
From: Kate KIEFER [REDACTED]
Sent: Sunday, 3 May 2026 10:05 PM
To: TPC Enquiry
Cc: bigriverengineering@bigpond.com; Kate Kiefer
Subject: Submission - Kingborough LPS Direction 69 [REDACTED] [SEC=UNOFFICIAL]
Attachments: [REDACTED] Rezoning submission_Denny.pdf

Dear Tasmanian Planning Commission,
Please find attached my submission as invited by letter (DOC/26/36829) on the 2nd April. This submission relates to my property at [REDACTED], Oyster Cove (Title: [REDACTED]).
If you require further information, please do not hesitate to contact me via the contact details provided in the attached.
Kind regards,
Graeme Denny (per Kate Kiefer).

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

Contesting LCZ Retention
Seeking Rural Living Zone

1. PROCEDURAL OPENING

To the Tasmanian Planning Commission,

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

I did not make a formal representation during the public exhibition period, as I was absent from Tasmania at the time, and was not aware of the proposal, and have not previously had correspondence with the Commission regarding the draft LPS. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. I 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.

2. PROPERTY DETAILS

Landowner name(s)	Graeme Douglas Denny
Property address	██████████, Oyster Cove, Tas, 7150
Title reference (folio)	██████████ PID: ██████████
Lot size (approx.)	48 acres (18.97 ha)
Locality	Oyster Cove
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 D

2.1. Property and Settlement Characteristics

2.1.1. Settlement Pattern and historical land use

██████████ is a 19.95ha parcel of gentle undulating to steeply sloped land, partially cleared and used for hobby farm purposes, and partly wooded with regrowth forest. It contains a single dwelling and associated outbuildings, and is surrounded by smaller holdings of similar nature and use. The area is largely residential, often with acreage, and has a long history of exploitation and agricultural usage. Mining for gold in the area, including on this property, was commonplace in the 1800s, with disturbance from that era still evident on this property. During the 1900s, mining was replaced by logging, with clearing of patches of native vegetation and subsequent regrowth. Small fruit farming was established on some cleared areas, including on those of ██████████. It was burnt during the 1967 bushfires.

2.1.2. Typical Lot Size

Lot size in the area ranges between approximately 0.6ha up to just under 19ha. These lot sizes are consistent with Rural Living Zone (RLZ) subcategories. 61 Palmers Road is the largest property within the neighbourhood.

2.1.3. Existing Uses

Within the neighbourhood, the majority of properties contain existing dwellings used as permanent residences, and associated outbuildings. Some have been built as part of the 1967 bushfire residential replacement program, and others more recently. My place at 61 Palmers Road, is a more recent construction. Many of the properties are hobby farms, grazing land or residences in a rural setting. None of the properties are used for commercial agriculture or resource extraction.

2.1.4. Landscape and vegetation characteristics

The properties in the neighbourhood, including 61 Palmers Road, contain large, cleared areas for living and subsisting, and a variety of native vegetation on the remainder. The vegetation on our titles does not include significant native vegetation that would require LCZ to protect it. The landscape character is rural residential. Any vegetation values present are already protected by overlay controls or managed by the Natural Assets Code (NAC).

2.1.5. Overlay controls

The following overlays apply to some or all of the properties in the neighbourhood, including 61 Palmers Road: Scenic Protection Area (SPA), Priority Vegetation Area (PVA) overlay/ Natural Assets Code (NAC), Landslip/Landslide Hazard Overlay, Waterways and Coastal Hazard Overlay and Bushfire Prone Overlay.

2.1.6. Proximity to existing Rural Living Zone

My property is surrounded on most sides by similar, smaller holdings, all of which are homogenous in character, and all of which, apart from mine, will be zoned Rural Living.

3. 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.

The specific subcategory I seek is:

- Rural Living Zone D (minimum lot size 10 ha) — appropriate where lot sizes exceed 10 ha and no further subdivision is intended.

My argument for the application of Rural Living Zone D is based on the current and historical land-use pattern of the property, the nature of the surrounding properties and the misapplication of the ecological values which would warrant it being zoned as LCZ.

4. GROUNDS FOR THIS SUBMISSION

4.1. 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.

4.1.1. The Zone Guidelines prohibit LCZ where priority is residential

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 was purchased by me in April 2003, with full intention of it becoming my primary place of residence, and to be dedicated to developing a sustainable living future for myself and my family. In approximately 2010, Kingborough Council approved the development of the property to include two sheds and a substantial dwelling, all of which were subsequently built. We moved into the home in April 2014, and have resided here since that date. Consequently, it has been used primarily as a residential lifestyle block throughout the tenure of the Kingborough Interim Planning Scheme.

The dwelling is self-sufficient – stand alone solar and on-site waste water treatment. We have subsequently developed ornamental and productive gardens and lived a semi-subsistence lifestyle, grazing livestock and improving pasture. There is no evidence to suggest the use is anything other than rural living in nature.

4.1.2. 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.

Specifically, I refer to the Priority Vegetation mapping that has been used in the determination of the landscape values of my property. The broadscale GIS data has been derived from desktop mapping, and appears to have not been ground-truthed to verify the application of priority vegetation status.

Figure 1 shows the C7 Priority Vegetation GIS layer applied to my property. When compared to Figure 2, the large areas of open grazing land that dominate our landscape have been included as propriety vegetation, despite having little or no ecological significance due to their highly modified properties and ongoing use as improved pasture for cattle. This evaluation of the grazing areas is backed by the independent ecological evaluation of the property undertaken at the time of submission of the development and building applications.



Figure 1 - Priority Vegetation Overlay applied to [REDACTED], Oyster Cove, showing the inaccuracy in the vegetation mapping of the GIS layer used when compared to Figure 2.

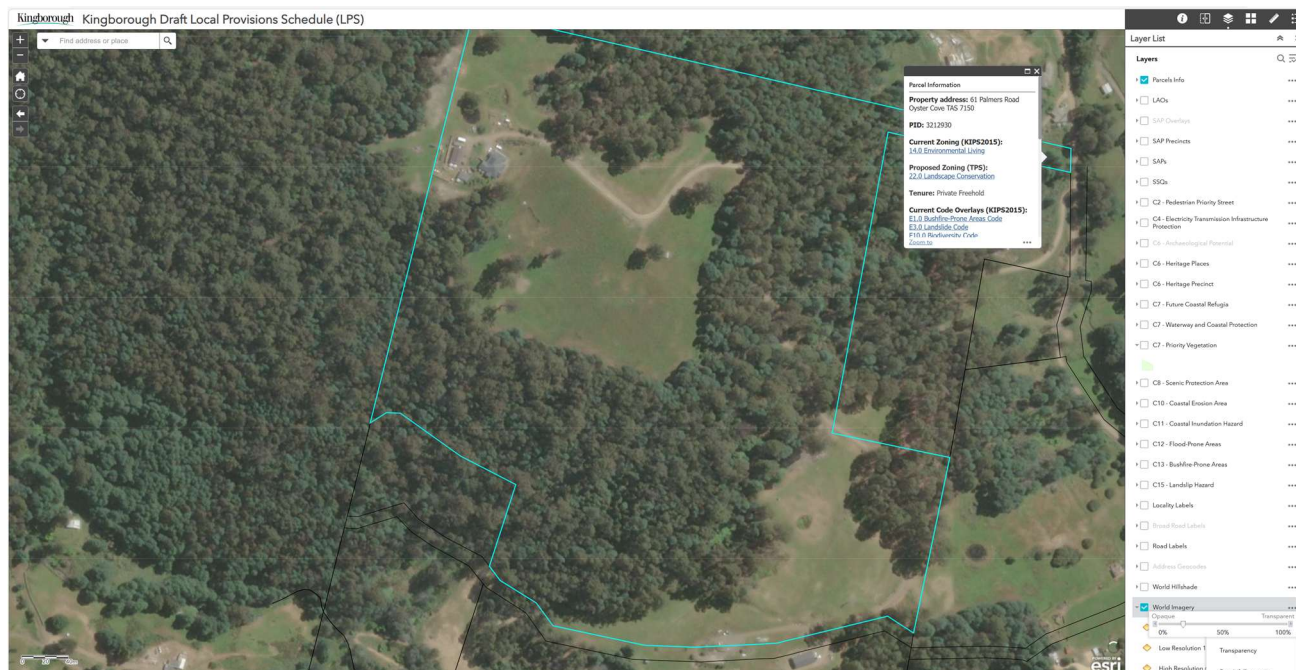


Figure 2 - GIS baselayer (World imagery) illustrating the vegetation communities on [REDACTED], particularly the dominance of open grazing land which appears to have been wrongly included in the C7 Priority Vegetation mapping layer.

This report also identified that the only vegetation requiring protection are the scattered bluegum trees. The forested areas of the property are primarily *Acacia dealbata* (silver wattle), and *Eucalyptus obliqua* (stringybark) regrowth forest, established after extensive logging and clearing in the 1950s. Individual *E. globulus* (bluegum) trees were left standing during clearing operations and remain on the property today, but make up only a small proportion of the forested areas.

The Ireneinc Locality Report 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 and is contrary to the findings of a site specific, on-ground assessment of the property.

4.1.3. The RLZ is the appropriate zone under the Zone Guidelines

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. My property is 18.95ha in size, which is consistent with the RLZ (D) minimum lot size of 10ha and does not provide for further subdivision under that category, hence upholding the intention of deterrence of erosion or fragmentation of landscape values occurring through increased density associated with further subdivision within the RLZ (D) zonation.

4.2. The Ireneinc evaluation framework, when 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.

4.2.1. 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 contains an established, approved dwelling, associated outbuildings (2 x sheds) and a fenced “house yard” of approximately 5 acres in which we have established ornamental and food production gardens. Satellite imagery since 2010 tracks the construction of these elements on our property and provides evidence of the residential character of the property in line with the primary strategic residential intention.

4.2.2. 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, with the majority of properties surrounding us having been zoned RLZ(B). My property is nestled within a cluster of 6 properties along [REDACTED] each with lot sizes ranging between approximately 19ha and 1ha. The settlement pattern is consistent and has been established over time since the 1950s, when the area was used for small fruit agriculture. With the exception of [REDACTED] all properties have a detached dwelling, associated orchards and gardens and are used primarily for residential and hobby farming. The only adjacent property not zoned as RLZ is a 300 acre parcel of **undeveloped** bushland that borders our top boundary. Our property has more in common with those zoned RLZ, particularly when considering the shared overlay values (proposed) and the existing use patterns of the neighbourhood. They all share the same proposed overlay values; the difference is our property is larger than those shown, although that is why they have been zoned RLZ(B) as opposed to the RLZ(D) we are seeking.

Figure 3 shows the adjacent properties and their RLZ categorisation.



Figure 3 - neighbourhood zonation illustrating consistent rural living characteristics of the neighbourhood.

The table below provides a comparison of overlays, illustrating the comparable nature of these properties to ours:

Table 1 - comparison of adjacent properties indicating the consistent rural living characteristics of the neighbourhood.

Property address	Our address – [REDACTED]	[REDACTED], Oyster Cove	[REDACTED], Oyster Cove	[REDACTED], Oyster Cove	[REDACTED], Oyster Cove	[REDACTED], Oyster Cove
Property size	18.95 ha	5.29ha	6.02ha	0.77ha	3.24ha	4.08ha
Proposed zoning	LCZ	RLZ(B)	RLZ(B)	RLZ(B)	RLZ(B)	RLZ(B)
Current primary purpose	Rural living/ residential	Rural living/ residential	Rural living/ residential	Rural living/ residential	Rural (no dwelling)	Rural living/ residential
Proposed overlay values						

C7: waterway and coastal protection	☒	☒	☒	☒	☒	☒
C7: Priority vegetation	☒	☒	☒	☒	☒	☒
C8: Scenic Protection area	☒	☒	☒	☐	☒	☒
C13: Bushfire Prone areas	☒	☒	☒	☒	☒	☒
C15: Landslip hazard	☒	☒	☒	☒	☒	☒

4.2.3. The identified landscape values can be managed outside of the 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].

Since we purchased our property, there has been an environmental overlay over part of the property, designed to protect the forest vegetation worthy of protection. We have not undertaken any further clearing, instead valuing the native vegetation we have, respecting the overlay, and choosing to utilise our already cleared areas for our own living. The proposed planning has our property subject to SPA and PVA overlays to maintain the landscape values present, without the need for the application of the restrictive LCZ.

However, as mentioned previously, the PVA for this property does require review, as it has been applied to cleared, cultivated and developed land that is not reflective of the values intended to be protected under the PVA. As per section 6.1 of the Ireneinc Report, in relation to the methodology for establishing the characteristics and attributes of landscape values and their importance, it is evident that the approach taken to date has not been consistently considered for all localities and could have resulted in inconsistencies in the base assumptions of the landscape values when considering zone application. I certainly believe this to be true of my property, where it is dominated by cleared cultivated grassland used for the grazing of cattle, and hence, not predominantly characteristic of the landscape values of a property within the LCZ.

4.2.4. 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(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.

My property is 18.95ha in size. Under RLZ(D), the minimum lot size is 10ha, so subdivision of my property under this subcategory would not be possible/be significantly constrained, addressing any concern about intensification and further habitat fragmentation.

4.3. 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.

4.3.1. 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.

4.3.2. 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.

However, my property has been used consistently since 2003 for rural purposes (hobby farm), having been registered with the Department of Primary Industries as a farm (PIC MJB0521) for the purposes of buying and selling livestock under the National Livestock Identification Scheme when the scheme was introduced in 2004. We have consistently bred and raised a small number of cattle on the property as part of our sustenance practices and have intention of diversifying our farming practices within the near future as both of us reach retirement age and have the time to dedicate to the property. Prior to my ownership, Mark Pepper, the previous owner, utilised the property for grazing of cattle. The property has a long history of agricultural use, having also been a small fruits farm in the 1950s and 60s. Its ability to be used on a commercial scale has ceased to exist over time, due to the lot size decreasing with sale of adjacent lots since the 1950s.

4.3.3. 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.

My property in Oyster Cove is directly comparable to properties in the Sandfly area that I know well (having taken up farm sitting roles on some) where RLZ(C) is recommended. The table below shows a comparison of similar properties. All share the characteristics of similar lot size, settlement pattern, proximity to existing RLZ, and similar landscape values. There is no principled basis on which to treat my property differently to these.

Table 2 - Comparison of analogous properties illustrating the inconsistent application of zoning to my property

Property address	Our address – [REDACTED]	[REDACTED] Sandfly	[REDACTED] Sandfly	[REDACTED] Sandfly	[REDACTED] Sandfly	[REDACTED] Neika
Property size	18.95 ha	15.45ha	37.1ha	9.17ha	10.75ha	17.41ha
Proposed zoning	LCZ	RLZ(C)	Rural	RLZ(C)	RLZ(D)	RLZ(D)
Current primary purpose	Rural living/ residential	Rural (no dwelling)	Rural living/ residential	Rural living/ residential	Rural living/ residential	Rural living/ residential
Proposed overlay values						
C7: waterway and coastal protection	☒	☒	☒	☒	☒	☒
C7: Priority vegetation	☒	☒	☒	☐	☒	☒

C8: Scenic Protection area	☒	☐	☐	☐	☐	☐
C13: Bushfire Prone areas	☒	☐	☐	☐	☐	☐
C15: Landslip hazard	☒	☐	☐	☐	☐	☐

4.4. Consistency and fragmentation arguments

4.4.1. 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.

The properties at [REDACTED] which are immediately adjacent to and previously part of our property, share the same settlement characteristics, land cover and environmental values, and development history, are recommended for RLZ(B) zonation. There is no identified difference in landscape values, vegetation cover or development history that would justify the different treatment of my property.

4.5. 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.

4.6. 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 (and have historically been) 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.

My property is within the SPA/PVA overlay. These controls would regulate the retention of the landscape values LCZ zoning seeks to protect. The combined effect of the RLZ zoning and these overlay controls is sufficient to manage landscape values identified in the locality baseline without resorting to the more prescriptive LCZ.

5. 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(D),
- 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] Oyster Cove be included within the Rural Living Zone(D) in the Kingborough Local Provisions Schedule.

Signed: Full name: Graeme Douglas Denny	Date: 03/05/2026 Contact email / phone: [REDACTED]
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6. 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