
From: Andrew Wadsley [REDACTED] >
Sent: Saturday, 2 May 2026 5:58 PM
To: Kingborough LPS
Subject: Submission_to_TPC_133309-1_Wadsley
Attachments: Submission_to_TPC_133309-1_Wadsley_30Apr2026.pdf

Please find attached our submission to the Tasmanian Planning Commission with respect to the Kingborough draft

LPS. Yours sincerely,

Dr Andrew Wadsley

***Tasmanian Planning Scheme
Kingborough draft Local Provisions Schedule (LPS)***

Title	Address	Exhibited	Proposed	This Submission
[REDACTED]	[REDACTED]	Landscape Conservation	Landscape Conservation	Rural Living D

Submission to the Tasmanian Planning Commission in relation to the proposed zoning of property title [REDACTED] on the [REDACTED], Neika, as recommended by Irene Inc Planning & Urban Design in their report of 6 February 2026 and endorsed by Kingborough Council at their meeting of 16 March 2026.

This submission:

1. opposes the proposed Landscape Conservation zoning which is not evidence-based and contains statements with respect to the *Property* which are factually incorrect;
2. proposes that split-zoning the *Property* as **Rural Living Zone D** and **Landscape Conservation Zone** is the appropriate zoning based on the methodology in the Report;
3. proposes **Rural Living Zone D** as the appropriate zoning for the *Property* in the event that the TPC does not accept that split-zoning is appropriate and applies the least restrictive zoning as advised by Council under part (b) of the LPS motion.

Prepared by:

Dr Andrew Wadsley, PhD, MSc, Bsc(Hons)

on behalf of *Property* owners

ANDREW WELLARD WADSLEY and CHRISTINE HELEN WADSLEY

30 April 2026

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1. Definitions

Council	Kingborough Council
ELZ	Environmental Living zone under KIPS2015
Ireneinc	Irene Inc Planning & Urban Design
KIPS2015	Kingborough Interim Planning Scheme
Landscape	1. a view or prospect of rural scenery, more or less extensive, such as comprehended within the scope or range of vision from a single point 5. an area of land with distinguishing features or landforms (Macquarie Dictionary, accessed April 2026)
LCZ	Landscape Conservation Zone
Locality	1. a place, spot, or district, with or without reference to things or persons in it (Macquarie Dictionary, accessed April 2026)
LPS	Kingborough draft Local Provisions Schedule
LPS Motion	Resolution of Kingborough Council, 16 March 2026 (see Appendix 1)
Owners	ANDREW WELLARD WADSLEY and CHRISTINE HELEN WADSLEY
Property	Title [REDACTED], Neika, PID [REDACTED]
Report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation) prepared by Irene Inc Planning & Urban Design, 6 February 2026
RLZ	Rural Living Zone
Split-zoning	When a single property is divided into two or more distinct zones
Spot-zoning	Where a property is not part of a contiguous group of properties with the same zoning; the practice of rezoning a property for a use that is incompatible with the surrounding area's zoning and character
TPC Guideline	Guideline No. 1, Local Provisions Schedule (LPS): zone and code application, May 2025.
TPS	Tasmanian Planning Scheme
Value	1. that property of a thing because of which it is esteemed, desirable, or useful, or the degree of this property possessed; worth, merit, or importance (Macquarie Dictionary, accessed April 2026)
Zone Guidelines	See TPC Guideline, above

2. Qualification

Dr. Wadsley brings over fifty years of industry experience, including thirty-eight years as an independent consultant. He has served in a quasi-judicial role as an Umpire and has provided expert testimony in commercial disputes involving major publicly listed companies.

3. Background

1. On 16 March 2026 the Council resolved to receive the Report prepared by Ireneinc and endorsed the Report and its recommendations.
2. On 2 April 2026 the TPC wrote to the Owners inviting them to make a submission in relation to the recommendations made in the Report with respect to the proposed zoning of the *Property*.

4. This Submission

3. Opposes the proposed Landscape Conservation zoning which is not evidence-based, contains statements with respect to the Property which are false, and does not follow the TPC Guideline.
4. Proposes that split-zoning the Property as Rural Living Zone D and Landscape Conservation Zone is the appropriate zoning based on the methodology in the Report, and is the least restrictive zoning as advocated by Council under part (b) of the LPS motion;
5. Proposes Rural Living Zone D as the appropriate zoning for the Property in the event that the TPC does not accept that split zoning is appropriate and applies the least restrictive zoning as advised by Council under part (b) of the LPS motion.

5. Methodology of Report

6. The Report utilises the following steps, the **decision matrix**, in assigning a zone to the Property:

Locality Baseline

- 6.1. Define a *locality* which contains the *Property*; a *locality* is a collection of properties sharing similar characteristics, which may or may not be contiguous.
- 6.2. Define the *existing settlement pattern* of the locality;
- 6.3. Define the *localised landscape values* of the locality;
- 6.4. Identify the interim zoning (KIPS2105);
- 6.5. Identify overlays applying to the locality and/or *Property*: Scenic Protection Area; Priority Vegetation; Bushfire-Prone Area; Zoning of adjoining council area of the locality; Tasmanian Reserve Estate land adjacent to locality.

Decision Point Analysis

- 6.6. Is there a strategic intention for any Residential use to occur?
- 6.7. Are identified landscape values present?

6.8. Does the area have characteristics of rural living settlement?

Further refinement of decision points

6.9. Are identified landscape values present (given 6.8)?

6.10. Could identified landscape values be appropriately managed outside of LCZ?

6.11. Does the area otherwise align with RLZ application guidelines of the Zone Guidelines?

6. Review of the Application of the Decision Matrix in the Report

7. The decision matrix used in the Report to assign LCZ zoning to the *Property* relies on statements and diagrams that are factually incorrect, misleading, incomplete or irrelevant.
8. The Report's recommendations are not evidence-based and do not follow the TPC Guideline.
9. The Report is not fit for purpose—it does not meet the standard expected of Council as Planning Authority.

Locality

10. The extent of the Neika locality (section 2.5.1. of the Report) is shown in Figure 1.

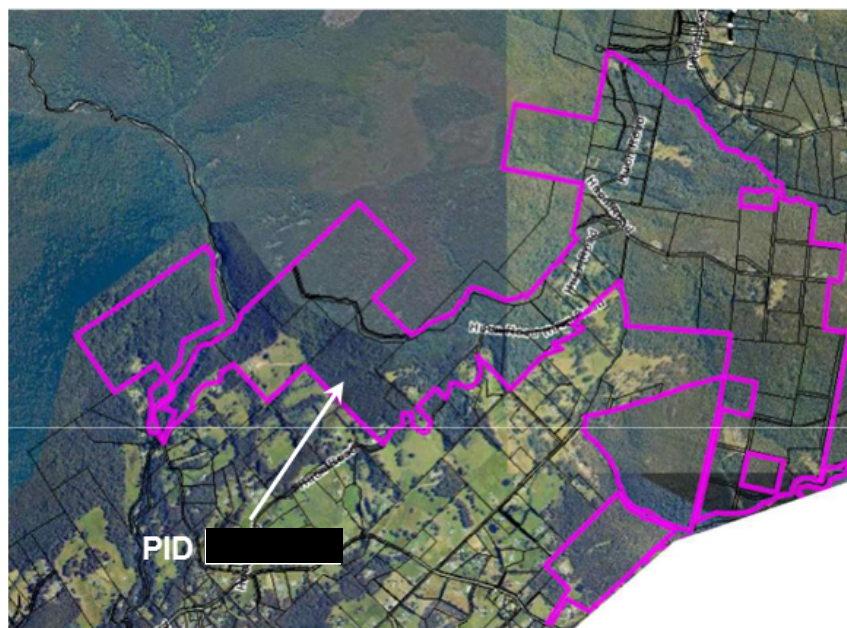


Figure 1: Neika Locality

11. The inclusion of properties in any location is a matter of opinion. An alternative, which meets the criteria of the TPC, is given in Section 6.
12. There is a circularity in defining a locality. In general, the TPC wishes to avoid spot-zoning, in favour of applying the zones to land in a consistent pattern.¹ The Report takes

¹ TPC Decision Huon Valley Local Provisions Schedule 2024

the view that if a property is of a substantially different character to that of surrounding properties in the same locality then the intrinsic characteristics of the property are overlooked and deemed to be the same as the others in the locality.

13. In practice, this leads to a domino effect whereby a characteristic of a single property (for example, thickly wooded, an isolated observation of a threatened species) is deemed to apply to the whole location, irrespective of whether the characteristic is, in fact, applicable to an individual property or even to a majority of properties. Examples of this are presented below, particularly with respect to the *Property*.

Localised landscape values

14. Table 2.5.1 states

The area contains State and bio-regionally significant native vegetation communities and provides important habitat for threatened species, reinforcing its ecological and scenic significance.

15. The statement is false.

- 15.1. No **State and bio-regionally significant native vegetation communities** were identified using TASVEG 5.0 (the vegetation is classified as *wet eucalypt forest and woodland*).
- 15.2. No **threatened Native Vegetation Communities** are found within the locality using TASVEG 5.0.
- 15.3. The land has not been assessed by the TPC as **native vegetation of local importance**.

Threatened species

- 15.4. Images from maps generated by the *Tasmanian Natural Values Atlas*² showing sightings of relevant threatened species (e.g. non-marine) are given in Appendix 5.
- 15.5. The only observations of threatened species within the locality were isolated observations of threatened vascular plants (Figure 11). These observations are consistent with the spread of threatened vascular plants throughout the municipality including urban areas (Figure 12), and have not been considered relevant by Council in determining zoning.
- 15.6. Many threatened species rely on small remnants of bushland, sometimes on private agricultural land or in roadside reserves, rather than in large, expansive bushland areas³.
- 15.7. There is no evidence that the locality is of ecological significance more so than any other area in the municipality.
- 15.8. No observations of threatened species were recorded on the *Property*.

16. Table 2.5.1 also states that

The locality is characterised by significant landscape values derived from its topography, elevated position, and extensive bushland cover which forms a visual vegetated border

²<https://www.naturalvaluesatlas.tas.gov.au>, accessed April 2026.

³Threatened Species Strategy for Tasmania, DPIWE, 2000.

and fringe to the extensive vegetated and undulating landscape of Wellington Park which extends immediately to the north of the locality.

16.1. Two images are included in this table to support this statement.

Ariel views from Lot 1, [REDACTED], Neika, Tas 7054 looking west:



(Source: Realestate.com.au)

The first image does not support the statement. The foreground is outside of the Neika locality (in fact, the area is proposed RLZ) and the skyline is part of Wellington Park.

Views from Cathedral Rock Walking Track:



(Source: Google Earth Pro)

The second image does not support the statement. It is a view looking due south from Cathedral Rock towards Kaoota over Betts Hill (geo-located). All parts of the view are outside the Neika locality.

16.2. The images are misleading, at best, irrelevant.

Does the area have characteristic of rural living settlement?

17. Table 2.5.2.1 Decision Point Analysis makes the following statement:

There are portions of this locality which have a settlement pattern which exhibit some rural living settlement characteristics, rural living settlement characteristics [sic] including lot sizing and patterns as well as relatively consistent patterns of dwellings and associated uses, as identified in yellow.

17.1. This statement was informed by the following indicators:

Evident subdivision pattern of at least ten smaller blocks generally ranging in size between 1-15ha with lots contributing to a consistent lot pattern.

- a) Consistent pattern of detached dwellings with associated outbuildings.
- b) Visual evidence in aerial mapping of rural activities occurring (i.e. cleared areas providing for resource development/grazing/hobby farming etc).

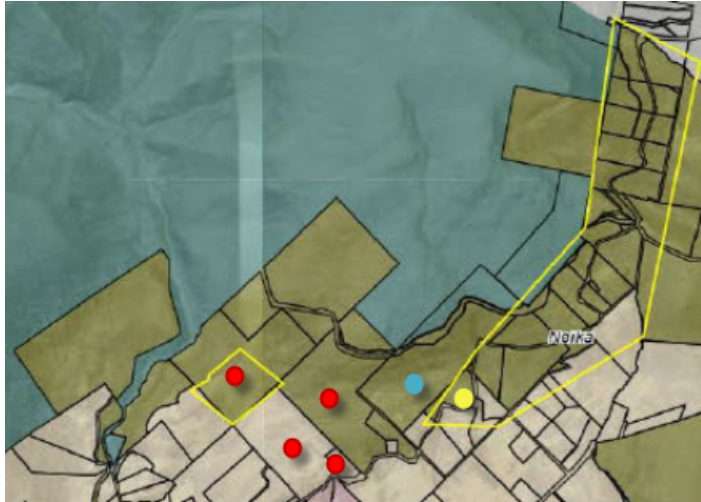


Figure 2: Areas with characteristics of rural living

17.2. The report failed to include all relevant properties with characteristics of rural living within the identified rural living areas (yellow lines in Figure 2), including:

- a) land owners who had made representations to the TPC with respect to continuance land use for farming;
- b) where properties were integrated with neighbouring land for grazing cattle, with continuance of use to the present day.

17.3. A submission⁴ to the TPC by the owners of the property identified by the blue dot in Figure 2 represented that the land had been used for over 100 years for agricultural purposes with continuance of use to the present day. The cleared areas for this property (blue dot) and that of a neighbouring property (yellow dot) are shown in Figure 3. Historically, both properties have been used both to graze stock and also cut for hay⁵.

17.4. Inconsistently, only one property (the yellow dot) was included in the identified rural living area, with no commentary provided as to why the other property was excluded.

⁴Representation 509. Charles & Helga Grant 12/12/2024

⁵Aerial Imagery, Order No. 128179, Lands Department, 27/1/1981



Figure 3: Cleared areas of neighbouring properties

17.5. The *Property* (red dots) was integrated with neighbouring properties PID [REDACTED] and PID [REDACTED] to the west and south as grazing land for cattle since 2002, with continuance of use to the present day. (PID 9730911 was sold in 2022.) The primary grazing areas are shown by the red rectangles.

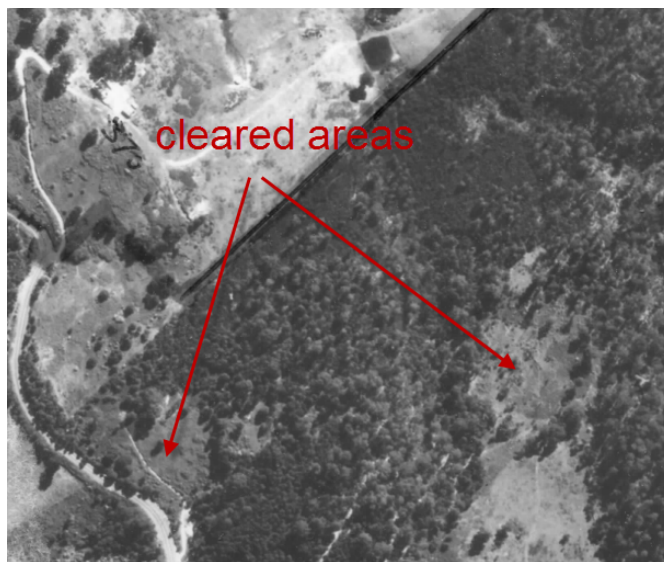


Figure 4: Cleared areas of the Property 1981

17.6. Over time, the canopy has increased in height and lateral extent, and the cleared understory is difficult to discern from current aerial imagery (particularly due to shadows). Figure 4 shows the extensive cleared areas as they were in 1981⁶.

⁶Aerial Imagery, Order No. 128179, Lands Department, 27/1/1981

- 17.7. Cattle are, by evolution, fringe woodland animals and do not require cleared land; they successfully browse on leaves and coarse woodland grasses.⁷
- 17.8. The identification of areas of settlement with the characteristics of rural living was incomplete. It failed to include properties with proven continuance of use for agricultural purposes

Could identified landscape values be appropriate managed outside of LCZ?

18. Table 2.5.2.1 Decision Point Analysis makes the following statement:

[The other] land which directly extends along the fringe Wellington Park provides a more direct and important contribution to the broader landscape values having a significant extends [sic] of vegetative coverage. In considering the broader zoning application and resulting pattern of zoning an RLZ zoning would remove this fringe zoning which exists around much of the rest of the park.

Transition of this land to the LCZ would also be consistent with the zone application in the adjoining Hobart Council area where similar lots with similar characteristics are categorised within the LCZ.

- 18.1. The report refers to *fringe zoning* around the Wellington Park. This concept is undefined and does not have any planning or statutory meaning under the relevant Acts or guidelines.
- 18.2. Wellington Park covers over 18,000 hectares. Under the Wellington Park Act 1993 (Appendix 2) the Minister may acquire any land to be annexed to Wellington Park for the protection of the mountain's natural and cultural values (Clause 6).
- 18.3. The further addition of land to protect such values has been deemed unnecessary by the Minister by his not exercising his power under the Act. In particular, inclusion of adjacent private lands has not been considered necessary for *the preservation or protection of the natural beauty of the land or of any features of the land of natural beauty or scenic interest* (Clause 5(c))
- 18.4. Direct observation (Figure 5) shows that the majority of the properties neighbouring Wellington Park are zoned rural; significant sections of boundary properties in the Hobart LGA are zoned either residential (general residential, low density residential) or rural living.

⁷<https://www.facebook.com/ACTParks/posts/-seeing-cattle-in-our-nature-reserves-may-seem-odd-but-its-not-without-good-reas/1129282396055718/> 21 October 2025.



Figure 5: Zoning around Wellington Park

- 18.5. Of the zoning in Hobart LGA, to the west of the Huon Road to Fern Tree (that is, on the mountain side of the road and sharing the same topographic features), 66 properties were zoned RLZ and 16 properties LCZ. This is not consistent with the concept of fringe zoning as presented in the Report.
- 18.6. The majority of the lots in the Hobart LGA, which exhibit similar characteristics to those in the Neika locality – that is, extend from the Huon Road towards Wellington Park – are zoned RLZ.



Figure 6: Hobart LGS zoning Neika to Ferntree

- 18.7. Figure 6 shows that only a small section of very steep aspect near the Fern Tree bus stop has been zoned LCZ.
- 18.8. There is neither a consistency nor statutory requirement for LCZ to be applied in the Neika locality based on comparison with Hobart LGA zoning or zoning in other LGAs which border Wellington Park.

19. Decision Matrix Analysis as applied to the Neika Locality (Report)

Is there a strategic intention for any residential use to occur?					
YES residential uses at a dispersed scale are evident throughout the locality	Are identified landscape values present?				
	YES the locality is characterised by significant landscape values derived from it steep topography, and undulating ridgelines and extensive bushland cover	Does the area have characteristics of rural living settlement?			
		YES There are portions of this locality which have a settlement pattern which exhibit some of the rural living settlement characteristics	Are identified landscape values present?		
			YES The locality is characterised by significant landscape values which contribute to the vegetated border and fringe to the adjoining Wellington Park	Could identified landscape values be appropriately managed outside of the LCZ?	
			NO RLZ zoning would remove fringe zoning adjacent to Wellington Park	LCZ 1 - LCZ 4 apply?	
				NO	
Recommendation—LCZ zoning					

20. The analysis shows that the only substantive reason the decision matrix did not proceed to consideration of the applicability of RLZ or LCZ zoning is that RLZ zoning would remove *fringe zoning* adjacent to the Wellington Park.
21. As stated above, *fringe zoning* has neither a planning nor statutory meaning. The inclusion of private lands adjacent to Wellington Park is not required for the preservation or protection of the natural beauty or scenic interest of the land.
22. No analysis was provided with respect to managing the identified landscape values outside of the LCZ. In particular, no analysis was provided as to how the codes (for example, the Scenic Protection Code) would protect/not protect the landscape values.
23. In the Report, *primary strategic intent* is defined, not as a single intention, but comprising two parts: (a) the intention/presence of residential uses; and (b) where the presence of landscape values can be managed through the codes of the planning scheme. Consideration of *Primary strategic intent* is required under the TPC Guidelines as to whether RLZ 2 applies (Appendix 3).
24. The Report did not properly apply the Zone Application Guidelines of the TPC Guideline in its determination of zoning for the Neika locality (Appendix 4). It should have concluded:

LCZ 1 — the land in the locality has not been identified for protection and conservation;

LCZ 2 — (a) no threatened native vegetation communities were identified, there is no native vegetation of local importance; (b) there are no significant constraints on development; (c) the intention of the land is for rural settlement;

LCZ 3 — there is a range of lot sizes;

LCZ 4 — the land is within the ELZ and the primary strategic intention is for residential use and development within a rural setting.

25. The recommendation of the Report that the LCZ zoning should be applied to the Neika locality, and in particular to the *Property*, is inconsistent with the TPC Guideline.

7. Application of the Decision Matrix to the Property

26. The intention of this submission is not to recommend a zoning for the whole of the Neika locality. The submission considers two options:
- a) zoning if the *Property* is considered independently from the other properties in the locality;
 - b) neighbouring properties with similar topographic features are included in an extended analysis.
27. In both cases, the analysis is similar, and only the case for the extended analysis is presented.

Locality

28. A South Wellington locality is proposed as shown in Figure 7. It is defined primarily by topographic features where the Mount Wellington massive terminates to the south, with the natural boundary being the Northwest Bay river dividing it from the Cathedral Rock—Mt. Montagu ridge. The Levert Rivulet is a natural boundary to the north of the locality, the [REDACTED] to the east, and the rural properties at [REDACTED] and [REDACTED] to the south (which are proposed RLZ).

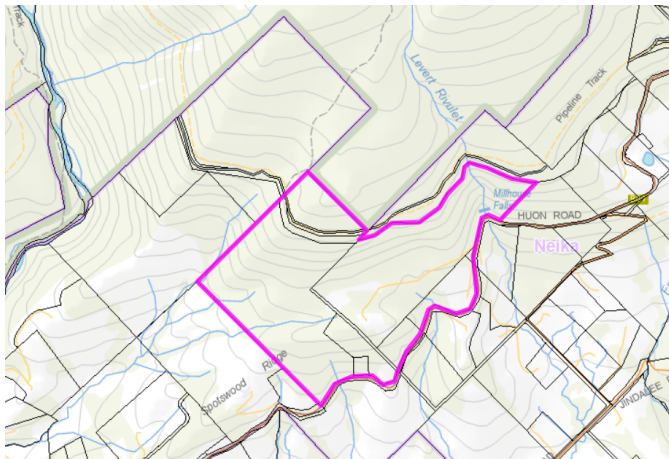


Figure 7: South Wellington Locality

29. The locality is characterised by steeply dipping terrain (to the northwest of the locality), which flattens, then dips to the [REDACTED]d. The steeply dipping section comprises dolerite scree, of small size, mainly covered with moss and ferns beneath a medium height canopy intersected by the occasional tall Eucalyptus.
30. This slope forms a natural part of the Mount Wellington landscape. This submission proposes that split-zoning be applied, with elevations above 450m being zoned LCZ, and

those below, RLZ. An approximate boundary for the LCZ area is shown in Figure 8, superimposed on a grey-scale topographic map.

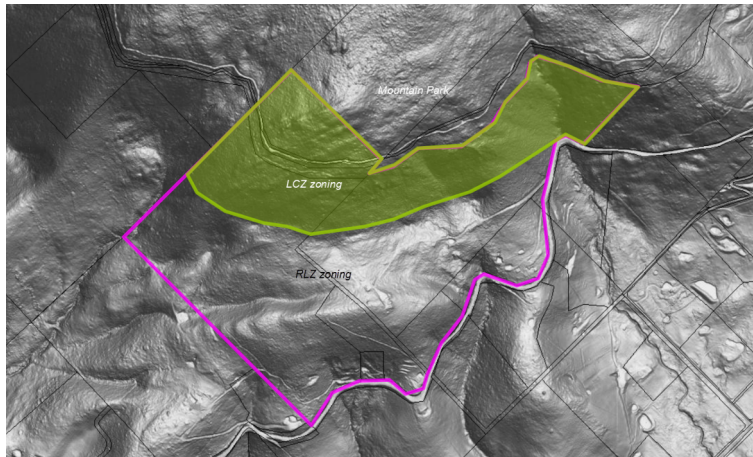
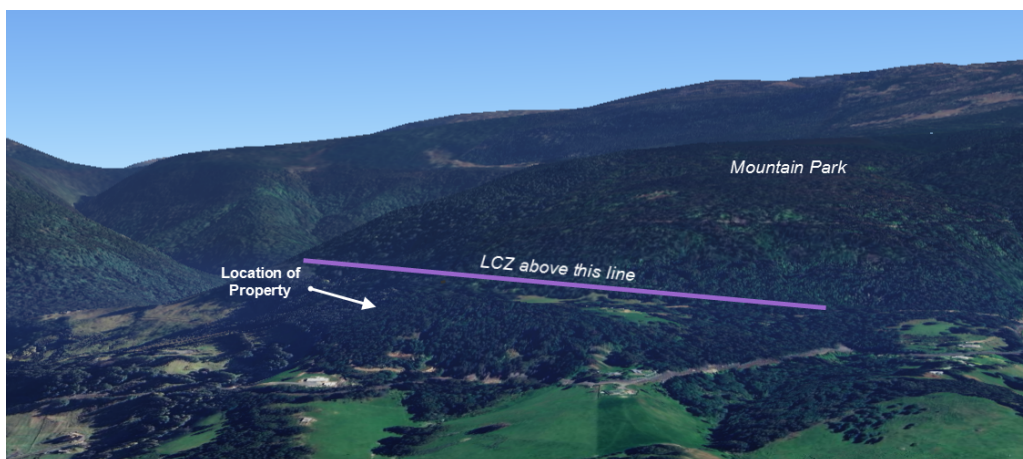


Figure 8: Proposed LCZ split zoning

31. An elevated view above Leslie Vale is shown in Figure 9.



32. Figure 9: View of South Wellington locality

33. The main bushland cover is to the south of the locality (the *Property*) and areas which slope to the [REDACTED]. These areas form part of the natural rural landscape of the area, which consists of cleared areas, intersected by bushland, which historically has been preserved for its natural values and to provide firewood and timber for fencing, pallets, and grazing of the understory.
34. A sawmill site, operational until the 1967 bushfire, is located at the southwest corner of the *Property* together with an abandoned belt-driven cross-cut saw frame. A house site was excavated in the 1980s on the front slope of the *Property* (Figure 10) further confirming the characteristics of rural settlement.



Figure 10: House site on the Property

35. Decision Matrix Analysis applied to South Wellington Locality (submission)

1. Is there a strategic intention for any residential use to occur?					
YES Residential uses at a dispersed scale are evident throughout the locality	3. Are identified landscape values present?				
	YES Elevations above 450m have significant landscape values. Lower elevations have characteristics consistent with existing neighbouring RLZ zoning	4. Does the area have characteristics of rural living settlement?			
		YES Elevations below 450m have settlement patterns which exhibit rural living settlement characteristics	5. Are identified landscape values present? (elevations below 450m)		
			Landscape values are consistent with that those in a rural living settlement within the region, and contribute to the overall scenic character of the area	Could identified landscape values be appropriately managed outside of the LCZ?	
				In proposed RLZ areas the Report states that landscape values can be managed through the codes.	LCZ 1 - LCZ 4 apply? NO
Recommended—RLZ zoning					

36. The application of the decision matrix in this submission recommends split zoning the South Wellington locality, with LCZ zoning above 450m and RLZ zoning for elevations below 450m. To maintain consistency with the interim ELZ zoning, the appropriate zoning is **Rural Living Zone D**.

Appendix 1: Resolution of Kingborough Council, 16 March 2026:

“That the Planning Authority:

- a) Receives the report titled Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation) prepared by Irene Inc Planning & Urban Design, and notes its findings and recommended approach to refining the zoning of areas currently zoned Environmental Living under the Kingborough Interim Planning Scheme 2015.
- b) Advises the Tasmanian Planning Commission that its risk appetite in relation to questions of impact on landscape values is high, and that where more than one zone is considered appropriate for a particular area, the least restrictive alternative should be applied.
- c) Notwithstanding the overriding intent of (b) above, endorses the report and its recommendations as Council’s position for the purposes of the ongoing Local Provisions Schedule (LPS) hearings. d) Provides the Irene Inc report to the Tasmanian Planning Commission for its consideration as part of the LPS hearing process, subject to:
 - i. A final editorial review;
 - ii. Attachment of the final mapping reflecting the zoning recommendations of the review;
 - iii. Inclusion of additional explanation regarding the evaluation of areas on Bruny Island, specifically comparing the implications of the recommendations with and without the application of a Specific Area Plan (SAP).”

Appendix 2: Wellington Park Act 1993

5. Wellington Park

Wellington Park is set aside as a reserve for the following purposes:

- (a) the provision of recreational and tourism uses and opportunities consistent with the purposes specified in paragraphs (b) to (e);
- (b) the preservation or protection of the fauna or flora contained in or on the land;
- (c) the preservation or protection of the natural beauty of the land or of any features of the land of natural beauty or scenic interest;
- (d) the preservation or protection of any features of the land being features of historical, Aboriginal, archaeological, scientific, architectural or geomorphological interest;
- (e) the protection of the water catchment values of the land.

6. Acquisition of land to be annexed to Wellington Park

- (1) The Minister may acquire any land that the Minister, acting on the advice of the Trust, considers should be annexed to Wellington Park or that is required for the purposes for which Wellington Park is set aside.

Appendix 3: Rural Living Zone RLZ 2

The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:

- a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or
- b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.

Appendix 4: Landscape Conservation Zone LCZ 1 — LCZ 4

- LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.
- LCZ 2 The Landscape Conservation Zone may be applied to:
- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;
 - (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or
 - (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.
- LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.
- LCZ 4 The Landscape Conservation Zone should not be applied to:
- (a) land where the priority is for residential use and development (see Rural Living Zone); or
 - (b) State-reserved land (see Environmental Management Zone).

Appendix 5: Threatened species

The Red dot shows the location of the Property. A blue dot shows location of sightings in an area.

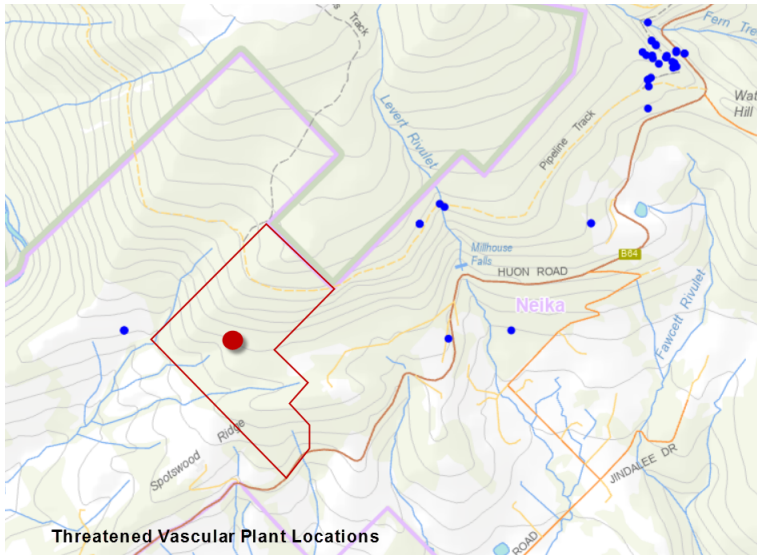


Figure 11: Threatened Vascular Plant Locations

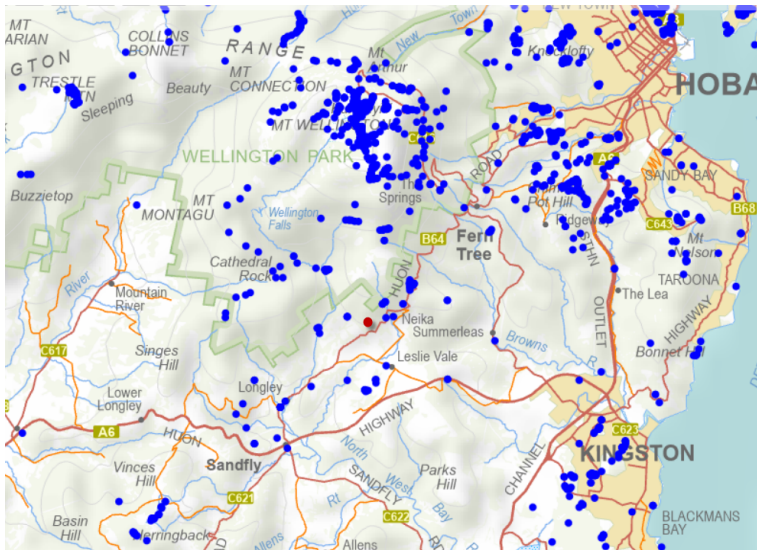


Figure 12: Threatened Vascular Plant Locations



Figure 13: Threatened Fern Locations

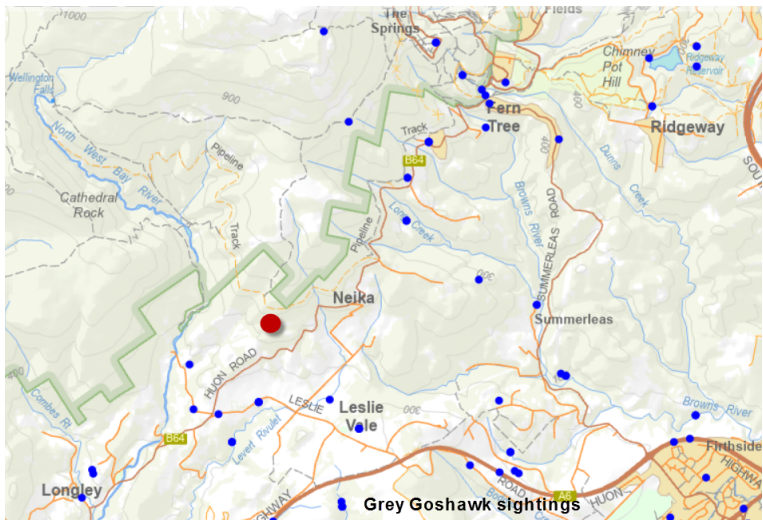


Figure 14: Grey Goshawk Sightings



Figure 15: Australian Grayling Sightings



Figure 16: Green and Gold Frog Sightings



Figure 17: Masked-Owl Sightings

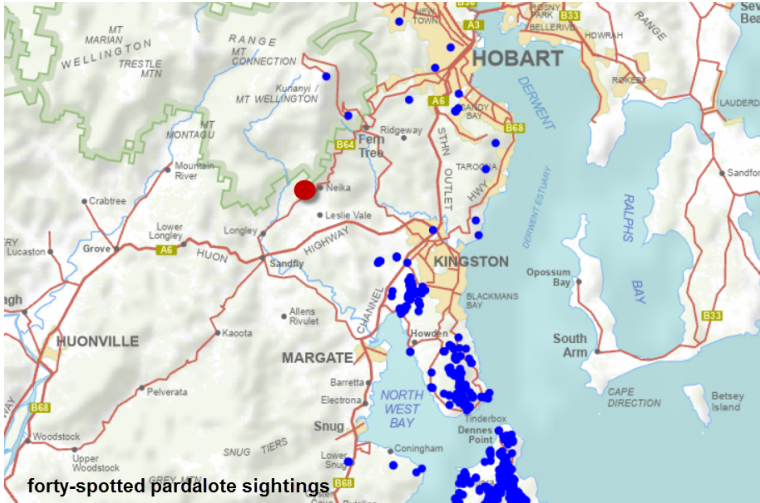


Figure 18: Forty-Spotted Pardalote Sightings



Figure 19: Eastern Curlew Sightings

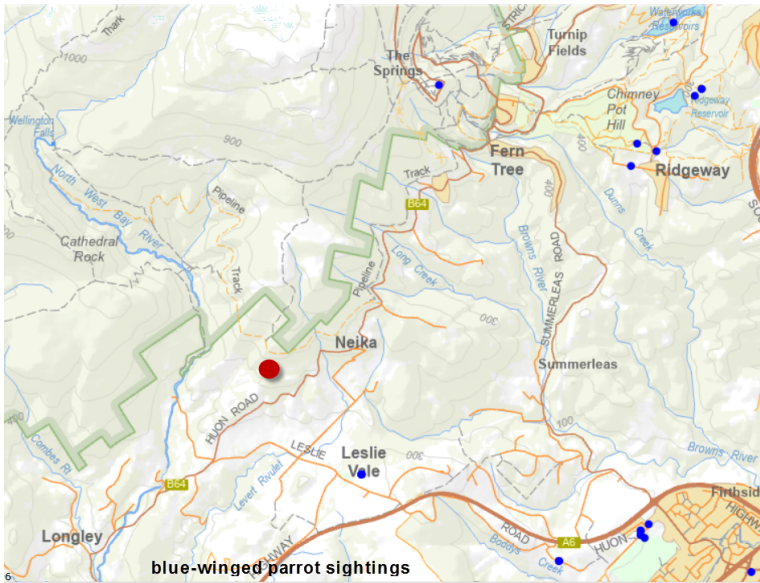


Figure 20: Blue-Winged Parrot Sightings

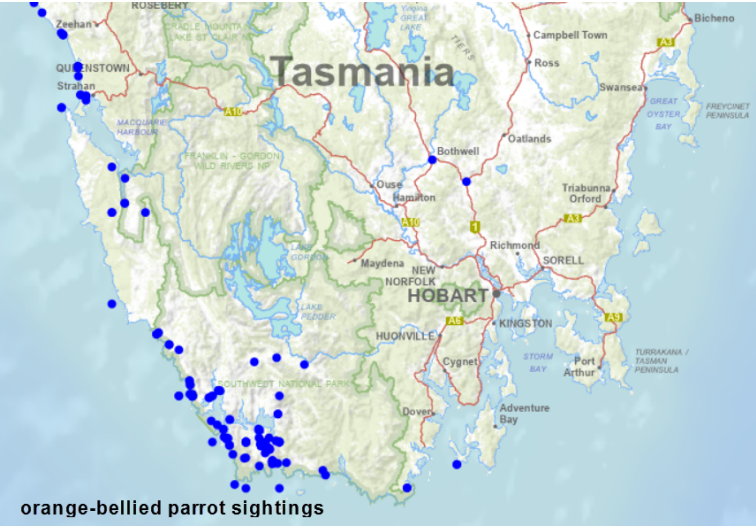


Figure 21: Orange-Bellied Parrot Sightings

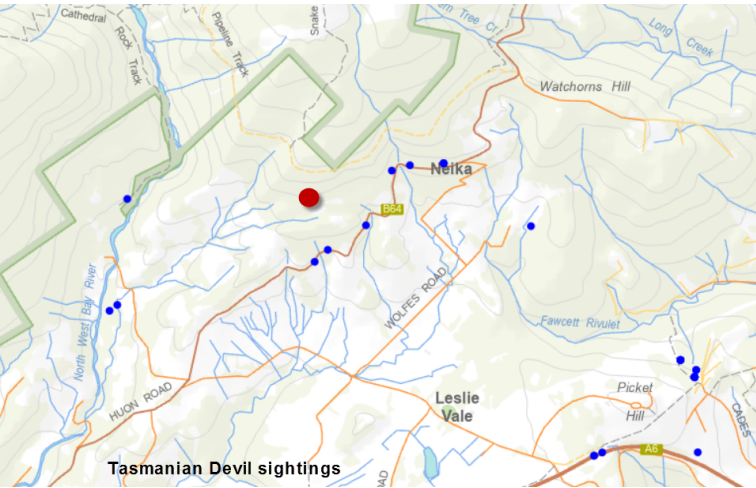


Figure 22: Tasmanian Devil Sightings

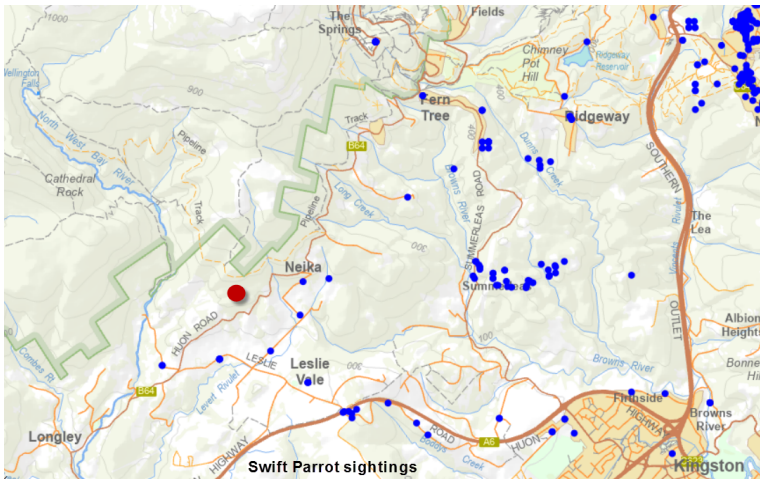


Figure 23: Swift Parrot Sightings

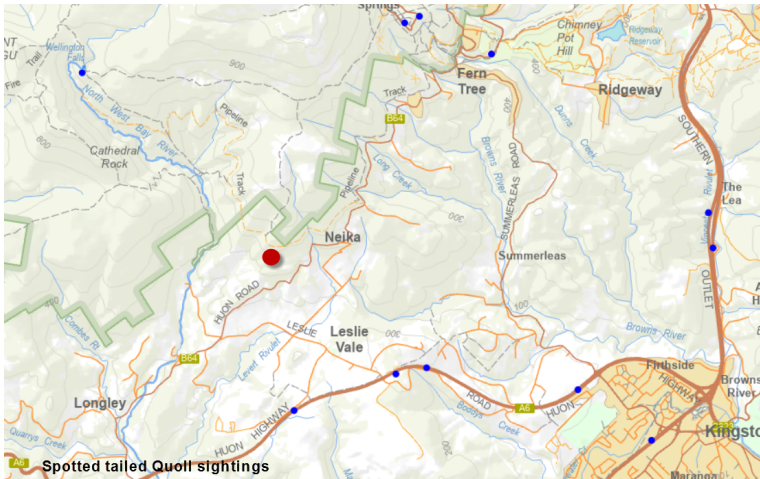


Figure 24: Spotted-Tailed Quoll Sightings