
From: [REDACTED]
Sent: Saturday, 2 May 2026 3:23 PM
To: Kingborough LPS
Subject: Your Ref: DOC/26/36829 - attention Linda Graham
Attachments: 2026 submission to TPC re Diana house block T1_Contest_LCZ_Seek_RLZ.docx;
Attachment_A - Diana (house).docx

Dear Linda

Thank you for your letter dated 2 April 2026.

Please find attached my submission in relation to title number [REDACTED] Diana Hale, [REDACTED]

Regards

Diana West (nee Hale) (landowner)

Mob: [REDACTED]

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

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)	Diana Hale
Property address	██████████
Title reference (folio)	██████████
Lot size (approx.)	7.38 ha
Locality	Tinderbox
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) — specify subcategory below

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.

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my immediate locality; or in the alternative Rural Living Zone C (minimum lot size 5 ha) preventing any further subdivision.

The predominant lot size in Tinderbox is approximately 2 ha, consistent with RLZ B

PART D — GROUNDS FOR THIS SUBMISSION

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is **not** a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property has been used for residential purposes throughout the 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.

The property contains a dwelling, originally constructed in the 1840s and modified from time to time since then. When my father purchased the property in 1946, after his demobilization from the Armed Forces after World War II, it was one of a number of houses used as residences on a small farm. He and his family occupied this house until his death in 1993, when I inherited it. In the period of his ownership, as farming in this area became more precarious, he subdivided and sold much of the farm (mostly in the 1970s). Since that time, the remaining land within the family — my property, plus those of my brothers and some of our neighbours, have continued to be used for grazing sheep, in part as a bushfire hazard reduction process. However, the dominant purpose of my property (and theirs) is residential.

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.

The Ireneinc Locality Report for Tinderbox 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.

The assessment was principally desk-based, relying on aerial imagery and realestate.com.au photographs, some of which have been incorrectly labelled (eg, p176, view of 300 [REDACTED] looking south – is actually a view of 296 [REDACTED] looking south-east), and only one of which gives an accurate view of what can be seen by passers-by (Tinderbox locality viewed from Derwent River on p.175). The aerial pictures give no idea of the degree to which many of the houses are masked from the road, and how little they impact the long view.

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.

My property is 7.38 ha. While the minimum lot size of RLZ B is 2 ha, which initially appears to allow for further subdivision, in a practical sense, the Priority Vegetation Overlay together with the Part V agreement over the same vegetation plus the various Coastal Overlays would prevent any further subdivision being viable. RLZ C would allow no further subdivision. (See D2.3 for the Overlays applicable to my property.)

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 these criteria.

My property consists of a house surrounded by a large garden, including herb, vegetable, ornamental and fruit gardens; some outbuildings with flat areas, allowing easy storage of garden equipment and garden furniture; and a small greenhouse. While sheep graze outside the garden, the intent of the property is clearly residential. The house was originally constructed in the 1840s, and has been modified from time to time since then.

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.

My property is situated within a cluster of 20 plus properties along the southeastern end of [REDACTED] each with lot sizes ranging from .65 ha to 15 ha, but mostly around 2 to 2.5 ha. Most of these were as a result of subdivision in the 1970s. These properties almost all have detached houses. Most also have some form of rural activity – there are some olive groves, some grape vines, some sheep, some goats, some chickens, some horses, some large vegetable gardens and even some donkeys.

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].

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Future Coastal Refugia Area
C7.0 Priority Vegetation	C10.0 Coastal Erosion Area
C11.0 Coastal Inundation Hazard	C13.0 Bushfire-Prone Areas

It is also subject to a Part V agreement in relation to trees growing on the steeper part of the slope and the coastal area. Other than those two areas, my property consists of a house surrounded by a large garden, including vegetable, ornamental and fruit gardens; some outbuildings with flat areas, allowing easy storage of garden equipment and garden furniture; a small greenhouse; and a fenced, cleared area for sheep grazing. The only vegetation natural to the locality is within the Part V agreement area and is also subject to the Priority Vegetation overlay. The major part of the Priority Vegetation is located on the Tinderbox Hills on the other side of [REDACTED]

There are significant views from the road to the water across my land. However, due to the sloping nature of the property, the view does not look at my house, but well over the top of the trees surrounding it. Only part of the roof of my house is visible from the viewpoint. In fact the major viewline is looking northeast, across a small bay and up the river to Bellerive, not across any buildings.

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.

My property has an area of 7.38 ha. While the minimum lot size of RLZ B is 2 ha, which initially appears to allow for a single further subdivision, in a practical sense, the Priority Vegetation Overlay together with the Part V agreement over the same vegetation plus the various Coastal Overlays would prevent any further subdivision being viable. RLZ C would allow no further subdivision. (See D2.3 for the Overlays applicable to my property.)

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.

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

Ireneinc states at page 174 of the report states "Extensive panoramic views are a defining feature of the peninsula which are dominated by vegetation but do include areas of clearing (particularly towards the

southern portion of the peninsula) and scattered residences are visible. Elevated viewpoints and coastal areas provide sweeping vistas to and from the Channel, reinforcing a strong visual and experiential connection between land and water. These view corridors are central to the peninsula's identity and contribute significantly to its scenic and recreational appeal."

There are significant views from the road to the water across my land. However, due to the sloping nature of the property, the view does not look at my house, but well over the top of the trees surrounding it. Only part of the roof of my house is visible from the viewpoint. In the event of a subdivision, (which is unlikely due to the restrictions of the Overlays and the Part V), the only place a building envelope could go would be similarly below the viewpoint from the road.



The view over the top of my house – note that the foreground is a different block.



The view northeast from my gate – protected by the priority vegetation overlay (trees at left and down the slope) and my underground water pipe from my dams.

From the water looking towards my property, the house is largely masked by the cliffs, the vegetation on the cliff top, which is protected by the various Coastal Overlays and also by the Part V, and by my garden. (As my house looks over the top from our perspective, the trees on the cliff top are something we enjoy so even if they were not protected, we would not be removing them.) The same would be true should a second building envelope ever be approved – the angle of view from the water would limit the impact of it.

Ireneinc's review of Tinderbox at page 193 refers to the identified landscape values of the native vegetation. It then proceeds to state that the risk on the east side of Tinderbox is high. No real argument is advanced as to why. My property, aside from my house and garden, is a sheep paddock, with some vegetation around the edge, which is protected by a Priority Vegetation Overlay and a Part V agreement. Even if it were to be subdivided (which with the various Overlays and Part V would be difficult) there would be no impact on the ridge line, which sits a long way above; nor on the trees which are on the steepest and least accessible part of my land. In the immediate area of my property, the main location of the high value vegetation is along the ridge of Tinderbox Hills, in particular the land which I sold to the Tasmanian Land Conservancy (TLC) in 2019 (PID: 9980240). This parcel of 67.15ha, which TLC are caring for, has not been identified as any kind of reserve by Ireneinc. (They also do not appear to have identified the historic sites of Mt Louis (where the relics of the signal station remain on the reserve at the top of the hill; or the militaria at Pierson's Point Reserve, which marks the location of the defence forces for the defence of the Derwent.)

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.

However, there exists visible rural activity in my locality. Sheep graze across my property and those of a number of neighbours. The neighbour over the road has an olive grove. The next property northbound along [REDACTED] on the lower side has both goats and chickens. The property on the other side of the road from that activity has an olive grove. Other properties in the neighbourhood have chickens and sheep. There are also some small vineyards (not including the larger one at Tinderbox Farm which has a different zone applied).

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.

Ms Heckelmann's final differentiating argument at the hearing was that East Tinderbox has "not as clearly consistent" land uses, with "some more intensive kind of agricultural and resource production uses occurring in the mix". On the evidence in the Ireneinc Report itself, this is an over-statement. The two large parcels to the north of East Tinderbox to which Ms Heckelmann alluded do not constitute an "inconsistency" of settlement pattern; they constitute a discrete zone-allocation question in their own right, capable of being answered by either (a) applying the RLZ to the cluster and the Rural Zone or the EMZ to the two large parcels, or (b) a site-specific qualification. The existence of those parcels cannot rationally dictate the zone of the surrounding smaller residential lots. The transcript shows Ms Heckelmann acknowledging that the two parcels "detracted from the consistency" but that "on balance there was kind of a consideration that there are rural living characteristics across that whole area".

In fact, the consistency argument works the other way. East Tinderbox south of those two large parcels is an exceptionally consistent large-lot residential cluster: 1–15ha lots; road frontages; single dwellings with curtilage; limited rural activity; near-total overlay coverage by Priority Vegetation. It is more consistent as a residential cluster than Albion Heights (for which the RLZ is recommended), and at least as consistent as Howden (for which the RLZ is recommended).

While there are some significant landscape values, the properties on the East, including my house, do not impact them. In fact, I would argue that the glimpses of the different houses along [REDACTED] comprising a mix of old established and newer, traditional farmhouse and modern architect design, historic and new, together with the various gardens – traditional or native - are one of the appealing features of [REDACTED] as a tourist destination, together with the very varied landscape. There is no principled basis on which to treat property on the East differently to that on the West.

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.

My property is located in Eastern Tinderbox. There is an internal inconsistency in the Ireneinc Report with Western Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula **as a whole** as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

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.

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.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The main source of intensification — additional lots — is therefore removed before the risk assessment even begins. There is no apparent reason for this recommendation not to have also applied in East Tinderbox.

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.

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Future Coastal Refugia Area
C7.0 Priority Vegetation	C10.0 Coastal Erosion Area
C11.0 Coastal Inundation Hazard	C13.0 Bushfire-Prone Areas

While there is no Scenic Protection Area mapped for this area, this is not a reason to move my property into the LCZ. The point was made at the hearing that if the absence of the SPA is the problem, the response should be to extend the SPA, not to impose a more restrictive zone.

I note that there IS a Priority Vegetation overlay, which restricts the clearing of the priority vegetation and leads to the invocation of the Natural Assets Code. There is also a Part V agreement on the same vegetation.

Absence of a Scenic Protection Area overlay is a mapping problem, not a zoning problem. Ireneinc's principal substantive justification is the absence of the Scenic Protection Area overlay along the East Tinderbox coastal corridor. This point was expressly made at the hearing that, if that is the only substantive difficulty, the correct response under the TPS framework is to extend the Scenic Protection Area — not to impose a more restrictive zone. The TPS framework is explicitly premised on zones implementing strategic settlement intent and overlays / codes managing specific values. Using a zone as a proxy for a missing overlay is not a legitimate planning technique.

The Natural Assets Code (Priority Vegetation) and other codes already manage the value. On Ms Heckelmann's own evidence, the Priority Vegetation overlay extends across essentially the entire East Tinderbox area. Clearing of priority vegetation triggers a discretionary application, which must be assessed against the performance criteria of the Natural Assets Code. The incremental capacity of the RLZ to support additional building footprint or height is subject to the same overlay controls and to the RLZ's own performance criteria.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The principal cause of intensification — additional lots — is therefore removed before the risk assessment even begins. What remains is alteration / extension of existing dwellings, which is already subject to the height, setback, site coverage, reflectance, cut-and-fill and landscape-value performance criteria of the RLZ code and the overlay codes.

I also note that Ireneinc failed to identify a number of reserves in their mapping – the Tasmanian Land Conservancy property is a private reserve and is entirely subject to a Part V, Pierson's Point reserve and the Mt Louis summit. They also failed to identify Mt Louis summit and Pierson's Point as historic locations, which as the original signal station and the military defence of the entrance to the Derwent, should have been identified.

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.

As documented in Attachment A – Tinderbox [Channel Region] section, the comparisons as described below show that Ireneinc applied near-identical landscape value descriptions and settlement findings to both localities yet recommended LCZ for East Tinderbox and RLZ for West Tinderbox. Howden and Blackmans Bay and Albion Heights and Bonnet Hill.

The first differentiator cited — the absence of a SPA overlay— does not apply to my individual property because it is covered by a Priority Vegetation Overlay. In any case, the absence of a SPA overlay should not be corrected by using a more restrictive Zone, but by correcting the overlay.

The second – higher building height allowance in RLZ to LCZ – should not apply to my property

The LCZ (SPP clause 22.4.2 A1) provides an acceptable-solution building height of 6 metres. The RLZ provides an acceptable-solution building height of 8.5 metres. The difference is 2.5 metres of acceptable-solution height. A zone decision driven by a 1-metre or 2.5-metre acceptable-solution height difference, which is in any event further controlled by the Natural Assets Code (invoked by the Priority Vegetation Area Code), and by the Waterway and Coastal Protection Area Code (which is an overlay applicable to my property) — is a decision entirely disproportionate to the planning concern it seeks to address.

The third – two large northeastern lots reduce settlement consistency – should not apply to override the majority southeastern properties – it is the two large lots which are inconsistent, not the very many more smaller residential lots.

There is an internal inconsistency with the Howden and Blackmans Bay recommendation. Ireneinc has recommended RLZ for Howden and Blackmans Bay on landscape-value descriptions that are, on Ms Heckelmann's own evidence, substantively identical to those for East Tinderbox. This was identified at the hearing as unexplained; Ms Heckelmann conceded the landscape values were "not necessarily very different". Arbitrary differential treatment of like cases is impermissible in a statewide, standardised zoning framework premised on consistency.

There is a similar internal inconsistency with Western Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula as a whole as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the

D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

There is a further internal inconsistency with Albion Heights and Bonnet Hill. Ireneinc recommends RLZ for Albion Heights and Bonnet Hill, despite its own finding that those localities have "highly significant landscape values" that are an "inter-urban break" between Hobart and Kingston, with "elevated ridgelines", "steeply contoured terrain", "long-distance views" and status as a "visually prominent landscape within the municipality". On any objective reading, those values are of greater municipal significance than those of East Tinderbox. If RLZ is adequate there, it is adequate here.

There is yet another inconsistency with the Huon Valley LPS precedent. In deciding the Huon Valley LPS, the Tasmanian Planning Commission expressly accepted that land in the ELZ with identified landscape values could appropriately transition to the RLZ where those values could be managed through the operation of the relevant codes. The Ireneinc Report acknowledges this precedent. Applying it to East Tinderbox produces the same outcome.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific areas 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

The Ireneinc report recommends LCZ for the majority of (East) Tinderbox [Channel Region], with RLZ applied to (West) Tinderbox.

Delegate Rohan Probert at timestamp [01:07:48] noted when comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.

The guidelines for LCZ contain as follows:

LCZ 4: The LCZ should not be applied to: (a) land where the priority is for residential use and development (see RLZ); or (b) State-reserved land (see EMZ).

Critically, the Zone Guidelines also contain two explicit italicised notes at the conclusion of the LCZ section:

Note: The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.

Note: The LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the LCZ provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.

My property is currently zoned ELZ, as are all the properties in our group. The priority for this area has been large lot residential since the 1970s. The Zone Guidelines are clear that this should NOT translate to LCZ as has been done.

West Tinderbox and East Tinderbox are two sides of the same small peninsula. West has now been recommended to be RLZ; East has been recommended to be LCZ, in spite of the LCZ 4 guideline and the Notes to the guidelines, both of which would see East Tinderbox also as RLZ.

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.

For the reasons set out above, I respectfully ask the Commission to direct that my property, Title [REDACTED] at [REDACTED] Tinderbox and the balance of the East Tinderbox cluster that is of comparable character, be transitioned from the interim Environmental Living Zone to the Rural Living Zone, in a categorisation that reflects the existing pattern and density of development.

If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

Signed:

Date:

1/5/2026

Full name:

Contact email / phone:

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

ATTACHMENT A

Inconsistency Analysis — Ireneinc Zone Evaluation

PART 1 — SUBMISSION IDENTIFICATION

Submission reference	Diana Hale [REDACTED] — Direction 69
Property title reference	[REDACTED]
Locality	Tinderbox
Submission template used	Template T1 — Contest LCZ, seek RLZ
Date of attachment preparation	1/5/2026

PART 2 — PURPOSE OF THIS ATTACHMENT

This attachment has been prepared to support the written submission identified above. It provides comparative analysis of the Ireneinc zone evaluation framework as applied to the landowner's locality, compared against one or more similar localities that received a different — and more favourable — zone outcome using the same or very similar evidence.

The purpose is to demonstrate to the Commission that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied elsewhere in the municipality, and that there is no clear reason to treat this locality differently from the similar localities identified.

This attachment should be read alongside the written submission, in particular the arguments set out in Part D (D7 — Inconsistency in the Ireneinc evaluation framework) and Part E (Locality-Specific Context) of that submission.

PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

The following statements from the Day 19 and Day 20 TPC hearings directly support the use of a comparative inconsistency analysis as evidence in a submission:

Speaker and timestamp	Statement and relevance
Delegate Rohan Probert [01:07:48]	Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.
Delegate Dan Ford [02:33:54]	At Kettering West: effectively forced the concession that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone. This is directly relevant where PVA applies to the subject property and LCZ has been recommended — the same logic that produced RLZ at Kettering West Groombridges applies.
Kate Heckelmann (Ireneinc) [05:53:00]	Conceded that the evaluation framework is a tool, not a legal requirement. Submissions can move away from it if supported by good evidence. This confirms that identifying inconsistencies in the framework's application — as this analysis does — is a legitimate basis for a submission.
Chair Nick Heath [06:45:48]	Confirmed that the Commission will decide on the basis of section 34 LUPAA criteria (Zone Guidelines and LPS criteria), not on the basis of Council's position or the Ireneinc framework alone. The Zone Guidelines require consistent application of zone criteria — inconsistency of the kind documented in this attachment is therefore directly relevant to the Commission's assessment under the law.

PART 4 — MOST RELEVANT COMPARISONS FOR THIS SUBMISSION

The following table identifies the specific comparisons within the attached Inconsistency Analysis that are most directly relevant to this submission. The full comparative tables for this locality appear in the pages that follow.

Tinderbox [Channel Region]

Characteristic	Tinderbox East — LCZ retained	Tinderbox West — Full RLZ	Howden & Blackmans Bay — Full RLZ
Ireneinc landscape value description	'Elevated bushland... vegetated ridgeline... dwellings nestled into vegetation... scenic backdrop... residential settlement pattern closely follows natural topography' — IDENTICAL language to west side	Identical landscape value language — same peninsula, same vegetation type, same topographic character, same coastal setting	'Distinctive vegetated ridgeline landscape characterised by residential settlement pattern... native bushland present throughout... dwellings often screened by retained vegetation' — same language, different locality
Settlement characteristics found	Yes — residential settlement along [REDACTED] lots 1–10 ha; dwellings with outbuildings; recognisable pattern	Identical — same road, same peninsula, same settlement type	Yes — lots 1–5 ha; consistent pattern; framed by reserves to north and south
Lot sizes	1–10 ha (with 2 large northeastern lots noted as outliers)	1–10 ha	1–5 ha (majority)
SPA coverage	NO — absent on eastern coast	YES — Scenic Protection Area covers western peninsula	Partial — not full SPA coverage
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium-high → LCZ	Low-medium → RLZ	Medium → RLZ
DP6 — codes manage landscape values?	NO — 'potential for increased height associated with extensions or new builds to become more visible'; SPA absent means no code control on height	YES — SPA provides height control; 'low risk where RLZ is applied'	YES — 'codes and min lot size manage values; low risk'; SPA only partially present — same as east Tinderbox in areas
Key differentiator cited	Absent SPA on east coast; higher building height allowance in RLZ vs LCZ; two large northeastern lots reduce settlement consistency	SPA present; western development less visually prominent from water	Residential settlement character predominates; codes sufficient
TPC challenge	Delegate Ford [00:35:14]: 'Specifically, what cannot be managed through those codes?' Delegate Probert [01:07:48]: 'One we say they can be managed and the other one we say they can't — what we really need to say is the difference between those two'	Recommended by Ireneinc without challenge	Recommended by Ireneinc without challenge

Kingston West [Kingston & Bushland Surrounds]

Characteristic	Kingston West (LCZ upper blocks) — LCZ retained	Albion Heights & Bonnet Hill — Full RLZ	Howden & Blackmans Bay — Full RLZ
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Ireneinc landscape value description	Elevated bushland; ridgeline; scenic backdrop — near-identical language to Albion Heights and Howden	Elevated bushland; vegetated ridgeline; dwellings nestled in vegetation; scenic backdrop	Vegetated ridgeline; residential settlement follows topography; native bushland; scenic views to/from properties
Settlement characteristics found	Yes — upper blocks have residential uses but less consistent pattern than western cluster	Yes — semi-rural residential; lots 2–25 ha; between higher-intensity zones	Yes — lots 1–5 ha; consistent pattern; between Blackmans Bay and Howden urban areas
Lot sizes	Upper blocks >5 ha; western cluster 1–5 ha	2–25 ha	1–5 ha
SPA coverage	Partial	Partial	Partial
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium (upper = LCZ)	Medium (→ RLZ)	Medium (→ RLZ)
DP6 — codes manage landscape values?	Ireneinc said codes were not enough — cited elevation and building height risk	YES — codes and min lot size adequate	YES — codes and min lot size adequate; 'low risk'
Key differentiator cited	Elevation/prominence of upper blocks; building height difference between RLZ and LCZ	Located between higher-intensity residential zones	Settlement pattern clear; existing blocks already fully used

PART 5 — PROPERTY-SPECIFIC DIFFERENTIATION

This attachment identifies inconsistencies at the locality level. The submission itself provides the property-specific evidence explaining why those inconsistencies apply to this individual property. In summary, the following characteristics of this property are consistent with the similar localities that received RLZ, and are not consistent with the reasons cited by Ireneinc for LCZ retention:

1. My lot is 7.8 ha within a cluster of 20 plus properties with lot sizes ranging from .65 to 15 ha — similar to the 1–5 ha range accepted for RLZ at Howden, and within the 2–25 ha range accepted for RLZ at Albion Heights and within the range for which Ireneinc found codes manage landscape values adequately in those locations.
2. 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.
3. Priority Vegetation Area overlay applies to my lot — consistent with Kettering West Groombridges where the TPC found PVA does the landscape-protection work.

PART 6 — VERIFICATION AND PRIMARY SOURCES

All comparisons in this attachment can be verified against the following primary source documents, which are publicly available:

- Ireneinc Locality Baseline and Alternative Zone Evaluation (available on the TPC website)
- Ireneinc LCZ Review and Findings Report (available on the TPC website)

- TPC Day 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)

The timestamps in this attachment (e.g. [01:07:48]) show how far into the Day 20 YouTube recording each exchange takes place. To verify a quoted exchange, navigate to that timestamp in the recording. The full text transcript is also available as a supporting document to this submission.

PART 7 — DECLARATION

I confirm that:

1. This attachment has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
2. The comparisons contained in this attachment are based on publicly available Ireneinc reports and TPC hearing records, and I have made reasonable efforts to ensure accuracy.
3. I am the owner or authorised representative of the property identified in Part 1 above.

Signed:

Date:

1/5/2026

Full name:

Contact email / phone:

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

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)	Diana West (nee Hale)
Property address	██████████
Title reference (folio)	22940/7
Lot size (approx.)	1.42 ha
Locality	Tinderbox
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) — specify subcategory below

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.

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my immediate locality; or in the alternative Rural Living Zone A (minimum lot size 1 ha) . Given the size of my block, no further subdivision is possible under either category.

The predominant lot size in Tinderbox is approximately 2 ha, consistent with RLZ B

PART D — GROUNDS FOR THIS SUBMISSION

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is **not** a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property was subdivided from my house block in 2019, with a housing envelope attached and since being subdivided, it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary and strategic intention of the land is and has always been residential.

This property contains a series of dams which are the water source for my house property (██████) for the gardens and the sheep. When my father purchased the farm property in 1946, after his demobilization from the Armed Forces after World War II, it was one of the paddocks on a small farm. In the period of his ownership, as farming in this area became more precarious, he subdivided and sold much of the farm (mostly in the 1970s). Since that time, the remaining land within the family — my properties, plus those of my brothers and some of our neighbours, have continued to be used for grazing sheep, in part as a bushfire hazard reduction process. I subdivided as part of a larger plan, when I was selling my Tinderbox Hills acreage to the Tasmanian Land Conservancy. However, the dominant purpose of this property was intended to be a water source providing that service to the house property. We have occasionally grazed sheep there, as a fire hazard reduction, but not for some time.

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.

The Ireneinc Locality Report for Tinderbox 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.

The assessment was principally desk-based, relying on aerial imagery and realestate.com.au photographs, some of which have been incorrectly labelled (eg, p176, view of 300 [REDACTED] looking south – is actually a view of 296 [REDACTED] looking south-east), and only one of which gives an accurate view of what can be seen by passers-by (Tinderbox locality viewed from Derwent River on p.175). The aerial pictures give no idea of the degree to which many of the houses are masked from the road, and how little they impact the long view.

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.

My property is 1.42 ha. While the minimum lot size of RLZ B is 2 ha, this is simply what would be appropriate given the general lot sizes in the area. Neither RLZ B nor RLZ A would allow any further subdivision.

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 these criteria.

My property currently has a series of dams and is intended as a provider of water to my house block for the garden and for the sheep (if necessary.)

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.

My property is situated within a cluster of 20 plus properties along the southeastern end of [REDACTED] each with lot sizes ranging from .65 ha to 15 ha, but mostly around 2 to 2.5 ha. Most of these were as a result of subdivision in the 1970s. These properties almost all have detached houses. Most also have some form of rural activity – there are some olive groves, some grape vines, some sheep, some goats, some chickens, some horses, some large vegetable gardens and even some donkeys.

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].

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Priority Vegetation
C8.0 Scenic Protection Area	C13.0 Bushfire-Prone Areas
C15.0 Landslip Hazard	

My property consists of a sloping paddock with 3 dams.

There are no significant views from the road to the hills or the water across my land. In fact, other than one very small gully on the outer edge of a tight corner on the road, you cannot see my property from any road or from the water. Despite this, it is in both a Scenic Protection Area (SPA) and a Priority Vegetation Area.

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.

My property has an area of 1.42 ha. The minimum lot size of RLZ B is 2 ha, which would reflect the most common lot size in the area. Neither it, nor RLZ A (1 ha) would allow any further subdivision.

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.

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

Ireneinc states at page 174 of the report states "Extensive panoramic views are a defining feature of the peninsula which are dominated by vegetation but do include areas of clearing (particularly towards the southern portion of the peninsula) and scattered residences are visible. Elevated viewpoints and coastal areas provide sweeping vistas to and from the Channel, reinforcing a strong visual and experiential connection between land and water. These view corridors are central to the peninsula's identity and contribute significantly to its scenic and recreational appeal."

There are no views from the road to the water or to the hills across my land.



Looking across the road to the edge of my land

Looking up the narrow point of my land

Ireneinc's review of Tinderbox at page 193 refers to the identified landscape values of the native vegetation. It then proceeds to state that the risk on the east side of Tinderbox is high. No real argument is advanced as to why. My property is protected by both a Scenic Protection Area and a Priority Vegetation Overlay. It cannot be subdivided. No house can be built on it – it is simply the water service for my house block. There are also power lines traversing it.

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.

However, there exists visible rural activity in my locality. Sheep graze across my property and those of my brothers and a number of neighbours. The neighbour over the road has an olive grove. The next property northbound along [REDACTED] on the lower side has both goats and chickens. The property on the other side of the road from that activity has an olive grove. Other properties in the neighbourhood have chickens and sheep. There are also some small vineyards (not including the larger one at Tinderbox Farm which has a different zone applied).

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.

Ms Heckelmann's final differentiating argument at the hearing was that East Tinderbox has "not as clearly consistent" land uses, with "some more intensive kind of agricultural and resource production uses occurring in the mix". On the evidence in the Ireneinc Report itself, this is an over-statement. The two large parcels to the north of East Tinderbox to which Ms Heckelmann alluded do not constitute an "inconsistency" of settlement pattern; they constitute a discrete zone-allocation question in their own right, capable of being answered by either (a) applying the RLZ to the cluster and the Rural Zone or the EMZ to the two large parcels, or (b) a site-specific qualification. The existence of those parcels cannot rationally dictate the zone of the surrounding smaller residential lots. The transcript shows Ms Heckelmann acknowledging that the two parcels "detracted from the consistency" but that "on balance there was kind of a consideration that there are rural living characteristics across that whole area".

In fact, the consistency argument works the other way. East Tinderbox south of those two large parcels is an exceptionally consistent large-lot residential cluster: 1–15ha lots; road frontages; single dwellings with curtilage; limited rural activity; near-total overlay coverage by Priority Vegetation. It is more consistent as a residential cluster than Albion Heights (for which the RLZ is recommended), and at least as consistent as Howden (for which the RLZ is recommended).

While there are some significant landscape values, the properties on the East, including my property, do not impact them. In fact, I would argue that the glimpses of the different houses along [REDACTED] comprising a mix of old established and newer, traditional farmhouse and modern architect design, historic and new, together with the various gardens – traditional or native - are one of the appealing features of [REDACTED] as a tourist destination, together with the very varied landscape. There is no principled basis on which to treat property on the East differently to that on the West.

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.

My property is located in East Tinderbox. There is an internal inconsistency in the Ireneinc Report with West Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula **as a whole** as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

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.

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.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The main source of intensification — additional lots — is therefore removed before the risk assessment even begins. There is no apparent reason for this recommendation not to have also applied in East Tinderbox.

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.

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Priority Vegetation
C8.0 Scenic Protection Area	C13.0 Bushfire-Prone Areas
C15.0 Landslip Hazard	

There is both Scenic Protection Area (SPA) and a Priority Vegetation overlay, which restricts the clearing of the priority vegetation mapped for this area. There is therefore no reason to move this property into the LCZ.

In any case, absence of a Scenic Protection Area overlay is a mapping problem, not a zoning problem. Ireneinc's principal substantive justification is the absence of the Scenic Protection Area overlay along the East Tinderbox coastal corridor. This point was expressly made at the hearing that, if that is the only substantive difficulty, the

correct response under the TPS framework is to extend the Scenic Protection Area — not to impose a more restrictive zone. The TPS framework is explicitly premised on zones implementing strategic settlement intent and overlays / codes managing specific values. Using a zone as a proxy for a missing overlay is not a legitimate planning technique.

The Natural Assets Code (Priority Vegetation) and other codes already manage the value. On Ms Heckelmann's own evidence, the Priority Vegetation overlay extends across essentially the entire East Tinderbox area. Clearing of priority vegetation triggers a discretionary application, which must be assessed against the performance criteria of the Natural Assets Code. The incremental capacity of the RLZ to support additional building footprint or height is subject to the same overlay controls and to the RLZ's own performance criteria.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The principal cause of intensification — additional lots — is therefore removed before the risk assessment even begins. What remains is alteration / extension of existing dwellings, which is already subject to the height, setback, site coverage, reflectance, cut-and-fill and landscape-value performance criteria of the RLZ code and the overlay codes.

I also note that Ireneinc failed to identify a number of reserves in their mapping — the Tasmanian Land Conservancy property is a private reserve and is entirely subject to a Part V, Pierson's Point reserve and the Mt Louis summit. They also failed to identify Mt Louis summit and Pierson's Point as historic locations, which as the original signal station and the military defence of the entrance to the Derwent, should have been identified.

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.

As documented in Attachment A – Tinderbox [Channel Region] section, the comparisons as described below show that Ireneinc applied near-identical landscape value descriptions and settlement findings to both localities yet recommended LCZ for East Tinderbox and RLZ for West Tinderbox. Howden and Blackmans Bay and Albion Heights and Bonnet Hill.

The first differentiator cited — the absence of a SPA overlay— does not apply to my individual property because it is covered by both a SPA overlay and a Priority Vegetation Overlay. In any case, the absence of a SPA overlay should not be corrected by using a more restrictive Zone, but by correcting the overlay.

The second – higher building height allowance in RLZ to LCZ – should not apply to my property as it is not possible to build on it anyway. It is a water service to my house block.

The third – two large northeastern lots reduce settlement consistency – should not apply to override the majority southeastern properties – it is the two large lots which are inconsistent, not the very many more smaller residential lots.

There is an internal inconsistency with the Howden and Blackmans Bay recommendation. Ireneinc has recommended RLZ for Howden and Blackmans Bay on landscape-value descriptions that are, on Ms Heckelmann's own evidence, substantively identical to those for East Tinderbox. This was identified at the hearing as unexplained; Ms Heckelmann conceded the landscape values were "not necessarily very different". Arbitrary differential treatment of like cases is impermissible in a statewide, standardised zoning framework premised on consistency.

There is a similar internal inconsistency with West Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula as a whole as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

There is a further internal inconsistency with Albion Heights and Bonnet Hill. Ireneinc recommends RLZ for Albion Heights and Bonnet Hill, despite its own finding that those localities have "highly significant landscape values" that are an "inter-urban break" between Hobart and Kingston, with "elevated ridgelines", "steeply contoured terrain", "long-distance views" and status as a "visually prominent landscape within the municipality". On any objective reading, those values are of greater municipal significance than those of East Tinderbox. If RLZ is adequate there, it is adequate here.

There is yet another inconsistency with the Huon Valley LPS precedent. In deciding the Huon Valley LPS, the Tasmanian Planning Commission expressly accepted that land in the ELZ with identified landscape values could appropriately transition to the RLZ where those values could be managed through the operation of the relevant codes. The Ireneinc Report acknowledges this precedent. Applying it to East Tinderbox produces the same outcome.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific areas 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

The Ireneinc report recommends LCZ for the majority of (East) Tinderbox [Channel Region], with RLZ applied to (West) Tinderbox.

Delegate Rohan Probert at timestamp [01:07:48] noted when comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.

The guidelines for LCZ contain as follows:

LCZ 4: The LCZ should not be applied to: (a) land where the priority is for residential use and development (see RLZ); or (b) State-reserved land (see EMZ).

Critically, the Zone Guidelines also contain two explicit italicised notes at the conclusion of the LCZ section:

Note: The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.

Note: The LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the LCZ provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.

My property is currently zoned ELZ, as are all the properties in our group. The priority for this area has been large lot residential since the 1970s. The Zone Guidelines are clear that this should NOT translate to LCZ as has been done.

West Tinderbox and East Tinderbox are two sides of the same small peninsula. West has now been recommended to be RLZ; East has been recommended to be LCZ, in spite of the LCZ 4 guideline and the Notes to the guidelines, both of which would see East Tinderbox also as RLZ.

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.

For the reasons set out above, I respectfully ask the Commission to direct that my property, Title [REDACTED] at [REDACTED] Tinderbox and the balance of the East Tinderbox cluster that is of comparable character, be transitioned from the interim Environmental Living Zone to the Rural Living Zone, in a categorisation that reflects the existing pattern and density of development.

If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

Signed: [REDACTED]

Date: 1/5/2026

Full name: [REDACTED]

Contact email / phone: [REDACTED]

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

ATTACHMENT A

Inconsistency Analysis — Ireneinc Zone Evaluation

PART 1 — SUBMISSION IDENTIFICATION

Submission reference	Diana West (nee Hale) [REDACTED] — Direction 69
Property title reference	22940/7
Locality	Tinderbox
Submission template used	Template T1 — Contest LCZ, seek RLZ
Date of attachment preparation	1/5/2026

PART 2 — PURPOSE OF THIS ATTACHMENT

This attachment has been prepared to support the written submission identified above. It provides comparative analysis of the Ireneinc zone evaluation framework as applied to the landowner's locality, compared against one or more similar localities that received a different — and more favourable — zone outcome using the same or very similar evidence.

The purpose is to demonstrate to the Commission that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied elsewhere in the municipality, and that there is no clear reason to treat this locality differently from the similar localities identified.

This attachment should be read alongside the written submission, in particular the arguments set out in Part D (D7 — Inconsistency in the Ireneinc evaluation framework) and Part E (Locality-Specific Context) of that submission.

PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

The following statements from the Day 19 and Day 20 TPC hearings directly support the use of a comparative inconsistency analysis as evidence in a submission:

Speaker and timestamp	Statement and relevance
Delegate Rohan Probert [01:07:48]	Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.
Delegate Dan Ford [02:33:54]	At Kettering West: effectively forced the concession that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone. This is directly relevant where PVA applies to the subject property and LCZ has been recommended — the same logic that produced RLZ at Kettering West Groombridges applies.
Kate Heckelmann (Ireneinc) [05:53:00]	Conceded that the evaluation framework is a tool, not a legal requirement. Submissions can move away from it if supported by good evidence. This confirms that identifying inconsistencies in the framework's application — as this analysis does — is a legitimate basis for a submission.
Chair Nick Heath [06:45:48]	Confirmed that the Commission will decide on the basis of section 34 LUPAA criteria (Zone Guidelines and LPS criteria), not on the basis of Council's position or the Ireneinc framework alone. The Zone Guidelines require consistent application of zone criteria — inconsistency of the kind documented in this attachment is therefore directly relevant to the Commission's assessment under the law.

PART 4 — MOST RELEVANT COMPARISONS FOR THIS SUBMISSION

The following table identifies the specific comparisons within the attached Inconsistency Analysis that are most directly relevant to this submission. The full comparative tables for this locality appear in the pages that follow.

Tinderbox [Channel Region]

Characteristic	Tinderbox East — LCZ retained	Tinderbox West — Full RLZ	Howden & Blackmans Bay — Full RLZ
Ireneinc landscape value description	'Elevated bushland... vegetated ridgeline... dwellings nestled into vegetation... scenic backdrop... residential settlement pattern closely follows natural topography' — IDENTICAL language to west side	Identical landscape value language — same peninsula, same vegetation type, same topographic character, same coastal setting	'Distinctive vegetated ridgeline landscape characterised by residential settlement pattern... native bushland present throughout... dwellings often screened by retained vegetation' — same language, different locality
Settlement characteristics found	Yes — residential settlement along [REDACTED] lots 1–10 ha; dwellings with outbuildings; recognisable pattern	Identical — same road, same peninsula, same settlement type	Yes — lots 1–5 ha; consistent pattern; framed by reserves to north and south
Lot sizes	1–10 ha (with 2 large northeastern lots noted as outliers)	1–10 ha	1–5 ha (majority)
SPA coverage	NO — absent on eastern coast	YES — Scenic Protection Area covers western peninsula	Partial — not full SPA coverage
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium-high → LCZ	Low-medium → RLZ	Medium → RLZ
DP6 — codes manage landscape values?	NO — 'potential for increased height associated with extensions or new builds to become more visible'; SPA absent means no code control on height	YES — SPA provides height control; 'low risk where RLZ is applied'	YES — 'codes and min lot size manage values; low risk'; SPA only partially present — same as east Tinderbox in areas
Key differentiator cited	Absent SPA on east coast; higher building height allowance in RLZ vs LCZ; two large northeastern lots reduce settlement consistency	SPA present; western development less visually prominent from water	Residential settlement character predominates; codes sufficient
TPC challenge	Delegate Ford [00:35:14]: 'Specifically, what cannot be managed through those codes?' Delegate Probert [01:07:48]: 'One we say they can be managed and the other one we say they can't — what we really need to say is the difference between those two'	Recommended by Ireneinc without challenge	Recommended by Ireneinc without challenge

Kingston West [Kingston & Bushland Surrounds]

Characteristic	Kingston West (LCZ upper blocks) — LCZ retained	Albion Heights & Bonnet Hill — Full RLZ	Howden & Blackmans Bay — Full RLZ
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Ireneinc landscape value description	Elevated bushland; ridgeline; scenic backdrop — near-identical language to Albion Heights and Howden	Elevated bushland; vegetated ridgeline; dwellings nestled in vegetation; scenic backdrop	Vegetated ridgeline; residential settlement follows topography; native bushland; scenic views to/from properties
Settlement characteristics found	Yes — upper blocks have residential uses but less consistent pattern than western cluster	Yes — semi-rural residential; lots 2–25 ha; between higher-intensity zones	Yes — lots 1–5 ha; consistent pattern; between Blackmans Bay and Howden urban areas
Lot sizes	Upper blocks >5 ha; western cluster 1–5 ha	2–25 ha	1–5 ha
SPA coverage	Partial	Partial	Partial
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium (upper = LCZ)	Medium (→ RLZ)	Medium (→ RLZ)
DP6 — codes manage landscape values?	Ireneinc said codes were not enough — cited elevation and building height risk	YES — codes and min lot size adequate	YES — codes and min lot size adequate; 'low risk'
Key differentiator cited	Elevation/prominence of upper blocks; building height difference between RLZ and LCZ	Located between higher-intensity residential zones	Settlement pattern clear; existing blocks already fully used

PART 5 — PROPERTY-SPECIFIC DIFFERENTIATION

This attachment identifies inconsistencies at the locality level. The submission itself provides the property-specific evidence explaining why those inconsistencies apply to this individual property. In summary, the following characteristics of this property are consistent with the similar localities that received RLZ, and are not consistent with the reasons cited by Ireneinc for LCZ retention:

1. My lot is .65 ha within a cluster of 20 plus properties with lot sizes ranging from .65 to 15 ha — similar to the 1–5 ha range accepted for RLZ at Howden, and the 2–25 ha range accepted for RLZ at Albion Heights and within the range for which Ireneinc found codes manage landscape values adequately in those locations.
2. My lot is predominantly cleared with an approved housing envelope and a fruit tree — it does not display the elevated vegetated ridgeline character cited as the basis for LCZ retention.
3. Priority Vegetation Area overlay applies to my lot — consistent with Kettering West Groombridges where the TPC found PVA does the landscape-protection work.

PART 6 — VERIFICATION AND PRIMARY SOURCES

All comparisons in this attachment can be verified against the following primary source documents, which are publicly available:

- Ireneinc Locality Baseline and Alternative Zone Evaluation (available on the TPC website)

KINGBOROUGH LPS — ATTACHMENT A: INCONSISTENCY ANALYSIS | Direction 69 / Ireneinc Report

- Ireneinc LCZ Review and Findings Report (available on the TPC website)
- TPC Day 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)

The timestamps in this attachment (e.g. [01:07:48]) show how far into the Day 20 YouTube recording each exchange takes place. To verify a quoted exchange, navigate to that timestamp in the recording. The full text transcript is also available as a supporting document to this submission.

PART 7 — DECLARATION

I confirm that:

1. This attachment has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
2. The comparisons contained in this attachment are based on publicly available Ireneinc reports and TPC hearing records, and I have made reasonable efforts to ensure accuracy.
3. I am the owner or authorised representative of the property identified in Part 1 above.

Signed:

Date: 1/5/2026

Contact email / phone:

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

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)	Diana West (nee Hale)
Property address	██████████
Title reference (folio)	180618/6
Lot size (approx.)	.65 ha
Locality	Tinderbox
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) — specify subcategory below

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.

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my immediate locality; or in the alternative Rural Living Zone A (minimum lot size 1 ha) . Given the size of my block, no further subdivision is possible under either category.

The predominant lot size in Tinderbox is approximately 2 ha, consistent with RLZ B

PART D — GROUNDS FOR THIS SUBMISSION

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is **not** a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

My property was subdivided from my house block in 2019, with a housing envelope attached and since being subdivided, it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary and strategic intention of the land is and has always been residential.

The property contains a housing envelope and a fruit tree. When my father purchased the farm property in 1946, after his demobilization from the Armed Forces after World War II, it was part of the home paddock on a small farm. In the period of his ownership, as farming in this area became more precarious, he subdivided and sold much of the farm (mostly in the 1970s). Since that time, the remaining land within the family — my properties, plus those of my brothers and some of our neighbours, have continued to be used for grazing sheep, in part as a bushfire hazard reduction process. I subdivided as part of a larger plan, when I was selling my Tinderbox Hills acreage to the Tasmanian Land Conservancy. However, the dominant purpose of this property was and is intended to be residential.

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.

The Ireneinc Locality Report for Tinderbox 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.

The assessment was principally desk-based, relying on aerial imagery and realestate.com.au photographs, some of which have been incorrectly labelled (eg, p176, view of 300 [REDACTED] looking south — is actually a view of 296 [REDACTED] looking south-east), and only one of which gives an accurate view of what can be seen by passers-by (Tinderbox locality viewed from Derwent River on p.175). The aerial pictures give no idea of the degree to which many of the houses are masked from the road, and how little they impact the long view.

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.

My property is .65 ha. While the minimum lot size of RLZ B is 2 ha, this is simply what would be appropriate given the general lot sizes in the area. Neither RLZ B nor RLZ A would allow any further subdivision.

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 these criteria.

My property currently has a building envelope and a fruit tree. While sheep graze across the land at the moment, the intent of the property is clearly residential.

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.

My property is situated within a cluster of 20 plus properties along the southeastern end of [REDACTED] each with lot sizes ranging from .65 ha to 15 ha, but mostly around 2 to 2.5 ha. Most of these were as a result of subdivision in the 1970s. These properties almost all have detached houses. Most also have some form of rural activity – there are some olive groves, some grape vines, some sheep, some goats, some chickens, some horses, some large vegetable gardens and even some donkeys.

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].

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Priority Vegetation
C8.0 Scenic Protection Area	C13.0 Bushfire-Prone Areas
C15.0 Landslip Hazard	

My property consists of a housing envelope fruit tree and a cleared area for sheep grazing. The only vegetation natural to the locality is on the road verge and on the boundary shared with Title [REDACTED] and is also subject to the Priority Vegetation overlay. The major part of the Priority Vegetation is located on the Tinderbox Hills on the other side of [REDACTED]

There are significant views from the road to the water across my land. However, due to the sloping nature of the property, and the scope of the views, the main viewpoints do not look at my housing envelope, but to the northeast, across a small bay and up to Bellerive, or to the southeast and across to Storm Bay.

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.

My property has an area of .65 ha. The minimum lot size of RLZ B is 2 ha, which would reflect the most common lot size in the area. Neither it, nor RLZ A (1 ha) would allow any further subdivision.

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.

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

Ireneinc states at page 174 of the report states “Extensive panoramic views are a defining feature of the peninsula which are dominated by vegetation but do include areas of clearing (particularly towards the southern portion of the peninsula) and scattered residences are visible. Elevated viewpoints and coastal areas provide sweeping vistas to and from the Channel, reinforcing a strong visual and experiential connection between land and water. These view corridors are central to the peninsula's identity and contribute significantly to its scenic and recreational appeal.”

There are significant views from the road to the water across my land. However, due to the sloping nature of the property, and the scope of the views, the main viewpoints do not look at my housing envelope, but to the northeast, across a small bay and up to Bellerive, or to the southeast and across to Storm Bay.



The main viewpoint looking across the bay – not across this block	The view looking over the northern of my block –the foreground only.	The view east from the roadside – to my neighbour's trees on the far side and my plum tree at left.	The view looking further to southeast, again my neighbour's trees on the far side
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From the water looking towards my property, the housing envelope site would be largely masked by the cliffs, the vegetation on the cliff top, which is protected by the various Coastal Overlays and also by the Part V on my house property (██████████) by my neighbour's trees and by any garden which would be planted.

Ireneinc's review of Tinderbox at page 193 refers to the identified landscape values of the native vegetation. It then proceeds to state that the risk on the east side of Tinderbox is high. No real argument is advanced as to why. My property, aside from my housing envelope and fruit tree, is a sheep paddock, with some vegetation around the road edge, which is protected by a Priority Vegetation Overlay. It cannot be subdivided. Any house built on the housing envelope would have no impact on the ridge line, which sits a long way above. In the immediate area of my property, the main location of the high value vegetation is along the ridge of Tinderbox Hills, in particular the land which I sold to the Tasmanian Land Conservancy (TLC) in 2019 (PID: 9980240). This parcel of 67.15ha, which TLC are caring for, has not been identified as any kind of reserve by Ireneinc. (They also do not appear to have identified the historic sites of Mt Louis (where the relics of the signal station remain on the reserve at the top of the hill; or the militaria at Pierson's Point Reserve, which marks the location of the defence forces for the defence of the Derwent.)

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.

However, there exists visible rural activity in my locality. Sheep graze across my property and those of my brothers and a number of neighbours. The neighbour over the road has an olive grove. The next property northbound along ██████████ on the lower side has both goats and chickens. The property on the other side of the road from that activity has an olive grove. Other properties in the neighbourhood have chickens and sheep. There are also some small vineyards (not including the larger one at Tinderbox Farm which has a different zone applied).

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.

Ms Heckelmann's final differentiating argument at the hearing was that East Tinderbox has "not as clearly consistent" land uses, with "some more intensive kind of agricultural and resource production uses occurring in the mix". On the evidence in the Ireneinc Report itself, this is an over-statement. The two large parcels to the north of East Tinderbox to which Ms Heckelmann alluded do not constitute an "inconsistency" of settlement pattern; they constitute a discrete zone-allocation question in their own right, capable of being answered by either (a) applying the RLZ to the cluster and the Rural Zone or the EMZ to the two large parcels, or (b) a site-specific qualification. The existence of those parcels cannot rationally dictate the zone of the surrounding smaller residential lots. The transcript shows Ms Heckelmann acknowledging that the two parcels "detracted from the consistency" but that "on balance there was kind of a consideration that there are rural living characteristics across that whole area".

In fact, the consistency argument works the other way. East Tinderbox south of those two large parcels is an exceptionally consistent large-lot residential cluster: 1–15ha lots; road frontages; single dwellings with curtilage; limited rural activity; near-total overlay coverage by Priority Vegetation. It is more consistent as a residential cluster than Albion Heights (for which the RLZ is recommended), and at least as consistent as Howden (for which the RLZ is recommended).

While there are some significant landscape values, the properties on the East, including my property, do not impact them. In fact, I would argue that the glimpses of the different houses along ██████████ comprising a mix of old established and newer, traditional farmhouse and modern architect design, historic and new, together with the various gardens – traditional or native - are one of the appealing features of ██████████ as a tourist destination, together with the very varied landscape. The addition of a single house to the already

approved housing envelope would not detract from this. There is no principled basis on which to treat property on the East differently to that on the West.

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.

My property is located in East Tinderbox. There is an internal inconsistency in the Ireneinc Report with West Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula **as a whole** as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

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.

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.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The main source of intensification — additional lots — is therefore removed before the risk assessment even begins. There is no apparent reason for this recommendation not to have also applied in East Tinderbox.

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.

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Priority Vegetation
C8.0 Scenic Protection Area	C13.0 Bushfire-Prone Areas
C15.0 Landslip Hazard	

While there is no Scenic Protection Area (SPA) mapped for this area, this is not a reason to move my property into the LCZ. The point was made at the hearing that if the absence of the SPA is the problem, the response should be to extend the SPA, not to impose a more restrictive zone.

I note that there IS a Priority Vegetation overlay, which restricts the clearing of the priority vegetation and leads to the invocation of the Natural Assets Code. There is also a Part V agreement on the same vegetation.

Absence of a Scenic Protection Area overlay is a mapping problem, not a zoning problem. Ireneinc's principal substantive justification is the absence of the Scenic Protection Area overlay along the East Tinderbox coastal corridor. This point was expressly made at the hearing that, if that is the only substantive difficulty, the correct response under the TPS framework is to extend the Scenic Protection Area — not to impose a more restrictive zone. The TPS framework is explicitly premised on zones implementing strategic settlement intent and overlays / codes managing specific values. Using a zone as a proxy for a missing overlay is not a legitimate planning technique.

The Natural Assets Code (Priority Vegetation) and other codes already manage the value. On Ms Heckelmann's own evidence, the Priority Vegetation overlay extends across essentially the entire East Tinderbox area. Clearing of priority vegetation triggers a discretionary application, which must be assessed against the performance criteria of the Natural Assets Code. The incremental capacity of the RLZ to support additional building footprint or height is subject to the same overlay controls and to the RLZ's own performance criteria.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The principal cause of intensification — additional lots — is therefore removed before the risk assessment even begins. What remains is alteration / extension of existing dwellings, which is already subject to the height, setback, site coverage, reflectance, cut-and-fill and landscape-value performance criteria of the RLZ code and the overlay codes.

I also note that Ireneinc failed to identify a number of reserves in their mapping — the Tasmanian Land Conservancy property is a private reserve and is entirely subject to a Part V, Pierson's Point reserve and the Mt Louis summit. They also failed to identify Mt Louis summit and Pierson's Point as historic locations, which as the original signal station and the military defence of the entrance to the Derwent, should have been identified.

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.

As documented in Attachment A — Tinderbox [Channel Region] section, the comparisons as described below show that Ireneinc applied near-identical landscape value descriptions and settlement findings to both localities

yet recommended LCZ for East Tinderbox and RLZ for West Tinderbox. Howden and Blackmans Bay and Albion Heights and Bonnet Hill.

The first differentiator cited — the absence of a SPA overlay— does not apply to my individual property because it is covered by a Priority Vegetation Overlay. In any case, the absence of a SPA overlay should not be corrected by using a more restrictive Zone, but by correcting the overlay.

The second – higher building height allowance in RLZ to LCZ – should not apply to my property

The LCZ (SPP clause 22.4.2 A1) provides an acceptable-solution building height of 6 metres. The RLZ provides an acceptable-solution building height of 8.5 metres. The difference is 2.5 metres of acceptable-solution height. A zone decision driven by a 1-metre or 2.5-metre acceptable-solution height difference, which is in any event further controlled by the Natural Assets Code (invoked by the Priority Vegetation Area Code), and by the Waterway and Coastal Protection Area Code (which is an overlay applicable to my property) — is a decision entirely disproportionate to the planning concern it seeks to address.

The third – two large northeastern lots reduce settlement consistency – should not apply to override the majority southeastern properties – it is the two large lots which are inconsistent, not the very many more smaller residential lots.

There is an internal inconsistency with the Howden and Blackmans Bay recommendation. Ireneinc has recommended RLZ for Howden and Blackmans Bay on landscape-value descriptions that are, on Ms Heckelmann's own evidence, substantively identical to those for East Tinderbox. This was identified at the hearing as unexplained; Ms Heckelmann conceded the landscape values were "not necessarily very different". Arbitrary differential treatment of like cases is impermissible in a statewide, standardised zoning framework premised on consistency.

There is a similar internal inconsistency with West Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula as a whole as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

There is a further internal inconsistency with Albion Heights and Bonnet Hill. Ireneinc recommends RLZ for Albion Heights and Bonnet Hill, despite its own finding that those localities have "highly significant landscape values" that are an "inter-urban break" between Hobart and Kingston, with "elevated ridgelines", "steeply contoured terrain", "long-distance views" and status as a "visually prominent landscape within the municipality". On any objective reading, those values are of greater municipal significance than those of East Tinderbox. If RLZ is adequate there, it is adequate here.

There is yet another inconsistency with the Huon Valley LPS precedent. In deciding the Huon Valley LPS, the Tasmanian Planning Commission expressly accepted that land in the ELZ with identified landscape values could appropriately transition to the RLZ where those values could be managed through the operation of the relevant codes. The Ireneinc Report acknowledges this precedent. Applying it to East Tinderbox produces the same outcome.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific areas 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

The Ireneinc report recommends LCZ for the majority of (East) Tinderbox [Channel Region], with RLZ applied to (West) Tinderbox.

Delegate Rohan Probert at timestamp [01:07:48] noted when comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.

The guidelines for LCZ contain as follows:

LCZ 4: The LCZ should not be applied to: (a) land where the priority is for residential use and development (see RLZ); or (b) State-reserved land (see EMZ).

Critically, the Zone Guidelines also contain two explicit italicised notes at the conclusion of the LCZ section:

Note: The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.

Note: The LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the LCZ provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.

My property is currently zoned ELZ, as are all the properties in our group. The priority for this area has been large lot residential since the 1970s. The Zone Guidelines are clear that this should NOT translate to LCZ as has been done.

West Tinderbox and East Tinderbox are two sides of the same small peninsula. West has now been recommended to be RLZ; East has been recommended to be LCZ, in spite of the LCZ 4 guideline and the Notes to the guidelines, both of which would see East Tinderbox also as RLZ.

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.

For the reasons set out above, I respectfully ask the Commission to direct that my property, Title [REDACTED] at [REDACTED] Tinderbox and the balance of the East Tinderbox cluster that is of comparable character, be transitioned from the interim Environmental Living Zone to the Rural Living Zone, in a categorisation that reflects the existing pattern and density of development.

If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

Signed: [REDACTED]

Date: 1/5/2026

Full name: [REDACTED]

Contact email / phone: [REDACTED]

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

ATTACHMENT A

Inconsistency Analysis — Ireneinc Zone Evaluation

PART 1 — SUBMISSION IDENTIFICATION

Submission reference	Diana Hale [REDACTED] — Direction 69
Property title reference	180618/6
Locality	Tinderbox
Submission template used	Template T1 — Contest LCZ, seek RLZ
Date of attachment preparation	1/5/2026

PART 2 — PURPOSE OF THIS ATTACHMENT

This attachment has been prepared to support the written submission identified above. It provides comparative analysis of the Ireneinc zone evaluation framework as applied to the landowner's locality, compared against one or more similar localities that received a different — and more favourable — zone outcome using the same or very similar evidence.

The purpose is to demonstrate to the Commission that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied elsewhere in the municipality, and that there is no clear reason to treat this locality differently from the similar localities identified.

This attachment should be read alongside the written submission, in particular the arguments set out in Part D (D7 — Inconsistency in the Ireneinc evaluation framework) and Part E (Locality-Specific Context) of that submission.

PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

The following statements from the Day 19 and Day 20 TPC hearings directly support the use of a comparative inconsistency analysis as evidence in a submission:

Speaker and timestamp	Statement and relevance
Delegate Rohan Probert [01:07:48]	Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.
Delegate Dan Ford [02:33:54]	At Kettering West: effectively forced the concession that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone. This is directly relevant where PVA applies to the subject property and LCZ has been recommended — the same logic that produced RLZ at Kettering West Groombridges applies.
Kate Heckelmann (Ireneinc) [05:53:00]	Conceded that the evaluation framework is a tool, not a legal requirement. Submissions can move away from it if supported by good evidence. This confirms that identifying inconsistencies in the framework's application — as this analysis does — is a legitimate basis for a submission.
Chair Nick Heath [06:45:48]	Confirmed that the Commission will decide on the basis of section 34 LUPAA criteria (Zone Guidelines and LPS criteria), not on the basis of Council's position or the Ireneinc framework alone. The Zone Guidelines require consistent application of zone criteria — inconsistency of the kind documented in this attachment is therefore directly relevant to the Commission's assessment under the law.

PART 4 — MOST RELEVANT COMPARISONS FOR THIS SUBMISSION

The following table identifies the specific comparisons within the attached Inconsistency Analysis that are most directly relevant to this submission. The full comparative tables for this locality appear in the pages that follow.

Tinderbox [Channel Region]

Characteristic	Tinderbox East — LCZ retained	Tinderbox West — Full RLZ	Howden & Blackmans Bay — Full RLZ
Ireneinc landscape value description	'Elevated bushland... vegetated ridgeline... dwellings nestled into vegetation... scenic backdrop... residential settlement pattern closely follows natural topography' — IDENTICAL language to west side	Identical landscape value language — same peninsula, same vegetation type, same topographic character, same coastal setting	'Distinctive vegetated ridgeline landscape characterised by residential settlement pattern... native bushland present throughout... dwellings often screened by retained vegetation' — same language, different locality
Settlement characteristics found	Yes — residential settlement along [REDACTED] lots 1–10 ha; dwellings with outbuildings; recognisable pattern	Identical — same road, same peninsula, same settlement type	Yes — lots 1–5 ha; consistent pattern; framed by reserves to north and south
Lot sizes	1–10 ha (with 2 large northeastern lots noted as outliers)	1–10 ha	1–5 ha (majority)
SPA coverage	NO — absent on eastern coast	YES — Scenic Protection Area covers western peninsula	Partial — not full SPA coverage
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium-high → LCZ	Low-medium → RLZ	Medium → RLZ
DP6 — codes manage landscape values?	NO — 'potential for increased height associated with extensions or new builds to become more visible'; SPA absent means no code control on height	YES — SPA provides height control; 'low risk where RLZ is applied'	YES — 'codes and min lot size manage values; low risk'; SPA only partially present — same as east Tinderbox in areas
Key differentiator cited	Absent SPA on east coast; higher building height allowance in RLZ vs LCZ; two large northeastern lots reduce settlement consistency	SPA present; western development less visually prominent from water	Residential settlement character predominates; codes sufficient
TPC challenge	Delegate Ford [00:35:14]: 'Specifically, what cannot be managed through those codes?' Delegate Probert [01:07:48]: 'One we say they can be managed and the other one we say they can't — what we really need to say is the difference between those two'	Recommended by Ireneinc without challenge	Recommended by Ireneinc without challenge

Kingston West [Kingston & Bushland Surrounds]

Characteristic	Kingston West (LCZ upper blocks) — LCZ retained	Albion Heights & Bonnet Hill — Full RLZ	Howden & Blackmans Bay — Full RLZ
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Ireneinc landscape value description	Elevated bushland; ridgeline; scenic backdrop — near-identical language to Albion Heights and Howden	Elevated bushland; vegetated ridgeline; dwellings nestled in vegetation; scenic backdrop	Vegetated ridgeline; residential settlement follows topography; native bushland; scenic views to/from properties
Settlement characteristics found	Yes — upper blocks have residential uses but less consistent pattern than western cluster	Yes — semi-rural residential; lots 2–25 ha; between higher-intensity zones	Yes — lots 1–5 ha; consistent pattern; between Blackmans Bay and Howden urban areas
Lot sizes	Upper blocks >5 ha; western cluster 1–5 ha	2–25 ha	1–5 ha
SPA coverage	Partial	Partial	Partial
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium (upper = LCZ)	Medium (→ RLZ)	Medium (→ RLZ)
DP6 — codes manage landscape values?	Ireneinc said codes were not enough — cited elevation and building height risk	YES — codes and min lot size adequate	YES — codes and min lot size adequate; 'low risk'
Key differentiator cited	Elevation/prominence of upper blocks; building height difference between RLZ and LCZ	Located between higher-intensity residential zones	Settlement pattern clear; existing blocks already fully used

PART 5 — PROPERTY-SPECIFIC DIFFERENTIATION

This attachment identifies inconsistencies at the locality level. The submission itself provides the property-specific evidence explaining why those inconsistencies apply to this individual property. In summary, the following characteristics of this property are consistent with the similar localities that received RLZ, and are not consistent with the reasons cited by Ireneinc for LCZ retention:

1. My lot is .65 ha within a cluster of 20 plus properties with lot sizes ranging from .65 to 15 ha — similar to the 1–5 ha range accepted for RLZ at Howden, and the 2–25 ha range accepted for RLZ at Albion Heights and within the range for which Ireneinc found codes manage landscape values adequately in those locations.
2. My lot is predominantly cleared with an approved housing envelope and a fruit tree — it does not display the elevated vegetated ridgeline character cited as the basis for LCZ retention.
3. Priority Vegetation Area overlay applies to my lot — consistent with Kettering West Groombridges where the TPC found PVA does the landscape-protection work.

PART 6 — VERIFICATION AND PRIMARY SOURCES

All comparisons in this attachment can be verified against the following primary source documents, which are publicly available:

- Ireneinc Locality Baseline and Alternative Zone Evaluation (available on the TPC website)

KINGBOROUGH LPS — ATTACHMENT A: INCONSISTENCY ANALYSIS | Direction 69 / Ireneinc Report

- Ireneinc LCZ Review and Findings Report (available on the TPC website)
- TPC Day 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)

The timestamps in this attachment (e.g. [01:07:48]) show how far into the Day 20 YouTube recording each exchange takes place. To verify a quoted exchange, navigate to that timestamp in the recording. The full text transcript is also available as a supporting document to this submission.

PART 7 — DECLARATION

I confirm that:

1. This attachment has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
2. The comparisons contained in this attachment are based on publicly available Ireneinc reports and TPC hearing records, and I have made reasonable efforts to ensure accuracy.
3. I am the owner or authorised representative of the property identified in Part 1 above.

Signed:

Date: 1/5/2026

Full name:

Contact email / phone: