
From: Felicity Barrenger <[REDACTED]>
Sent: Saturday, 25 April 2026 5:51 PM
To: TPC Enquiry
Subject: CM: Submission- Kingborough LPS Direction 69 [REDACTED] Tinderbox East
Title [REDACTED]
Attachments: T1_Contest_LCZ_Seek_RLZ.docx

Please find attached our submission.

Please contact us if anything further required.

Regards

Felicity Barrenger
Ph [REDACTED]

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.

IMPORTANT DISCLAIMER: This template is provided for guidance only and represents personal interpretation of the TPC hearing and associated documents. It is NOT professional planning advice. Before lodging your submission you should read the source documents yourself, form your own view, and speak to a qualified planning professional or legal adviser about your specific circumstances. Do not rely on this template alone.

HOW TO USE THIS TEMPLATE

This template is structured in six parts. Work through each part in order:

- Parts A–B: Select your procedural opening (match your letter type) and complete your property details.
- Part C: Review and personalise the statement of position — delete the RLZ subcategory options that do not apply.
- Parts D–E: The arguments are pre-drafted. Work through each argument and insert the evidence specific to your property where indicated by amber boxes.
- Part F: Complete the conclusion and sign.
- Delete all amber instruction boxes and this 'How to Use' section before lodging.
- Lodge by email to tpc@planning.tas.gov.au quoting your property title reference.

PART A — PROCEDURAL OPENING (select one variant)

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, however 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 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)	Stephen & Felicity Barrenger
Property address	██████████ Tinderbox TAS 7054
Title reference (folio)	██████████
Lot size (approx.)	2.29ha
Locality	Tinderbox East
Current IPS zone	<i>Environmental Living Zone (ELZ)</i>
Draft LPS exhibited zone	<i>Landscape Conservation Zone (LCZ)</i>
Ireneinc recommended zone	<i>Landscape Conservation Zone (LCZ) — unchanged</i>
Zone sought in this submission	<i>Rural Living Zone (RLZ)</i>

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.

— Select and keep the RLZ subcategory you are seeking — delete the others

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

— Add one sentence explaining why this subcategory reflects the existing pattern

Our property is consistent with the predominant lot size in Tinderbox East being approximately 2 hectares consistent with RLZ Zone B which is therefore controlled by the Local Development Code.

PART D — GROUNDS FOR THIS SUBMISSION

The arguments below are organised by pillar. Work through each one and personalise the evidence placeholders. Arguments that do not apply to your property may be removed, but retaining more arguments generally strengthens a 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.

— Describe your existing residential use

'The property contains a dwelling constructed in 2010 and has been continuously occupied as a residence, and has no water, garbage collection or sewerage connection services provided by any local authorities. There is no evidence to suggest the primary use is other than residential.'

Property has run sheep for the past 50 years and continues to run a small flock today.

Northern section of property consists of a mature olive grove (28 years of age) producing oil and table olives.

A mixed variety of poultry has been raised on the property continuously since 1997.

Property has a small orchard of cherries, apricots, peaches, quince, grapes and variety of citrus fruits

Large vegetable patch

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.

— Note any absence of site-specific justification in the Ireneinc Locality Report

'The Ireneinc Locality Report for [locality] does not identify any specific landscape values on my title. The landscape value assessment is made at locality level without reference to the characteristics of my individual property.'

Neither representatives from Ireneinc nor Kingborough Council have attended our property to assess it in any way.

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.

— State your lot size and how it aligns with an RLZ subcategory

'My property has an area of 2.29 ha. This is consistent with the RLZ [B] minimum lot size of 2 ha and does not provide for further subdivision under that subcategory.'

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.

— Describe the existing residential evidence on your property

'My property contains an established dwelling, associated outbuildings including [garage/shed], and [garden/cleared areas/fruit trees/fencing]. Aerial photography over a period of at least 50 years confirms the consistently residential character of the property.'

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.

— Describe the settlement characteristics around your property

'My property is situated on the eastern side of the road with neighbouring properties along Tinderbox Road, each with lot sizes ranging from approximately 2-3 ha. The settlement pattern is consistent and has been established since at approx 1976 to our knowledge. Neighbouring properties contain detached dwellings with associated rural activities including hobby farming / grazing / vegetable gardens.'

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].

— Describe the overlays and codes applicable to your property

Our property 242 Tinderbox Road, Tinderbox East is currently encumbered by several overlays and codes being:
Bushfire Prone Areas Code
Natural Assets Overlay (Priority Vegetation Area)

Coastal Management (standard for Tinderbox Area)

Landslide Code

Biodiversity Code

Waterway and Coastal Protection Code

Coastal Erosion Hazard Code

Local Development Code

These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.'

— State whether any landscape values are actually present on your title

'The property is 90% cleared with 40% of that sown down to improved pasture. There is limited native vegetation on the title.

The property is fronted by a continuous coastal reserve of protected native vegetation

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/B/C/D] 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.

— Confirm that your preferred RLZ subcategory does not enable further subdivision

'My property has an area of 2.29 ha. Under RLZ [B], the minimum lot size is 2 ha. 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.

— Note the risk rating applied to your locality in the Ireneinc report

'The Ireneinc report rates the transition of land in Tinderbox East to RLZ as medium-high risk. I submit that this rating does not accurately reflect the characteristics of my individual property for the following reasons:

Visibility of dwelling is minimal due to coastal reserve bushland

Code restrictions that enforced a 5.5metre height restriction when house was constructed

Any values given to the land can be appropriately managed through the application and operation of the current relevant codes

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.

— Identify the most similar locality to your property and draw the comparison

'My property in Tinderbox East is directly comparable to properties in Tinderbox West, where RLZ was recommended. Both areas share the following characteristics: 1-10ha sized lots, settlement pattern, proximity to existing RLZ, absence of significant landscape values. There is no principled basis on which to treat my property differently.'

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.

— Describe the surrounding zoning context

'My property is surrounded on the West by properties zoned [RLZ/Rural Zone] under the draft LPS. The application of LCZ to my property alone (or to a small cluster of properties) creates a fragmented and isolated pocket of LCZ within a predominantly [RLZ/Rural] area.'

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.

— Identify comparable neighbouring properties recommended for RLZ e.g. *'The property at [address], which is immediately adjacent to mine and shares the same lot size, settlement character, and land cover, has been recommended for [RLZ]. There is no identified difference in landscape values, vegetation cover, or development history that would justify the different treatment of my property.'*

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.

— List the specific overlay controls that apply to your property

See section D2.3

D7 — 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.

— Identify the specific comparison in Attachment A most relevant to your property

My lot is 2.29ha consistent with the 1-5 ha range accepted for RLZ at Howden and within the range for which Ireneinc found codes managed landscape values adequately.

My lot is predominantly cleared with an existing dwelling it does not display the elevated vegetated ridgeline character cited as the basis for LCZ retention

Priority vegetation overlay applies to my lot consistent with Kettering West Groombridges where the TPC found PVA does the landscape- protection work

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

This section is for you to add locality-specific context. Refer to the Ireneinc Locality Report for your area (Locality Parts 001–006) and the Day 20 hearing guide for any specific comments made about your locality. Insert relevant information below.

— Locality name

Tinderbox East

— Ireneinc recommendation for this locality

'The Ireneinc report recommends LCZ for the majority of Tinderbox East with RLZ applied to Howden'

— TPC panel comments specific to your locality (from Day 20 hearing guide)

'At (00:35:14) Delegate Dan Ford challenged Ireneinc on East side asking specifically what cannot be managed through those codes on the eastern side, this challenge supports my submission because code restrictions included a height restriction to 5.5 metres this was applied in 2010 when our dwelling was constructed resulting in very low visibility from the water and other surrounds'

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 [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.

— Insert your locality's relief statement in precise terms

'I request that the folio of the Register [REDACTED] at [REDACTED] Tinderbox East be included within the Rural Living Zone B in the Kingborough Local Provisions Schedule.'

Signed:

Stephen Barrenger
Felicity Barrenger

Date: 25/4/26

Full name:	_____
Contact email / phone:	_____

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