
From: Augustin Deplante [REDACTED]
Sent: Sunday, 3 May 2026 8:40 PM
To: Kingborough LPS
Subject: Submission —Kingborough LPS Direction 69 — [REDACTED], Tinderbox, TAS 7054
Attachments: [REDACTED] Submission.pdf

Hello,

Please find attached a PDF of our submission for our property, title [REDACTED]
Thank you for your time.

Kind regards,

Augustin Déplante
M: [REDACTED]

Augustin and Penelope Deplante

[REDACTED]
Tinderbox, TAS 7054
[REDACTED]

3rd May 2026

Tasmanian Planning Commission

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.

Landowner name(s)	Augustin and Penelope Deplante
Property address	[REDACTED] Tinderbox, TAS 7054
Title reference (folio)	[REDACTED]
Lot size (approx.)	2.4ha
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) — specify subcategory below

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 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.

- 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 dwelling constructed in 1974, has been continuously occupied as a residence, and is serviced by mains power. There is no evidence to suggest the primary use is other than residential.
- 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 2.4ha. This is consistent with the RLZ B minimum lot size of 2ha 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.

- 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, associated outbuildings including a shed, a veggie garden, cleared areas and fencing. Aerial photography over decades confirms the consistently residential character of the property.
- 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. My property has an area of 2.4 ha. Under RLZ B, the minimum lot size is 2 ha. Subdivision of my property under this subcategory would not be possible, addressing any concern about intensification.

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.

- 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.
- 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.
- 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. My property in Tinderbox is directly comparable to properties in Howden where RLZ was

recommended. Both areas share the following characteristics: lot sizes, settlement pattern, proximity to existing RLZ, absence of significant landscape values. There is no principled basis on which to treat my property differently.

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.

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

Signed: [REDACTED]

Augustin Deplante

Signed: [REDACTED]

Penelope Deplante

Date: 03/05/2026

Contact email / phone: [REDACTED] / [REDACTED]