
From: Jacqui & Graeme [REDACTED]
Sent: Friday, 1 May 2026 8:20 AM
To: Kingborough LPS
Subject: Kingborough LPS response to Ireneinc Report
Attachments: TPC_Submission_Rogers_Kelly.pdf

Please find attached our response to the Ireneinc Report with regard to the recommendations for our properties at [REDACTED], Bonnet Hill.

JACQUELINE ANN ROGERS AND GRAEME ANDREW KELLY

[REDACTED]
Bonnet Hill TAS 7053

15 April 2026

The Delegate (Chair)

Tasmanian Planning Commission
Level 3, 144 Macquarie Street
Hobart TAS 7000
Email: KingboroughLPS@planning.tas.gov.au

Re: Submission in Response to Direction 69 — Kingborough Draft Local Provisions Schedule

Our reference: DOC/26/36829

Property: [REDACTED], Bonnet Hill TAS 7053 (Titles [REDACTED], [REDACTED] and [REDACTED])

Exhibited zone: Landscape Conservation Zone
Ireneinc recommended zone: Rural Living Zone

Dear Nick Heath,

We write as the registered landowners of the above property to provide a written submission in response to the Tasmanian Planning Commission's letter of 2 April 2026 and in relation to the recommendations made in the Ireneinc Planning and Urban Design report dated 20 March 2026 (the Ireneinc Report), which was prepared in response to Direction 69.

We understand that the Ireneinc Report recommends that our property be rezoned from the originally proposed Landscape Conservation Zone (LCZ) to the Rural Living Zone (RLZ). We strongly support this recommendation and submit that the Rural Living Zone is the appropriate zone for our property. We request that the Commission adopt the Ireneinc recommendation in its final determination of the Kingborough draft Local Provisions Schedule.

1. Background

We previously lodged a representation on the draft LPS, which has been heard by the Commission. We have also received the Commission's letter of 2 April 2026, which notifies us of the Ireneinc Report's recommendation that our property be included in the Rural Living Zone rather than the Landscape Conservation Zone as exhibited.

We note that Direction 69, issued by the Commission on 10 October 2025, was itself a signal that the Council's original approach of applying LCZ across former Environmental Living Zone land was not accepted by the Commission. We have carefully reviewed the Ireneinc Report and the public recordings of the Day 1 and Day 2 hearings, and we consider that the recommendation to apply RLZ to our

property is well-founded and strongly consistent with the signals given by the Commission's Panel across both hearing days.

Of particular significance, on Day 2 of the hearing the TPC panel considered the Albion Heights and Bonnet Hill locality — the locality in which our property sits — and accepted in full the Ireneinc recommendation of a complete transition from ELZ to Rural Living Zone for that locality (Day 2 recording, [04:29:00 – 04:38:00]). This is the clearest possible confirmation that the RLZ recommendation for our property is sound and consistent with the panel's approach to our area.

2. The LCZ Provides No Additional Protection Beyond Available Overlays

At the Day 1 hearing, Chair Nick Heath made clear that the legitimate purpose of the LCZ is to protect landscape values — not vegetation, which is the function of the Natural Assets Code and associated overlays. Specifically, the Chair stated (at timestamp [05:44:11]):

"The LCZ is not to protect the vegetation — that's the Natural Assets Code's job. The LCZ is to protect landscape values."

Our property is already subject to the Natural Assets Code (priority vegetation overlay) and/or the Scenic Protection Area. These overlays already make any damaging development discretionary, and they will continue to do so regardless of whether the underlying zone is LCZ or RLZ. There is no specific use that an LCZ would prevent on our land that RLZ plus the applicable overlays would not equally restrict.

This view was confirmed during the Day 1 hearing by Delegate Dan Ford (at [05:40:24]) when he asked the Council's consultant to identify any specific use that an LCZ would prevent but an RLZ with overlays would not. The consultant, Ms Kate Heckelmann of Ireneinc, was unable to identify such a use. This principle was applied and reconfirmed on Day 2: at [02:33:54], Chair Heath pressed Ms Heckelmann on whether vegetation removal under RLZ would require a discretionary application if the priority vegetation overlay applied. Ms Heckelmann confirmed it would, and Heath concluded: "So it's a risk that potentially could be managed by Council through the development of those approaches" — to which Ms Heckelmann agreed. This exchange directly led to the Kettering West RLZ recommendation being accepted, and the same logic applies with equal force to our property.

3. The Landscape Values Attributed to Our Locality Lack an Adequate Evidentiary Basis

Delegate Dan Ford raised, at [05:01:07], that criterion CV4.1 of the Southern Tasmanian Regional Land Use Strategy requires that landscape values be developed in consultation with the community. During the Day 1 hearing, Ms Heckelmann conceded that no public consultation was undertaken on the landscape-values statement underpinning the Ireneinc analysis.

Chair Heath further noted, at [05:52:39], his concern that "everywhere is landscape" — recognising the risk of landscape-value assessments becoming so broad as to be meaningless as a planning criterion. We submit that the landscape-values statement

applicable to our locality should be subject to scrutiny, and we invite the Commission to test whether the specific values cited for our area are substantiated by an adequate evidentiary base and community engagement process consistent with CV4.1.

4. The Risk Ratings Applied to Our Locality Are Discretionary, Not Defined

At the hearing (at [06:16:56]), Delegate Privett pressed Ms Heckelmann on the basis for the low/medium/high risk ratings in the Ireneinc Report, and Ms Heckelmann conceded that these ratings are "a judgement made on a locality-by-locality basis" rather than the product of defined, objective thresholds.

The specific risks cited to justify an LCZ over an RLZ — such as grazing, service stations, or large-scale subdivision — are not practically or commercially viable on a property such as ours. The land use pattern in our locality is consistent with detached dwelling subdivision; there is no viable pathway to the risk uses that the LCZ is said to guard against. The Commission's panel itself accepted, at [06:11:55], that a locality with a consistent detached-dwelling subdivision pattern and no visible hobby farming can appropriately be considered for RLZ.

This is directly reflected in the history of our titles. The lots comprising our property were created with a primary view to single dwelling residential development. That is their purpose as established at the time of subdivision, and it is the use to which they are suited by their size, configuration, and surroundings. The Rural Living Zone gives appropriate recognition to this residential character by providing for detached dwellings as of right, subject to applicable codes and overlays. The Landscape Conservation Zone, by contrast, treats residential development as a secondary or incidental use and subordinates it to the protection of landscape values that — as the Day 1 hearing made clear — remain ill-defined, lack a proper community-consultation basis, and have not been embedded in the scheme in any operative form. Applying LCZ to titles that were created for residential purposes inverts the proper planning relationship between zone purpose and land history.

5. Landscape Values Must Be Embedded in the Scheme to Be Operative

Delegate Ford identified, at [05:13:57], the risk that landscape values could be named in the course of this process but "vanish at development-application stage" — that is, a planning officer assessing a future development application would have no access to the values that were used to justify the zone. Council's strategic planner Adriaan conceded, at [05:16:08], that embedding landscape-values statements as Local Area Objectives "would assist" in ensuring those values are carried through the scheme.

The practical consequence of applying LCZ without defined, scheme-embedded landscape values falls squarely on landowners seeking to undertake entirely routine, low-impact residential development — the construction of a dwelling, a shed, a carport, or a garage. Under LCZ, such proposals become subject to discretionary assessment. Without a clearly articulated landscape-values statement written into the scheme, a planning officer has no defined standard to apply, and an applicant has no defined standard against which to test a refusal. The result is that a

legitimate, low-impact proposal that would be approved as of right under RLZ can be refused — or effectively blocked through conditions and delays — under LCZ on grounds that are never precisely stated and cannot be meaningfully challenged.

This is not a theoretical risk. It is the predictable structural outcome of a zone whose defining purpose — the protection of landscape values — has not been given sufficient definition to operate as a lawful and consistent planning standard. Landowners in this locality reasonably require certainty that normal residential development on titles created for that purpose will not be obstructed by the exercise of open-ended discretionary powers. The Rural Living Zone provides that certainty. The LCZ, as currently proposed, does not.

We therefore submit that, should the Commission be minded to apply LCZ to any part of our locality, it would be premature to do so unless and until the relevant landscape values are formally defined and embedded in the scheme through Local Area Objectives or equivalent provisions. Without that embedding, the zone lacks the definitional foundation necessary to operate lawfully and consistently, and imposes an unjustifiable burden on landowners pursuing legitimate residential development.

6. The Commission Must Apply Section 34 Criteria, Not Council's Policy Position

At the close of Day 2, Chair Heath read into the record Kingborough Council's resolution of 16 March 2026, in which Council stated that its risk appetite is high and that where more than one zone is appropriate, the least restrictive alternative should be applied. Chair Heath then stated directly, at [06:46:20]:

"Irrespective of what the Planning Authority submits to us, ultimately it's the Commission's legal responsibility to make the decision on the proposed zoning, based upon the LPS criteria described in Section 34 of the Land Use Planning and Approvals Act."

Council's policy preference for the least restrictive alternative is therefore not binding on the Commission, and we do not rely on it. We frame this submission instead around the statutory criteria in Section 34 of the Land Use Planning and Approvals Act 1993 (Tas). We submit that the RLZ is the zone that correctly reflects the character of our locality, appropriately weighs landscape values against existing overlay protections, and is consistent with the Southern Tasmanian Regional Land Use Strategy — and that the LCZ, by contrast, fails to meet those statutory criteria for the reasons set out in this submission.

7. The Ireneinc Recommendation Should Be Adopted

For the reasons set out above, we support the recommendation of the Ireneinc Report that our property (Titles [REDACTED] [REDACTED] and [REDACTED] [REDACTED], Bonnet Hill) be included in the Rural Living Zone rather than the Landscape Conservation Zone. That recommendation is consistent with:

- The Panel's clear signal that the LCZ exists to protect landscape values, not vegetation (which is already addressed by overlays);
- The inability of Council's consultant to identify any use that LCZ would prevent but RLZ plus overlays would not, confirmed on Day 2 at [02:33:54] where the

Chair accepted the priority vegetation overlay carries the load on vegetation clearance regardless of zone;

- The absence of a community-consultation process to establish landscape values consistent with CV4.1 of the Regional Land Use Strategy;
- The acknowledged subjectivity of the risk ratings applied on a locality-by-locality basis;
- The land use pattern of our locality, which is consistent with detached dwelling subdivision without farming activity, and the history of our titles, which were created with a primary view to single dwelling residential development — a purpose that the Rural Living Zone recognises as of right, and which the LCZ subordinates to ill-defined landscape values; and
- The TPC panel's acceptance on Day 2 of the full ELZ-to-RLZ transition for Albion Heights and Bonnet Hill — the locality in which our property sits — at [04:29:00 – 04:38:00].
- The potential fragmentation of the area should our property be transitioned to LCZ rather than the RLZ for all the other properties in the area. — at [04:40:00].

We respectfully request that the Commission adopt the Ireneinc recommendation in its entirety with respect to our property, and that our property be rezoned to Rural Living Zone in the final Local Provisions Schedule.

8. Procedural Note

We note Chair Heath's indication at [05:18:30] that any resulting changes are likely to be delivered through a modifications and sub-modifications process, with the Commission mindful of natural justice obligations. We respectfully request that, in the event the Commission proposes any outcome materially different from that recommended by the Ireneinc Report with respect to our property, we be afforded the opportunity to respond before a final determination is made.

We are available to attend any further hearing if the Commission considers this would be of assistance. All correspondence may be directed to us at the address above.

Yours sincerely,

Jacqueline Ann Rogers
Graeme Andrew Kelly
[REDACTED], Bonnet Hill TAS 7053
15 April 2026
