

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

PART 1 — SUBMISSION IDENTIFICATION

Locality	Tinderbox	
Submission name	<i>Tinderbox Road East (southern) Neighbourhood Group</i>	
Number of signatories	24 - for 21 properties	
Lodgement date	3 May 2026	
Contact person for this group	Edward (Ted) Hale email: [REDACTED] tel: [REDACTED]	

PART 2 — PARTIES TO THIS SUBMISSION

The following landowners in the Tinderbox locality are parties to this collective submission. Each landowner has also made a separate brief submission, by email, to the Commission confirming that they support this collective submission and that they have given permission for their names and addresses to be joined to it.

Their signatures below, confirm their approval to be a party to this submission.

Of the signatories below, there are 4 of which I am aware that also appear on the group submission lodged by Vince Taskunas.

Additionally, Scott Whyte of [REDACTED] is currently interstate and lodging his individual submission from there, but also including permission for me to list him in this group submission (unsigned below).

I also want to make you aware of the extreme stress that this process has exerted on all owners, but especially some in particular who have felt unable to cope with the process required – and have abandoned their lodgement!

		Property address
		320 Tinderbox Road ,Tinderbox
		291 Tinderbox Road, Tinderbox
		309 Tinderbox Road ,Tinderbox
		300 Tinderbox Road, Tinderbox
		294 Tinderbox Road, Tinderbox Title 1
		294 Tinderbox Road, Tinderbox Title 2.
		290 Tinderbox Road, Tinderbox Title 1
		290 Tinderbox Road, Tinderbox Title 2.
		296 Tinderbox Road, Tinderbox Title 3
		294a Tinderbox Road,Tinderbox
		304 Tinderbox Road,Tinderbox
		308 Tinderbox Road,Tinderbox
		328 Tinderbox Road,Tinderbox
		287 Tindrbox Road,Tinderbox
		71 Mt Louis Road,Tinderbox
		295 Tinderbox Road,Tinderbox
		332 Tinderbox Road,Tinderbox
		269 Tinderbox Road,Tinderbox
		325 Tinderbox Road,Tinderbox
		297 Tinderbox Road,Tinderbox
		296 Tinderbox Road,Tinderbox
		298 Tinderbox Road,Tinderbox

PART 3 — PURPOSE OF THIS SUBMISSION

Dear Tasmanian Planning Commission (TPC)

I write as a landowner, on behalf of a group of owners in the southern part of the area referred to as Tinderbox East.

At the LPS Day 20 hearing held at Kingborough Council chambers on 15 April 2026, Chair Nick Heath explicitly invited collective submissions, so we are lodging this collective submission to present our shared position to the Commission.

I am writing on behalf of a group of neighbouring landowners in Tinderbox who have each received a letter from the TPC advising that the Ireneinc report has recommended the Landscape Conservation Zone (LCZ) for our property as part of the draft Kingborough Local Provisions Schedule (LPS).

Our shared position:- we do not accept the recommendation that our properties should be zoned LCZ and instead we respectfully request that the Commission determines that the Rural Living Zone (RLZ) is the appropriate zone for all the properties in our neighbourhood under the draft Kingborough LPS.

We are making this collective submission, using a particular area of "*Tinderbox Road East (south)* " as a group determinant.

My family has been associated with this area since 1946, when my parents purchased our sheep grazing property, which they named "Alderley". This property (together with a small parcel of land added later including Mt Louis), had an area of 640 acres covering both sides of Tinderbox road, from the Derwent shore line to the hilltops and extending from the boundary with "Tinderbox" sheep property 3.5 kms along Tinderbox road to the north towards Blackman's Bay - From 333 (west side of Tinderbox Road, southern end) to 225 and 230 (either side of Tinderbox Rd – northern end). I.e the majority of what is now referred to as "Tinderbox east".

Most of our property has now been divided into smaller lots and new owners are facing the same issues that we face - rezoning to LCZ.

I have been the contact for 21 landowners in this area for Josh Graeme Evans (Rep 198). Virtually all of these own properties listed in this representation were part of our original farm – and as such are linked by Tinderbox Road and share a long-established and common settlement character, priority for residential use, rural living attributes and landscape context – also present across the smaller-lot settlements of Tinderbox East in general.

The Ireneinc report, in reviewing the Council's previous exhibited draft LPS, has split Tinderbox by recommending RLZ for properties on the western side of Tinderbox (originally proposed as LCZ) – but retaining LCZ for properties on the eastern side of Tinderbox.

This is despite our properties having the same or near-identical attributes as those in the Tinderbox West areas now recommended to be zoned RLZ, as well as properties zoned RLZ in other adjoining localities, like Howden and Blackmans Bay.

The Ireneinc report (page 195) says of the eastern Tinderbox properties, in determining that our properties should retain the LCZ: "...no other available zone could appropriately manage the identified risks to the landscape values."

But in relation to determining recommended zoning in the adjoining "Howden and Blackmans Bay" locality, the same Ireneinc Report (page 219) says: "Considering the landscape values which exist on these parcels, there are sufficient mechanisms in the planning scheme to provide for the appropriate management of existing landscape values such that the RLZ is an appropriate alternative zone..."

The LCZ zoning recommendation for our neighbourhood is not based on demonstrated impacts and the threshold for applying LCZ has not been supported by evidence. Ultimately, this precautionary approach has been applied inconsistently across comparable localities. We argue that the same zone outcome of RLZ is the appropriate alternative zone for our properties, too, and that the TPC's Zone Guidelines supports this.

We also agree that there are sufficient mechanisms in the planning scheme to provide for the appropriate management of existing landscape values in our neighbourhood but without resorting to the LCZ, a zone which "...should not be applied to land where the priority is for residential use" as the Zone Guidelines states (LCZ 4(a) page 20).

For these reasons, we argue the Ireneinc report recommendation has fundamentally mismatched the LCZ with our neighbourhood. This mismatch can be remedied with the Commission’s determination of the RLZ as the appropriate zone for our neighbourhood.

This collective submission is not a substitute for individual landowner submissions — it sits alongside them. However, noting that the Zone Guidelines require consistent application of zone criteria, we believed it was important that the Commission was aware that multiple neighbouring landowners are making the same case, with arguments that apply to our whole neighbourhood.

We thank the Commission for the opportunity to formally participate in this stage of the LPS process by enabling us to make this collective submission.

PART 4 — SHARED CHARACTERISTICS OF OUR PROPERTIES

The properties in our neighbourhood listed in Part 2 share the following characteristics. We ask the Commission to have regard to these shared characteristics when considering individual submissions.

Our properties are linked by Tinderbox Road, forming part of a long-established residential settlement along the road, with a clear priority for residential use together with lower order rural activities.

We share this common settlement character, these rural living attributes as well as the same landscape context.

4.1 — Settlement pattern: clear ‘residential feel’, contiguous group

Our community of Tinderbox was gazetted sixty-five years ago in 1961, signalling an early residential intention for the locality. The Hale family used the Tinderbox area to graze before gradual subdivision. Figure 1 shows an early subdivision of eight lots on the eastern side of Tinderbox, in 1968. As detailed in Kingborough Planning Scheme of 1988, the intent of the-then ‘Rural Residential’ zoning was primarily for residential use at lower densities, with larger spaces for gardens, and the larger blocks to support additional rural activities including hobby farming and open spaces in a semi-rural bush environment.

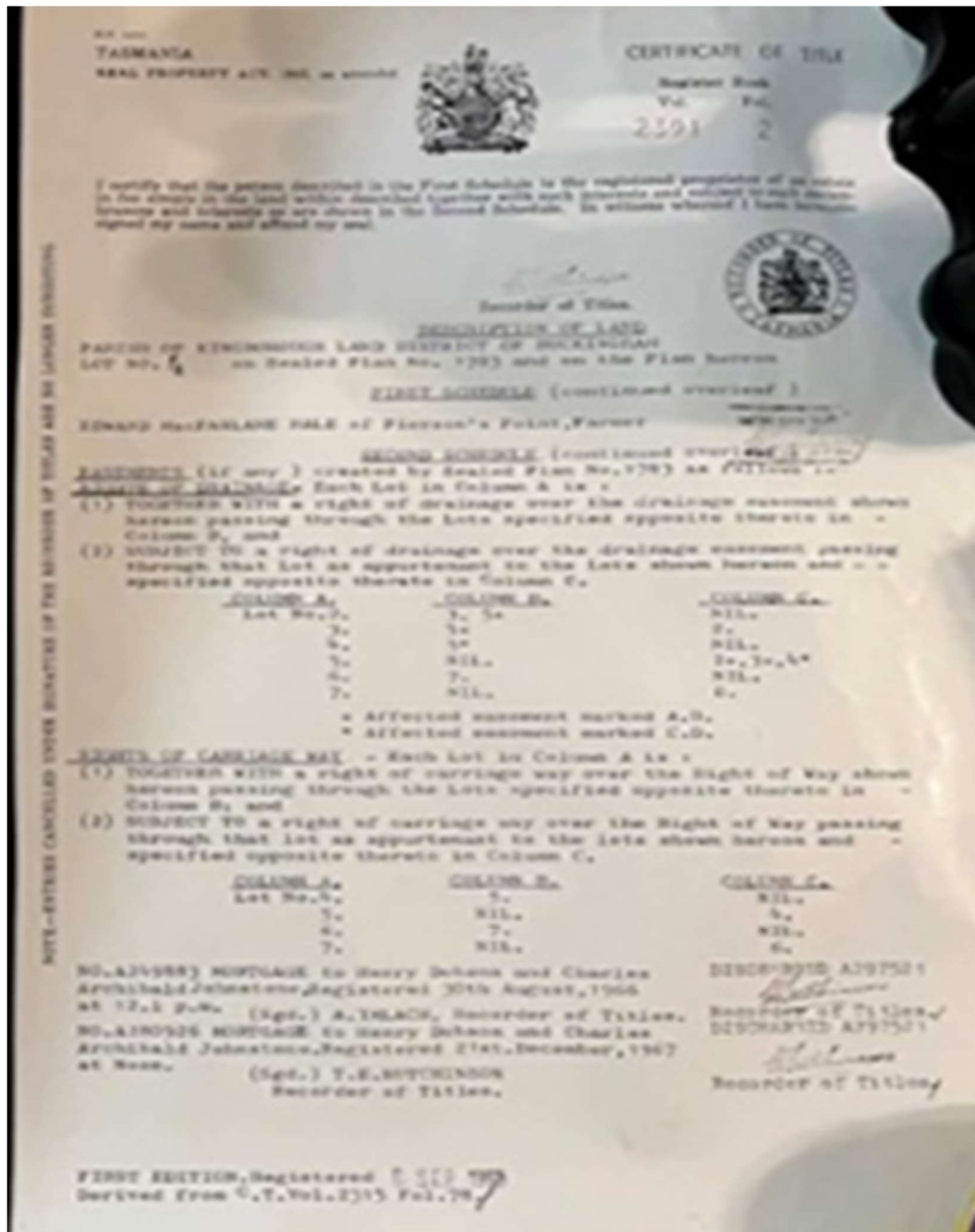


Figure 2 Certificate of title for lot in subdivision shown in Figure 1

From the early 2000s, subdivision in Tinderbox marked a transition from large agricultural holdings to these types of lifestyle-focused rural living lots, guided by the performance-based Kingborough Planning Scheme 2000.

The pattern of development to date in our settlement on the eastern side of Tinderbox includes more than seventy smaller residential lots which contain a

dwelling, most of which are accessed from driveways along the single road (Tinderbox Road) together with a number of dual property access driveways, some shared driveway clusters, and a couple of separate small cul de sac road property clusters (Fossil Cove Drive/Malwood Court; and Mt Louis Road) There are also more than ten larger lots, most of which have dwellings.

Importantly, the link between all the properties is the access from Tinderbox Road, which functions as a residential artery road, making our neighbourhood a contiguous group. And Tinderbox Road continues all the way around and through the western side of Tinderbox, until it terminates at its junction with Brightwater Road, in Howden

4.2 — Typical lot sizes: mainly between 2-3 ha

Lot sizes in our neighbourhood range from less than 1 ha to 8 ha, with the majority being between 2-3 ha, with a few larger lots.

These lot sizes in our neighbourhood are consistent with Rural Living Zone A (minimum lot size 1 ha); Rural Living Zone B (minimum lot size 2 ha); Rural Living Zone C (minimum lot size 5 ha); and Rural Living Zone D (minimum lot size 10 ha)

The TPC's *Guideline Number 1 - Local Provisions Schedule (LPS) Zone and Code Application*, made under Section 8A of LUPAA (the Zone Guidelines) states that:

"The Rural Living Zone should be applied to: (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity," [Zone Guidelines, RLZ1 (a) page 6].

4.3 — Existing uses: a mix between residential and lower order rural activities

The majority of the properties in our neighbourhood contain existing dwellings located on predominately cleared land areas, used as permanent residences, but with limited services meaning tank water and property-based waste systems are the norm. Most share common residential home features such as formed driveways, carports and garages; retaining walls; fences; and lighting.

Many have separated areas, like fenced paddocks and gardens; and a range of outbuildings such as outdoor entertaining areas; garden sheds, firewood shelters, chicken coops or other animal enclosures.

Many properties also include low-level rural activities such as hobby farming and small flock grazing; there are goats, sheep and even ponies, vineyards, orchards, and large vegetable and flower gardens in properties along Tinderbox Road. There are also several existing commercial businesses (for example, Hidden Cove Day Spa and Retreat at 197 Tinderbox Road) as well as other home-based enterprises.

4.4 — Landscape and vegetation character: mainly cleared land rural living

The majority of our properties in the neighbourhood are largely cleared around the houses, in many cases virtually fully cleared with only patches of vegetation on some sections, usually around the boundaries. Tinderbox Road winds through some steep slopes and gullies and in some of these areas, some limited bushland and smaller green belts exist on the property titles but you can see on the Google Map image below that a larger number of the properties along Tinderbox Road East are virtually cleared.

The landscape character on our titles is a mix of these cleared areas for residential/rural living, with some remnant bushland surrounds. This vegetation is best described as patches of a mix of larger and smaller eucalypt trees (with some standing dead trees, previously fire or drought-affected), with some incursions of radiata pines, with an understory of smaller trees and shrubs like wattles, she-oak, native cherry and prickly box, and then grassy bushes like Poa tussocks and Sagg, as well as bracken fern and other weeds like blackberry and Scotch thistle.

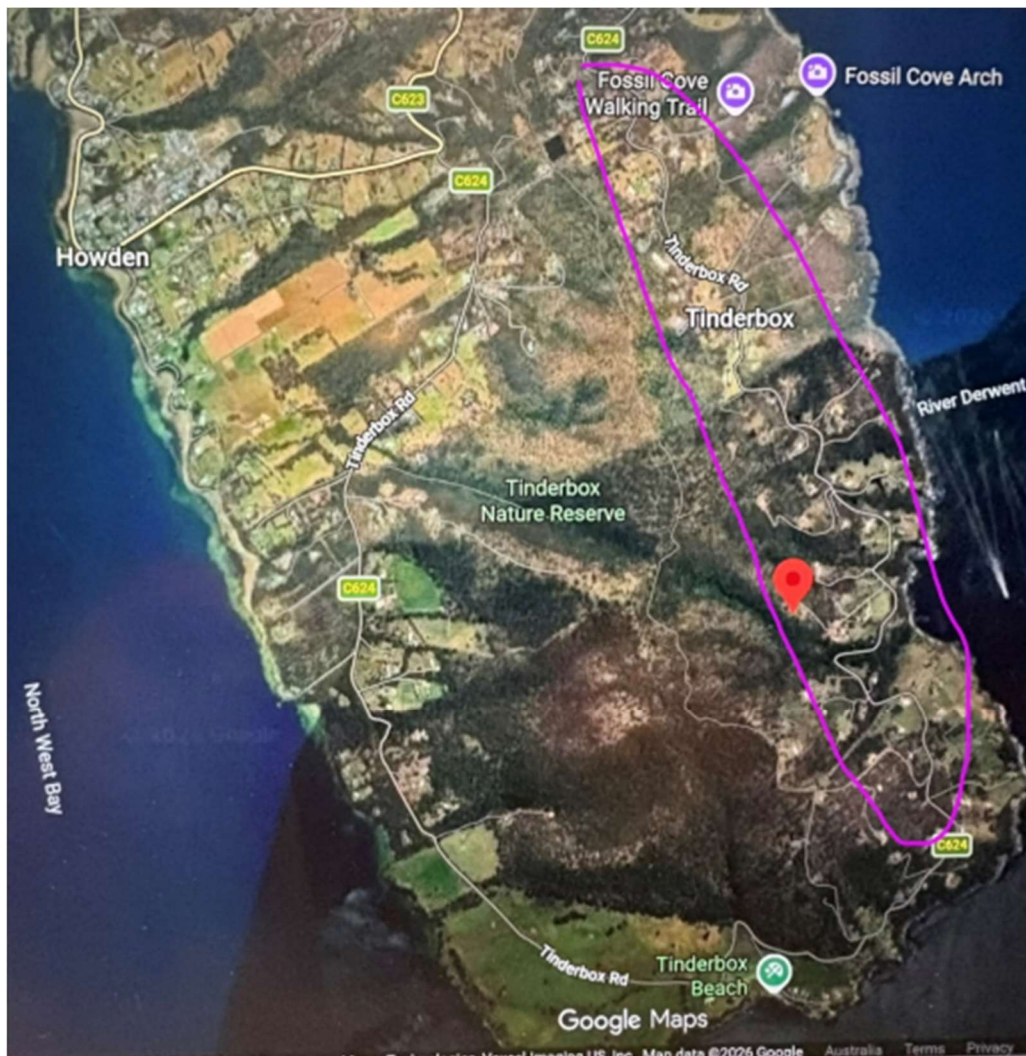


Image 1 (Google Maps, accessed 29/4/26) shows the contrast in vegetation between the cleared rural living lots that follow Tinderbox Road on the eastern side (in the pink area), together with the important and significant vegetation communities in the “green belt” of the Tinderbox Nature Reserve (“Tinderbox Hills”) in the centre and at much higher elevation than any of our properties, at significant distances in most cases to our property boundaries down along Tinderbox Road.



Image 2. (Google Maps) Approximate outline of location of houses situated on original Hale property, mostly on lower coastal area or with a backdrop of hill land to the west side (outside left pink line). Note that most are on large cleared grassed areas, with patches of mixed vegetation.

4.5 — Overlay controls will exist in LPS: they ‘do the landscape-protection work’.

While there may be some scattered eucalypts on our titles, they do not include such significant native vegetation communities as would require LCZ to protect them. Any vegetation values present are already protected by overlay controls, (especially vegetation) and don’t require LCZ. The Commission itself accepted this argument in relation to the Kettering West locality during the LPS Day 20 hearing on 15 April 2026, where the panel effectively found that a Priority

Vegetation Area (PVA) overlay 'does the landscape-protection work', not the zone [Transcript, Day 20, 02:33:54].

Virtually our entire Tinderbox Road East neighbourhood is covered by codes that protect biodiversity in the existing Kingston Interim Planning Scheme (KIPS) – for example, E10.0 Biodiversity Code or E11.0 Waterway and Coastal Protection Code. Many properties have other overlay controls under KIPS such as E14.0 Scenic Landscapes Code.

Under the proposed LPS, these risks will be managed by the C7.0 Natural Assets Code (NAC) with properties subject to a Priority Vegetation Area (PVA) overlay or a Waterway and Coastal Protection Area overlay; or the C8.0 Scenic Protection Code with properties subject to a Scenic Protection Area (SPA) overlay.

Importantly, the *Tasmanian Planning Scheme: State Planning Provisions* notes that the C7.0 and C8.0 codes and overlays for our properties in the LPS apply within a Rural Living Zone or a Landscape Conservation Zone.

This means that the Ireneinc report (page 195) was **not correct** in its assertion, when discussing the eastern Tinderbox properties and determining that our properties should retain the LCZ, on the basis of: *"...no other available zone could appropriately manage the identified risks to the landscape values."*

We dispute this claim. The relevant overlay controls *can* manage the risks with a zoning of RLZ on our properties in our Tinderbox Road East neighbourhood which are already subject to a range of overlay controls – some closer to the coast, some elevated.

Under KIPS subject to:-

- E10.0 Biodiversity Code,
- E11.0 Waterway and Coastal Protection Code;
- E14.0 Scenic Landscapes Code
- E25.0 Local Development Code;

Under LPS, subject to:-

- C7.0 Priority Vegetation overlay,
- C7.0 Waterway and Coastal Protection Area, and
- C8.0 Scenic Protection Area.
- 10.0 Coastal Erosion Code

These overlays already protect the landscape values, natural and scenic, so there is no need to impose LCZ.

4.6 — Proximity to existing and proposed Rural Living Zone land

Our properties are adjoining land already zoned Rural Living Zone (RLZ) under the draft LPS, or land that was previously proposed as LCZ, but is now recommended to transition to RLZ. Many of the properties in Howden have similar lot sizes and settlement character, and landscape values to our properties. These are either existing RLZ land (for example, some lots in Brightwater Road) or are within the LCZ to RLZ transition areas recommended by Ireneinc for Blackmans Bay (for example 33 Estuary Drive 2.04 ha, 167 Brightwater Road 2.04 ha, and I35 Tinderbox Road 2.35 ha – all in the Blackmans Bay locality).

Properties on the western side of Tinderbox, along Tinderbox Road and previously exhibited as LCZ, have now also been recommended by Ireneinc to transition to RLZ (for example: 439 Tinderbox Road 2.32 ha, 464 Tinderbox Road 3.3 ha; 493 Tinderbox Road 2.05 ha; and 529 Tinderbox Road, 2.0 ha).

We argue that our properties are virtually indistinguishable from these properties on the western side of Tinderbox in average size and character, settlement pattern, residential priority use with lower order rural activities, rural living attributes and landscape context – the properties that have now been recommended for RLZ, while our properties remain zoned LCZ.

PART 5 — SHARED ARGUMENTS

The following arguments apply to all properties listed in Part 2. A landowner's individual submission also builds on these shared arguments with property-specific evidence.

5A — Our properties satisfy the Zone Guidelines for the zone we are seeking: the LCZ is not for land with a residential use priority.

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower-order rural activities (such as hobby farming), and where priority is given to residential amenity.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the Environmental Living Zone (ELZ) in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting, and a similar minimum lot size is applied.

Our properties satisfy both criteria. The shared characteristics described in Part 4 above demonstrate that our properties have an established residential settlement pattern, lot sizes consistent with RLZ, and a primary use and intention that is residential.

In contrast, the LCZ's purpose and application is fundamentally inconsistent with our neighbourhood's existing residential use priority and rural living attributes. The Zone Guidelines state explicitly that the LCZ "is not a large lot residential zone", "is not a replacement zone for the Environmental Living Zone in interim planning schemes", and "...should not be applied to land where the priority is for residential use."

5B — Applying the different zone to our properties would create an inconsistent and incoherent zone pattern, with our neighbourhood as an isolated LCZ pocket

The proposed zoning outcome effectively divides a single peninsula into two different zones without a clear spatial or strategic basis. The eastern and western sides of Tinderbox are not separate settlements – they are part of one continuous settlement pattern structured along a single access corridor (Tinderbox Road) and sharing the same landscape setting. Applying different zones to different sides of the same peninsula introduces an arbitrary boundary that does not reflect land use, settlement pattern, or landscape character, and is therefore inconsistent with the requirement for coordinated and logical zone application.

The Ireneinc report itself identifies avoidance of fragmented zone application as a key principle. Our properties in the Tinderbox Road East neighbourhood form a coherent, contiguous group. If our properties receive a different zone outcome from others connected to ours — or from some surrounding land — the result will be a fragmented and inconsistent zone pattern. This would be contrary to the Zone Guidelines, which require that the spatial application of zones be, as far as practicable, consistent and coordinated across the LPS.

It is important to note that the changed recommendations in the Ireneinc report for LCZ properties in the Tinderbox and Howden/Blackmans Bay localities converted a substantial number of property titles from an initial zoning of LCZ, to RLZ – it just didn't include the properties in our neighbourhood, although a number of the lots at the Blackmans Bay end of Tinderbox Road East were changed from LCZ to RLZ.

The cut-off for this change was the property at 171 Tinderbox Road, and it is completely unclear as to why the line was drawn there, other than two very large lots opposite at 180 Tinderbox Road (14.73 ha) and 186 Tinderbox Road (24.08 ha). These two lots have five and six codes/overlays attached to them respectively, to manage any risks.

Retaining the LCZ application to our properties, as per the Ireneinc report, will leave an isolated minority pocket of LCZ within a now-predominately RLZ area. See Image 3 below.

This clearly demonstrates how the Ireneinc recommendations have joined up some scattered RLZ sections, by converting a large number of previous LCZ to RLZ – making that solid light pink section the majority zone of the whole area – but will still leave an “isolated pocket” of LCZ including many – but not even all – of the Tinderbox Road properties on the eastern side: **our neighbourhood**.

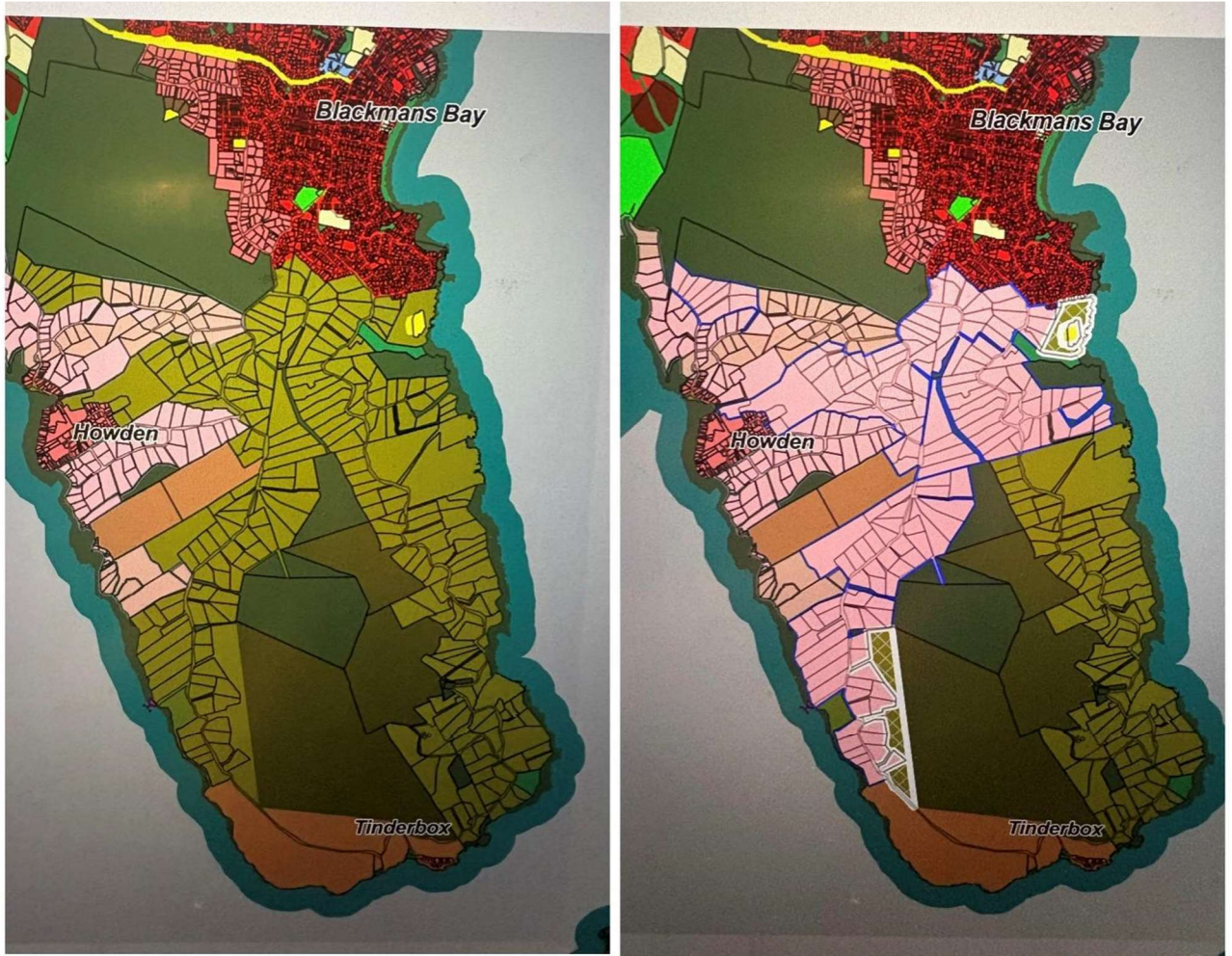


Image 3 (sourced from Kingborough Council interactive map, screenshots, accessed 29/4/26): Tinderbox and adjoining communities of Howden and Blackmans Bay proposed zones – Left, exhibit draft LPS; and Right, with changed zone recommendations after Ireneinc review (RLZ in pink, LCZ in light green). The artificial split between the west and east zoning is clearly shown here.

5C — Comparable localities support the same outcome for our properties

The Tasmanian Planning Commission is required under section 34(2)(g) of the *Land Use Planning and Approvals Act 1993* (LUPAA) to ensure that the spatial application of zones is, as far as practicable, consistent and coordinated. This means the Commission must consider whether our locality has been treated the same way as localities with similar characteristics elsewhere in Kingborough.

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. The characteristics of those localities – established residential settlement, lots generally between 1 and 5 ha (with a few larger lots), mixed residential and rural activities, limited evidence of significant landscape values requiring LCZ protection, and similar overlay/code coverage – are shared by our properties in the Tinderbox Road East neighbourhood.

Ireneinc recommended RLZ for Howden and Blackmans Bay and that recommendation was not challenged at the Day 20 Kingborough LPS hearing. There is no clear basis for treating our locality differently. We request that the Commission apply the same reasoning here

Importantly, this inconsistency occurs not only across localities, but within the same peninsula, where properties with near-identical characteristics are treated differently based solely on their position on the eastern or western side of Tinderbox

Our properties along Tinderbox Road on the eastern side are directly comparable to properties in Tinderbox West where RLZ was recommended, over previous LCZ. With such proximity to another RLZ area, there is no principled basis on which to treat our properties differently.'

The proposed zoning outcome effectively divides a single peninsula into two different zones without a clear spatial or strategic basis. The eastern and western sides of Tinderbox are not separate settlements – they are part of one continuous settlement pattern structured along a single access corridor (Tinderbox Road) and sharing the same landscape setting. Applying different zones to different sides of the same peninsula introduces an arbitrary boundary that does not reflect land use, settlement pattern, or landscape character, and is therefore inconsistent with the requirement for coordinated and logical zone application

5D — Comparable Council zoning supports RLZ outcome for our properties: Clarence City Council's zoning treatment of comparable neighbourhoods

The TPC is required under section 34(2)(g) of the *Land Use Planning and Approvals Act 1993* (LUPAA) to ensure that the spatial application of zones is, as far as practicable, consistent and coordinated.

So how does Clarence City Council treat similar localities and neighbourhoods?

On the scenic side of the South Arm peninsula, there is quite a few smaller residential property clusters. There are also a number of larger lots with size, rural living attributes, scenic landscape values, remnant vegetation and settlement pattern comparable to our Tinderbox Road East neighbourhood – they have been zoned RLZ. For example: properties in Driftwood Drive, Opposum Bay; and Fort Direction Road, South Arm.

At Tranmere South, large areas of land on the higher slopes to the ridgeline have been zoned LCZ – but there are no existing residential settlements on this land.

By way of example in Clarence two localities where there are existing settlements in smaller lot sizes with rural living attributes together with lower order rural activities, hobby farming and in many cases, animals such as horses, sheep and goats:

1. Acton (where there is a lot more completely cleared land) and
2. Mt Rumney (where there is plenty of vegetation on many properties). These properties have also been zoned RLZ.

The characteristics of those localities – established residential settlement, lots generally between 1 and 5 ha (with a few larger lots), mixed residential and rural activities, limited evidence of significant landscape values requiring LCZ protection, and similar overlay/code coverage and protections – are shared by our properties in the Tinderbox Road East neighbourhood – and there is no principled basis on which to treat our properties differently.

5E — No agreed set of criteria on landscape values: risk assessment theoretical, no risk analysis undertaken, no community consultation on values

The “high” “risk” to landscape values in our neighbourhood of Tinderbox Road East identified by Ireneinc is not supported by evidence of actual landscape harm. As confirmed during the Day 20 hearing, no analysis has been undertaken identifying examples of inappropriate development compromising landscape

values [00:38:31–00:38:50]. Rather, the assessment is based on a theoretical capacity for future development (such as increased building height) to occur.

This is a speculative risk. It is not grounded in observed outcomes, empirical evidence, or demonstrated planning failure. The application of a highly restrictive zone such as the Landscape Conservation Zone on this basis is disproportionate and inconsistent with an evidence-based planning approach.

Council and Ireneinc rely on policies in the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) to justify applying LCZ to ELZ land, in preference to RLZ.

They use STRLUS policies CV 4.2 and CV 4.3 to argue that LCZ is necessary, to ensure the key values of regionally significant landscapes are not compromised by development.

The only problem with this approach is that before you can deploy CV 4.2 and CV 4.3 – you must have done the work on CV 4.1, first. CV 4.1 was designed to address a recognised gap: the STRLUS narrative identifies 'the limited understanding of cultural landscape values and the lack of an overarching policy with respect to determining relative significance' as an existing problem at the time of the strategy's publication.

CV 4.1 requires State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values. The significance of the landscape values Council seeks to protect through LCZ must first be established through that agreed criteria process. There has been no community consultation on landscape values.

The landscape significance determinations underpinning the LCZ recommendations were made by Council and Ireneinc without community input on the criteria used. No independent community consultation on landscape significance criteria has been conducted in Kingborough.

The community's assessment of these landscapes, as expressed in exhibition representations, consistently identified residential use as the primary land use and the Scenic Protection, Priority Vegetation and Natural Assets codes as adequate for landscape value protection. That is the only available community evidence on the significance question

5F — The Ireneinc evaluation framework is a tool, not a legal rule; the Commission will reach its own independent assessment

Kate Heckelmann of Ireneinc confirmed at the Day 20 LPS hearing [05:53:00] that the evaluation framework used to produce the zone recommendations is a tool, not a statutory instrument. It is not the legal test the Commission must apply. The legal test is the LPS criteria set out in section 34 of LUPAA, which include compliance with the Zone Guidelines (Guideline No. 1).

We submit that if the Commission applies the Zone Guidelines directly to the shared characteristics of our properties, as set out in Part 4 above, it will find that RLZ is the appropriate zone. We respectfully request the Commission depart from the inconsistent and flawed Ireneinc recommendation in relation to the proposed LCZ for our properties in our neighbourhood of Tinderbox Road East; and submit this is well within the Commission's proper exercise of its statutory role.

As Chair Nick Heath confirmed at the LPS Day 20 hearing [06:45:48], the Commission will decide this matter on the basis of the LPS criteria set out in section 34 of LUPAA. We accept that the Commission will reach its own independent assessment based on the evidence before it, including the evidence in this submission and individual submissions.

PART 6 — RELEVANT COMMENTS FROM THE DAY 19 and Day 20 HEARING

The following comments made by TPC delegates or Ireneinc at the Kingborough Day 19 and day 20 hearings are directly relevant to our locality and our submission.

We ask the Commission to have regard to these comments.

Note:- the time stamps in square brackets [hour:minute:second] refer to the Kingborough Council YouTube page videos of the hearings, and the time at which the comments are made.

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DAY 19 HEARING

Kate Heckelmann, senior planner at Ireneinc – codes can manage landscape values (Day 19 - 02:21:26):

"...the scenic protection area code, the natural assets code, could also be mechanisms to appropriately manage those values."

This was in relation to the role of the Natural Assets Code and Scenic Protection Code. Ms Hecklemann then went on to be critical of the Council's treatment of codes in their original zoning, saying it had made a:

"...pretty global determination of limitations of the application of the rural living zone" that had "ruled out the ability of scheme provisions to consider how scheme provisions might appropriately manage landscape values."

This supports our Submission's arguments that, as per the TPC's Zone Guidelines, the values can be appropriately managed through the application and operation of the relevant codes, without the need to resort to the overly restrictive LCZ.

Kate Hecklemann – Natural Assets Code provides controls not dissimilar to LCZ (Day 19 - 02:25:21)

Ms Hecklemann then made a direct comparison between the Natural Assets Code and LCZ vegetation protections:

"...and the standards of that code, of the natural assets code, would provide controls that are not dissimilar to some of the landscape protection controls which are available in the landscape conservation [zone].

This supports our Submission's argument that the values can be appropriately managed through the application and operation of the relevant codes.

Panel question — direct challenge on the role of codes (Day 19 - 05:40:02)

A panel member asked directly:

"What I'm trying to understand is if you've got a land, a zone that might be rural living and you've got a natural asset code sitting on top of that, I can't think of a single use that would require the trees removed. It's the development that would require trees to be removed and then you've got a trigger in which to assess that development against the appropriateness of removing those trees."

This supports our Submission's argument that, as per the TPC's Zone Guidelines, the values can be appropriately managed through the application and operation of the relevant codes and specifically our argument that our neighbourhood should be zoned RLZ, and codes would provide the appropriate controls.

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DAY 20 HEARING

Commissioner Rohan Probert – noted the inconsistent zoning of near-identical localities [01:07:00 – 01:07:50]:

“...the description of Howden fits very similarly with the description for Tinderbox. So we’re taking about bushland, we’re talking about coastal settings, all those sorts of things.”

Directly identified that landscape values descriptions for the eastern part of Tinderbox and Howden are near-identical, yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two.

This supports our argument that our neighbourhood should also be zoned RLZ, like Howden.

Delegate Dan Ford – suggested codes could manage risk [00:35:20 – 00:35:37]

“Specifically, what cannot be managed through those codes?... what cannot be managed through those codes for the eastern side of the peninsula?”

It supports our Submission that the application of LCZ is not necessary where the code-based mechanisms already exist and that specifically in our neighbourhood of Tinderbox Road East, as per the TPC’s Zone Guidelines, the values can be appropriately managed through the application and operation of the relevant codes.

Delegate Dan Ford - no examples of inappropriately high buildings that have compromised landscapes [00:38:31 – 00:38:50]

“Have you done any analysis of finding any examples of inappropriately high buildings that have compromised landscapes?”

Ireneinc did not answer the question directly but confirmed that the assessment was based on potential risk, rather than evidence of actual harm.

This demonstrates the LCZ recommendation is based on speculative future scenarios with no evidence of landscape damage requiring stronger zoning controls.

Delegate Dan Ford – LCZ “arguably inappropriate” [00:39:06 – 00:39:31]

“...if this area is deficient from having a scenic landscape code...wouldn’t it follow that you put the scenic protection code on there rather than put arguably an inappropriate zone...?”

This shows the LCZ is being used as a substitute for missing controls, rather than as a genuinely appropriate zone, and that the threshold for applying LCZ has not been supported by evidence.

PART 7 — CONCLUSION: WHAT WE ARE ASKING THE COMMISSION TO DO

We collectively and respectfully request that the Commission:

1. Determine that the draft Kingborough LPS should be modified to include each of the properties listed in Part 2 within the Rural Living Zone (RLZ) — subcategory A or B or C – rather than the Landscape Conservation Zone (LCZ) currently proposed for those properties.
2. Have regard to the shared characteristics and shared arguments set out in this collective submission when assessing other individual submissions.
3. Organise any hearing for our locality so that our group can present collectively as well as individually, as Chair Heath invited at the Day 20 Kingborough LPS hearing [06:55:53].

PART 8 — DECLARATION AND SIGNATURE

I declare that:

* This submission is a formal written collective submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69), on behalf of the landowners listed at Part 2, collectively referred to as Tinderbox Road East (southern) Neighbourhood.

* The information in this submission is, to the best of my knowledge, accurate and is based on the following primary source documents, which are publicly available: Ireneinc Locality Baseline and Alternative Zone Evaluation and Ireneinc LCZ Review and Findings Report (available on the TPC website); the interactive zone maps (available at kingborough.maps.arcgis.com); City of Clarence planning scheme (available at ccc.tas.gov.au); TPC Kingborough LPS

Day 19&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); and the Tasmanian Planning Scheme: State Planning Provisions: Codes section accessed at stateplanning.tas.gov.au

* I am the owner of the property identified against my name in Part 2.

* I have also lodged, or will lodge by the deadline, a separate individual submission addressing my specific property.

Signatory Full name: Edward Officer Hale Address: [REDACTED] Tinderbox Tas 7054	Title Ref: [REDACTED] Signature: [REDACTED]  Date: 3rd May 2026
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