
From: Rachel Clohessy <[REDACTED]>
Sent: Sunday, 3 May 2026 9:38 PM
To: Kingborough LPS
Cc: Ryan C
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED], Flowerpot
Attachments: Submission - Kingborough LPS Direction 69 - [REDACTED] Flowerpot.pdf

Dear Tasmanian Planning Commission,

Please find attached our written submission in response to Direction 69 of the draft Kingborough Local Provisions Schedule, concerning our property at [REDACTED], Flowerpot (Title references [REDACTED] and [REDACTED]).

In summary, our submission demonstrates that:

- The application of the Landscape Conservation Zone (LCZ) is inconsistent with section 34 of the Land Use Planning and Approvals Act 1993 and the Section 8A Zone Guidelines
- The property has a long-established residential use and forms part of a coherent rural living settlement
- The Rural Living Zone (RLZ) satisfies the relevant criteria and is the appropriate zone
- The application of RLZ (Subzone C) would not result in subdivision or intensification
- Landscape values are already appropriately managed through existing overlay controls

We respectfully request that the Commission modify the draft LPS to apply the Rural Living Zone (Subzone C or equivalent) to our property.

Should the Commission be considering an alternative outcome, we request the opportunity to respond prior to any final determination.

Please confirm receipt of this submission. We are available to provide any further information if required.

Kind regards,

Rachel Clohessy
[REDACTED]

Ryan Clohessy
[REDACTED]

To the Tasmanian Planning Commission,

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

We did not make a formal representation during the public exhibition period, however we understand that the Commission has received correspondence from us or on our behalf in relation to the draft LPS. We understand that this letter provides us the opportunity to formally participate in this stage of the LPS process by making a written submission. We understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite us to discuss the matters raised.

We take the opportunity and submit as follows.

1. INTRODUCTION AND OVERVIEW

Landowner name(s)	Ryan Clohessy & Rachel Clohessy
Property address	[REDACTED], Flowerpot
Title references (folio)	[REDACTED]
Lot size (approx.)	9.94ha
Locality	Flowerpot
Current LPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ)
Zone sought in this submission	Rural Living Zone (RLZ)

Evidence in this submission demonstrates that the application of the LCZ to our property, at [REDACTED] Flowerpot, 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).

The property is demonstrably part of an established rural living settlement with a long-standing residential use and limited capacity for further development. Accordingly, the Rural Living Zone (RLZ) is the appropriate zone, in consideration of the following:

- The requirements of Section 8A Guideline No. 1 of the Zone Guidelines, in particular LCZ 4(a), RLZ 1 and RLZ 2(b), prohibit that LCZ is applied where priority use is residential and instead refer to RLZ.
- The property's priority use is residential (as demonstrated in section 2 of this submission). At a high level, this is evidenced by:

- established residential dwelling (dating circa 1910), cleared land, and associated outbuilding (shed) (Figure 4)
- aerial photography showing residential and farming activity dated back to 1961-1970 (Figure 5)
- The property sits within an established residential settlement (see 2.1 of this submission); along [REDACTED] an unbroken string of 10+ neighbouring residential properties ranging from 1-15ha. Residential and rural activity on this road dates to circa 1900 with our property being one of the earliest established residences.
 - The property exhibits many of the same characteristics as properties on [REDACTED] east that are recommended by Ireneinc as RZ; characteristics such as significant cleared land with established dwellings.
- The property is subject to existing overlay codes (Scenic Protection Area Code and the Natural Assets Code (NAC), Priority Vegetation Area (PVA) and Biodiversity Protection Area (BPA)), and these overlays are capable of managing landscape values without the need for LCZ.
- The application of RLZ subcategory C to the property does not allow a pathway for subdivision due to minimum lot sizes, alleviating any concerns of intensification (see section 4.2.4 of this submission).

We are not seeking to intensify land use or develop beyond the existing patterns of the property, we are only highlighting the inconsistency, with the Zone Guidelines, of applying LCZ and requesting that the property is appropriately categorised as Rural Living Zone in recognition of the above points. The specific subcategory we seek is Rural Living Zone C.

2. DESCRIPTION OF THE PROPERTY AND SURROUNDS

2.1 Location

The property is situated on [REDACTED], Flowerpot, within a cluster of 10 residential properties, each with lot sizes ranging from approximately 1–15 ha. The settlement pattern is consistent and has been established since circa 1900. Following our property down [REDACTED], to Channel Highway, there is an unbroken string of neighbouring residential properties (including numbers 123, 100, and 99) with existing residential dwellings in close proximity (not “scattered residential uses” as the Ireneinc report describes). Properties within this settlement contain detached dwellings with associated rural activities including hobby farming and grazing.

Evidence for the above summarised as follows:

- Ref. Figure 1, there are 27 parcels within the Flowerpot locality and 19 of them are less than 15 Ha. Meaning approximately 70% of parcels are smaller than 15Ha.
- Ref. Figure 2, aerial photo of [REDACTED] depicting significant cleared vegetation 10 residential dwellings, outbuildings and other rural activity. (Source: ListMap)

- Ref. Figure 3, TASVEG 5.0¹ (Source: ListMap) depicts the extent of modified land along [REDACTED] settlements, which extends to and includes our property.

Figure 1 – Parcel sizes Flowerpot locality



¹ TASVEG is a Tasmania-wide vegetation map produced by the Tasmanian Vegetation Monitoring and Mapping Program (TVMMP)

Figure 2 – Aerial photo of [redacted] settlement (circled red [redacted], circled blue neighbouring residential properties on [redacted], total 10)

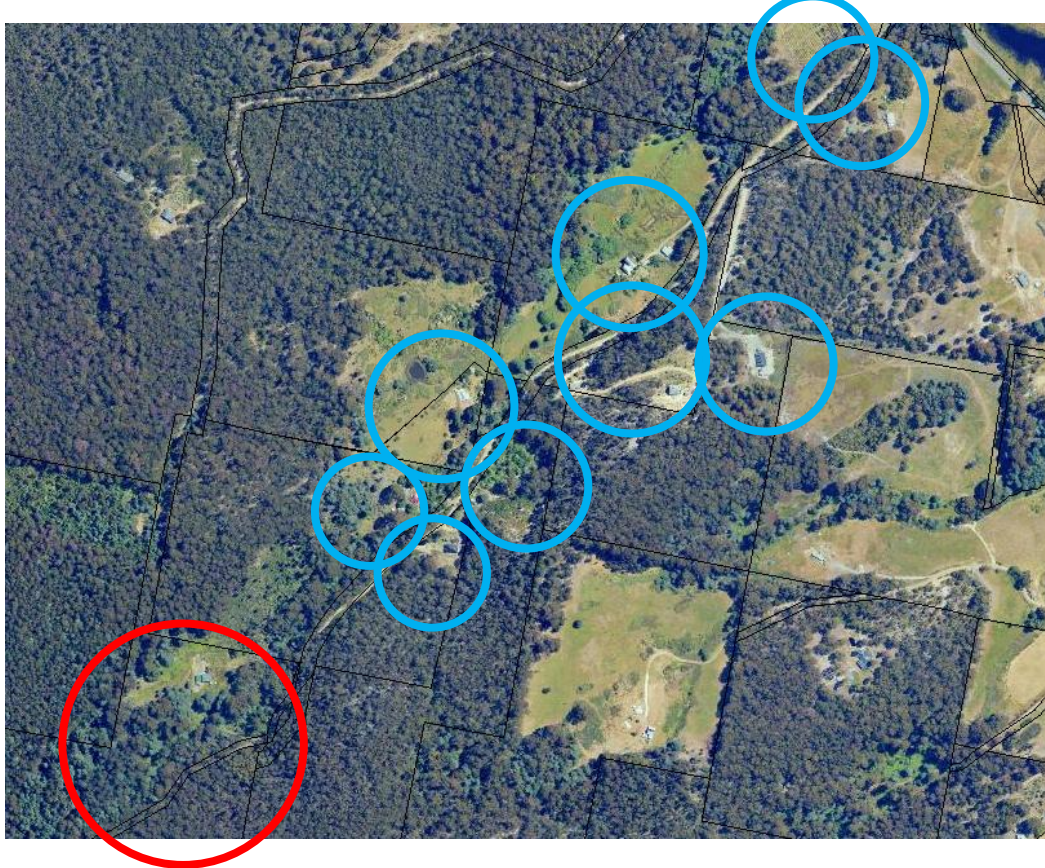


Figure 3 – TASVEG 5 codes Gallaghers Road, Flowerpot (circled 150 Gallaghers Road)



2.2 Existing Condition and Use

The property itself contains a dwelling constructed circa 1910, has been continuously occupied as a residence, is serviced by Tas Networks, and is accessed directly by council-maintained road. There is no evidence to suggest the primary use is other than residential. Refer to Figure 4 depicting the property, including residence and significant cleared land with farming activity. This photo is dated 1961-1970, however the residence itself and history of farming activity dates to circa 1910. Further, see Figure 5 (aerial photography dated 2016-2017) and Figure 6 (aerial photography dated 2025-2026) depicting residence and land which remains cleared from documented history to present (shown by red border); approximately 6000m² of cleared land.

Figure 4 – Aerial Photo of property circa 1961-1970, (Source: ListMap)



Figure 5 – Aerial Photo of property circa 2016-2017, (Source: ListMap)

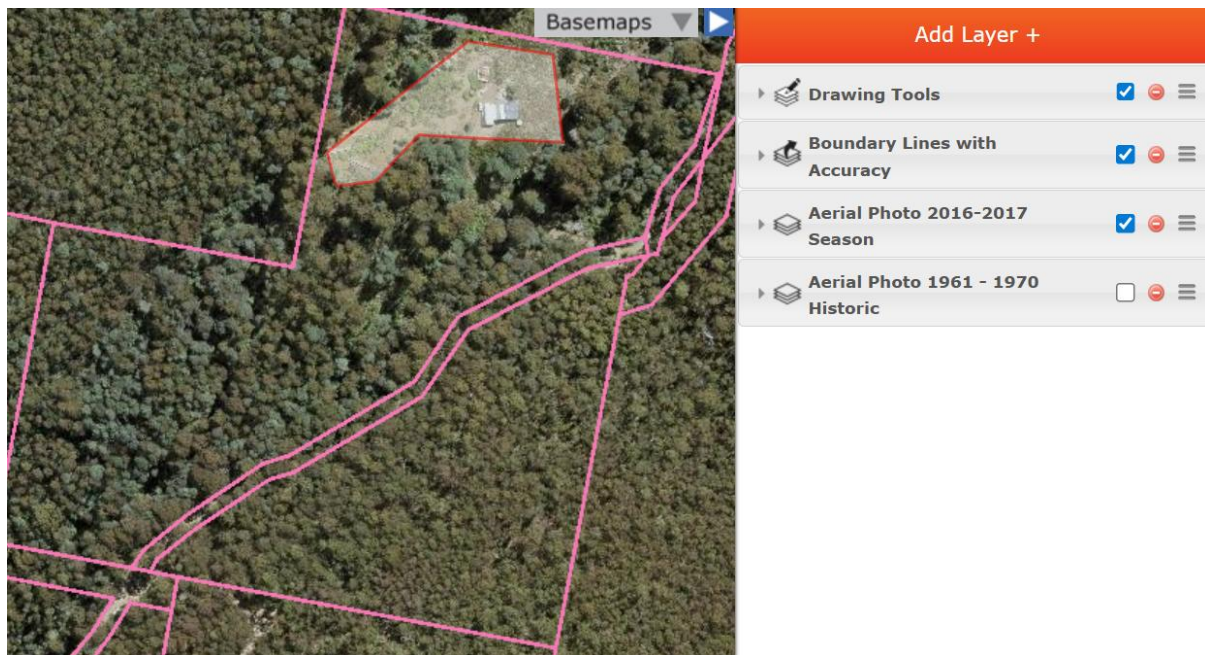
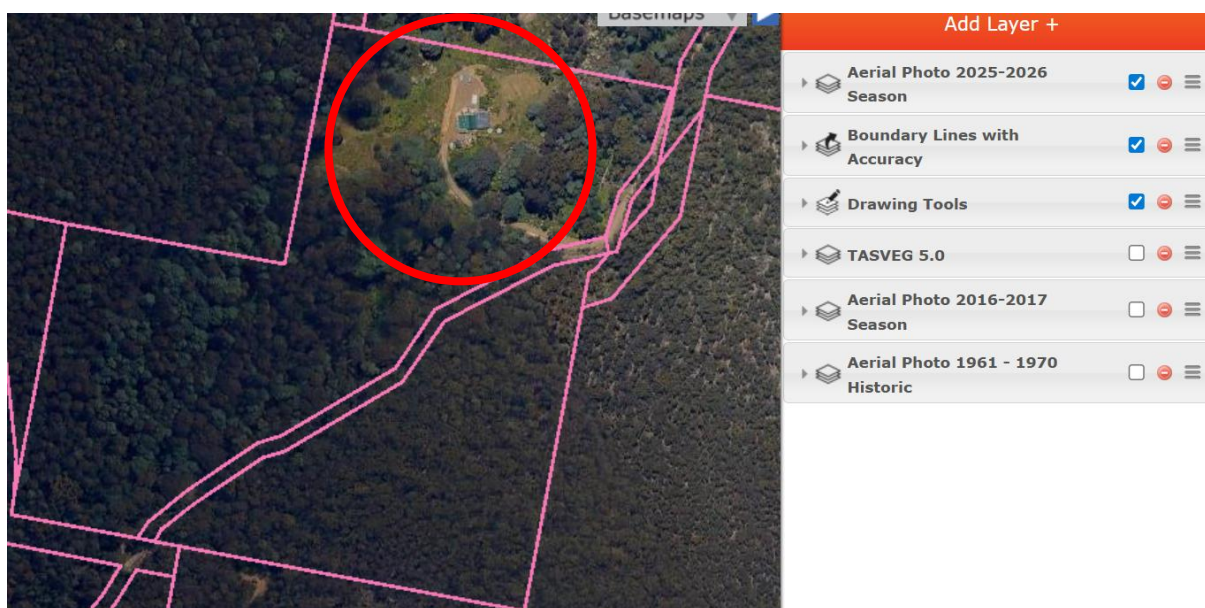


Figure 6 – Aerial Photo of property circa 2025-2026, (Source: ListMap)



2.3 Landscape Values of the Locality

The Ireneinc Locality Report for Flowerpot identifies landscape values in our locality as “areas of elevating bushland features that are retained around existing development, which contribute to the landscape value of the locality and the overall scenic values including large areas of elevated bushland”. This statement acknowledges that landscape values within this locality are already in coexistence with the “existing development”. i.e. the existing residential uses in this locality are not in contradiction with Ireneinc’s perceived landscape values of the locality.

Further, our property, as per 2.2 of this submission, has an existing residence surrounded by approximately 6000m² of cleared land, all of which is not visible from any main roads making it extremely unlikely to impact to scenic value of elevated bushland. The Ireneinc report includes an image of our property (sourced from realestate.com) to imply that the property has visual impact on scenic views from the channel and below, however this is not the case. The image is taken by aerial drone and not an accurate indication of visibility of the property.

3. WHY LANDSCAPE CONSERVATION ZONE IS NOT APPROPRIATE

3.1 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 bases 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]. We submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

3.1.1 The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a)).

Zone Guideline LCZ 4(a) provides that 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'.

Our 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 our tenure, the primary use and strategic intention of the land is and has always been residential. For details refer to the descriptions in section 2 of this submission.

3.1.2 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 comprehensive justified.'

3.2 Consistency and fragmentation arguments

3.2.1 Fragmented LCZ application should be resolved in favour of the surrounding zone

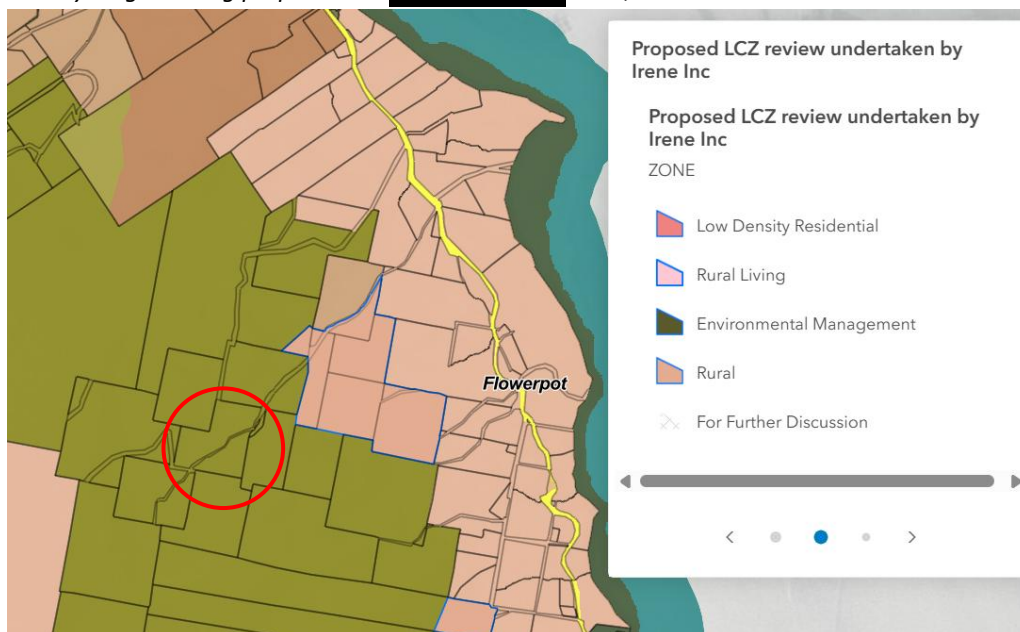
The Ireneinc report itself identifies avoidance of fragmented LCZ application as a key principle. The report notes that areas where only 2–3 LCZ-zoned properties are surrounded by Rural Zone (RZ) or RLZ land should be modified to resolve the fragmentation. Where our property is located within or adjacent 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.

Ireneinc have categorised properties on the eastern fringe of [REDACTED] as RZ, on the basis that they “display characteristics which are more aligned with the Rural Zone than the Landscape Conservation Zone in that there are existing areas which are significantly cleared and have evidence of rural activities occurring on all or significant portions of these parcels”. There are no accurately identified differences in landscape values, vegetation cover, or development history that would justify the different treatment of our property.

We have clearly evidenced (in section 2 of this submission) that our property has characteristics of “existing areas which are significantly cleared” and is more importantly **of primarily residential use**. We submit that our property and several neighbours to the east fit the category of either RLZ or RZ and that this would support consistently applied zoning and avoid fragmented outcomes.

Figure 7 – Flowerpot inconsistently applied zoning (circled in red [REDACTED]).

Neighbours on [REDACTED] east recommended RZ by Ireneinc despite having similar characteristics to and directly neighbouring properties on [REDACTED] west, which are recommended LCZ. See also Figure 2.



3.2.2 Inconsistency with adjoining or comparable properties

The Zone Guidelines require that the spatial application of zones be, as far as practicable, consistent with and coordinated across the LPS. Where neighbouring properties with

substantially similar characteristics have been recommended for RLZ or RZ, the application of LCZ to our property is inconsistent and not supported by evidence of any material difference, as per 3.2.1 above and section 2 of this submission.

3.3 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.

4. WHY THE RURAL LIVING ZONE IS MOST APPROPRIATE

4.1 The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 an 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 **exactly** matches the characterises our property and broader settlement, as per the descriptions in section 2 of this submission.

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. Our property satisfies both elements of this criterion, as per the descriptions in section 2 of this submission.

4.2 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, we submit that

even applying the framework as intended, our property satisfies the criteria for RLZ rather than LCZ.

4.2.1 Our 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. Our property clearly satisfies this criterion as per the descriptions in section 2 of this submission.

4.2.2 Our 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 **has incorrectly determined that our property does not satisfy the criteria of a rural living settlement**, however, it fits the criterion as per the descriptions in section 2 of this submission.

4.2.3 Any 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]. Our property is subject to the NAC, Scenic Protection Area (SPA), PVA and Biodiversity Protection Area (BPA) overlay. These overlay controls provide adequate management of any landscape values present, without the need for more restrictive LCZ.

4.2.4 — 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 subcategory C to our 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.

Our property has an area of 9.9ha. Under RLZ C, the minimum lot size is 5 ha. Subdivision of our property under this subcategory would not be possible, addressing any concern about intensification.

4.3 The TPC panel's own statements support RLZ for properties like ours

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.

4.3.1 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 our property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

4.3.2 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 our locality is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

The IreneInc report rates the transition of land in the Flowerpot locality to RLZ as medium to high. This rating does not accurately reflect the characteristics of our individual property for the following reasons:

- The property has an existing residence and cleared land, with no intention or path to subdivision or intensification, as per the descriptions in section 2 and 4.2.4 of this submission.
- Landscape values can be maintained outside of LCZ, as per section 4.2.3 of this submission.

4.3.3 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.

4.3.4 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 our property.

Our property in Flowerpot is comparable to properties in Kettering East and similar localities where RLZ was recommended. Both areas share characteristics such as lot sizes between 1-15 ha., neighbouring residential properties, settlement pattern, proximity to existing RLZ. There is no principled basis on which to treat our property differently.

5. CONCLUSIONS

The details in this submission demonstrate that:

1. The application of the LCZ to our 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 with our property, 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 our property.
4. That an error occurred in the Ireneinc Report regarding the Gallaghers Road Flowerpot locality insofar as there are clearly 10 properties with well-established dwellings on lots between 1 – 15 ha that do constitute a rural settlement. This has consequences for the rest of the decision tree used directly to determine their LCZ decision for our property.
5. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone (Subcategory C or whichever is deemed most appropriate);
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made
- We request that the folio of the Register [REDACTED] and [REDACTED] at [REDACTED] [REDACTED] Flowerpot Tasmania 7163, be included within the Rural Living Zone or Rural Zone whichever is deemed appropriate that is not LCZ in the Kingborough Local Provisions Schedule.

Signed: [REDACTED] Full name: Rachel Clohessy	Date: 3/05/2026 Contact email / phone: [REDACTED] [REDACTED]
Signed: [REDACTED] F [REDACTED] yan Clohessy	Date: 3/05/2026 Contact email / phone: [REDACTED] [REDACTED]

Evaluation

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

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

ICATION

Gallaghers Road Flowerpot Tasmania 7163

ent

seek RLZ or RZ

TTACHMENT

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

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

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

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

PART 3 — COMPARATIVE SETTLEMENT AREAS

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

Suburb	Street
- Kettering east	- Saddel Rd to Gleys
- Oyster Cove	- Manuka Rd. + Channel Hwy

PART 4 — GALLAGHERS ROAD RESEDENTS

Residents of Gallaghers Rd, Flowerpot

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

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

PART 5 — DECLARATION

I confirm that:

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

Signed: Organised by	Date:
Full name: A.E. Langenau	2/5/2
	Contact email /

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