more favourable zone outcome using the same or near-identical evidence.

The analysis draws on the following key statements from the Day 20 TPC hearing:

- Commissioner Rohan Probert [01:07:48]: Directly identified that landscape descriptions for Tinderbox East and Howden are near-identical yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two. This principle applies to the inconsistency documented in Attachment A for this locality.
- Commissioner Dan Ford [02:33:54]: Forced the concession that the PVA overlay does the landscape-protection work, not the zone. This principle applies where PVA overlay is present on my property.
- Kate Heckelmann (Ireneinc) [05:53:00]: The evaluation framework is a tool, not a statutory instrument. Submissions can depart from it with good evidence.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific comparison rows identified below (see **Specific landscape value statements by Ireneinc for your locality and how it relates to your property in comparison with Kettering East and Oyster Cove (that were recommended with RLZ rather than LCZ.)**), which demonstrate that the Ireneinc recommendation for this locality is Woodbridge Hill Road inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

PART E — LOCALITY-SPECIFIC CONTEXT

➡ **Locality name** Woodbridge Hill Road.

➡ **Ireneinc recommendation for this locality**

The Ireneinc report recommends LCZ for the majority of Woodbridge Hill Road.

➡ **Contextual TPC panel comments specific to your locality (from Day 20 hearing guide)**

The TPC Panel Chair Nick Heath made observations though stopped short of extensive questioning. The panel noted this was the first of many localities and that more extensive questions would be raised at the individual hearing stage. His key comments were:

- That Woodbridge is a large locality which poses different challenges to smaller ones.
- He flagged that Ireneinc had recommended different zones for eastern and western parts of the locality and commented that the panel would need to work through why that differentiation is justified. He further observed that looking at the aerial photography most lots appear to already contain dwellings so the number of vacant lots with development potential may be limited. This limitation potentially reduced the risk argument for LCZ.

- He also raised the height provisions question and whether the concern for building height in the RLZ would apply to extensions and rebuilds of existing properties not just new builds. Ireneinc confirmed that extensions and changes to existing properties were the highest risk, with elevation playing a role in distinguishing the east west divide of the locality. At this point he pressed Ireneinc on the landscape detriment risk might be between the two zones and what the actual harm might be. He suggested this would be an ongoing question across many localities.
- Delegate Dan Ford pointed out the difficulty of assessing landscape values in the absence of them being clearly defined and conceptually clear. And the wider panel noted questions would remain when individual representations are made.
- The panel broadly accepted that these questions remain open to more scrutiny and with ground level evidence as to residential history; land use; settlement validity; and

- does not commence at Birches Bay but is consistent along the ridgeline for the entirety of the Channel region and is known as the Herringbone Ridge. The same manageability identified for Kettering East and Oyster Cove would therefore by definition pertain equally to the Flowerpot locality as the ridgeline areas are contiguous. Similar native vegetation is apparent throughout all these localities and therefore similar scenic and landscape values would apply.
- Regarding Settlement characteristics: the cluster of which Ireneinc speak for Flowerpot is as previously pointed out that at least 10 contiguous properties with well-established dwellings that are between 1 – 15 ha in lot size exist and that by definition renders Flowerpot to have settlement characteristics.

PART F — 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 subcategory C; or Rural Zone, whichever is the least restrictive.
- 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 property located at [REDACTED] Tasmania 7162, be included within the Rural Living Zone C or Rural Zone whichever is deemed appropriate that is not LCZ in the Kingborough Local Provisions Schedule.

Signed:

This submission is electronically sent.

Full name: Lyndon GLANCY, Nicole CRESTANI

Date:

04/05/2026

Contact email / phone: [REDACTED]

LODGEMENT: Email your completed submission to tpc@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