
From: Peter Shaw [REDACTED]
Sent: Sunday, 3 May 2026 5:13 PM
To: Kingborough LPS
Cc: Amanda
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED], Tinderbox
Attachments: SHAW [REDACTED].pdf

Please find attached my submission wrt the LCZ rezoning for my property at

[REDACTED] Tinderbox TAS 7054 (**title reference - [REDACTED]**)

If you require further information, please contact me via this email, or my mobile

([REDACTED])

Yours Sincerely,
Peter Shaw

Note 1. Zoning Submission

Peter James Douglas SHAW

Tinderbox TAS 7054

To the Tasmanian Planning Commission,

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

I did not make a formal representation during the public exhibition period 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.

PROPERTY DETAILS

Landowner name(s)	Peter James Douglas Shaw
Property address	
Title reference (folio)	
Lot size (approx.)	2.03 ha
Locality	Tinderbox
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) — B

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.

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

The predominant lot size in Tinderbox East is between 2-3 ha, consistent with RLZ B.

GROUND FOR THIS SUBMISSION

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.

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

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, since December 2013, the primary use and strategic intention of the land has always been residential.

The property contains a dwelling constructed in 1997, which has been continuously occupied as a residence, and several small outbuildings including an older cottage, two sheds, and a pump house. Except for power, we provide our own utilities. We have a septic tank and use tank water. We have two tanks internal to the residence and two external tanks, including one registered with, and made accessible for use by the Rural Fire Service. Our rubbish is disposed of privately at the Kingborough Refuse Centre. The only use of our property is residential, and there is no evidence to suggest the primary use is other than residential.

Figure 1: [REDACTED] and surrounds from Google Earth



The LCZ is not a replacement zone for the ELZ

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for my property. The Ireneinc Report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title. The Ireneinc Locality Report for Tinderbox does not identify any specific landscape values on my title.

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.

My property has an area of approximately 2.03 ha. This is consistent with the RLZ B minimum lot size of 2 ha and does not provide for further subdivision under that subcategory.

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.

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.

As reflected in the highlighted section of the photo above, my property contains an established dwelling and associated outbuildings encompassing an older cottage, two sheds, and a pump house, located next to a tank. The older cottage is fenced together with the residence. Over 50% of the property, the upper half, is cleared, with strips of mature native vegetation, between our dam and the road. This vegetation is intersected by our driveway and an easement for our neighbours but shields all cleared areas of the property and our residence from Tinderbox Road.

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.

As reflected in the photo below, my property is situated within a cluster of over 10 properties of variable lot sizes both smaller and larger than my own, ranging from 0.39 ha at [REDACTED] to 24.08 ha for [REDACTED]

██████████, with most 2-3 ha in size per the [Kingborough Draft Local Provisions Schedule \(LPS\)](#) mapping function. The settlement pattern was established before 2013 when we purchased the property. As reflected in Figures 1 and 2, neighbouring properties contain detached dwellings with associated rural activities.

Figure 2: Tinderbox Ridgeline and surrounds near ██████████



Source: <https://kingborough.maps.arcgis.com/apps/webappviewer/index.html?id=d2e66b78e16e4eb980efa1ae05e8259c>
Date accessed: 2 May 2026

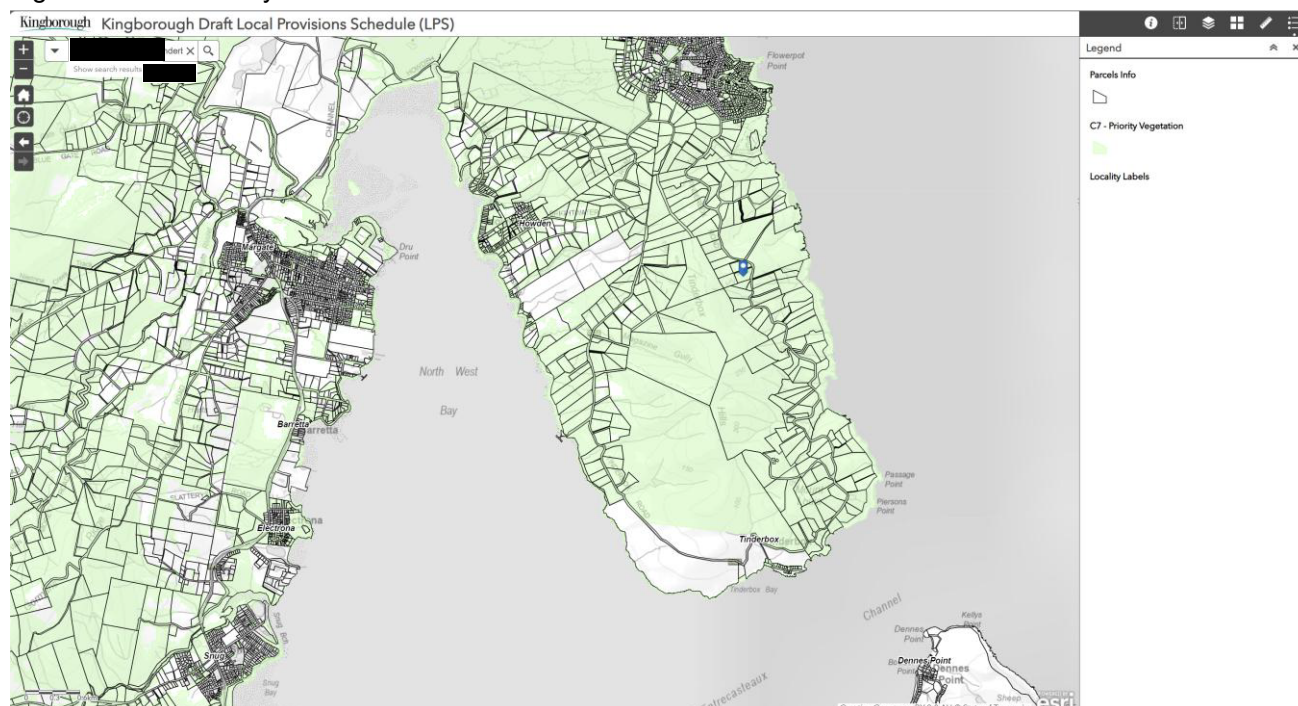
The identified landscape values can be managed outside of LCZ

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]. My property, as for most of the Tinderbox Peninsula is subject to PVA overlay as reflected in Figure 3 below.

Further, my property falls within a Scenic Protection Area (SPA) (Figure 4). In terms of SPA coverage, I note Delegate Probert's statement from [01:07:48] verbatim — '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.' Howden was recommended for Rural Living Zone at partial SPA coverage, and Kettering West Groombridges was recommended for Rural Living Zone after TPC delegates identified an issue and the concession that PVA overlay does the landscape-protection work [02:33:54]. Further, Howden & Blackmans Bay, which have partial SPA coverage (not full), also was recommended for Rural Living Zone at medium risk.

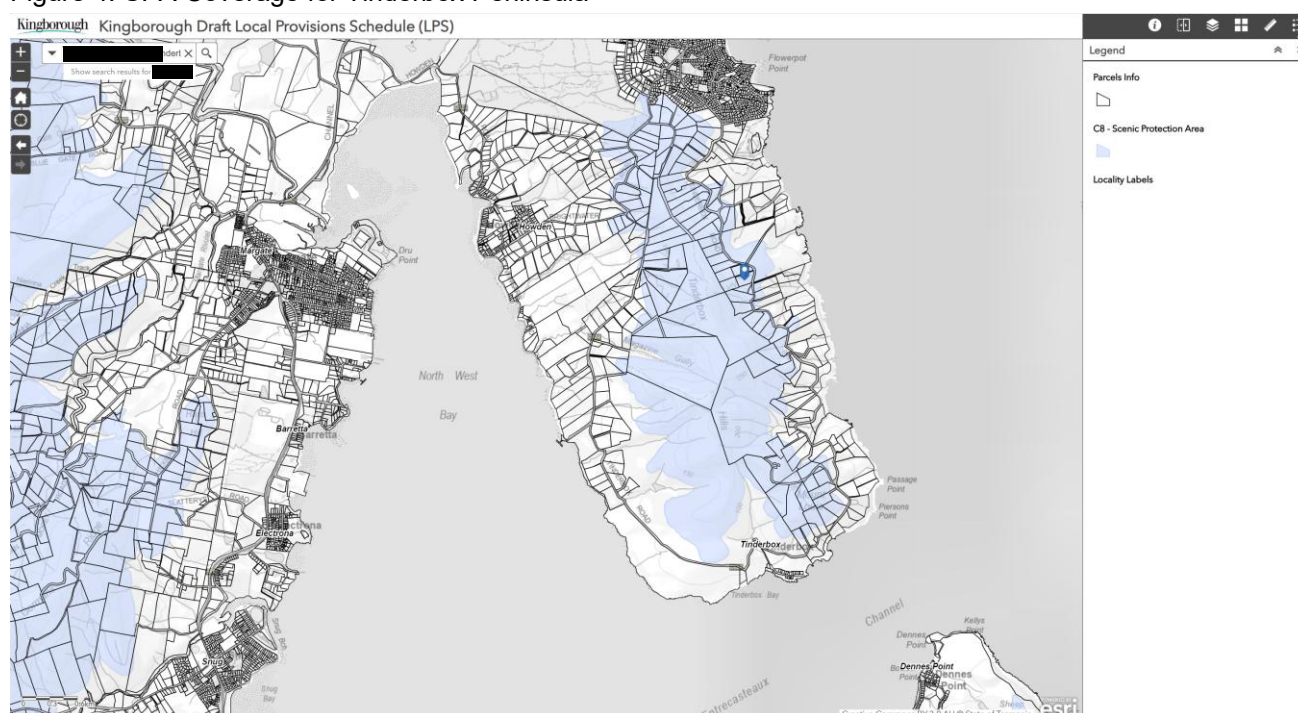
In terms of landscape values, my property is predominantly cleared except for native vegetation near the road, with the residence in a large, cleared area at the top of the block (Figures 1 and 2). The residence is visible from the Derwent and coming down Roslyn Avenue, although less so since 2022 when we re-painted it using a non-reflective colour scheme consistent with surrounding vegetation. Meanwhile, our cleared grass areas are used daily by a significant number of native wildlife, with even more appearing during periods of drought. Meanwhile, given the level of clearing, neighbours have indicated a willingness to evacuate to our residence in the case of a bushfire, noting we are all in a bushfire prone area. Finally, our old cottage has been used as a joint roost by Lesser Long Eared Bats and Little Forrest Bats since before we arrived.

Figure 3: PVA Overlay for Tinderbox Peninsula



Source: <https://kingborough.maps.arcgis.com/apps/webappviewer/index.html?id=d2e66b78e16e4eb980efa1ae05e8259c>
 Date accessed: 3 May 2026

Figure 4: SPA Coverage for Tinderbox Peninsula



Source: <https://kingborough.maps.arcgis.com/apps/webappviewer/index.html?id=d2e66b78e16e4eb980efa1ae05e8259c>
 Date accessed: 3 May 2026

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 combined effect of the RLZ zoning and application of the SPA and PVA overlay controls, without resort to LCZ.

The RLZ subcategory provides for limited or no further subdivision

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ 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. Further, the property was purchased with a covenant that prohibits subdivision.

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.

Further, that 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.

Meanwhile, 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.

I further note 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.

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] Rd, Tinderbox, be included within the Rural Living Zone B in the Kingborough Local Provisions Schedule.

Signed: [REDACTED]

Date:

03 MAY 2026

PETER JAMES Douglas SHAW

Full name:

Contact email / phone:

ACRONYMS / TERMS USED IN THIS SUBMISSION

Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
LCZ	Landscape Conservation Zone
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application