
From: Evan Brightman [REDACTED] >
Sent: Monday, 4 May 2026 5:46 PM
To: Kingborough LPS
Subject: Submission Kingborough LPS Direction 69 - [REDACTED] Flowerpot Tas 7163
Attachments: TPC Submission T3 Loani Brightman [REDACTED], Flowerpot, Tasmania.
7163.pdf; Attachment A TPC Loani Lea Brightman [REDACTED] Flowerpot
Tasmania 7163.pdf; IMG_5693.jpeg; IMG_5694.jpeg; IMG_5695.jpeg; Attachment B.jpg;
Other-Comments.docx

To the TPC,

This email is to provide information regarding the LCZ/RZ zoning Kingborough Council Direction 69 is looking to impose on the community.

Address: [REDACTED], Flowerpot, Tas, 7163
Portfolio: [REDACTED]

Attached to this email is:

TP3 letter in response to the Irenenic Report

Attachment A

3 photos' showing the residential dwelling on the property [REDACTED], Flowerpot, Tasmania, 7163

Attachment B

Other Comments

I would also like to advise the postal address for any correspondence by mail or e-mail:

[REDACTED] Woodbridge, Tas, 7162 or
[REDACTED] Woodbridge, Tas, 7162

Email – [REDACTED] and include [REDACTED]

Please advise if any further information is required.

Thanks in Advance

Loani - Lea Brightman

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 be included within the Rural Zone (RZ) under the draft Kingborough Local Provisions Schedule (LPS), rather than remaining in the Landscape Conservation Zone (LCZ) as exhibited. 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. I take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Landowner name(s)	Loani-Lea Brightman
Property address	[REDACTED] Flowerpot, Tasmania, 7163
Title reference (folio)	[REDACTED]
Lot size (approx.)	6.8Ha
Locality	Flowerpot ...
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Rural Zone
Zone sought in this submission	Rural Living Zone (RLZ) — specify subcategory below

PART C — STATEMENT OF POSITION

I welcome the Ireneinc recommendation to move my property away from the Landscape Conservation Zone (LCZ) as exhibited. The LCZ is not an appropriate zone for my property and I am pleased that the review has recognised this.

However, I do not consider the Rural Zone (RZ) to be the most appropriate outcome. I submit that the Rural Living Zone (RLZ) better reflects the existing use, settlement character, and residential intention of my land, and is more 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), and the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the RLZ is the appropriate zone for my property under the draft Kingborough LPS.

The specific RLZ subcategory I seek is:

- Rural Living Zone C (minimum lot size 5 ha) — reflecting the existing lot pattern in my locality

Gallaghers Road has approx. 27 blocks of which 19 are 15ha or under in size. My property at [REDACTED] Flowerpot is approximately 6.8 ha, and is consistent with RLZ C.

PART D — GROUNDS FOR THIS SUBMISSION

D1 — RZ does not adequately recognise the residential character of my property

While I welcome the Ireneinc recommendation to move away from LCZ, the RZ purpose is directed at land in non-urban areas where agricultural use is limited or marginal and where the primary function is rural rather than residential. The RZ does not give priority to residential amenity and treats dwellings as a discretionary use that must demonstrate compatibility with surrounding rural activities.

D1.1 — The RZ purpose does not reflect the primary intention of my land

The purpose of the RZ (Zone Guidelines, clause 20.1.1) is to provide for use or development in a rural location where agricultural use is limited or marginal, that requires a rural location for operational reasons, and that minimises adverse impacts on surrounding uses. While my property is rural in setting, its primary existing and intended use is residential — not agricultural or resource-based. The RZ does not give priority to the protection of residential amenity in the way the RLZ does.

My property contains a dwelling constructed in 2021, completion provided by Council in 2021. This property has been continuously occupied as a primary residence for myself and my family. During our tenure, the primary use of the land is and has always been residential living, with gardens areas, we enjoy the local wildlife, who are able to roam the property freely. To access the property, we have gone to minimal impact lengths to allow easy access while maintaining the Rural living lifestyle.

D1.2 — The RLZ purpose more accurately describes my property

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 is a precise description of my property. Zone Guideline RLZ 2(b) further confirms that the RLZ may be applied to ELZ land where the primary strategic intention is for residential use and development within a rural setting.

Our property is used primarily as a residence. On our property we are currently working through establishing a veggie garden and fruit tree's. My shed provides a work shop area to maintain equipment and work space area. There is an area for our family pets to be able to be outside integrating with local wildlife. This mix of residential use with lower-order rural activities is precisely what RLZ 1(a) describes.

D2 — My property satisfies the Ireneinc criteria for RLZ, not merely RZ

The Ireneinc evaluation framework identifies specific suitability indicators for RLZ, including: evidence of residential use; a settlement pattern of 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. My property and the surrounding settlement satisfy these indicators, which is why RLZ — not RZ — is the appropriate outcome.

D2.1 — Residential intention is clearly established

The Ireneinc framework's first decision point asks whether there is a strategic intention for residential use. My property clearly satisfies this: it contains an established dwelling, has been occupied as a residence, and the ELZ under which it has operated was a residential zone that permitted dwellings as of right.

Our property contains a house constructed in 2021, with shed and outbuildings. It has been continuously occupied as a primary residence, family home. There is no ambiguity about the residential intention of this land. Kingborough Council approved the residential dwelling to be built on as per DA and BA process under the ELZ guidelines.

D2.2 — Rural living settlement characteristics are present

The Ireneinc framework requires evidence of a rural living settlement pattern: at least 10 smaller blocks generally ranging 1–15 ha with a consistent lot pattern, detached dwellings with outbuildings, and rural activities. The broader settlement in which my property sits clearly displays these characteristics, as confirmed in the Ireneinc Locality Report for my area.

My property is part of a cluster of over approx. 11 residential properties along [REDACTED], the properties are approx. 15 ha and below in size. Each property contains a dwelling with associated outbuildings. This settlement has been established since 2021 approx. and is characteristic of a rural living settlement. The Ireneinc report has missed this as has Kingborough Council, the properties along [REDACTED] do qualify as a Rural Living Settlement as I understand it.

D2.3 — RZ was applied to resolve fragmentation, not because RLZ is inappropriate

The Ireneinc report applies RZ in some localities primarily to avoid fragmented LCZ application and to reflect the Rural Resource Zone under the KIPS2015 — not because the land lacks residential character. The modifications table in the Ireneinc Locality Report confirms that RZ was considered 'another alternative in place of RLZ' in some instances, not necessarily the preferred outcome where residential character exists. Where my property has residential characteristics, RLZ is more appropriate than RZ even where Ireneinc defaulted to RZ for administrative consistency reasons.

The Ireneinc report applied RZ to my property primarily because it was previously zoned Environmental living. It is in a broader cluster that also includes other residential dwellings on the [REDACTED] area. These reasons do not override the residential character of my specific property, which clearly satisfies the RLZ criteria, including neighbouring properties of same or similar values.

Whilst the report has advised no settlement criteria met on [REDACTED] Flowerpot, we do have 10 + properties that would meet the criteria of RLZ based on the residential settlement being satisfied.

D3 — TPC panel statements from the hearing support RLZ over RZ

D3.1 — RZ was described as an alternative to RLZ, not a preferred outcome

The Ireneinc modifications consistently note that 'RZ should be considered as another alternative in place of RLZ, potentially as being more suitable than LCZ in some instances.' This framing makes clear that RZ is a fallback — not a preference over RLZ — where residential settlement characteristics do not clearly establish RLZ. Where those characteristics are present, as on my property, RLZ is the preferred outcome.

D3.2 — Ireneinc recommended full RLZ transitions for comparable localities

The Ireneinc report recommended full ELZ to RLZ transitions for 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. In each case, the key factors were: established residential settlement pattern, lot sizes consistent with RLZ subcategories, and absence of significant landscape values on individual titles. My property shares these characteristics.

My property in [REDACTED] Flowerpot is directly comparable to properties in Kettering East, where Ireneinc recommended a full ELZ to RLZ transition. Both areas share: similar Ha sized blocks, established residential settlement, absence of significant landscape values on individual titles. There is no principled basis for applying RZ to my property rather than RLZ.

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 across Howden, Albion Heights, and Kingston West. Properties do not need to demonstrate active farming or grazing — residential use in a rural setting is sufficient. The absence of active agricultural use on my property does not preclude RLZ.

D3.4 — 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 must assess my property against the Zone Guidelines, not the Ireneinc framework alone. Where the framework defaults to RZ but the Zone Guidelines support RLZ, the Zone Guidelines prevail.

D4 — The RLZ subcategory provides adequate protection of landscape values

The Ireneinc report and the Zone Guidelines both identify the risk that RLZ could enable further subdivision that might adversely affect landscape values. However, this risk is addressed by selecting the appropriate RLZ subcategory. Zone Guideline RLZ 2(b) specifically contemplates applying RLZ D (minimum 10 ha) to ensure no further subdivision occurs where lot sizes are large. Similarly, RLZ C (minimum 5 ha) or B (minimum 2 ha) can limit subdivision where current lots are in that range.

My property has an area of 6.8 ha. Under RLZ C, the minimum lot size is 5 ha, Subdivision would not be possible addressing any concern about intensification of landscape values.

Furthermore, where landscape values exist in the broader locality, they can be appropriately managed through the Natural Assets Code (NAC), the Priority Vegetation Area (PVA) overlay, and the Scenic Protection Code (SPC). Ireneinc's position was that landscape values can be managed through overlays. The Commission has not yet determined this matter. [02:33:54], finding that overlay controls do the landscape-protection work, not the zone itself.

My property is not within a Scenic Protection Area (SPA). The NAC/PVA does not apply. These controls, combined with the RLZ minimum lot size, provide sufficient protection of any landscape values without requiring RZ.

D5 — Consistency with comparable properties and localities

Applying RZ rather than RLZ to a property with clear residential settlement characteristics creates an inconsistency with comparable properties in the municipality that have been recommended for or confirmed in RLZ. Where neighbouring or nearby properties with substantially similar characteristics — lot size, existing dwelling, rural setting — have been recommended for RLZ, there is no principled basis for treating my property differently.

The property at [REDACTED] which is immediately adjacent to mine and shares a similar lot size, dwelling, and rural setting, has been recommended for RLZ. The Ireneinc report does not identify any difference between that property and mine that would justify the different zoning outcome.

D6 — 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 Priority Vegetation Area 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 — Flowerpot section, the comparison with Kettering East shows that Ireneinc applied near-identical landscape value descriptions and settlement findings to both localities yet recommended [LCZ] for Flowerpot and [RLZ] for Kettering East. The sole differentiator cited does not apply to my individual property because inconsistencies have been identified at the Flowerpot locality level in section D6; and

- detailed evidence as it relates this individual property is provided in D1.1.

In summary, the characteristics of this property are consistent with similar localities that received RLZ (such as Kettering East) and are not consistent with the reasons cited by Ireneinc for LCZ retention.

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

Flowerpot Tasmania 7163

The Ireneinc report recommends Rural Zone for Flowerpot. I submit that these reasons do not override the residential character of my specific property, we are connected to other properties of similar construct that are RLZ. The easement that has the access to our property is RLZ, there is nothing different about the easement to the residential area. We have no endangered species, tree types on our property as advised in the Environmental report as per building process.

Properties immediately surrounding mine are zoned RLZ under the draft LPS. A number of adjacent properties have been recommended for RLZ. My property shares their characteristics and should be zoned RLZ.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. While I welcome the Ireneinc recommendation to move away from the LCZ, the RZ does not adequately recognise the established residential character of my property.
2. My property satisfies the criteria for RLZ under Zone Guidelines RLZ 1(a) and RLZ 2(b): it is a residential property with larger lots in a rural setting, with a mix of residential and lower-order rural activities, and the primary strategic intention is residential.
3. The appropriate RLZ subcategory for my property is RLZ [A/B/C/D], which reflects the existing lot size and settlement pattern and does not create a pathway for further subdivision.
4. Any landscape values in the broader locality can be appropriately managed through existing overlay controls — NAC, PVA overlay, and SPC — in combination with the lot size controls of the RLZ subcategory, without requiring RZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the RLZ C; and
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

I request that the folio of the Register [REDACTED] at [REDACTED] Flowerpot, be included within the Rural Living Zone [C] in the Kingborough Local Provisions Schedule.

The above property does not have “heavy vegetation” as advised in the Ireneinc Report page 327 (3.8.2.1), the Vegetation is of similar make up to properties bordering the are RLZ.

Rural property owners provide a significant free workforce to manage areas on the interface of bush, coast, country and town. They need to be able to continue to mitigate natural disaster, care for native species, maintain trails, carriage ways and fire access, and remove invasive pests, which is a risk in LCZ/RZ zoning.

Our efforts not only help to keep us safe, they help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all. This work cannot be replaced by Council staff or State Parks and Wildlife Services. This is why the only logical outcome is for our property to be RLZ

Signed:

Date: 3.05.2026

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)
KIPS2015	Kingborough Interim Planning Scheme 2015
LCZ	Landscape Conservation Zone
Locality	Mean the relevant locality as defined in the Ireneinc report
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	Loani-Lea Brightman — [REDACTED] Flowerpot Tasmania 7163 — <i>Direction 69</i>
Property title reference	[REDACTED]
Locality	Flowerpot ...
Submission template used	Contest RZ to RLZ
Date of attachment preparation	03/05/2026

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 — PROPERTY-SPECIFIC DIFFERENTIATION

Within this submission:

- inconsistencies have been identified at the Flowerpot locality level in section **D6**; and
- detailed evidence as it relates this individual property is provided in **D1.1**.

In summary, the characteristics of this property are consistent with similar localities that received RLZ (such as Kettering East) and are not consistent with the reasons cited by Ireneinc for LCZ retention.

PART 5 — 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)

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:



Full name:

Date:

3/05/2026

Contact email / phone:

STRLUS CV 4.1: No Community Consultation on Landscape Values

Council and Ireneinc rely on STRLUS CV 4.2 and CV 4.3 to justify applying LCZ to ELZ land in preference to RLZ — arguing that LCZ is necessary to ensure the key values of regionally significant landscapes are not compromised by development.

Before CV 4.2 and CV 4.3 can be engaged in this way, the foundational sub-policy CV 4.1 must be satisfied.

CV 4.1 requires State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values. The significance of the landscape values Council seeks to protect through LCZ must first be established through that agreed criteria process.

No independent community consultation on landscape significance criteria has been conducted in Kingborough.

CV 4.1 was designed to address a recognised gap: the STRLUS narrative identifies 'the limited understanding of cultural landscape values and the lack of an overarching policy with respect to determining relative significance' as an existing problem at the time of the strategy's publication. The landscape significance determinations underpinning the LCZ recommendations were made by Council without community input on the criteria used.

The community's assessment of these landscapes, as expressed in exhibition representations, consistently identified residential use as the primary land use and the Scenic Protection, Priority Vegetation and Natural Assets codes as adequate for landscape value protection. That is the only available community evidence on the significance question, and it does not support the criteria Council applied.

Road Access Concerns

A material consequence of the proposed LCZ application is its interaction with the dwelling access standard in the State Planning Provisions.

SPP clause 20.4.3 requires, at both the Acceptable Solution (A1) and Performance Criterion (P1) level, that new dwellings have frontage or legal access — by right of carriageway — to a road maintained by a road authority. Under the SPPs, a road authority means, for local roads, the relevant council under the Local Government (Highways) Act 1982. Private access tracks, unvested Crown roads, and rights of carriageway over third-party land do not satisfy this definition, regardless of their physical adequacy or length of use.

Under KIPS 2015, this constraint did not exist. The ELZ expressly accommodated access via private rights of carriageway of no less than 3.6 metres, with no requirement that access terminate at a council-maintained road. A single dwelling was a permitted use within a building area on a sealed plan, and discretionary otherwise — either pathway was achievable on privately-accessed land. The transition to LCZ imports a standard that forecloses what the previous scheme expressly permitted. That loss falls entirely on landowners whose parcels are physically and legally unchanged — it is not a consequence of their landscape character, but of zone selection.

It is significant that Council has itself acknowledged this problem in its Section 35F Report, conceding that the road authority access requirement produces unreasonable outcomes on transitioning ELZ land and that it has formally raised the matter with the State Planning Office. That concession — that the standard is not fit for purpose in this context — should weigh against a zoning decision that subjects landowners to its burden in the interim.

The Rural Living Zone does not carry this consequence. SPP clause 11.5.1 P2 and P3 require a contextual, merits-based assessment of whether access is sufficient for the intended use — having regard to topography, length, emergency vehicle access, and the pattern of established development — without requiring that the access terminate at a road authority-maintained road. A privately-accessed parcel that fails the LCZ threshold can satisfy the RLZ standard on its merits.

The Commission is asked to find that applying the LCZ to privately-accessed ELZ parcels where residential use is the established primary intention would disproportionately extinguish development rights without planning justification, and that the RLZ is the appropriate zone for those parcels.

1. Kate Heckleman — codes can manage landscape values (Day 19 - 02:21:26)

During the Irene Inc expert's evidence in chief, the following was said about the role of the Natural Assets Code and Scenic Protection Code:

"the scenic protection area code, the natural assets code, could also be mechanisms to appropriately manage those values"

The expert then criticised Council's approach, saying it had made a "pretty global determination of limitations of the application of the rural living zone" that had "ruled out the ability of scheme provisions to consider how scheme provisions might appropriately manage landscape values."

2. Kate Heckleman — Natural Assets Code provides controls not dissimilar to LCZ (Day 19 - 02:25:21)

The expert made a direct comparison between the Natural Assets Code and LCZ vegetation protections:

"the natural assets code in considering native vegetation has limited the ability to contribute to appropriately managing landscape values where the site is not mapped by the overlay — so in a practical sense most of Kingborough at this point in time is mapped where there is priority vegetation within the priority vegetation mapping, and the standards of that code of the natural assets code would provide controls that are not dissimilar to some of the landscape protection controls which are available in the landscape conservation provisions and also in the environmental living provisions as they relate to minimising the removal of vegetation"

The expert qualified this by saying the provisions are "not exactly like for like between the two schemes" but concluded that the Natural Assets Code's extent of coverage is "a scheme-wide issue as opposed to something that would stop you necessarily from assigning a particular zone."

3. Panel question — direct challenge on the role of codes (Day 19 - 05:40:02)

This is the most significant exchange. A panel member asked directly:

"What I'm trying to understand is if you've got a land, a zone that might be rural living and you've got a natural asset code sitting on top of that, I can't think of a single use that would require the trees removed. It's the development that would require trees to be removed and then you've got a trigger in which to assess that development against the appropriateness of removing those trees. So why do we care? Why do we care what the underlying zone is if we're protecting the trees which are managed by a code? I'm just trying to understand the connection between an established identified landscape value which we're going to work through — that's not a tree because the trees are covered — and what use could compromise it?"

The expert's response agreed in substance: "I probably agree with you in terms of that it's not so much... there probably are some exceptions where there is the provision of uses that might be considered... but again that likelihood of those things happening on the land that we're talking about in terms of the environmental living zone land is again probably quite limited in its ability to significantly restrict the management of the appropriate management of the landscape values."

4. Panel clarification — LCZ purpose is not to protect vegetation (Day 19 - 05:44:19)

A second panel member then made a sharp distinction:

"the application of the landscape conservation zone is not to protect the vegetation — that's the natural asset code's job. The landscape conservation zone is to protect our landscape values so whilst there is some very strong similarities between the two that we do have to try to compartmentalise those differences."

This is a critical passage — a panel member explicitly stated on the record that LCZ's purpose is not vegetation protection, that is the Natural Assets Code's function. This directly supports the argument that LCZ is not the necessary mechanism for managing the natural values the submissions are concerned with.

5. Panel question — coastal bushland values and codes (Day 20 - 00:35:14)

Earlier in proceedings a panel member asked:

"the established or recognised landscape values that we've got in here relate to bushland on coastal areas and significant biodiversity — specifically why can't the codes manage that? Doesn't matter what development you put on there, it's still going to be on the coast and the bushland components presumably will be managed by the natural asset code on the face of it. What cannot be managed through those codes for the eastern side of the peninsula specifically?"

The expert's answer focused on building height under the RLZ as a risk where the Scenic Protection Area overlay was not yet mapped, and acknowledged that priority vegetation is "the mechanism that's provided in the scheme to be able to regulate the clearing."

6. Panel exchange — vegetation removal risk under RLZ (Day 20 - 02:31:29)

During cross-examination a panel member pressed directly:

"if you're saying that the risk is associated with the removal of vegetation, but that removal of vegetation is going to be subject to the provisions of the Natural Assets Code presumably, what is the risk?"

The expert's response shifted away from vegetation to uses — visitor accommodation, fuel sales — as the concern, and acknowledged "while there are mechanisms in the scheme to address it..." before trailing off. The panel member followed up by asking what specific uses were the concern, given existing residential occupation.

Evaluation

midnight Monday 4 May 2026. Complete, sign and attach to your submission. Delete all amber instruction boxes

prepared to support a written submission to the Tasmanian analysis of publicly available Ireineinc reports and hearing records to Ireineinc locality reports and hearing transcripts should before being relied upon. The primary documents — Ireineinc n, the Ireineinc LCZ Review and Findings Report, and the Day on the Commission's website and Kingborough Council's

ICATION

Gallaghers Road Flowerpot Tasmania 7163

ent

seek RLZ or RZ

ATTACHMENT

rs of Gallagher Road, Flowerpot, submit this statement in from Landscape Conservation back to Rural Living.

ial settlement comprising more than ten continuous residences. ristics of a rural living community, including permanent dwellings, d ongoing community presence, with families of young children

ore closely with the Rural Living zoning designation, which better s of residents who live and maintain properties along this road. does not accurately represent the developed and inhabited pattern of residential occupation that has been present for many

ouncil would be acknowledging the genuine residential character ent land-use planning for current and future residents.

PART 3 — COMPARATIVE SETTLEMENT AREAS

Please see below the comparative areas/ streets that have been considered Rural Living Zone as they are similarly using their land for primarily residential purposes:

Suburb	Street
- Kettering east	- [REDACTED]
- Oyster Cove	- [REDACTED]

PART 4 — GALLAGHERS ROAD RESEDENTS

Residents of Gallaghers Rd, Flowerpot

Names of residents	Address	Signature of one household member
⇒ Name of all persons residing	⇒ Full Address	
Rachel Clohessy Ryan Clohessy Henry Clohessy Marsen Clohessy	TAS 7163	[REDACTED]
DAVID BUCHANAN CHRISTINA BIRLEY-SCHADEL ASTRID BIRLEY LOUIE BIRLEY	FLOWER POT TAS 7163	[REDACTED]
Angeliki Emily Rear Bens Narissa Betts	flowerpot Tas 7163	[REDACTED]
Beryl Tasharofi Frank Rangelosi	Flowerpot 7163	[REDACTED]
Peta Annear Toby Annear Louis Annear Joe Annear	FlowerPot 7163	[REDACTED]
Evan Brightman Loani Brightman Jade Brightman Tara Brightman	Flowerpot 7163	[REDACTED]
Nicola Hughes Andrew Hughes Hope Hughes Wilfrid Hughes Jean Hughes	Flowerpot 7163	[REDACTED]

Diane + Steve Summers	Flowerpot Tas
Tim	Flowerpot.
⇒ A	
dd further rows as needed	

PART 5 — DECLARATION

I confirm that:

1. This attachment has been prepared to support a formal written Commission in relation to the Kingborough Local Provisions S
2. The comparisons contained in this attachment are based on p TPC hearing records, and I have made reasonable efforts to e
3. I am the owner or authorised representative of the property id

Signed: Organised by	Date:
[REDACTED]	2/5/2
Full Name: A.E. Langranica	Contact email /

LODGE: Email your completed submission and Attachment A to tpc@ line: 'Submission — Kingborough LPS Direction 69 — [your property address 4 May 2026. Attach only the locality section of the Inconsistency Analysis th all 20 sections.





