
From: Zara Gerven [REDACTED]
Sent: Monday, 4 May 2026 5:24 PM
To: Kingborough LPS
Cc: Cooke, Chris (DoE)
Subject: Kingborough LPS submission - [REDACTED]
Attachments: Kingborough LPS submission - [REDACTED].pdf

Good afternoon,

Please see attached submission.

TPC ref: DOC/26/36829

With regards,

Zara Gerven

To the Tasmanian Planning Commission,

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

I previously made a representation on the draft LPS and that representation has been heard by the Commission. I understand that by this letter the Commission is providing me with the opportunity to make a further written submission specifically in relation to the recommendations contained in the Ireneinc report.

I take up that opportunity and submit as follows.

Landowner name(s)	Christopher Mark Cooke and Zara Jade Gerven
Property address	██████████, Tinderbox
Title reference (folio)	██████
Lot size (approx.)	2.3719ha
Locality	Tinderbox East
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) B

The predominant lot size in Tinderbox East is approximately 2 ha – 2.8 ha, consistent with RLZ B.

Grounds for this submission:

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.

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.

This property contains a dwelling constructed by the Ramsdens in 1969, and has been continuously occupied as a residence since that time, with the current owners only being the second to own the property since subdivision in 1968. There is no evidence to suggest the primary use is other than residential.



A review of historical aerial imagery from the DPIPWE Interactive Planning Map (1973, 1985, 1997, 2007 and 2024) and Google Earth demonstrates that the property has remained consistently developed and residential in character over time, with no material change in vegetation or land use that would indicate the emergence or presence of landscape values requiring protection through the LCZ.

DPIPWE Interactive Planning Map (ArcGIS), accessed 2/5/2026 available at:
<https://dipwe-au.maps.arcgis.com/apps/webappviewer/index.html?id=01018d8cffe449ba8ac4c569a40bf5fb>

	1973
	1985
	1997
	2007



22/12/2024

Google Earth, [REDACTED], *Tinderbox TAS*, accessed [insert date], available at:
[https://earth.google.com/web/search/\[REDACTED\]+Tinderbox+TAS/](https://earth.google.com/web/search/[REDACTED]+Tinderbox+TAS/)

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.

The Ireneinc Locality Report for Tinderbox does not identify any site-specific landscape values on my property at [REDACTED], rather, the assessment is made at a broad locality level and relies on generalised landscape descriptions and potential risk, without reference to the actual characteristics, existing development, or overlay controls applying to my individual title.

The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

Zone Guideline RLZ 1(a) provides that the Rural Living Zone 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 Rural Living Zone 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. My property satisfies both elements of this criterion

My property has an area of approximately **2.37 hectares**. This is consistent with the **Rural Living Zone B (RLZ B)** minimum lot size of **2 hectares** and does not provide for further subdivision under that subcategory

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

The Ireneinc report uses an evaluation pathway (or decision tree) to guide zoning recommendations. However, it was confirmed during Day 20 of the hearing that this framework is not a statutory requirement, but rather a guiding tool [Kate Heckelmann, Transcript Day 20, 05:53:00]. As such, it can be departed from where supported by appropriate evidence. In any event, even when the framework is applied as intended, my property aligns more closely with the criteria for the Rural Living Zone than the Landscape Conservation Zone.

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 contains an established dwelling with associated residential infrastructure, including outbuildings, along with cleared areas for residential use such as maintained gardens and open space. The property is clearly set up and used as a permanent residence, with typical features such as a formed driveway, fencing, and landscaped areas. A large section of the property has been fenced for the ongoing use as a market garden including cut flowers, plants and bulbs which are sold across the municipality. This use was established in the 1970s and continues today. Aerial imagery over time confirms the consistent residential use and character of the property, with no evidence of primary conservation or undeveloped landscape values dominating the site.

The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key indicator of suitability for the Rural Living Zone that any transition should result in limited or no further subdivision, with a minimum lot size consistent with the existing pattern of development. Applying Rural Living Zone B (RLZ B) to my property achieves this outcome.

My property has an area of approximately 2.37 hectares, which aligns closely with the RLZ B minimum lot size of 2 hectares. Given the configuration and size of the lot, subdivision would be significantly constrained and unlikely to result in any meaningful intensification, particularly when considered alongside existing development patterns and overlay controls.

Accordingly, the application of RLZ B would maintain the existing low-density residential character of the area and addresses any concern that rezoning would lead to increased subdivision or development pressure.

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.

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

Analogy to accepted RLZ localities

The Ireneinc report recommended full transitions from Environmental Living Zone (ELZ) to Rural Living Zone (RLZ) across several localities, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. While these recommendations were not specifically tested at the hearing, they demonstrate a consistent application of RLZ to areas with established residential settlement and rural living characteristics.

The defining features of those localities — established residential use, lot sizes generally between 1 and 15 hectares, a mix of residential and lower order rural activities, and no clear evidence of landscape values requiring LCZ protection — are directly comparable to my property.

My property at [REDACTED] is most closely comparable to properties in Tinderbox West and the Howden/Blackmans Bay localities, where RLZ was recommended. These areas share:

- Similar lot sizes (generally 2–5 hectares)
- A consistent rural-residential settlement pattern
- Proximity to existing RLZ land
- The presence of overlay controls to manage environmental and landscape values

There is no principled or evidence-based basis on which to treat my property differently from these comparable localities.

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 and effectively managed through the application of existing and proposed overlay controls, without the need to apply the Landscape Conservation Zone.

My property is subject to the C7.0 Natural Assets Code under the draft LPS, including both the Priority Vegetation Area (PVA) overlay and the Waterway and Coastal Protection

Area overlay. These controls regulate vegetation clearing, disturbance of natural assets, and development impacts in proximity to waterways and coastal environments.

The Tasmanian Planning Commission acknowledged during the Day 20 hearing [02:33:54] that overlay controls such as the PVA and Scenic Protection Code often perform the primary landscape protection function, reducing or removing the need to rely on zoning as the mechanism for managing those values.

In addition, Ireneinc acknowledged that any identified risk to landscape values is not definitive and can be mitigated through future planning responses [Transcript, 03:06:18]. This confirms that the application of LCZ is not necessary to manage those risks.

Accordingly, the combined effect of the Rural Living Zone and the applicable overlay controls provides a sufficient, targeted, and proportionate framework to manage any landscape values associated with my property, without the need to impose the more restrictive LCZ.

Locality Specific Context

For this section please refer to the Tinderbox East Neighbourhood joint submission in addition to the information contained below.

Locality name: Tinderbox (eastern side of the Tinderbox Peninsula)

Ireneinc recommendation for this locality

The Ireneinc report recommends a split outcome for Tinderbox, with the western side zoned Rural Living Zone (RLZ) and the eastern side, including my property, retained as Landscape Conservation Zone (LCZ).

TPC panel comments specific to Tinderbox East

At [00:35:20], Delegate Dan Ford questioned what could not be managed through existing codes, and at [00:39:06] suggested overlays may be more appropriate than zoning. At [01:07:48], Commissioner Probert noted that landscape descriptions are “near-identical” despite different zoning outcomes.

These comments support my submission that the distinction between RLZ and LCZ in this locality is not clearly justified.

Landscape values and relevance to my property

The Ireneinc report describes broad landscape values for the locality; however, these do not reflect the specific characteristics of my property at [REDACTED], which is part of an established, predominantly cleared residential cluster. Any values present can be managed through overlay controls.

Existing zoning context:

My property is in close proximity to RLZ land in Tinderbox West, Howden and Blackmans Bay. Applying LCZ to my property creates an inconsistent zoning outcome within the same locality.

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 B (RLZ B)**;
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

I request that the folio of the Register [REDACTED] at [REDACTED], **Tinderbox**, be included within the **Rural Living Zone B (RLZ B)** in the Kingborough Local Provisions Schedule.

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[REDACTED]

Full name: Zara Gerven

Date:

4/5/2026

Contact email / phone:

[REDACTED]