
From: Martyn Bradfield [REDACTED]
Sent: Monday, 4 May 2026 6:56 PM
To: Kingborough LPS
Cc: Ray Littlefield; Martyn Bradfield
Subject: Submission of objection
Attachments: 540 TPC submission 4th May 2026.pdf

Attention: Nick Heath Delegate (Chair)

Please find attached our submission in response to your letter dated 2nd April 2026

Regards

Martyn Bradfield and Raymond Littlefield

To the Tasmanian Planning Commission (TPC)

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

We previously made a representation on the draft LPS. We understand that our representation has not yet been heard and will be heard at a future hearing. We understand that this letter provides us the opportunity to make a further written submission specifically in relation to the Ireneinc recommendations, and that we may speak to this submission when we appear before the TPC.

We take up that opportunity and submit as follows.

Landowner name(s)	Martyn John Bradfield and Raymond Otis Littlefield
Property address	██████████
Title reference (folio)	██████
Lot size (approx.)	20 Hectares
Locality	Nierinna Margate
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) — D

We submit that the application of the Landscape Conservation Zone (LCZ) to our 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 (LPS): Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

We request that the TPC determine that the Rural Living Zone (RLZ) is the appropriate zone for our property under the draft Kingborough LPS.

The specific subcategory we seek is Rural Living Zone D (minimum lot size 10 ha) — reflecting the existing lot pattern in our locality.

We had a representative attend the latest hearing days, and what a disappointment. A process was outlined, timeframes were explained and then not followed.

The Kingborough Council (Council) basically through all responsibility to Ireneinc and then their representative. Who to her credit soldiered on, but then it was punctured with 'I', or my opinion. This doesn't wash or meet the pub test. Let alone be a fair and transparent process.

So, TPC approves a change to 1200+ property zoning on a persons opinion? And then Ireneinc didn't have time to actually follow their own recommended decision framework or validate their assumptions. This is unacceptable and does not meet due diligence. And don't even consider our previous representation?

Personally our families have invested 35 years into looking after and improving our rural environment and we do it for our next generations. To limit the future generations capacity to live here in this rural residential environment is not reasonable.

We are surprised and disappointed with this process and presentation. A whole day spent justifying a decision framework that was then inconsistently applied. A risk management framework not agreed or clearly established and then inconsistently applied.

We bought a rural living property as an investment for the future and residential living.

We do not accept the current recommendation.

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]. We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

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

The adjacent properties all meet the criteria for Rural Living.

The property has been used for forestry, has been burnt in multiple fires has potential for residential use. For our property to not be zoned consistent with adjoining properties given the demonstrated use and intention is, quite frankly unreasonable.

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 Tasmanian Planning Commission (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 our property. The Ireneinc report applies the LCZ to our property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to our title. As noted in the hearing of the Ireneinc report, having attended two days, the compiling of the report was a desktop exercise, so the findings have not been validated and therefore cannot be trusted. As noted in our prior submission, which does not seem to have even been considered in the Ireneinc report.

We attended the April hearings of the TPC and quite frankly it was underwhelming. The comment by the chair multiple times was "we want a fair and transparent process", which is good, this process isn't though.

The hearings clearly demonstrated that for properties like ours a rural living zone would be more appropriate and any landscape values could still be managed effectively with current provisions / overlays.

Applying the Ireneinc report decision tree for zoning applied correctly to our property it clearly meets RLZ criteria, so why wasn't their recommended process and framework applied to our property?

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

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. Our property satisfies both elements of this criterion.

The Ireneinc evaluation framework, applied correctly to our 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, we submit that even applying the framework as intended, our property satisfies the criteria for RLZ rather than LCZ.

Our 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. Our property clearly satisfies this criterion.

This 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 our property displays these characteristics.

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].

Our property has plenty of natural vegetation this does not require or meet LCZ.

The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ [D] to our property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot size and anyway viable subdivision pathway will be subject to Council approval.

The TPC panel's own statements support RLZ for properties like ours

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 our property. These statements were made by TPC Commissioners and are on the public record.

The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The TPC is not bound by its application in any individual case and must assess our property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

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 TPC has not yet determined what weight to give these ratings. Where the risk rating applied to our locality is low, medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

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.

As noted above, there is historical demonstrated both rural, forestry and residential use on this property. Kate Heckelmann (Ireneinc), acknowledged given the timeframes we did not validate our findings, only a desktop exercise. Therefore, the findings and recommendations are not consistent with a fair and transparent process.

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 TPC.

As previously noted, our closest adjoining properties are or ought to be zoned rural living. There is no principled basis to treat our property differently.

Consistency and fragmentation arguments

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 our 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.

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 our property is inconsistent and not supported by evidence of any material difference.

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 our property supports RLZ, the LCZ recommendation cannot be allowed to stand.

Any landscape values present can be managed without LCZ

Where landscape values are present on or near our property, we 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 our property.

We and previous owners have been managing under the current overlay controls to look after any landscape values for decades, so there is no justification for LCZ.

Inconsistency in the Ireneinc evaluation framework

A formal inconsistency analysis has been prepared and can be provided. 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 analogous 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 for other localities like ours.
- 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 our 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.

We request that the TPC actually follow due process and be clear, fair and transparent. The inconsistency is not fair. If we were applying this process to industrial risk management it would be stop work and sort out the process.

CONCLUSION AND RELIEF SOUGHT

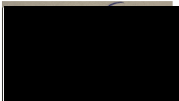
For the reasons set out above, we submit that:

1. The application of the LCZ to our 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 our property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone [D];
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

We request that the folio of the Registered Title [REDACTED], [REDACTED] be included in the Rural Living Zone in the Kingborough Local Provisions Schedule.

Signed:   <i>Martyn John Bradfield & Raymond Otis Littlefield</i>	Date: 4th May 2026 Contact email / phone: [REDACTED]
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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