
From: Patrick Dwyer [REDACTED]
Sent: Saturday, 2 May 2026 5:54 PM
To: Kingborough LPS
Cc: kateclarespencer@gmail.com; john hurst
Subject: Draft Kingborough LPS - contest LCZ retention - seeking RLZ B
Attachments: PandC Dwyer Submission LCZ.doc.docx.pdf; Attachment_A PandCDwyer.pdf

Dear Tasmania Planning Commission,

Please find attached our formal submission, including Attachment A, in response to your invitation to make a submission in relation to the recommendations made in the Ireneinc report.

Kinds regards

Patrick Dwyer
President



Mobile: [REDACTED]

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

PART A — PROCEDURAL OPENING

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.

PART B — PROPERTY DETAILS

Landowner name(s)	Patrick and Christine Dwyer
Property address	[REDACTED] Tinderbox TAS 7054
Title reference (folio)	[REDACTED]
Lot size (approx.)	2 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) — Zone B

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 Tinderbox East is approximately 2 ha, consistent with RLZ, Zoned B.

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.

The property contains a three bedroom dwelling, constructed in 1990. A substantial garage/workshop (approximately 18 metres by 9 metres) and a smaller storage shed are located at the front the property closer to road. An indoor swimming pool was in 2008. The property previously operated as a market garden but now grows approximately 300 dahlia plants. The property contains a substantial dam and the dwelling is serviced by electricity. The dwelling and outbuilds occupy approximately a third of the property, another third is pasture, and the remaining third is bush. There is no evidence to suggest the primary use is anything other than residential.

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.

The Ireneinc Locality Report for Tinderbox East does not identify any specific landscape values on my title. The landscape value assessment is made at locality level without reference to the characteristics of my individual property which, as outlined above, is substantial for residential and lower order rural purposes (e.g. the 300 dahlia plants).

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.

My property is approximately 2 ha. This is consistent with the RLZ B minimum lot size of 2 ha 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, and outbuildings (occupying approximately one third of the property, as mentioned above). Another third is pasture, a significant dahlia grove (which is fully fenced) and a dam. My property was part of a previous much larger mixed farming property, which was subdivided into numerous 2 ha lots in 1989, for residential rural living purposes. Aerial photography over this period would confirm the consistent residential character of my property.

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.

My property and the locality surrounding [REDACTED] displays clear rural-living settlement characteristics, namely:

- A linear cluster of road-based residential development along [REDACTED] rather than a grid subdivision pattern;
- Detached dwellings on larger lots, with each with lot sizes broadly ranging from 1 to 15 ha, most of which are, to the best of my knowledge, predominantly between 1 to 10 ha;
- Low dwelling density consistent with rural-living outcomes;
- Neighbouring properties contain detached dwellings with associated rural activities including hobby farming (including chickens), grazing (sheep and goats), orchards and small vineyards;
- The settlement pattern of the properties along [REDACTED] is consistent and has been established for at least 25 years; and
- There is an absence of urban servicing and suburban subdivision form.

This pattern aligns with the characteristics identified in the Ireneinc methodology as supporting consideration of the Rural Living Zone and is specifically differentiated from elevated hinterland or ridgeline parcels elsewhere in Tinderbox which are discussed in the Ireneinc report.

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].

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.

Landscape values are acknowledged to exist widely across Kingborough, including in many areas proposed for RLZ, such as neighbouring localities to my property in Tinderbox East, including Blackmans Bay, Tinderbox West and Howden, together with properties located in Kettering West, Albion Heights and Bonnet Hill, Leslie Vale and parts of Allens Rivulet. The presence of landscape values alone does not, of itself, justify application of the LCZ.

Importantly, the Ireneinc report makes clear that the critical question is not whether landscape values exist, but whether those values can be appropriately managed outside the 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 proposed overlay controls, without the need for LCZ.

Any landscape values identified in the Ireneinc locality baseline for Tinderbox East as they relate to [REDACTED] [REDACTED] are primarily associated with bushland on the title located behind the developed area of my property and below the ridgeline.

In the case of my property at [REDACTED] landscape values are already managed — and will continue to be managed — comprehensively through the operation of statutory planning codes, specifically including the proposed overlays for my property, rather than zoning.

Existing and proposed code-based controls

The land at [REDACTED] is currently subject to the following code overlays under the Kingborough Interim Planning Scheme 2015:

- Bushfire-Prone Areas Code
- Landslide Code
- Biodiversity Code
- Scenic Landscapes Code

Under the proposed Tasmanian Planning Scheme, my site will be regulated by the Natural Asset Code, which currently includes the following overlays:

- Priority Vegetation (Natural Assets Code)
 - Scenic Protection Area Code
 - Bushfire Prone Areas Code
 - Landslip Hazard Code
-

Importantly, these codes apply regardless of zoning and continue to operate in full if RLZ is applied.

Effectiveness of the proposed codes in managing landscape values

Each of the proposed codes directly regulates the matters underpinning the identification of landscape values:

Priority Vegetation (Natural Assets Code)

The Priority Vegetation mapping is triggered by the presence of mapped native vegetation or ecological assets and applies across all zones, including Rural Living and Landscape Conservation. It controls vegetation removal, disturbance and ecological impacts and requires discretionary assessment where impacts are proposed. Importantly, Rural Living zoning does not weaken this code in any respect.

Scenic Protection Area Code

The Scenic Protection Area Code is explicitly designed to operate across multiple zones and does not rely on Landscape Conservation zoning to function. Where applied, it regulates visual impact, building siting, visual prominence and impact on landscape character. Its existence demonstrates that scenic values are managed through code-based controls rather than zoning alone.

Bushfire Prone Areas Code

This code regulates building location, defendable space and vegetation management and applies independently of zoning. Applying Rural Living Zone would not increase bushfire exposure, particularly as no further subdivision would be enabled.

Landslip Hazard Code

The Landslip Hazard Code regulates earthworks, slope stability and building siting and applies regardless of zone. In practice, it often constrains development outcomes more strongly than zoning, particularly on steeply sloping land such as this property.

Collectively, these codes impose mandatory and discretionary standards that manage vegetation removal, hazard exposure, siting of development, visual impact and landscape character at least as effectively as zoning alone.

Risk profile of [REDACTED]

The landscape context of [REDACTED] is materially different from higher-risk areas identified elsewhere in Tinderbox:

- Approximately two thirds of the title is already cleared and developed, meaning that the limited native vegetation does not characterise the developed portion of the site.
- The property is not ridgeline or skyline-forming land.
- Existing residential development already establishes the visual character of the site.

The overall landscape risk associated with the site is therefore low to medium, rather than high.

Controls preventing incremental intensification

Potential incremental intensification over time is constrained by the following factors:

1. No subdivision opportunity under a Rural Living zoning outcome;
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2. Overlay-based constraints relating to vegetation, slope stability and hazard management; and
3. Discretionary assessment requirements for buildings and works.

These controls collectively align with the Ireneinc report's low to medium risk threshold for Rural Living zoning.

For [REDACTED] the identified landscape values can be appropriately and effectively managed outside the Landscape Conservation Zone. The proposed overlays for my property – namely, Priority Vegetation (Natural Assets) Code, Scenic Protection Code, Bushfire Prone Areas Code and Landslip Hazard Code - will perform the substantive landscape-protection function. Applying Landscape Conservation Zone would duplicate these controls without improving landscape outcomes.

Accordingly, RLZ represents a proportionate and appropriate zoning response, consistent with the Ireneinc evaluation framework and the intended operation of the Tasmanian Planning Scheme.

If a locality passes the primary residential intent test (Step 4, Rural Living settlement characteristics), then the only reason to apply LCZ rather than RLZ is where landscape values CANNOT be managed under RLZ + codes (Step 5).

Irene Inc recommends LCZ for parcels on the eastern side of the Tinderbox peninsula, 'acknowledging the existing uses occurring and the interface that these parcels have with the coastline. Future exploration of alternate zoning similar to that which would have been provided by the PPZ could provide for a more effective management of landscape values and rural/residential uses in this area.'(Locality Report, Section 3.1). The eastern Tinderbox parcels have established residential uses and settlement patterns, they are not virgin bushland.

The Irenic report essentially admits the PPZ was the right answer but, in its absence, defaults to LCZ as 'the most appropriate alternate zoning at this time.' This is not a positive finding that LCZ is correct, it is a negative finding that nothing better exists within current zone options. A RLZ with a very restrictive subdivision category (RLZ B, 2 ha minimum) addresses the residential intent while preserving landscape values through overlays.

D2.4 — The RLZ subcategory provides for limited or no further subdivision

The Ireneinc evaluation framework identifies as a key indicator of suitability for Rural Living Zone that a transition would result in limited or no further subdivision, and that a similar minimum allowable lot size is maintained following rezoning.

Applying Rural Living Zone B to my property achieves this outcome. [REDACTED] has an area of approximately 2 ha. Under RLZ B, the minimum lot size is 2 hectares. As a result, subdivision of the land under this subcategory would not be achievable, effectively addressing any concern regarding potential intensification arising from the application of Rural Living zoning.

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.

The risk profile of [REDACTED] is materially different from that of elevated eastern Tinderbox parcels identified in the Ireneinc review as visually sensitive and higher risk.

My property forms part of an established road-edge settlement, is not elevated or skyline-forming, and does not contribute to broader ridgeline or visual dominance. My property is approximately two thirds cleared and subject to overlays, including Priority Vegetation and Scenic Protection Area. In these circumstances, application of the LCZ would represent a disproportionate response to the level of landscape risk present.

Consistent with the Ireneinc evaluation framework and the principle of applying the least restrictive zone where multiple zones are reasonably available, the application of RLZ, with no subdivision capability, represents a proportionate and appropriate zoning outcome for this site.

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.

Having regard to the Ireneinc report's treatment of comparable localities including Tinderbox West, Kettering West, Howden and Blackmans Bay, Albion Heights and Bonnet Hill, Leslie Vale and parts of Allens Rivulet, [REDACTED] aligns squarely with areas where Rural Living Zone has been assessed as appropriate. In each of those localities, residential settlement is long-established, lot sizes function as lifestyle holdings, landscape values are present but conditioned by existing development, and risks are effectively managed through code-based controls, provided subdivision is constrained. [REDACTED] shares these same characteristics: it forms part of a road-edge residential settlement, is not elevated or visually dominant at a locality scale, contains landscape values consistent with a rural-living context rather than intact bushland, and is subject to Priority Vegetation, Scenic Protection and hazard controls that regulate vegetation, visual impact and siting. Consistent with the Ireneinc framework and its application in the comparison localities, zoning this property Rural Living with no further subdivision would be a proportionate, consistent and policy-aligned outcome, rather than a departure from or exception to the adopted approach.

My property in Tinderbox East is directly comparable to properties in Tinderbox West, Kettering West, Blackmans Bay and Howden where RLZ was recommended. These areas share the following characteristics: lot sizes predominantly between 1 and 15 ha, residential settlement pattern, and proximity to existing RLZ. There is no principled basis on which to treat my property differently.

D4 — 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.

D5 — 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 within the Priority Vegetation, Scenic Protection Area, Bushfire-Prone Areas and Landslip Hazard. These controls minimise impact and protect nature assets, including vegetation. The combined effect of RLZ zoning and these overlay controls are sufficient to manage any landscape values identified in the locality baseline without resort to LCZ.

D6 — Inconsistency in the Ireneinc evaluation framework (Attachment A)

A formal inconsistency analysis has been prepared and is attached to this submission as Attachment A. That analysis compares the landscape value descriptions, settlement characteristics, lot sizes, SPA coverage, PVA/NAC overlay coverage, and risk ratings applied by Ireneinc to this locality against one or more similar localities that received a more favourable zone outcome using the same or near-identical evidence.

The analysis draws on the following key statements from the Day 20 TPC hearing:

- Commissioner Rohan Probert [01:07:48]: Directly identified that landscape descriptions for Tinderbox East and Howden are near-identical yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two. This principle applies to the inconsistency documented in Attachment A for this locality.
- Commissioner Dan Ford [02:33:54]: Forced the concession that the 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 Ireneinc report consistently applies RLZ to localities where residential settlement is established, landscape values are present but conditioned, and risks can be effectively managed through code-based controls, provided subdivision is constrained. In each of the localities identified below, these characteristics align closely with those of [REDACTED] demonstrating that application of RLZ in this case would be consistent, proportionate, and directly in accordance with the Ireneinc framework, rather than an exception to it.

West Tinderbox

The Ireneinc report's treatment of West Tinderbox provides a clear and directly comparable precedent for [REDACTED]. In West Tinderbox, landscape values were acknowledged, but RLZ was supported for road-edge and lower-slope areas with established residential settlement where landscape values were already conditioned by existing development and could be appropriately managed through Priority Vegetation, Scenic Protection and hazard controls, provided subdivision was constrained.

Kettering West

In Kettering West, the Ireneinc report acknowledged the existence of landscape values but nevertheless supported application of the RLZ where rural-living settlement characteristics were established and landscape risks could be managed through code-based controls. Priority Vegetation and Scenic Protection provisions were relied upon to manage impacts, and Rural Living zoning was explicitly supported where subdivision was constrained, demonstrating that landscape values alone did not justify default application of the Landscape Conservation Zone.

Howden and Blackmans Bay

For Howden and Blackmans Bay, the report recommended RLZ across areas characterised by established road-edge residential settlement and lifestyle-scale lots. While landscape values were recognised, they were considered to be shaped by long-standing residential use rather than pristine bushland, and capable of being managed through Priority Vegetation and Scenic Protection controls, provided subdivision was limited.

Albion Heights and Bonnet Hill

In Albion Heights and Bonnet Hill, the report accepted that significant landscape and scenic values were present but concluded that RLZ was appropriate where residential use was established and subdivision could be prevented. The report emphasised that code-based controls, rather than conservation zoning alone, were sufficient to manage landscape outcomes in areas functioning as rural-living settlements.

Leslie Vale

At Leslie Vale, the Ireneinc report supported RLZ for established rural-residential areas with mixed cleared and vegetated land. Landscape values were regarded as consistent with a rural-living context and capable of being addressed through existing planning scheme controls, supporting RLZ where it reflected existing use and avoided further subdivision.

Allens Rivulet (selected areas)

In selected parts of Allens Rivulet, RLZ was recommended where a rural-residential settlement pattern was evident and landscape risk was assessed as low to medium. Although landscape values were present, they were considered manageable through Priority Vegetation and hazard overlays, with Rural Living zoning supported on the basis that subdivision would be constrained.

[REDACTED] comparison

Having regard to the Ireneinc report's treatment of comparable localities including Tinderbox West, Kettering West, Howden and Blackmans Bay, Albion Heights and Bonnet Hill, Leslie Vale and parts of Allens Rivulet, [REDACTED] aligns squarely with areas where RLZ has been assessed as appropriate. In each of those localities, residential settlement is long-established, lot sizes function as lifestyle holdings, landscape values are present but conditioned by existing development, and risks are effectively managed through code-based controls, provided subdivision is constrained. [REDACTED] shares these same characteristics: it forms part of a road-edge residential settlement, is not elevated or visually dominant at a locality scale, contains landscape values consistent with a rural-living context rather than intact bushland, and

is subject to Priority Vegetation, Scenic Protection and Hazard controls that regulate vegetation, visual impact and siting.

The specific differentiators identified by the Ireneinc report for why Tinderbox East should be retained as LCZ were the absence of a Scenic Protection Area overlay on the eastern coast and a concern that the RLZ permits greater building heights than the LCZ. Given that my property is already fully developed and with no intention for further development, and not overtly visible for the road, there is little risk of building being an issue. Furthermore, the Scenic Protection Area and Priority Vegetation overlays do in fact apply to my property.

Consistent with the Ireneinc framework and its application in the comparison localities, zoning this property Rural Living Zone B, thus providing no further subdivision, would be a proportionate, consistent and policy-aligned outcome, rather than a departure from or exception to the adopted approach.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to the specific comparison rows identified above, which demonstrate that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

PART E — LOCALITY-SPECIFIC CONTEXT

Please refer to Attachment A for locality specific information pertaining to Tinderbox.

The Ireneinc report recommended a full transition from Environmental Living Zone (ELZ) to Rural Living Zone (RLZ) for the western side of the Tinderbox Peninsula, on the basis that land along western [REDACTED] displays clear rural-living settlement characteristics and that identified landscape values can be appropriately managed through the application of planning scheme codes. In contrast, the report recommended retention of the Landscape Conservation Zone on the eastern side of the peninsula, citing two primary reasons: the absence of a Scenic Protection Area overlay on the eastern coast and a concern that the RLZ permits greater building heights than the LCV.

However, this east–west distinction was directly tested during Day 2 of the Tasmanian Planning Commission hearing. At [00:35:14], Delegate Dan Ford expressly challenged Ireneinc on what, in practical terms, could not be managed through existing codes on the eastern side of the peninsula. The response from Ireneinc focused on the absence of Scenic Protection Area coverage and the theoretical risk associated with Rural Living building height controls. This reasoning was further probed by the Commission, with Delegate Ford noting at [00:47:04] that the distinction relied upon by Ireneinc was not clearly evident in the landscape values assessment, and characterising this reasoning as the weakest justification for LCZ retention considered that day. Later comments by the panel also recognised a stronger residential character across parts of the broader Tinderbox and Howden area, reinforcing scepticism about a rigid east–west zoning divide.

Importantly, the Ireneinc report itself does not treat Tinderbox East as uniformly high-risk land. While it recognises significant landscape values across the peninsula—particularly extensive bushland and native vegetation on elevated land and ridgelines, and the broader coastal and hinterland setting—it draws an explicit distinction between elevated, visually dominant parcels that contribute strongly to peninsula-scale landscape values, and road-edge and lower-slope parcels with established residential settlement patterns. For these settled areas, the report identifies that dwellings are typically screened by vegetation and moderated by topography, and that landscape values are consistent with a rural-living context rather than pristine or intact

bushland. In such circumstances, the report accepts that landscape values can be appropriately managed through scheme provisions, particularly Priority Vegetation and Scenic Protection controls, without reliance on the LCZ.

When read together, the IreneInc recommendations and the Commission's Day 2 questioning demonstrate that LCZ retention on the eastern side was not based on an absolute incompatibility with RLZ, but on concerns that are site-specific and capable of being assessed at the lot level. Where a property is lower-slope, not visually prominent, or subject to Scenic Protection or other relevant code-based controls, the height-based rationale relied upon to justify LCZ does not apply with equal force. In those circumstances, consistent with the Commission's expressed scepticism, the application of RLZ with constrained subdivision represents a proportionate and defensible outcome under the Ireneinc evaluation framework.

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 B 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] Tinderbox TAS 7054, be included within the Rural Living Zone B in the Kingborough Local Provisions Schedule.

Signed:

Date: 2 May 2026

[REDACTED]

Full name: Patrick Colin Dwyer and Christine Louise Dwyer

Contact email [REDACTED]

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
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

ATTACHMENT A

Inconsistency Analysis — Ireneinc Zone Evaluation

PART 1 — SUBMISSION IDENTIFICATION

Submission reference	Patrick and Christine Dwyer — [REDACTED] Tinderbox TAS 7054 — Direction 69
Property title reference	[REDACTED]
Locality	Tinderbox
Submission template used	Template T1 — Contest LCZ, seek RLZ B
Date of attachment preparation	2 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 following table identifies the specific comparisons within the attached Inconsistency Analysis that are most directly relevant to this submission. The full comparative table for this locality appears on Page 7 of this Attachment A.

Characteristic compared	Similar locality cited in Attachment A	Why this comparison supports my submission
Landscape value description	Tinderbox West, Howden & Blackmans Bay	The language used to describe the landscape values of Tinderbox West applies equally to our property. Both locations are situated on the same peninsula and share the same vegetation type, topographic character, and coastal settlement pattern. Similarly, the language used to describe the landscape values of Howden and Blackmans Bay is very similar—indeed, almost identical—to that used for Tinderbox East, namely: <i>“distinctive vegetated ridgeline landscape characterised by residential settlement patterns, with native bushland present throughout and dwellings often screened by retained vegetation.”</i> Despite these shared characteristics, Tinderbox West, Howden, and Blackmans Bay were all zoned Rural Living (RLZ), while my locality in Tinderbox East was instead zoned Landscape Conservation (LCZ). No clear or defensible justification has been provided to explain this difference in zoning outcome.

Settlement Characteristics	Tinderbox West, Howden & Blackmans Bay	Tinderbox West exhibits settlement characteristics that are effectively identical to those of our property. It is located on the same road, within the same peninsula, and displays the same form and intensity of residential settlement. Howden and Blackmans Bay also share very similar settlement characteristics with my property. As in those localities, Tinderbox East contains lots predominantly ranging from 1–10 hectares, with our section of [REDACTED] largely comprising 1–5 hectare lots. Across these areas there is a consistent pattern of residential development, characterised by detached dwellings and associated outbuildings, set within a landscape framed by reserve land to both the north and south. Importantly, there is no discernible difference in the applicable Scenic Protection Area (SPA) between these comparable locations that were zoned Rural Living (RLZ) and my locality, which was zoned Landscape Conservation (LCZ). No substantive planning distinction has been identified that would justify a different zoning outcome based on settlement characteristics or landscape context.
Scenic Protection Area (SPA) coverage	Tinderbox West, Howden & Blackmans Bay	SPA covers the comparable localities of Tinderbox West and partially covers Howden & Blackmans Bay. Our property in Tinderbox East currently has a Scenic Landscape Area overlay and is also subject to the proposed for Scenic Protection Area (SPA) coverage. As such, there is no difference in the current and proposed scenic protection coverages applicable to comparable locations in Tinderbox West, Howden and Blackmans Bay that received RLZ. The key differentiator cited for the LCZ in Tinderbox East compared to Tinderbox West, Howden & Blackmans Bay was the absence of SPA. Delegate Probert's own

words from the hearing [01:07:48] confirm this where he states that these areas have identical landscape value descriptions, identical settlement characteristics, and both sides of the same peninsula — but opposite zone outcomes. The specific differentiators identified by the Ireneinc report for why Tinderbox East should be retained as LCZ were the absence of a Scenic Protection Area overlay on the eastern coast and a concern that the RLZ permits greater building heights than the LCZ. Given that my property is already fully developed and with no intention for further development, and not overtly visible for the road, there is little risk of building high being an issue. Furthermore, the Scenic Protection Area and Priority Vegetation overlays do in fact apply to my property.

Priority Vegetation Area / Natural Asset Code Overlay	Tinderbox West, Howden & Blackmans Bay	Tinderbox West, Howden and Blackmans Bay have a proposed Priority Vegetation Area overlay. Our property also has a proposed Priority Vegetation Area overlay. Accordingly, there is no distinction between my property in Tinderbox East and comparable localities that received RLZ.
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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:

Property Characteristic compared	Similar locality cited in Attachment A	Why this comparison supports my submission
Established Residential Settlement	Tinderbox West, Howden & Blackmans Bay	Our property is located in a linear cluster of road-based residential

		development along [REDACTED] rather than a grid subdivision pattern. Our three bedroom residential dwelling was built in 1990 and has been fully occupied since that time. It has supporting outbuildings, residential infrastructure such as water tanks and a septic system, and has been extensively landscaped and fenced.
Lot size	Tinderbox West, Howden & Blackmans Bay	Our lot is approximately 2 ha. This is consistent with the 1 – 5 ha range accepted for RLZ at Tinderbox West, Howden and Blackmans Bay, and within the range for which Ireneinc found codes manage landscape values adequately.
Ridgeline character	Tinderbox West, Howden & Blackmans Bay	Our lot is approximately two thirds developed/cleared and limited native vegetation. Our property is below the ridgeline and not visually dominant from the road or water. As such it does not display the elevated vegetated ridgeline character cited as the basis for LCZ retention.
Scenic Protection Area (SPA) Coverage	Tinderbox West, Howden & Blackmans Bay	To restate our comments in Part 4 above, SPA covers Tinderbox West and partially covers Howden & Blackmans Bay. Our property in Tinderbox East currently has a Scenic Landscape Area overlay and is also subject to the proposed Scenic Protection Area (SPA) coverage. As such, there is no difference in the current and proposed scenic protection coverages applicable to comparable locations in Tinderbox West, Howden and Blackmans Bay that received RLZ.
Priority Vegetation Area / Natural Asset Code Overlay	Tinderbox West, Howden & Blackmans Bay	Each of Tinderbox East, Tinderbox West, Howden and Blackmans Bay have a proposed Priority Vegetation Area overlay. There is no distinction between our property in Tinderbox East and comparable localities that received RLZ.

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.

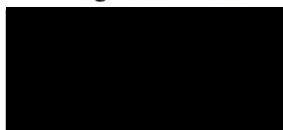
PART 7 — DECLARATION

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: 2 May 2026



Louise Dwyer

Colin Dwyer and Christine

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.