
From: Simon Sprent [REDACTED]
Sent: Monday, 4 May 2026 5:11 PM
To: TPC Enquiry
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED] Margate
Attachments: Attachment_A.pdf; Attachment_B.pdf; T1_Contest_LCZ_Seek_RLZ_final.pdf

This is my submission for Title Ref: [REDACTED] disputing the forced imposition of the Landscape Conservation Zone designed to force people out of the countryside and back into the city.

Simon Sprent.

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

PART A — PROCEDURAL OPENING

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 and have not previously had correspondence with the Commission regarding the draft LPS. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. 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)	Simon Sprent and Bruna Ragaini
Property address	██████████, Margate, 7054, Tas
Title reference (folio)	██████████
Lot size (approx.)	4.13 hectares
Locality	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) — specify subcategory below

PART C — STATEMENT OF POSITION

I submit that the application of the Landscape Conservation Zone (LCZ) to my property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality. The predominant lot size in my locality is approximately 5 to 10 ha

PART D — GROUNDS FOR THIS SUBMISSION

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

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

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

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

My property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary use and strategic intention of the land is and has always been residential. My house was completed in 2022 and the property has been continuously occupied since then.

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. There have been no important species identified during the environmental assessment conducted during my development application to Kingborough council, nor does my property straddle a ridge line. Due to the property's specific topographic situation, it is not visible from any publicly accessible road and would be barely visible from only a handful of surrounding properties, most if not all of which, the property owners are also contesting the imposition of the LCZ zone restrictions.

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. The lot size is 4.13 ha consistent with RLZ B and does not provide for further subdivision under that subcategory.

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 contains an established dwelling, vehicle access, associated outbuildings, water infrastructure, fire management zone, landscaped areas adjoining the residence and small planting of fruit trees. Publicly available areal imagery confirms all of the above.

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 entire Nierinna area consists of hobby farms, horse agistment, fruit farms and small scale grazing.

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].

Under the current Interim Planning Scheme, my property falls within the scenic landscape and biodiversity overlays — however these cover virtually the entire Kingborough LGA including industrial and commercial land, demonstrating they were applied without discrimination and cannot be read as evidence of specific landscape values on my title. Once the incoming LPS overlays are properly mapped, the Scenic Protection Code and any Priority Vegetation Area overlay will provide targeted, site-specific protection that the TPC panel itself confirmed at Day 20 [02:33:54] does the landscape-protection work in many cases.

The property is predominantly developed and managed for residential use, with cleared and landscaped areas immediately surrounding the dwelling, a fire management zone, fruit trees, and associated infrastructure. Native vegetation present on the property is typical for the area and has had no species of interest identified during ecological assessments made and does not in itself constitute a landscape value requiring the protection of LCZ rather than the overlay controls. The landscape values identified in the Ireneinc locality baseline relate to the broader Nierinna/Snug Tiers area and the visual character of the ridge system — values that are shared equally by the directly comparable properties in the adjacent Huon Valley LGA that have been determined to be appropriately zoned RLZ. Those values do not specifically characterise my title in a way that distinguishes it from its RLZ neighbours.

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 B 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. Notwithstanding that, the topography of my property simply does not provide any useful way to subdivide.

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.

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.

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. There are in fact properties on McGowans Rd. that are within 1km, share most of the features and aspects as my property that have been granted the RLZ.

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. As mentioned in D3.4 there are already nearby properties that have been granted RLZ.

D4.2 — Pre-existing private timber reserve and regional logging history are fundamentally incompatible with LCZ

The Ireneinc report acknowledges the existence of a private timber reserve (PTR) established under the Forest Practices Act 1985 that covers part of my property and significant parts of the properties of my immediate neighbours. The PTR boundary does not conform precisely to current cadastral boundaries but extends across most properties in this group to varying degrees, reflecting its character as a contiguous land management instrument operating across multiple titles, all of which are contesting the application of LCZ.

The Ireneinc report dismisses the relevance of the PTR on the basis that development applications are assessed against the zone rather than against the PTR. This reasoning is misconceived. The question before the Commission is not how a future development application would be assessed — it is what zone is

appropriate for this land having regard to its character, history, and primary strategic intent. On that question, the PTR is highly probative evidence.

A PTR exists specifically to facilitate and regulate active forestry practices on private land. This PTR has been in place for several decades and reflects the longstanding, legally recognised land use of this property and its neighbours. It is a formal statutory instrument under the Forest Practices Act 1985 that explicitly authorises active land management — a purpose that is fundamentally antithetical to the conservation and restriction of land disturbance that the LCZ is designed to achieve. The co-existence of a PTR and an LCZ on the same land would create a direct and unresolved contradiction between two statutory instruments.

This is compounded by the documented land use history of the locality. Logging has been carried out in this area as recently as 50 years ago and has been subject to continuous forestry use over a much longer period. The native vegetation visible on broad-scale desktop vegetation mapping — which is assumed to form a central plank of the Ireneinc landscape value assessment — is therefore predominantly regrowth on logged land, not intact or remnant native forest of the kind that LCZ is designed to protect.

Broad-scale desktop vegetation mapping records vegetation type and cover across the landscape. It does not distinguish between intact native forest and post-logging regrowth on actively managed land. Applying a vegetation cover threshold derived from such mapping to this property therefore overstates the conservation significance of the vegetation present. The Ireneinc report does not acknowledge this distinction. The landscape value assessment underpinning the LCZ recommendation for this property is accordingly unreliable as a characterisation of the actual ecological and conservation status of the vegetation on this land.

The Commission's own jurisprudence from the Huon Valley LPS process confirms that the TPC will look beyond raw vegetation mapping where the evidence base does not accurately reflect conditions on the ground. The vegetation on this land is the product of regrowth following logging, managed under a long-standing PTR, on land whose strategic intent has been active rural land management for decades. That is the character of this land. RLZ, which accommodates rural land management activities, reflects that character. LCZ does not.

D4.3— The PTR creates an ongoing right to conduct forestry that LCZ cannot extinguish

The PTR represents an existing use right under the Forest Practices Act 1985 that operates independently of the planning scheme. Zoning this land LCZ does not extinguish the forestry rights that the PTR confers. The practical consequence is that this land could be subject to forestry activity under the PTR while simultaneously being restricted from residential development and land management under LCZ — an outcome that is internally contradictory and cannot represent sound planning. The only zone consistent with the full suite of existing statutory rights and historical uses on this land is RLZ.

D4.4 — The landscape value assessment is not supported by site-specific evidence

The Ireneinc locality assessment for this area relies primarily on the presence of native vegetation cover identified through broad-scale desktop mapping as the basis for attributing landscape values sufficient to justify LCZ. The report makes passing reference to significant species and important habitats in the locality, however no actual survey data, Flora and Fauna assessment, Natural Values Atlas records, or site-specific ecological study has been referenced to support these assertions.

Vegetation presence is not the same as ecological significance. Broad-scale mapping tools record vegetation community types across the landscape — they are not designed to assess ecological condition, species presence, or conservation value at the level of an individual title, and they do not distinguish between intact native forest and post-logging regrowth on actively managed land.

The Ireneinc report itself acknowledges that 'the methodology for identifying and considering landscape values at a localised level does not appear to have been considered consistently across all areas proposed for LCZ.' This admission applies directly to the assessment of this locality, where the attribution of significant species and important habitat values has not been grounded in any referenced study or survey.

An assertion of ecological significance on land that was logged approximately 50 years ago, has carried an active PTR authorising forestry practices for decades, and whose vegetation is predominantly post-logging regrowth, requires more than broad-scale mapping to be reliable.

During the development application process for my dwelling, an environmental assessment was conducted and submitted to Kingborough Council. That assessment identified no important species on this property. This is the only actual site-level investigation of natural values on this land on the record, and its findings directly contradict the generalised assertions of significant species and important habitat values in the Ireneinc locality assessment. The Commission should not apply LCZ to this property on the basis of unverified broad-scale mapping assertions that are contradicted by the only site-specific evidence available.

An attempt was made to verify the basis for the significant species and important habitat assertions by accessing the Natural Values Atlas — the primary State Government repository for species observation records in Tasmania. Access to this database requires account registration, limiting public ability to scrutinise the evidentiary basis for landscape value assertions made in planning assessments. The Commission should satisfy itself that the significant species and important habitat references in the Ireneinc locality assessment are supported by actual recorded data, and not merely inferred from broad-scale vegetation mapping.

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 itself makes a series of concessions that fundamentally qualify the reliability of its LCZ recommendation for my property. The report acknowledges that the methodology underpinning the LCZ application involved 'incremental changes and adjustments' that were 'largely issue-driven responses rather than a comprehensive re-assessment,' creating 'a risk of piecemeal and inconsistent zone application across the municipality.' It further finds 'potential gaps/limitations' in Council's consideration of the RLZ and 'limited commentary' on whether landscape values could be managed through overlay controls rather than LCZ. The report also concedes that the tension between residential and landscape values in translating the ELZ 'is an issue that in this review is unable to be definitively reconciled.' These are not minor qualifications — they go to the heart of the reliability of the LCZ recommendation for my property. Where the consultant engaged to review and justify the LCZ application acknowledges the methodology was inconsistent, the RLZ was inadequately tested, and the fundamental question cannot be definitively resolved, the burden of proof has not been discharged and the LCZ recommendation should not stand.

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 currently zoned Environmental Living Zone under the Interim Planning Scheme — a zone specifically designed to facilitate residential use within a bush setting. It is a residential zone, not a conservation zone. The appropriate translation of that intent into the TPS framework is RLZ, not LCZ.

This conclusion is strongly supported by the treatment of directly comparable properties in the adjacent Huon Valley LGA (title ref: [REDACTED]). Approximately 90% of properties in a largely homogenous group adjoining the Snug Tiers Nature Recreation Area — the closest of which is under 3km from my property — have been determined to be appropriately zoned RLZ under the finalised Huon Valley LPS (effective 20 July 2024). These properties are materially similar to mine in appearance, vegetation character, and use. They sit within the same topographic and visual landscape, on the same ridge system, abutting the same reserve.

The only difference between those properties and mine is the municipal boundary between Huon Valley and Kingborough, and the recreation reserve itself. Neither is a planning consideration under the SPP guidelines. The same Guideline No. 1 criteria that produced an overwhelmingly RLZ outcome for that homogenous group must, on a consistent application, produce the same outcome for my property. Council has not identified any

specific characteristic of my land that distinguishes it from those properties in a way that would justify LCZ where RLZ was accepted as adequate less than 3km away.

The TPC panel acknowledged at Day 20 [02:33:54] that the PVA overlay and Scenic Protection Code do the landscape-protection work in many cases. Those same overlay controls apply — or will apply under the incoming LPS — to my property and to the comparable Huon Valley properties. The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values present, consistent with the approach already accepted for the materially identical properties immediately over the municipal boundary.

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.

The specific locality comparison for this submission relies on the cross-municipal comparator documented in D6 — namely the treatment of directly comparable properties in the adjacent Huon Valley LGA adjoining the Snug Tiers Nature Recreation Area, which received overwhelmingly RLZ outcomes under the finalised Huon Valley LPS despite being materially identical in landscape character, vegetation, and use to my property. This comparator is not drawn from the Ireneinc locality reports but from the publicly available zoning outcome for the Huon Valley LPS, and is a stronger comparator than an intra-municipal locality comparison because it reflects a final TPC-endorsed outcome rather than a recommendation. The principle identified by Commissioner Probert at [01:07:48] — that near-identical landscape descriptions producing opposite zone outcomes requires clear explanation of the difference — applies with full force to this cross-municipal comparison. No such explanation has been provided.

I request that the Commission have regard to the cross-municipal comparator documented in D6 as the primary inconsistency argument for this property.

D8 — Collective submission (Attachment B)

I am the contact person and a signatory to a collective submission lodged on behalf of 14 landowners on McGowans Road and Old Bernies Road, Margate, attached as Attachment B. That collective submission presents shared arguments relevant to all properties in the group, including this property. The Commission is asked to have regard to Attachment B alongside this individual submission

PART E — LOCALITY-SPECIFIC CONTEXT

The Ireneinc locality report for this area has been reviewed. The locality assessment relies primarily on broad-scale vegetation mapping and passing references to significant species and important habitats without citing any site-specific survey or ecological study. The property-specific response to those assertions is set out in D4.2, D4.3 and D4.4 above.

McGowans Road and Old Bernies Road and upper Nierinna Rd near Margate, form part of the Nierinna locality. The area is characterised by a consistent settlement pattern of residential properties on lots predominantly ranging from 4 to 10 hectares, with a mix of regrowth forest, hobby farming, grazing, orchards and residential use.

The Ireneinc report recommends LCZ for the majority of properties in this locality. A number of properties on McGowans Road within 1km of this property have been recommended for or granted RLZ, creating a fragmented and inconsistent zone pattern of the kind the Ireneinc framework itself identifies as problematic.

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 B
- 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], Margate, be included within the Rural Living Zone [B] in the Kingborough Local Provisions Schedule

Signed: [REDACTED]	Date: 4 May 2026
Full name: Simon Sprent	Contact email / phone: [REDACTED]

PART G — ACRONYMS / TERMS USED IN THIS SUBMISSION

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
LCZ	Landscape Conservation Zone
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PTR	Private Timber Reserve
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

IMPORTANT DISCLAIMER: This analysis has been prepared to support a written submission to the Tasmanian Planning Commission. It represents a personal analysis of publicly available Ireneinc reports and hearing records and is NOT professional planning advice. All references to Ireneinc locality reports and hearing transcripts should be verified against the primary source documents before being relied upon. The primary documents — Ireneinc Locality Baseline and Alternative Zone Evaluation, the Ireneinc LCZ Review and Findings Report, and the Day 20 TPC hearing transcript — are publicly available on the Commission's website and Kingborough Council's website.

PART 1 — SUBMISSION IDENTIFICATION

Submission reference	Simon Sprent — [REDACTED] Margate — Direction 69
Property title reference	[REDACTED]
Locality	Margate
Submission template used	Template T1 — Contest LCZ, seek RLZ
Date of attachment preparation	3 May 2026

PART 2 — PURPOSE OF THIS ATTACHMENT

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

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

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

PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

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

Speaker and timestamp	Statement and relevance
Delegate Rohan Probert [01:07:48]	Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really

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

PART 4 — MOST RELEVANT COMPARISONS FOR THIS SUBMISSION

The primary inconsistency relied upon in this submission is cross-municipal rather than intra-municipal. The finalised Huon Valley LPS (effective 20 July 2024) produced an overwhelmingly RLZ outcome — approximately 90% of properties — for a largely homogenous group of properties directly adjoining the Snug Tiers Nature Recreation Area in the Huon Valley LGA. The closest of those properties is under 3km from the subject property at 152 McGowans Road, Margate. Those properties and the subject property share the same topographic setting, ridge system, vegetation character, land use history, and visual landscape. They were assessed under the same Guideline No. 1 criteria. The only differences are the municipal boundary and the recreation reserve itself — neither of which is a relevant planning consideration under the Zone Guidelines.

The subject property sits on the Kingborough side of that boundary and has been recommended for LCZ. No characteristic of this property has been identified by Council or Ireneinc that distinguishes it from those RLZ-zoned neighbours in a way that could justify the opposite zone outcome. This is the inconsistency the Commission is asked to resolve.

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. Lot size 4.13 ha — consistent with the 1–15 ha range accepted for RLZ in comparable localities and within RLZ B minimum lot size.
2. Established dwelling completed 2022, continuously occupied — clear residential strategic intent.
3. No important species identified in Kingborough Council environmental assessment conducted during the development application process.
4. Long-standing private timber reserve under the Forest Practices Act 1985 covering part of the property — demonstrating the land's strategic intent has been active rural land management, not conservation.
5. Property not visible from any publicly accessible road and not situated on a ridgeline — the scenic and landscape values cited for the broader locality do not specifically characterise this title.

PART 6 — VERIFICATION AND PRIMARY SOURCES

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

- Ireneinc Locality Baseline and Alternative Zone Evaluation (available on the TPC website)
- Ireneinc LCZ Review and Findings Report (available on the TPC website)
- TPC Day 20 hearing recording — Kingborough Council YouTube channel (available until midnight 19 June 2026)
- Section 8A Guideline No. 1 — LPS Zone and Code Application (available on the TPC website)

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

PART 7 — DECLARATION

I confirm that:

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

Signed:	Date:
_____	_____
Full name:	Contact email / phone:

LODGEMENT: Email your completed submission and Attachment A to KingboroughLPS@planning.tas.gov.au with the subject line: 'Submission — Kingborough LPS Direction 69 — [your property address]'. The deadline is midnight Monday 4 May 2026. Attach only the locality section of the Inconsistency Analysis that is relevant to your property — not all 20 sections.

ATTACHMENT B

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

COLLECTIVE COVER SUBMISSION

Locality	McGowans Road and Old Bernies Rd, Margate
Submission type	Collective cover submission — Direction 69 / Ireneinc Report
Number of landowners	14
Lodgement date	3 May 2026
Contact person for this group	[REDACTED]

The following landowners are parties to this collective submission. Majority of landowners have also lodged their own individual submission addressing their specific property.

Full name	Property address	Title reference	Zone proposed (Ireneinc)	Zone sought
Amanda and Sam Thompson	[REDACTED]	[REDACTED]	LCZ	RLZ
Siri Bjorhusdal	[REDACTED]	[REDACTED]	LCZ	RLZ
Zoe Barker	2 [REDACTED]	[REDACTED]	LCZ	RLZ
James Aherne	[REDACTED]	[REDACTED]	LCZ	RLZ
Amanda Wass	[REDACTED]	[REDACTED]	LCZ	RLZ
Ricky and Katie Dunbar	[REDACTED]	[REDACTED]	LCZ	RLZ
Simon and Bruna Sprent	[REDACTED]	[REDACTED]	LCZ	RLZ
Yvonne and Sean Conry	[REDACTED]	[REDACTED]	LCZ	RLZ
Richard and Donna Jupe	[REDACTED]	[REDACTED]	LCZ	RLZ
Paul and Erica Coull	[REDACTED]	[REDACTED]	LCZ	RLZ
Ben Woodhouse	[REDACTED]	[REDACTED]	LCZ	RLZ
Phillip Worsley	[REDACTED]	[REDACTED]	LCZ	RLZ
Tim Robertson	[REDACTED]	[REDACTED]	LCZ	RLZ
Morris Worsley	[REDACTED]	[REDACTED]	LCZ	RLZ

We are a group of neighbouring landowners in the MARGATE locality. We have each received a letter from the Tasmanian Planning Commission (TPC) advising that the Ireneinc report has recommended a zone for our property as part of the Kingborough Local Provisions Schedule (LPS).

We are lodging this collective submission to present our shared position to the Commission. Our properties share a common settlement character and landscape context, and we believe the same zone outcome is appropriate for all of them.

Majority of us have also lodged an individual submission using the appropriate individual template. Those individual submissions contain the property-specific evidence for each title. This collective submission is not a substitute for those individual submissions — it sits alongside them.

The properties listed in Part 2 share the following characteristics. We ask the Commission to have regard to these shared characteristics when considering each of our individual submissions.

Our properties form part of an established residential settlement along McGowans Rd and Old Bernies Rd. The pattern of development includes 14 residential lots, most of which contain a dwelling. This settlement has existed in its current form for up to 16 years.

Majority of Lot sizes in our group range from 4.09ha to 10ha. These lot sizes are consistent with the Rural Living Zone (RLZ)

All 14 properties in our group contain existing dwellings used as permanent residences. Most properties also include hobby farming / grazing / gardens / outbuildings/ water tanks/ orchards. None of the properties are used for commercial agriculture or resource extraction."

Our properties are predominately partially vegetated and contain patches of native vegetation. The vegetation on our titles does not include significant native vegetation that would require LCZ to protect it.

The following overlays apply to majority of our properties, Private Timber Reserve (PTR) these overlays already protect landscape values — they are relevant to the argument in Part 5 below.

Our properties are also covered under SPC and NAC

Our properties are very close to already zoned Rural Living Zone (RLZ) under the draft LPS. The closest one to us is the Kaoota/Pelverata areas. The existing RLZ in Kaoota has larger lot sizes, but the settlement character, and landscape values are consistent to our properties."

The following arguments apply to all properties listed in Part 2. They are presented here as shared arguments so that the Commission can consider them once, rather than across multiple individual submissions. Each signatory's individual submission builds on these shared arguments with property-specific evidence.

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 (such as hobby farming), and where priority is given to residential amenity.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the Environmental Living Zone (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 lot size is applied.

Our properties satisfy both criteria. The shared characteristics described in Part 4 above demonstrate that our properties have an established residential settlement pattern, lots of a size consistent with RLZ subcategories, and a primary use and intention that is residential.

The Ireneinc report itself identifies avoidance of fragmented zone application as a key principle. The report notes that areas where only two or three LCZ-zoned properties are surrounded by Rural Zone or RLZ land should be resolved in favour of the surrounding zone.

Our properties form a coherent, contiguous group. If some of our properties receive a different zone outcome from others — or from the surrounding land — the result will be a fragmented and inconsistent zone pattern. This would be contrary to the Zone Guidelines, which require that the spatial application of zones be, as far as practicable, consistent and coordinated across the LPS.

Our 14 properties are surrounded on the north by land already recommended for [RLZ / Rural Zone]. Applying LCZ to our properties would create an isolated pocket of LCZ within a predominantly RLZ

The Tasmanian Planning Commission is required under section 34(2)(g) of the Land Use Planning and Approvals Act 1993 (LUPAA) to ensure that the spatial application of zones is, as far as practicable, consistent and coordinated. This means the Commission must consider whether our locality has been treated the same way as localities with similar characteristics elsewhere in Tasmania.

We submit that Pelverata/Kaooota is the most comparable locality to ours. Like our properties, properties in Pelverata/Kaooota have shared features — e.g. lot sizes of 2–10ha, established dwellings, similar landscape character, similar overlay coverage. Ireneinc recommended [RLZ / Rural Zone] for this area, and that recommendation was not challenged at the Day 2 hearing. There is no clear basis for treating our locality differently. We request that the Commission apply the same reasoning here.

Kate Heckelmann of Ireneinc confirmed at the Day 2 TPC hearing [05:53:00] that the evaluation framework used to produce the zone recommendations is a tool, not a statutory instrument. It is not the legal test the Commission must apply. The legal test is the LPS criteria set out in section 34 of LUPAA, which include compliance with the Zone Guidelines (Guideline No. 1). The Commission is not bound by the Ireneinc framework or its outputs.

We submit that if the Commission applies the Zone Guidelines directly to the shared characteristics of our properties, as set out in Part 4 above, it will find that [RLZ / Rural Zone] is the appropriate zone. Any departure from the Ireneinc recommendation in our favour is well within the Commission's proper exercise of its statutory role.

Chair Nick Heath confirmed at the Day 2 hearing [06:45:48] that the Commission will decide this matter on the basis of the LPS criteria set out in section 34 of LUPAA. He explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission. The Commission will reach its own independent assessment based on the evidence before it, including the evidence in this submission and in each of our individual submissions.

The following comments made by TPC delegates or Ireneinc at the Day 2 hearing on 16 April 2026 are directly relevant to our locality and our submission. We ask the Commission to have regard to these comments.

We collectively request that the Commission:

- Have regard to the shared characteristics and shared arguments set out in this collective submission when assessing each of our individual submissions.
- Organise the hearing for our locality so that our group can present collectively as well as individually, as Chair Heath invited at the Day 2 hearing [06:55:53].

Thank you for your time in reading our submission,

Kind regards

Simon Sprent

On behalf of the landowners on [REDACTED], as stated above.