
From: Richard Hale [REDACTED] u>
Sent: Wednesday, 29 April 2026 10:29 AM
To: TPC Enquiry
Subject: CM: Submission — Kingborough LPS Direction 69 — [REDACTED], Tinderbox Title reference [REDACTED]
Attachments: 2026 submission to TPC re house block T1_Contest_LCZ_Seek_RLZ.pdf

Please find submission attached.

Kind regards,

Richard Hale CA
Director



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WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

TEMPLATE T1

Contesting LCZ Retention
Seeking Rural Living Zone

Use this template if you received:

Letter 1 — Representor, already heard, LCZ retained
Letter 3 — Representor, not yet heard, LCZ retained
Letter 5 — Non-representor who contacted TPC, LCZ retained
Letter 7 — Non-representor, no prior contact, LCZ retained

⚠ DEADLINE: Submissions must be lodged by midnight Monday 4 May 2026. This deadline is hard and fast (Chair Nick Heath, TPC hearing Day 20). Late submissions cannot be accepted.

IMPORTANT DISCLAIMER: This template is provided for guidance only and represents personal interpretation of the TPC hearing and associated documents. It is NOT professional planning advice. Before lodging your submission you should read the source documents yourself, form your own view, and speak to a qualified planning professional or legal adviser about your specific circumstances. Do not rely on this template alone.

PART A — PROCEDURAL OPENING (select one variant)

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, however I understand that the Commission has received correspondence from me or on my behalf in relation to the draft LPS. I understand that this letter provides me the opportunity to formally participate in this stage of the LPS process by making a written submission. 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)	Richard Hale
Property address	██████████
Title reference (folio)	██████
Lot size (approx.)	2.04 ha
Locality	Tindertbox

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

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 immediate locality; or in the alternative Rural Living Zone C (minimum lot size 5 ha) preventing any further subdivision.

The predominant lot size in Tinderbox is approximately 2 ha, consistent with RLZ B

PART D — GROUNDS FOR THIS SUBMISSION

The arguments below are organised by pillar. Work through each one and personalise the evidence placeholders. Arguments that do not apply to your property may be removed, but retaining more arguments generally strengthens a 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 dwelling constructed in 1978, has been continuously occupied as a residence. An ancillary dwelling (granny flat) was added in 2021 and this is let out for short term accommodation.

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 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.

The assessment was principally desk-based, relying on aerial imagery and realestate.com.au photographs, some of which have been incorrectly labelled (eg, p176, view of [REDACTED] looking south – is actually a view of [REDACTED] looking south-east), and only one of which gives an accurate view of what can be seen by passers-by (Tinderbox locality viewed from Derwent River on p.175). The aerial pictures give no idea of the degree to which many of the houses are masked from the road, and how little they impact the long view.

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 2.04 ha. While the minimum lot size of RLZ B is 2 ha, which initially appears to allow for further subdivision, in a practical sense, the Priority Vegetation Overlay together with the Part V agreement over the same vegetation plus the various Coastal Overlays would prevent any further subdivision being viable. RLZ C would allow no further subdivision. (See D2.3 for the Overlays applicable to my property.)

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 these criteria.

My property contains an established dwelling, granny flat and a garage/shed. There are extensive planted gardens and an open area which is kept mown. The property is for residential living and enjoyment.

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 is situated within a cluster of 20 plus properties along the southeastern end of [REDACTED] mostly with lot sizes around 2 to 2.5 ha. Most of these were as a result of subdivision in the 1970s. These properties almost all have detached houses. Some of these have small plantations such as olives.

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].

My property is subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Future Coastal Refugia Area
C7.0 Priority Vegetation	C10.0 Coastal Erosion Area
C11.0 Coastal Inundation Hazard	C13.0 Bushfire-Prone Areas

These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.

The property is predominantly cleared. There is very little native vegetation on the title. The landscape values identified in the Ireneinc locality do not characterise my title as the main view from the water is the cliffs and the property slopes gently back from the top of the cliff, not being so visible from the water.

D2.4 — 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 [A/B/C/D] 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 2.04 ha. While the minimum lot size of RLZ B is 2 ha, which initially appears to allow for a single further subdivision, in a practical sense the various Coastal Overlays would prevent any further subdivision being viable. RLZ C would allow no further subdivision.

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 Ireneinc report rates the transition of land in Tinderbox East to RLZ as high risk. I submit that this rating does not accurately reflect the characteristics of my individual property for the following reasons.

Ireneinc states at page 174 of the report states "Extensive panoramic views are a defining feature of the peninsula which are dominated by vegetation but do include areas of clearing (particularly towards the southern portion of the peninsula) and scattered residences are visible. Elevated viewpoints and coastal areas provide sweeping vistas to and from the Channel, reinforcing a strong visual and experiential connection

between land and water. These view corridors are central to the peninsula's identity and contribute significantly to its scenic and recreational appeal."

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.

Ms Heckelmann's final differentiating argument at the hearing was that East Tinderbox has "not as clearly consistent" land uses, with "some more intensive kind of agricultural and resource production uses occurring in the mix". On the evidence in the Ireneinc Report itself, this is an over-statement. The two large parcels to the north of East Tinderbox to which Ms Heckelmann alluded do not constitute an "inconsistency" of settlement pattern; they constitute a discrete zone-allocation question in their own right, capable of being answered by either (a) applying the RLZ to the cluster and the Rural Zone or the EMZ to the two large parcels, or (b) a site-specific qualification. The existence of those parcels cannot rationally dictate the zone of the surrounding smaller residential lots. The transcript shows Ms Heckelmann acknowledging that the two parcels "detracted from the consistency" but that "on balance there was kind of a consideration that there are rural living characteristics across that whole area".

In fact, the consistency argument works the other way. East Tinderbox south of those two large parcels is an exceptionally consistent large-lot residential cluster: 1–15ha lots; road frontages; single dwellings with curtilage; limited rural activity; near-total overlay coverage by Priority Vegetation. It is more consistent as a residential cluster than Albion Heights (for which the RLZ is recommended), and at least as consistent as Howden (for which the RLZ is recommended).

While there are some significant landscape values, the properties on the East, including my house, do not impact them. In fact, I would argue that the glimpses of the different houses along [REDACTED] comprising a mix of old established and newer, traditional farmhouse and modern architect design, historic and new, together with the various gardens – traditional or native - are one of the appealing features of [REDACTED] as a tourist destination, together with the very varied landscape. There is no principled basis on which to treat property on the East differently to that on the West.

D4 — Consistency and fragmentation arguments

D4.1 — 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 my 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.

My property is located in Eastern Tinderbox. There is an internal inconsistency in the Ireneinc Report with Western Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula **as a whole** as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the

peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

D4.2 — 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, the application of LCZ to my property is inconsistent and not supported by evidence of any material difference.

D5 — 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.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The main source of intensification — additional lots — is therefore removed before the risk assessment even begins. There is no apparent reason for this recommendation not to have also applied in East Tinderbox.

D6 — 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 subject to a number of proposed overlays. These are:

C7.0 Waterway and Coastal Protection Area	C7.0 Future Coastal Refugia Area
C7.0 Priority Vegetation	C10.0 Coastal Erosion Area
C11.0 Coastal Inundation Hazard	C13.0 Bushfire-Prone Areas

While there is no Scenic Protection Area mapped for this area, this is not a reason to move us into the LCZ. The point was made at the hearing that if the absence of the SPA is the problem, the response should be to extend the SPA, not to impose a more restrictive zone.

I note that there IS a Priority Vegetation overlay, which restricts the clearing of the priority vegetation and leads to the invocation of the Natural Assets Code. There is also a Part V agreement on the same vegetation.

Absence of a Scenic Protection Area overlay is a mapping problem, not a zoning problem. Ireneinc's principal substantive justification is the absence of the Scenic Protection Area overlay along the East Tinderbox coastal corridor. This point was expressly made at the hearing that, if that is the only substantive difficulty, the correct response under the TPS framework is to extend the Scenic Protection Area — not to impose a more restrictive zone. The TPS framework is explicitly premised on zones implementing strategic settlement intent and overlays

/ codes managing specific values. Using a zone as a proxy for a missing overlay is not a legitimate planning technique.

The Natural Assets Code (Priority Vegetation) and other codes already manage the value. On Ms Heckelmann's own evidence, the Priority Vegetation overlay extends across essentially the entire East Tinderbox area. Clearing of priority vegetation triggers a discretionary application, which must be assessed against the performance criteria of the Natural Assets Code. The incremental capacity of the RLZ to support additional building footprint or height is subject to the same overlay controls and to the RLZ's own performance criteria.

The RLZ category recommended by Ireneinc for neighbouring localities eliminates the main "risk" identified. Ireneinc's recommended RLZ categorisation is one that "does not provide for further subdivision". The principal cause of intensification — additional lots — is therefore removed before the risk assessment even begins. What remains is alteration / extension of existing dwellings, which is already subject to the height, setback, site coverage, reflectance, cut-and-fill and landscape-value performance criteria of the RLZ code and the overlay codes.

I also note that Ireneinc failed to identify a number of reserves in their mapping – the Tasmanian Land Conservancy property is a private reserve and is entirely subject to a Part V, Pierson's Point reserve and the Mt Louis summit. They also failed to identify Mt Louis summit and Pierson's Point as historic locations, which as the original signal station and the military defence of the entrance to the Derwent, should have been identified.

D7 — 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 comparisons as described below show that Ireneinc applied near-identical landscape value descriptions and settlement findings to both localities yet recommended LCZ for East Tinderbox and RLZ for West Tinderbox. Howden and Blackmans Bay and Albion Heights and Bonnet Hill.

The first differentiator cited — the absence of a SPA overlay — does not apply to my individual property because it is covered by a Priority Vegetation Overlay. In any case, the absence of a SPA overlay should not be corrected by using a more restrictive Zone, but by correcting the overlay.

The second – higher building height allowance in RLZ to LCZ – should not apply to my property

The LCZ (SPP clause 22.4.2 A1) provides an acceptable-solution building height of 6 metres. The RLZ provides an acceptable-solution building height of 8.5 metres. The difference is 2.5 metres of acceptable-solution height. A zone decision driven by a 1-metre or 2.5-metre acceptable-solution height difference, which is in any event further controlled by the Natural Assets Code (invoked by the Priority Vegetation Area Code), and by the Waterway and Coastal Protection Area Code (which is an overlay applicable to my property) — is a decision entirely disproportionate to the planning concern it seeks to address.

The third – two large northeastern lots reduce settlement consistency – should not apply to override the majority southeastern properties – it is the two large lots which are inconsistent, not the very many more smaller residential lots.

There is an internal inconsistency with the Howden and Blackmans Bay recommendation. Ireneinc has recommended RLZ for Howden and Blackmans Bay on landscape-value descriptions that are, on Ms Heckelmann's own evidence, substantively identical to those for East Tinderbox. This was identified at the hearing as unexplained; Ms Heckelmann conceded the landscape values were "not necessarily very different". Arbitrary differential treatment of like cases is impermissible in a statewide, standardised zoning framework premised on consistency.

There is a similar internal inconsistency with Western Tinderbox. The Ireneinc Report recommends that the western side of the Tinderbox peninsula transition from ELZ to RLZ, even though Ireneinc itself describes the peninsula as a whole as having a "central elevated ridgeline" and "bushland-covered slopes forming a highly prominent landscape". The two sides of the peninsula form a single landscape unit viewed from the D'Entrecasteaux Channel; differential zoning of one contiguous landscape without a clear evidentiary basis is not a defensible strategic outcome.

There is a further internal inconsistency with Albion Heights and Bonnet Hill. Ireneinc recommends RLZ for Albion Heights and Bonnet Hill, despite its own finding that those localities have "highly significant landscape values" that are an "inter-urban break" between Hobart and Kingston, with "elevated ridgelines", "steeply contoured terrain", "long-distance views" and status as a "visually prominent landscape within the municipality". On any objective reading, those values are of greater municipal significance than those of East Tinderbox. If RLZ is adequate there, it is adequate here.

There is yet another inconsistency with the Huon Valley LPS precedent. In deciding the Huon Valley LPS, the Tasmanian Planning Commission expressly accepted that land in the ELZ with identified landscape values could appropriately transition to the RLZ where those values could be managed through the operation of the relevant codes. The Ireneinc Report acknowledges this precedent. Applying it to East Tinderbox produces the same outcome.

PART E — LOCALITY-SPECIFIC CONTEXT

This section is for you to add locality-specific context. Refer to the Ireneinc Locality Report for your area (Locality Parts 001–006) and the Day 20 hearing guide for any specific comments made about your locality. Insert relevant information below.

The Ireneinc report recommends LCZ for the majority of (East) Tinderbox [Channel Region], with RLZ applied to (West) Tinderbox.

Delegate Rohan Probert at timestamp [01:07:48] noted when 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.

The guidelines for LCZ contain as follows:

LCZ 4: The LCZ should not be applied to: (a) land where the priority is for residential use and development (see RLZ); or (b) State-reserved land (see EMZ).

Critically, the Zone Guidelines also contain two explicit italicised notes at the conclusion of the LCZ section:

Note: The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.

Note: The LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the LCZ provides a clear priority for the protection

of landscape values and for complementary use or development, with residential use largely being discretionary.

My property is currently zoned ELZ, as are all the properties in our group. The priority for this area has been large lot residential since the 1970s. The Zone Guidelines are clear that this should NOT translate to LCZ as has been done.

West Tinderbox and East Tinderbox are two sides of the same small peninsula. West has now been recommended to be RLZ; East has been recommended to be LCZ, in spite of the LCZ 4 guideline and the Notes to the guidelines, both of which would see East Tinderbox also as RLZ.

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 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.

For the reasons set out above, I respectfully ask the Commission to direct that my property, Title [REDACTED] at [REDACTED], Tinderbox and the balance of the East Tinderbox cluster that is of comparable character, be transitioned from the interim Environmental Living Zone to the Rural Living Zone, in a categorisation that reflects the existing pattern and density of development.

If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

Signed:



Date: 29 April 2026

Email: [REDACTED]

Phone: [REDACTED]

Full name: Richard John Hale

LODGEMENT: Email your completed submission to tpc@planning.tas.gov.au with the subject line: 'Submission — Kingborough LPS Direction 69 — [your property address]'. Include your title reference in the body of the email. The deadline is midnight Monday 4 May 2026.

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