
From: Ted Hale [REDACTED]
Sent: Monday, 4 May 2026 8:34 PM
To: Kingborough LPS
Subject: TPC - Kingborough draft LPS
Attachments: TPC submission - E.Hale.odt; TPC submission Attachment_A - TH.docx; TPC Submission E.H - Attach B - TH.odt

You don't often get email from [REDACTED] [Learn why this is important](#)

To:- Tasmanian Planning Commission:-

Your Ref: DOC/26/36829

Please find attached submission for Edward Officer Hale CT180618/3

Thank You
Ted Hale

TASMANIAN PLANNING COMMISSION*Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report*

PART A — PROCEDURAL OPENING

To the Tasmanian Planning Commission:-

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

I did not make a formal representation during the public exhibition period, 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)	Edward Officer Hale
Property address	██████████
Title reference (folio)	██████████
Lot size (approx.)	1.86 ha
Locality	Tinderbox East
Current IPS zone	Environmental Living Zone (ELZ)

Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ)
Zone sought in this submission	Rural Living Zone (RLZ)

PART C — STATEMENT OF POSITION

I submit that following the issuing of Direction 69, the application of the Landscape Conservation Zone (LCZ) to my property - which is located in “East Tinderbox” within the Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015 - 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 :-

- Rural Living Zone A (minimum lot size 1 ha) — reflecting the existing lot pattern in my locality is the appropriate zone for my property under the draft Kingborough LPS.**

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 zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015.

Whilst I have only in recent years been able to take up residence here, it was my intention since 2004 to do so, but made impossible by delays in DA process that occurred with KC – resulting in a 20 year delay in my taking up residence! ** ** Ref Notes Attachment 2

There has been a building on this land since approximately 1840, when said building was the home on a small farm that later was consolidated with 2 others into one. My parents purchased the consolidated property in 1946, which then included 3 residences. This building was rented to tenants at that time, but the overall property did not include a shearing shed – so this house was converted into a shearing shed and remained in use as such until 2021 when I began renovation to return it to use as a house.

The subject property has been in my possession since 1985 when title for a larger lot was transferred to myself from my father.

SP24978 18/2/1985 3.523 ha

As a result of subdivision the new title 180618/3 was issued on 19/04/2019 KC gave final approval for a DA for this project in 2024, and it is now a residence for myself and my wife.

Whilst I acknowledge that I may be viewed as a Hobby Farmer, the primary use of my land 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 Report for land referred to as Tinderbox East (seemingly a newly introduced identification) has been issued without reference to owners. In relation to [REDACTED] there is no identification of specific Landscape Values. As such I question “what is the definition of Landscape Values?” – and how have they been judged to be present on my land? Have they even been considered in relation to this property Or (as seems to be the case) are they part of an overall assessment of “East Tinderbox” – done without justification?

The landscape value assessment apparently relies on aerial imagery and realestate.com.au photographs, many of which are taken from drones and do not accurately show the property in question.

The aerial pictures portray views that are not available to people on the roadway, the normal view for those admiring scenery! I suggest my house and surrounds have minimal impact on Landscape values!

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.

As pointed out above, my property is now primarily residential, with sundry minor rural activities (actual and potential). The approval given by KC for the

subdivision of the remaining Hale land including this lot (in 2019) was based on there being no further sub-division allowed. The property is 1.86 Ha – and appropriate zoning would be RLZ Zone A.

D2 — The Ireneinc evaluation framework, applied correctly to my property, supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00]. Representations can depart from it with good evidence. However, I submit that even applying the framework as intended, my property satisfies the criteria for RLZ rather than LCZ.

D2.1 — My property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators. My property clearly satisfies this criterion.

My property now consists of a residence (renovated and in excellent condition) with approved DA, together with outbuildings including shearing facility and storage sheds. Surrounding the house and outbuildings are fences enclosing lawns and limited gardens. Outside the fencing is open grassland with minimal tree coverage and compliant with bushfire rating BAL 12.5.

It is primarily residential!

My immediate neighbours are:-

294 Long established house and outbuildings (1980's)

294 (2nd title) vacant land

300 Long established house and outbuildings (1960's)

294a Newly built house (2025)

#298 House under construction on land that has Part V attached, with no further room for expansion

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.

The property has been used continuously for sheep grazing from before purchase by my parents in 1946, and continues as such, together with neighbouring properties that agree to have sheep grazing for control of vegetation for bushfire issue. Sheep grazing was approved in the environmental report attached to our DA at the time of subdivision! Associated with the house are outbuildings including a shearing facility. There is further potential for fruit trees and perhaps vineyard, but the property is primarily for residential purpose.

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].

Overlays proposed for this property appear to be:-

C7.0 Waterway and Coastal Protection Area

C7.0 Priority Vegetation

C10.0 Coastal Erosion Area

C13.0 Bushfire-Prone Areas

C15.0 Landslip Hazard

My property is outside the Scenic Protection Area (SPA), but is subject to the NAC / PVA overlay, which manage landscape values, without the need for the more restrictive LCZ.

Other than some trees adjacent to the southern boundary and some coastal foliage on waterway reserve, my property consists of open grassland, on which my house and outbuildings plus lawn/garden are situated.

This section begs the question “What are the Landscape Values

being considered in classification of this property - and who would make the judgement in this decision, at KC level?"

The major bushland on our family's original property was always on the western side of Tinderbox Rd – now referred to as "Tinderbox Hills" - and recognised as Priority Vegetation.

The DA for my property, approved in 2024, already establishes the landscape outcome without the need to become more restrictive.

An issue that has not been referenced is the availability of water. The many animals and birds that inhabit the Tinderbox Hills and across properties lower down, all rely on water collected in numerous man-made water holes. Without these environmental changes, these creatures would not survive the dry conditions.

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 is 1.86 ha – and as a result of subdivision approval with new title 180618/3 - Issued on 19/04/2019 there is no more sub-division possible.

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.



Image is of 296 - centre with light colour roof . Viewed from Tinderbox Road.
Note minimal impact on water view.

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 page 174 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.”

I must point out that the viewpoints referred to only exist because of clearing of tree growth in earlier years (before ownership by my father). The eastern side of Tinderbox Road (downhill or water side) through what the report

refers to as Tinderbox East, in this area remains much the same as it did when Ted Hale Snr purchased the property in 1946. With original tree coverage (or subsequent re-growth) most of these views would be blocked!

A good example of this exists at Fort Pierson Reserve. At the time when KC acquired this land as part of public open space taken by KC when Ted Hale Snr first began subdividing some lots off his farmland in the 1960's, this site had extensive and clear views extending more than 180 degrees over North West Bay, D'Entrecasteaux Channel, Bruny Island, Storm Bay, Tasman Peninsula, The Iron Pot, South Arm, the Eastern shore of Hobart, Mt Nelson and Mount Wellington. Now most of that view is blocked by tree growth!

Another example is the historic site of Mt Louis (where the relics of the signal station remain on the reserve) also taken by KC as Public Open Space in the 1960's, where again tree growth blocks the majority of the view. In the early days of Tasmania, this was a semaphor station, with clear line of sight to similar stations on Tasman Peninsula and atop Mt Nelson.

Neither Fort Pierson/Pierson's Point Reserve, which marks the location of military defence forces for the defence of the Derwent during the Second World War or Mt Louis appear to have been recognised in the Ireneinc Report in wording.

There are significant views from the road overlooking my property to the Derwent River, Storm Bay and South Arm . However there is a significant drop in altitude from the road and the house and outbuildings are within the outline of land beyond – not projecting into the water view.

Looking from the Derwent River, the view low down is of the cliff front and grassy slopes with my house, built from timber “fitting perfectly with the surrounds” (a comment made by many visitors!

Above and beyond my property the view from the water is of the bushland of Tinderbox Hills, (part of the original property of Ted Hale Snr).

The high value vegetation along the ridge of Tinderbox Hills, was sold by my sister Diana West to the Tasmanian Land Conservancy in 2019 (PID: 9980240). This land, in the care of TLC , also does not appear to have been identified as any kind of reserve by Ireneinc., in their report.

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.

My property supports farm activity. I own and graze sheep across my property – and with permission of owners, my sheep graze on a number of nearby properties. I also have a shearing facility on my property.

In this area along Tinderbox Rd are properties with goats and chickens plus an olive grove and other properties have chickens and sheep plus some small vineyards All of these properties are primarily residential.

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.

It seems that the entire basis for Ireninc pushing for LCZ as zoning for my property and others along Tinderbox Rd on the Eastern side of the peninsula is Landscape Value. Whilst acknowledging that we live in a wonderfully scenic area, it is, in large, part what the various owners have done by way of improvement that has made the land attractive. The views beyond these properties of water or background hills and treelines will not be altered by zoning. My property in Tinderbox East is directly comparable to properties in Tinderbox West where RLZ was recommended. Both areas share the characteristics of lot sizes and settlement pattern.

The issue of allowable building height should be part of the DA approval process – and as such should actually be a non-issue!

While there are some significant landscape values, the properties on the East, including my house, do not impact them – certainly no more than they would if the properties were zoned LCZ. There is no principled basis on which to treat property on the East differently to that on the West.

The Ireneinc representative acknowledged 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 two large parcels is an exceptionally consistent large-lot residential cluster!

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.

The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, whilst the eastern side should transition from ELZ to LCZ.

There is no justification for this difference, as Ireneinc itself describes the peninsula as a whole as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape".

The already established pattern of land use does not warrant the excessive imposition of further controls!

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.

Whilst there are no adjoining properties immediately adjacent to mine () with proposed zone LCZ, the entire cluster of adjacent properties *shares the same lot size, settlement character, and land cover, with those in West Tinderbox that been recommended for [RLZ]. There is no identified difference in*

landscape values, vegetation cover, or development history that would justify the different treatment of my property.'

D5 — Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a significant evolution — and inconsistency — in Council's approach to the application of the LCZ to ELZ land. At the time the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC noted that this approach was often inconsistent with the Zone Guidelines and that 'often when assessing particular sites the zone proposed does not seem to match these criteria or those of Guideline No.1.' By the time of public exhibition the proportion had been reduced to approximately 75%, with the balance transitioning to RLZ, RZ, and other zones.

This history demonstrates that the initial presumption in favour of LCZ was not well-founded and that the LCZ application has been progressively narrowed as the evidence base has been tested. The Ireneinc report represents a further iteration of this process, but where the evidence specific to my property supports RLZ, the LCZ recommendation should not be allowed to stand.

The Ireneinc Report identifies RLZ category be applied to land to prevent the risk of further subdivision. Virtually all of the original property of Ted Hale Snr (comprising all of the southern half of “Tinderbox East”) is already subdivided as much as current regulations allow – which should eliminate any justification for LCZ zoning.

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

This property has already been subjected to stringent assessment through the DA process for “Change of Use” of the building that is now my house, with approval granted in 2024. LCZ would not provide further protection.

The Ireneinc representative acknowledged that the principal (only) concern with RLZ was that it allowed a higher building limit, but Priority Vegetation overlay already provides protection – in that it would trigger a discretionary application, to be assessed against the performance criteria of the Natural Assets Code – and RLZ's own performance criteria.

The response of the TPC panel to Ireneinc's justification for LCZ classification is the absence of the Scenic Protection Area overlay along the East Tinderbox coastal area. The point was made that the appropriate response under the TPS framework would be to extend the Scenic Protection Area — not to impose a more restrictive zone.

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.

Point 1:- The absence of a SPA overlay is covered by a Priority Vegetation Overlay, but the absence of a SPA overlay should be corrected by extending the overlay - not by using a more restrictive Zone.

Point 2:- The higher building height allowance in RLZ (8.5M) to LCZ (6.0M) – should not apply to my property.

The height difference should be addressed through acceptable-solution protocol and is further controlled by the Natural Assets Code (invoked by the Priority Vegetation Area Code), and by the Waterway and Coastal Protection Area Code and should be of minimal concern.

Point 3:- – 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.

As mentioned in D.5, virtually all of the original property of Ted Hale Snr (comprising all of the southern half of “Tinderbox East”) is already subdivided as much as regulations allow – which should eliminate justification for LCZ zoning. The majority of these properties are in the 1 to 15 ha size.

There is an internal inconsistency with the Howden and Blackmans Bay recommendation, whereby Ireneinc’s Ms Heckelmann conceded the landscape values were "not necessarily very different". 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

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific comparison rows identified above, which demonstrate that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

PART E — LOCALITY-SPECIFIC CONTEXT

My property is located in what Ireneinc Report refers to as “Tinderbox East”.

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.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the Rural Living Zone [specify subcategory A/B/C/D];
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

For the reasons set out above, I respectfully ask the Commission to direct that my property, Title 180618/3 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 A, in the Kingborough Local Provisions Schedule reflecting 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: 3/05/2026
Full name: Edward Officer Hale	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 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 Tinderbox Road; 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
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 1.86 ha within a cluster of 20 plus properties with lot sizes ranging from 0.65 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 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: Edward Officer Hale <i>EHale</i>  Full name:	Date: 3/05/2026 Contact email / phone:
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Attachment B

SUBMISSION IDENTIFICATION

Submission reference	Edward Officer Hale [REDACTED] — Direction 69
Property title reference	180618/3
Locality	Tinderbox
Submission template used	Template T1 — Contest LCZ, seek RLZ
Date of attachment preparation	3/5/2026

To the Tasmanian Planning Commission:-

I have written 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 ask that the TPC panel also read the following information, as there does not appear to be any other way this information can be aired – and I post this on behalf of the many property owners throughout the Kingborough Municipality who have experienced severe frustration with KC and Planning in particular!

The issue we are dealing with is not a new one. Many property owners have expressed frustration at the excessive use of “regulations” by KC Planning to prevent reasonable use of privately owned land.

My family has owned property in Kingborough for more than 75 years – and has had to deal with KC over issues of land use for the recent 60

years. Over the past 20 years it has become a nightmare – and the major issues have involved the Planning Department.

Throughout our lives, opportunities arise at specific times which may not be repeated - “Sliding Door Moments”. I see this as one of those!

It is not just about getting the zone changed to the more appropriate Rural Living Zone (in our case) – but just as critical, or perhaps more so – is the imposition of the overlays – which tend to be obscure – and the interpretation can deviate significantly from the intended format. The use of words such as “discretionary”; “Substantially compliant”; and “Directors determination” appear regularly and seemingly give council officers power to adjust the regulations to suit there own agendas.

And it is somewhat of a lottery as to who will be adjudicating on any issues that arise!

A scenario whereby the more restrictive LCZ is imposed on a property and then policed by an overzealous planniung officer with their own agenda or interpretatiion would be an absolute duisaster!

The State Planning Office repeatedly encouraged KC to reduce LCZ application, but just like in hearings, they stuck to their guns.

The Planners received massive community feedback in 2022 and 2023. They were adequately warned and informed. They had every opportunity to fix it.

At TPC hearings, KC planners stated that the cost (to the landholder) was not their concern – and they showed no incination to alter their stance on the issue, even when prompted by the TPC.

I made the following (anonymous) post on facebook on 24th October 2025

“A major issue faced by landholders is the requirement to submit reports to support a Development Application – such as Planning; Environmental Values; Fire; Plumbing (waste water); Surveyors etc.

These reports all have to come from outside of council, but the persons compiling the reports have come to know what the KC Planning department will allow – and so the requirements become skewed in favour of KC rather than the landholder. And as time has gone by, KC Planning have become more restrictive – to the detriment of land owners!

Even though landholders pay very significant accounts for each of report, it is as though the report authors frequently do the bidding of KC Planning – otherwise they know the DA will be refused.

People ask “why is this such a big issue in Kingborough, when other councils in Tasmania have already dealt with rezoning without the same level of anxiety or conflict?”

KC Planning and council officers themselves have been in denial, with claims “this never happened”; “people misunderstood”; “those figures are grossly exaggerated” - but the sheer volume of complaints about negative experiences of land holders highlights the extent of the problem!

The problem for all who have had to deal with this distressing situation is that it is so time-consuming (think years); so expensive; so energy sapping and so distressing, not to mention the concern over possible vindictiveness from KC staff – that rather than “take on the council head-on”, they have opted for quiet concession. Perhaps this has fuelled the fires within KC planning!

If privately owned land is to be rezoned to the detriment of the owner, Kingborough Council or State Government should be required to either purchase the land from the owners or pay appropriate compensation – exactly as would happen if the land was to be acquired for a highway!”

This post drew the following response by private planners (name supplied).

“ These reports all have to come from outside of council, but the persons compiling the reports have come to know what the KC Planning department will allow – and so the requirements become skewed in favor of KC rather than the landholder. And as time has gone by, KC Planning have become more restrictive – to the detriment of land owners!”

Speaking as the provider of one of those services you mention, yes, I can confirm that this is 100% correct.

However, what would the client have us do? Produce a design or report with recommendations that we know would sail through any of the other 28 Councils

in Tasmania but hit the Planning Dept rocks in Kingborough and finish up with a blizzard of RFIs or ultimately refusal?

As a service provider, I want to avoid having to go back and spend several hours to rewrite a report, either working for nothing or at extra cost to the client.

We know that most of it is bullshit but that's the environment we're working in.

Most clients just want to do whatever is necessary to get their new house approved and built; they don't want to have prove a point by spending \$10,000 - \$20,000+ paying a lawyer to take their case to TASCAT."

And a second response (also name supplied)

"I agree 100% with what (name supplied) said. As a provider of consultant reports, I too have had to compromise to get my report approved by the planners (no problem with Environmental Health dept)."

Background:-

My family has been associated with this area since 1946, when my parents purchased our sheep grazing property, which they named "Alderley".

This property (together with a parcel of land added by my uncle (Harold Hale) Including Mt Louis), had an area of 640 acres covering both sides of Tinderbox road, from the Derwent shore line to the ridge line along the top of Tinderbox Hills - extending from the boundary with "Tinderbox" sheep property (above the Pilot Station houses) 3.5 kms along Tinderbox road to the north towards Blackman's Bay (all properies from [REDACTED] plus those on Mt Louis Rd) I.e the majority of what is now being referred to as "Tinderbox East". I have been the conduit for 21 landowners in this area through Josh Graeme Evans (Rep 198). Virtually all of these own properties which were part of our original farm Most of our property has now been divided into smaller lots and new owners are facing the same issues that we face - rezoning to LCZ.

My father, Ted Hale Snr, found himself having to subdivide the 640 acre farm land in the later 1960's, when the size of the property for sheep would not fully support the family. The minimum size of lots was 5 Acres (2.02 Ha)

In the course of these subdivisions, he had come to an agreement with Council that he would give 2 areas larger than normally required as public open space; (council wanted these specific areas) in return for which, no further public open space would be required for later land divisions.

Ted Hale Snr died suddenly in 1993 and since then we (Hale family) owned a number of parcels of land along Tinderbox Road, including 2 large parcels on Tinderbox Hills and 4 smaller parcels on the river side of Tinderbox Road. We continued to use the land for primary production, in addition to our individual income producing activities.

We began informal discussions with KC during 2005 and 2006, concerning the future of the remaining land – and further sub-division. We had expected to be able to further subdivide the largest two parcels, and to be able to re-align the boundaries and reduce the size of blocks we owned

Following these initial discussions, with Council, we appointed PDA, Kingston – to act as our advisors /representatives – and met to discuss the requirements for sub-division on 8th January 2007.

As a result of the first meeting, PDA met with Council on 8th February 2007. PDA continued to liaise with council on our behalf – at numerous meetings, throughout the process over the following 12 years. Some of this discussion involved granting KC a public right-of-way through our Tinderbox Hills land to complete the Tinderbox Hills walking track. We were happy to do this, subject to some concerns of our own being resolved.

Under the Kingborough Planning Scheme 2000, in force at the time, the subject site was zoned as ‘environmental management’ on the western side of Tinderbox Road and as ‘primary industries’ on the eastern (lower) side of Tinderbox Road. These zonings allowed for some subdivision within the environmental management zone (subject to conditions), but none was permitted in the primary industries zone.

I had a significant bank loan secured by mortgage on my property and was expecting to be able to clear that once our DA was approved. Little did I know that the process was destined to take so long and end in rejection!

After 7 years involving discussion with Council we had made no progress, other than having incurred various and significant expenses. During this time, we encountered a “moratorium on development” in Kingborough whilst waiting for the “Statewide Planning Scheme” to be fully developed. We were advised that any decisions would be subject to the Planning Review which had been underway for some years.

There was further delay – during which KC would not accept DA's - until 1st July 2015, when the “interim planning scheme” was adopted and came into force in Kingborough, placing the entire subject land under the Environmental Living zone.

Our consultants completed these appropriate reports in light of the new zoning and we lodged our first DA on 29th February 2016 – a delay of nine years after we first discussed process and requirements with KC.

Following a total of 8 “Requests for Further Information”, KC finally accepted the project - whereby we were able to create an 8 lot subdivision over our remaining property and it was advertised - in October 2017.

With this subdivision, some of the lots to the east of Tinderbox Road had Part V agreements attached.

No representations were received on our DA when reps closed on 18 October 2017. Then we struck a major obstacle in the form of an 11th hour report, submitted under dubious circumstances - by Dr Sally Bryant from the Tasmanian Land Conservancy to inspect our site and give a report on finding a significant number of Forty Spotted Pardalotes and stating that construction of the two cabins as per our DA would be detrimental to their survival.

Our environmental consultant indicated that “this pretty much kills the accommodation option”. As “the National expert on this species I think her advice would be adopted by the Commonwealth and certainly by the council planning officers. “

We had to abandon that DA – and set about compiling a totally different DA – submitted on our behalf by PDA and with all appropriate reports (compiled at very significant cost) attached. This DA was finally approved in 2019 – some 12 years after we began the process!

The cost to our family was severe – not just financially, with all the extra fees and reports etc plus other costs such as bank interest accumulated over many years waiting for the elusive planning scheme – but also emotionally.

While we achieved a limited subdivision, the Hale family feel we have been substantially short-changed over many years and numerous dealings with Kingborough Council – and Planning department in particular.

Zoning changes were made without reference to the landowners – so this is not a new problem!

Zoning changes in the year 2000 and again in 2015 had reduced the possible number of lots from 32 (5 acres minimum) to 16 lots (5 Ha minimum) down to 8 Lots (10 Ha Minimum).

Following an extended subdivision process, we still retain a relatively small number of sheep, which graze across a number of different holdings, keeping grass down to safe levels with regard to bushfire considerations. In drier periods, more properties share in this process, as pasture becomes more scarce. There is also the possibility to plant a limited number of fruit trees and perhaps grape vines.

Considering any or all of these activities, this property is ideally suited to Rural Living classification.
The suggested Landscape Conservation Zone is a major departure from the existing land use.

Yours Faithfully,

A solid black rectangular box used to redact the signature of Edward (Ted) Hale.

Edward (Ted) Hale