
From: matt heerey <[REDACTED]>
Sent: Monday, 4 May 2026 8:42 PM
To: Kingborough LPS
Subject: [REDACTED] Middleton - Submission response to Irene Inc report
Attachments: [REDACTED] Development feasibility assessment, [REDACTED] Middleton (1).pdf; Inconsistency_Analysis_Per_Locality.docx; Town planning advice [REDACTED] Middleton Heerey 08.02.2022 final 1.0 (1).pdf; Written submission to direction 69 response for [REDACTED] Middleton.pdf

Hello,

Please see attached my submission and attachments for my property at [REDACTED] Middleton.

Regards Matthew Heerey

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Irene Inc Report



██████████ Middleton

Folio ██████████

To the Tasmanian Planning Commission,

I write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Irene Inc report recommends my property remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

I previously made a representation on the draft LPS. I understand that my representation has not yet been heard and will be heard at a future hearing. I understand that this letter provides me the opportunity to make a further written submission specifically in relation to the Irene Inc recommendations, and that I may speak to this submission when I appear before the Commission.

I take up that opportunity and submit as follows.

PROPERTY DETAILS

Landowner name(s)	Matthew Richard Heerey
Property address	██████████ Middleton
Title reference (folio)	██████████
Lot size (approx.)	41.14ha
Locality	Middleton
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	Split zoning between Rural Living Zone D and Rural zoning *map of proposed split below statement of position

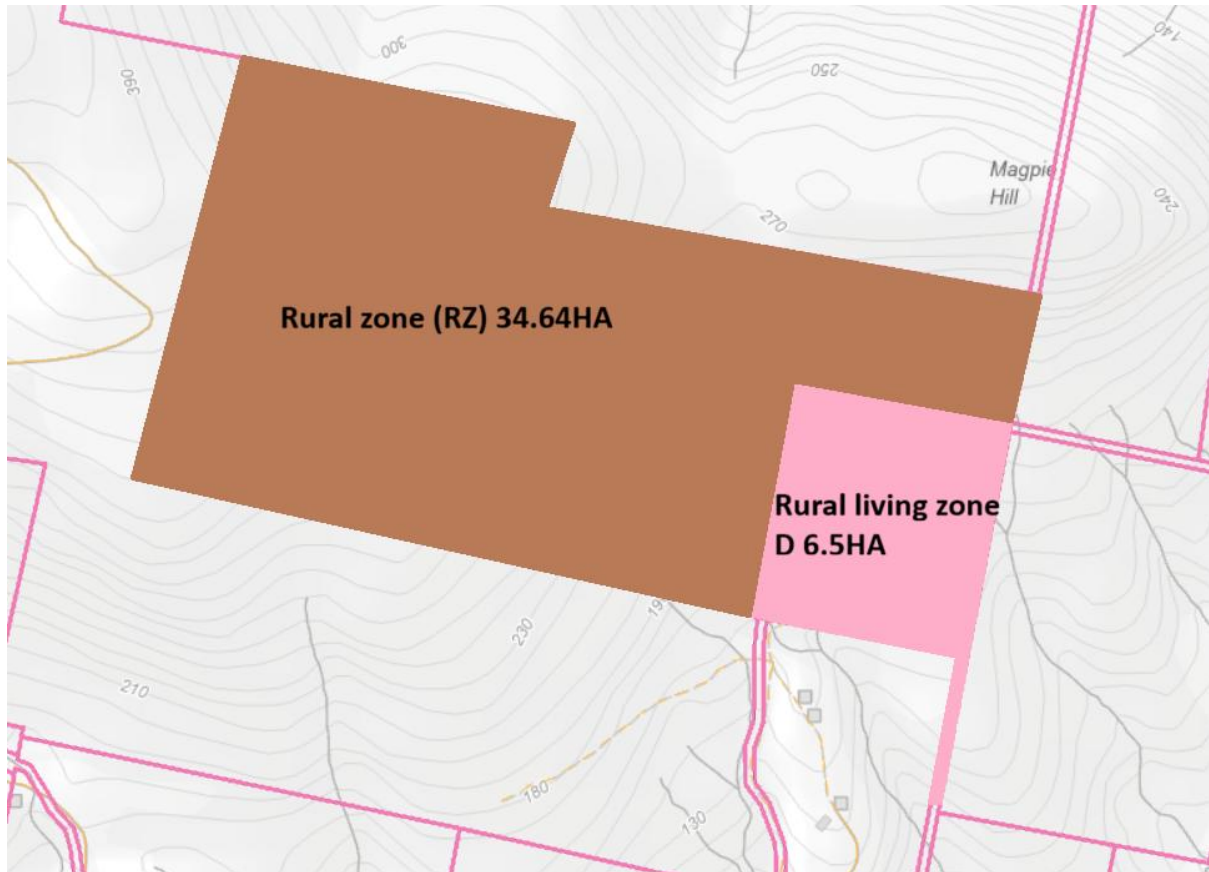
STATEMENT OF POSITION

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 a split zoning between the Rural Living Zone (RLZ) and the Rural Zone (RZ) is the appropriate zoning outcome for the subject land under the draft Kingborough Local Provisions Schedule. This outcome represents a more accurate and appropriate translation of the Environmental Living Zone (ELZ) that applied under the interim planning scheme, having regard to the land's established character, historic use and ongoing primary production activities.

A split RLZ/RZ outcome is also preferable to the Landscape Conservation Zone (LCZ), which would impose severe and unjustified restrictions on lawful and established land uses while providing no material additional protection for native vegetation beyond that already achieved through the Natural Assets Code and other applicable overlay controls.

Proposed split zoning of [REDACTED]



For the Rural living zone portion of the property, I seek Rural Living D

- Rural Living Zone D (minimum lot size 10 ha) — appropriate where lot sizes exceed 10 ha and no further subdivision is intended

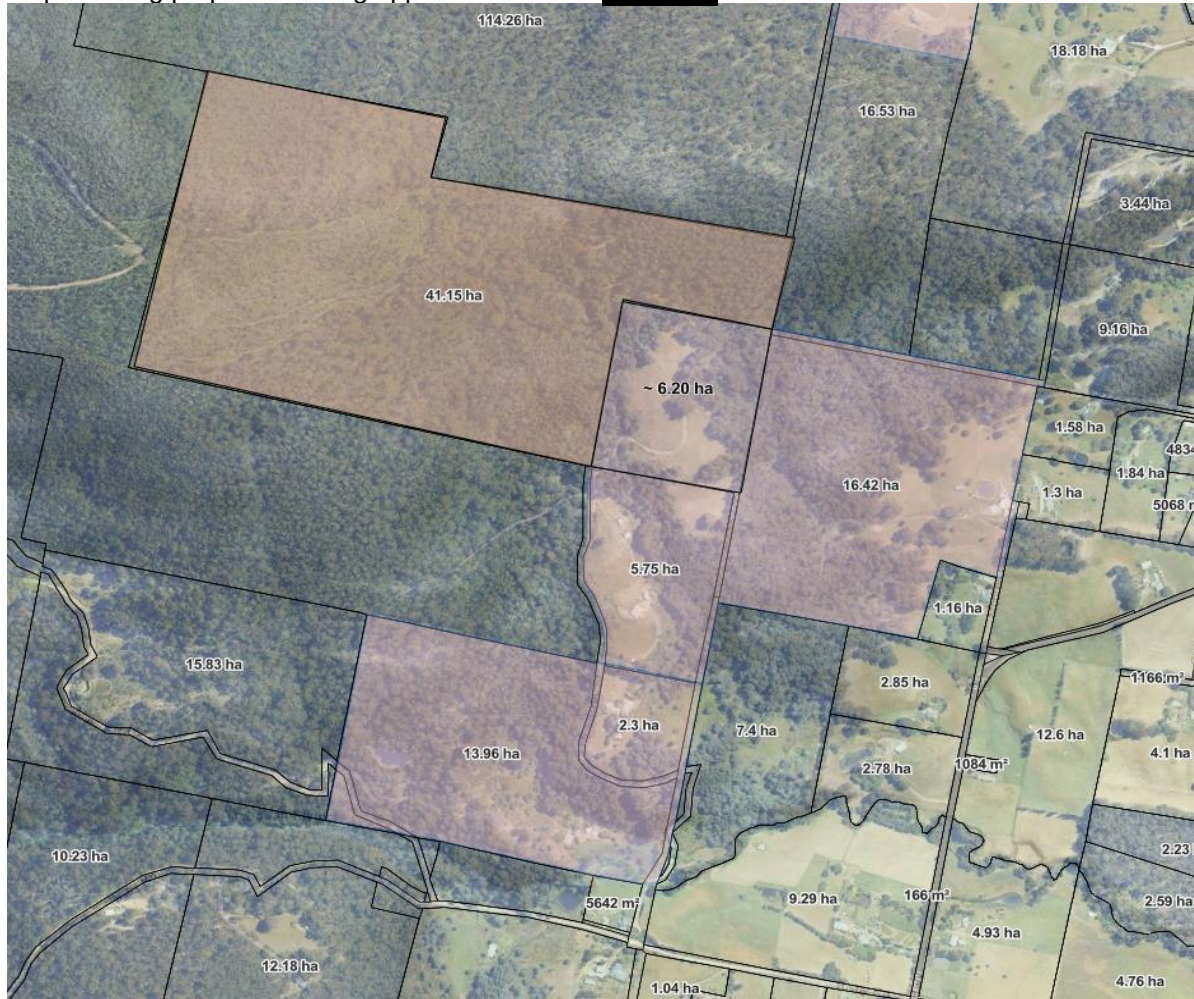
The average lot size in the local area of [REDACTED] is approximately 5.99 hectares

Eg lot sizes: 5 [REDACTED] 5642m² + 11 [REDACTED] 13.96HA + 12 [REDACTED] 7.4HA + 54 [REDACTED] 2.3HA + 89 [REDACTED] 5.75HA = 5.99HA

My proposed Rural Living Zone (RLZ) Sub-category D lot would comprise 6.5 hectares, as shown in the map above. The remaining 34.02 hectares of the title would be zoned Rural Zone (RZ). This split-zoning outcome would align the subject land with the established pattern of development along [REDACTED] where properties exhibit rural living characteristics consistent with RLZ Sub-category D. It would also provide a more coherent and consistent zoning framework than the Irene Inc recommendation, which proposes Rural zoning for neighbouring [REDACTED] properties despite their rural living function and established residential use.

The map below demonstrates how my proposed zoning would work within the local settlement area of [REDACTED]

Map showing proposed zoning applied to Hill local [REDACTED] area



Proposed split zoning map of [REDACTED] Middleton, showing neighbouring properties

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.

Lots 5, 11, 54 and 89 [REDACTED] which have been identified as Rural Zone (RZ) in the Irene Inc report, have been incorrectly classified and should instead be identified as Rural Living Zone (RLZ). These lots are not of a size or configuration that would support commercial farming or other significant rural production activities, and they contain only limited areas of cleared pasture suitable for low-intensity uses. The topography of the land further constrains the capacity for large-scale rural production. With the exception of No. 12 [REDACTED] these properties are predominantly used for residential purposes. Lots 5, 11, 54 and 89 already contain established dwellings and are consistent with both the existing character of the locality and the zone purpose of the Rural Living Zone.

11.0 Rural Living Zone

11.1 Zone Purpose

The purpose of the Rural Living Zone is:

- 11.1.1 To provide for residential use or development in a rural setting where:
- (a) services are limited; or
 - (b) existing natural and landscape values are to be retained.
- 11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- 11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.
- 11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

There is no realistic prospect of additional subdivision that would adversely affect native vegetation or the character of the area if these [REDACTED] titles are correctly zoned Rural Living Zone (RLZ) Subcategory D. This is because each lot is below the minimum lot size specified for subdivision in RLZ Subcategory D. The same constraint would apply to the RLZ component of the split-zoning outcome sought for the subject land (refer Attachment A).

Table 11.1 Rural Living Zone minimum lot sizes

Rural Living Zone A	1ha
Rural Living Zone B	2ha
Rural Living Zone C	5ha
Rural Living Zone D	10ha

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.'

The subject land at [REDACTED] has been intended primarily for residential purposes. At the time of purchase, the land was zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015 (KIPS 2015). Under the draft Kingborough LPS, the proposed application of the Landscape Conservation Zone (LCZ) would remove existing pathway certainty by making a single dwelling and visitor accommodation discretionary in circumstances where they were previously anticipated outcomes. This represents an unjustified shift in strategic intent for the subject land.

Refer to the KIPS 2015 fact sheet excerpt below.

THE KINGBOROUGH INTERIM PLANNING SCHEME

2015

Fact Sheet No. 10

Environmental Living Zone

Purpose of the Environmental Living Zone

The Environmental Living zone mainly provides for residential options in rural areas and is generally applied to unserviced, residential 'bush blocks' that contain native vegetation. This vegetation contributes to overall biodiversity and/or landscape values (that may not be otherwise reserved or protected). This may occur on land that is remote from, or close to major urban centres – it is the natural values that are the primary criteria. Some activities, other than residential, can occur in this zone, but these uses must be compatible with the rural residential amenity and respect the environmental values present.

The main purposes of the zone are:

- ❖ To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.
- ❖ To ensure development is reflective and responsive to the natural or landscape values of the land.
- ❖ To provide for the management and protection of natural and landscape values, including skylines and ridgelines.
- ❖ To protect the privacy and seclusion that residents of this zone enjoy.
- ❖ To provide for limited community, tourism and recreational uses that do not impact on natural values or

Allowable uses in the Environmental Living Zone

The types of activities that can occur are controlled through the Table of Uses section that sets out a range of uses that are allowable and any further qualification if required. The Use Classes are defined in Part B - 8.0 of the Scheme. The allowable uses for the Environmental Living zone are as follows:

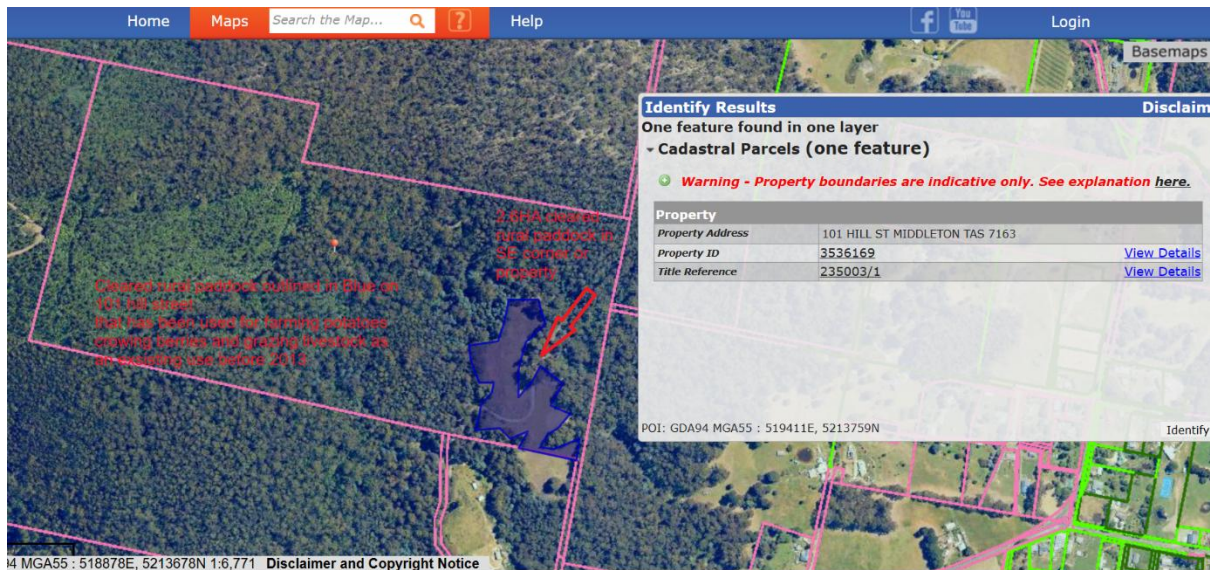
No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if for home-based child care in accordance with a licence under the Child Care Act 2001
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Residential	Only if single dwelling or home-based business
Visitor accommodation	

July 2015

The LCZ is not a replacement zone for the ELZ

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.'

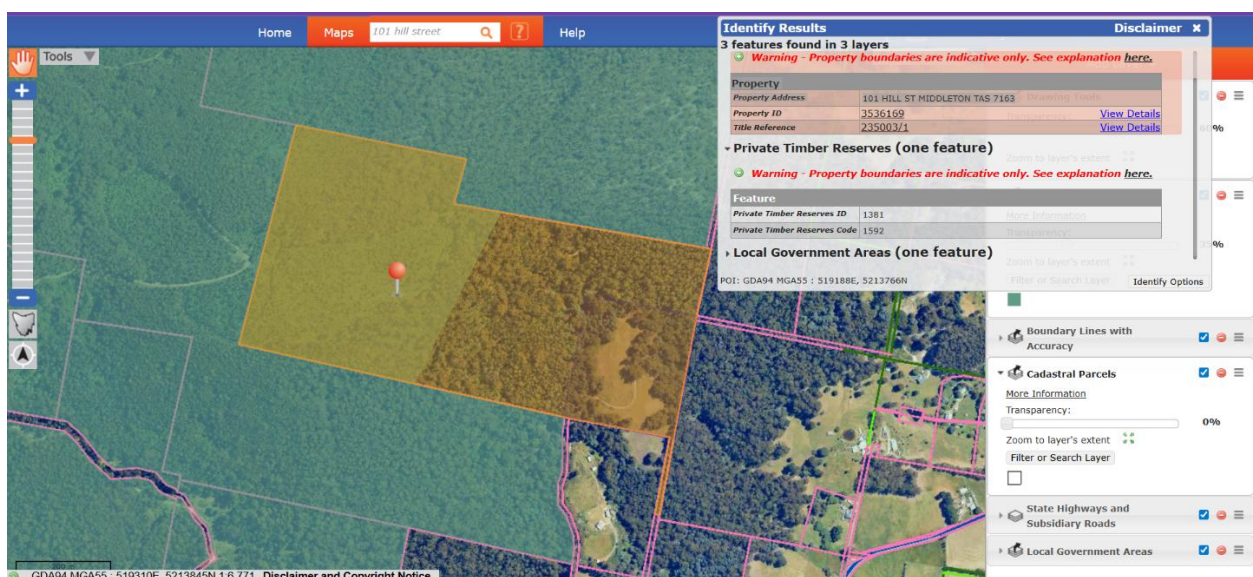
No such comprehensive, site-specific justification has been provided for my property. The Irene Inc report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title. The report has failed to mention the cleared area highlighted in the attachment below. This section comprises cleared improved pasture of at least 2.6HA. The report has failed to identify these two distinct landscape features described below:



Latest Aerial overlay from list map showing current cleared Pasture in blue

It is apparent from the Irene Inc review of the draft Local Provisions Schedule that crucial landscape features and current land uses on my property at [REDACTED] have not been accurately identified or considered. This indicates that the data relied upon to apply the Landscape Conservation Zone to my property is incomplete and incorrect. It also suggests that no site-specific, on-ground assessment ("boots on the ground") was undertaken to properly assess the character and existing uses of the land.

In particular, the Irene Inc report has failed to identify that the majority of the subject land is covered by a registered Private Timber Reserve (PTR) of approximately 40 hectares. This area has been actively and continuously used for timber production and has been replanted, with an anticipated harvest in 2040. This lawful and established use is a fundamental characteristic of the land and is directly relevant to its appropriate zoning, yet it has not been properly accounted for in the LCZ assessment.



Pinned point showing extent of private timber reserve on [REDACTED] Middleton



Aerial photograph showing vegetation regrowth following logging within the registered Private Timber Reserve on [REDACTED] Middleton.

This activity sits above the Statewide planning scheme under the [Forest Practices Act 1985](#) and provides an area set aside for the processes involved in establishing forests, growing or harvesting timber, clearing trees or clearing and converting threatened native vegetation communities; and works (including the construction of roads and the development and operation of quarries) connected with establishing forests, growing or harvesting timber or clearing trees.

The establishment of forests, the growing and harvesting of timber, and associated forestry activities represent the current and ongoing use of the subject land. This use is inconsistent with the purpose and intent of the Landscape Conservation Zone, which prioritises the protection of landscape values over productive land use. Accordingly, the continued application of the Landscape Conservation Zone to land actively managed for timber production is inappropriate and conflicts with the zone's stated objectives.

Tasmanian Planning Scheme – State Planning Provisions

22.0 Landscape Conservation Zone

22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

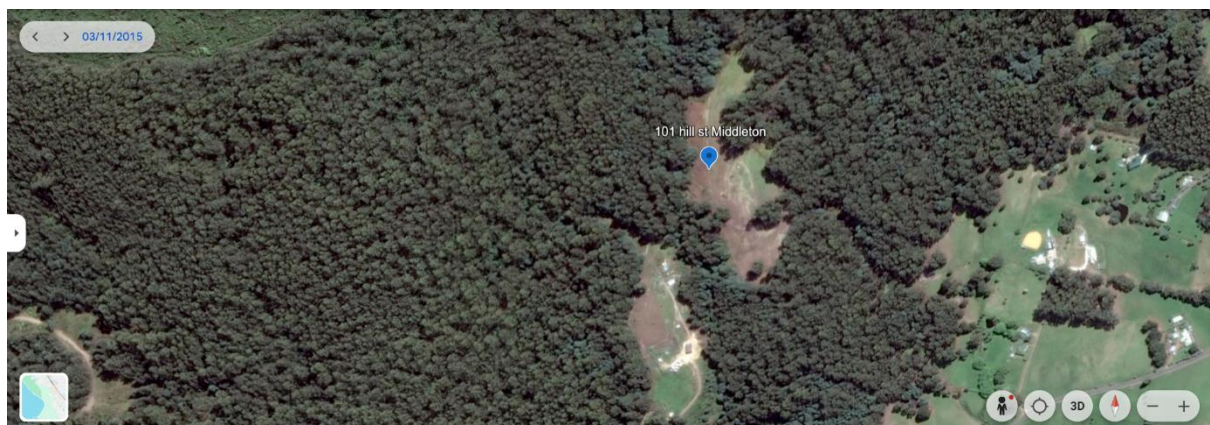
- 22.1.1 To provide for the protection, conservation and management of landscape values.
- 22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

My property at [REDACTED] has a long and well-established history of farming and forestry activities. Following the 1967 bushfires, much of the surrounding bushland was burnt and subsequently converted to pasture in the late 1960s, with the remaining areas allowed to regenerate naturally. There is no high-value or old-growth forest on the subject land.

The cleared pasture located in the south-eastern corner of the property has historically been used for agricultural purposes, including potato cultivation, berry farming, and the production of stone fruit and apples. These historic and ongoing land uses demonstrate that the character of the land is one of productive rural use rather than landscape conservation.



Historical aerial photo identifying the arear now 101 Hil st circa 1965



2015 aerial photo showing paddocks under improvement for grazing

The cleared area in the south-eastern corner of the property, which I propose to be zoned Rural Living Zone (RLZ), was cleared and established as pasture prior to the 1967 bushfires. The historical aerial photograph from 1965 below clearly shows this area free of native vegetation. Following the bushfires, the land remained in agricultural use, and the pasture was significantly improved in late 2014, as shown in the second aerial photograph taken prior to the introduction of the Kingborough Interim Planning Scheme 2015. This area is currently used for grazing.

Having regard to this clear history of agricultural use, together with its current and intended future use, the Landscape Conservation Zone does not reflect the past, present or reasonably foreseeable use of the subject land and is therefore not an appropriate zoning outcome.

In the LCZ zoning, grazing and other resource development uses are discretionary — they require a planning permit that can be refused. In both the RLZ and RZ, grazing is "no permit required." Landowners who keep horses, sheep, cattle, or run any form of hobby farm face a permit requirement under LCZ that does not exist in either alternative zone.

My property has a strategic residential intention

Since purchasing the subject land in 2017, my consistent intention has been to establish residential use and amenities at [REDACTED] Middleton, including the construction of a dwelling. At the time of purchase, Visitor Accommodation was also contemplated as part of the intended use and was a permitted use under the Kingborough Interim Planning Scheme 2015 (KIPS 2015). In 2022, I commissioned a planning report to support that proposal (refer attached).

In subsequent years, I determined not to pursue additional Visitor Accommodation and instead progressed plans for a single dwelling to accommodate my mother's retirement. To inform this revised proposal, I commissioned a second report to assess the feasibility of establishing a residential dwelling on the subject land.

In the LCZ, visitor accommodation (Airbnb, holiday rental) is a discretionary use — it requires a permit assessed against landscape values, with a maximum of 300 square metres within an existing building. In the RZ, visitor accommodation in an existing building is permitted without discretion. In the RLZ, visitor accommodation is permitted outright. LCZ is the most restrictive zone on this use

Please refer to the attached email correspondence enclosing the Gray Planning report relating to the proposed visitor accommodation and the Lark and Creese report relating to the proposed residential development. The cover pages of both reports are provided below.



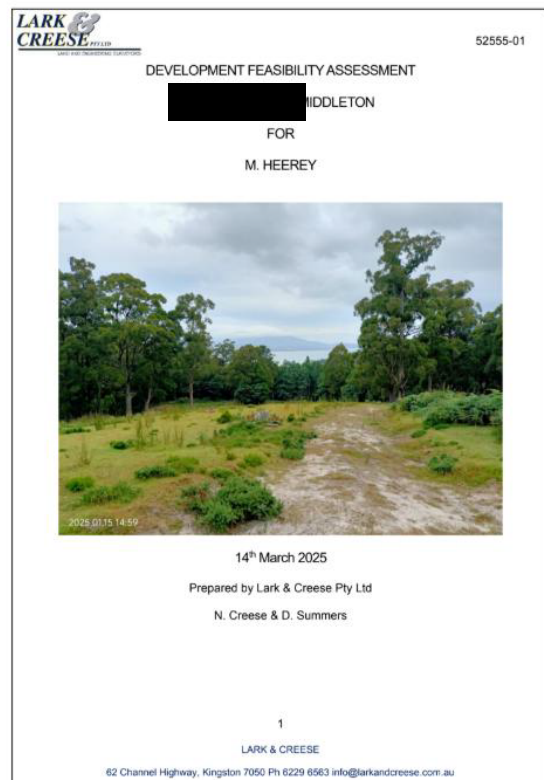
Town Planning advice – proposed Visitor Accommodation in the Environmental Living zone

For Mr Matt Heerey

[REDACTED] Middleton

8 February 2022

Gray Planning 2022 Commercial in Confidence



Notwithstanding these intentions, progression of a dwelling has been delayed because, under the currently proposed Landscape Conservation Zone (LCZ) provisions, a single dwelling is 'No Permit Required' only where it is located wholly within an approved building area shown on a sealed plan of title. Many former Environmental Living Zone (ELZ) titles (including the subject land) do not have a sealed plan identifying a building area. In the absence of such a building area, a dwelling becomes a discretionary planning permit application, with associated costs, timeframes and the potential for refusal. By contrast, in the Rural Living Zone (RLZ), a single dwelling does not require a planning permit.

A discretionary planning permit application in the LCZ typically costs \$12,000–\$40,000 in professional fees and expert reports and takes 3–12 months. Expert reports commonly required include:

- Landscape impact assessment: \$3,000–\$8,000
- Ecological assessment: \$2,500–\$15,000
- Bushfire hazard management plan: \$1,500–\$4,000
- Environmental management plan: \$2,000–\$6,000

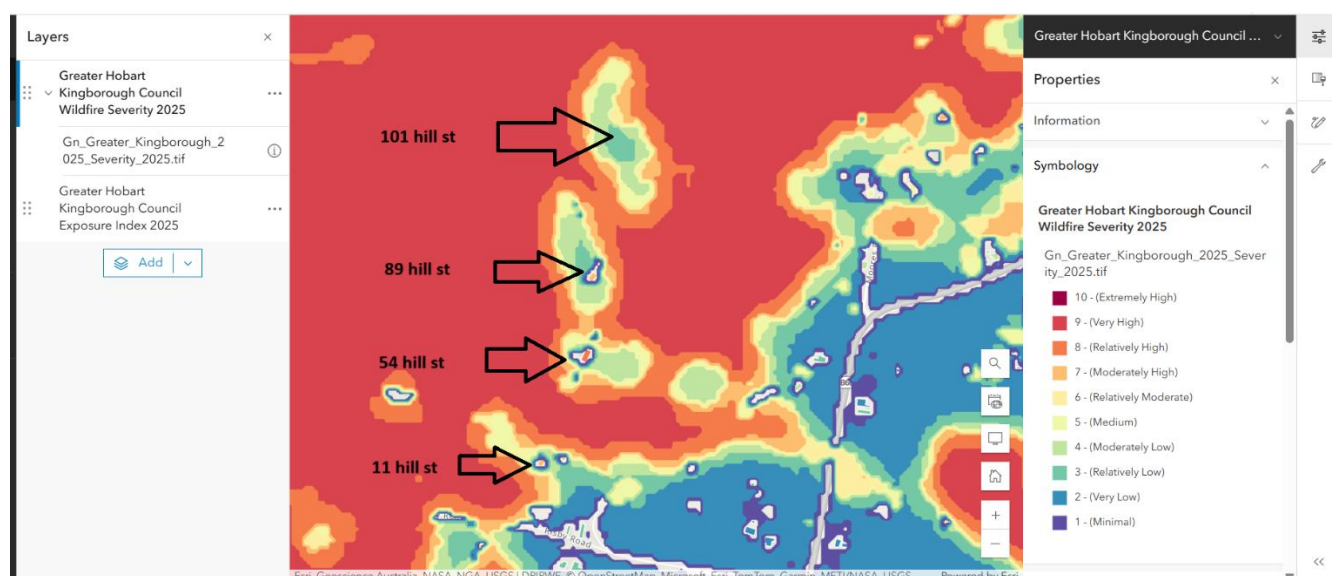
If the application is refused and the landowner appeals, costs rise to \$20,000–\$60,000. None of this applies to a new dwelling in the RLZ which is the preferred zoning for my property.

Rebuilding after an unintentional event (such as a bushfire) is permitted under section 12 of LUPAA (the Land Use Planning and Approvals Act 1993). However, in the LCZ, where there is no designated building area on the title, replacing a destroyed dwelling may still require assessment under the LCZ development standards as new works — triggering a discretionary permit. This could delay rebuilding by months or years while the landowner is without a home and still carrying mortgage obligations. In the RLZ, rebuilding requires only a standard building permit.

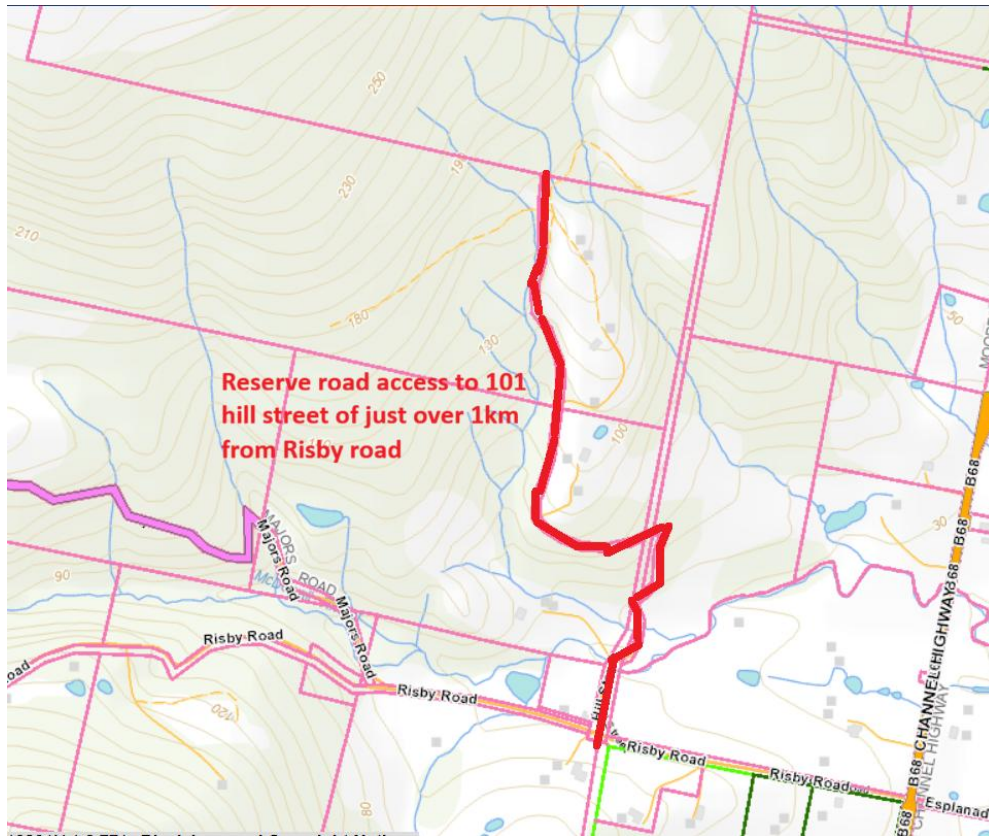
The Council's application of the Landscape Conservation Zone to my property has created significant confusion and uncertainty, which has prevented me from committing to either proposal due to unknown and potentially substantial financial costs.

As climate change increases bushfire risk, the interaction between bushfire management requirements (which may require vegetation clearance) and the LCZ's landscape value protections will intensify. In the LCZ, clearance beyond a narrow exemption may still require assessment against landscape values. In the RLZ, bushfire clearance is more straightforwardly accommodated.

As shown in the wildfire severity mapping below, the [REDACTED] area is subject to a serious and tangible risk of property loss due to bushfire, which must be appropriately managed. The mapping also confirms that the area I propose for Rural Living zoning is exposed to no greater level of bushfire risk than the existing dwellings already established along [REDACTED]



In addition to this [REDACTED] Middleton is accessed by a crown road reserve, in the LCZ and RZ, new dwellings must have lawful and permanent access to a road maintained by a road authority (a publicly maintained road). A licence over a Crown Road reserve does not satisfy this — it is temporary. This is a change from the old Kingborough Interim Planning Scheme, where a Crown Road licence was sufficient for development approval in some cases. Landowners who rely on Crown Road access may not be able to build a new dwelling under LCZ or RZ. There is no equivalent requirement in the RLZ building and works standards.



Reserve road access to [REDACTED] Middleton

To satisfy the road access requirement, affected landowners must obtain a formal easement (permanent legal right of access) over the Crown land. NRE has confirmed costs typically start at \$25,000 and the process takes 12–18 months. Whether an easement can be granted at all is not guaranteed — it may be refused where the Crown land tenure does not allow easements (e.g. under the Nature Conservation Act 2002), where physical barriers exist, or where corridor widths or competing demands are a problem.

Council has confirmed that existing approved development on properties with Crown licensed access that are proposed for LCZ or RZ will not have the new road access requirement applied retrospectively. The requirement applies only to new dwellings going forward — not to dwellings already built and approved.

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 proposed (RLZ) zone D lot size of 6.2HA as documented in the below map would satisfy the Requirements for Rural living zone (RLZ) under the zone guidelines, the surrounding properties along [REDACTED] also satisfy the above criteria. This proposed zoning is also less than the 10HA required for subdivision also safeguarding further subdivision of not only my property but stops the subdivision of other titles on [REDACTED] preserving its rural character. See proposed (RLZ) area below:



Proposed RLZ area on [REDACTED]

The Irene Inc evaluation framework, applied correctly to my property, supports RLZ

The Irene Inc 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.

My property has the characteristics of a rural living settlement

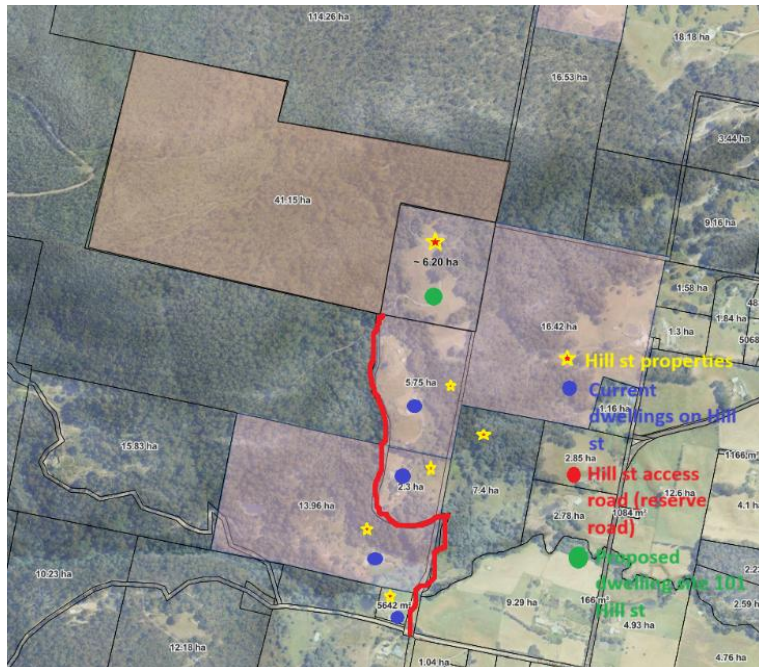
The Irene Inc framework identifies rural living settlement characteristics as: at least 10 smaller blocks generally ranging in size between 1–15 ha with a consistent lot pattern; a consistent pattern of detached dwellings with associated outbuildings; and visual evidence of rural activities (cleared areas, hobby farming, grazing etc.). The Irene Inc report's own locality baseline confirms that the broader settlement in which my property sits displays these characteristics.

[REDACTED] comprises six properties with a consistent lot pattern and lot sizes all below 15 hectares.

Address	PID	Lot size
5 [REDACTED]	5791331	0.56HA
11 [REDACTED]	7160648	13.93HA
12 [REDACTED]	7125252	7.36HA
54 [REDACTED]	7160656	2.3HA
89 [REDACTED]	3536177	5.73HA

Four of the [REDACTED] titles contain existing dwellings with associated ancillary outbuildings and are predominantly in residential use. All six properties exhibit evidence of low-intensity rural pursuits. Applying a consistent zoning outcome across [REDACTED] would avoid fragmented or anomalous zone boundaries and would more accurately reflect the established settlement pattern and prevailing land use character.

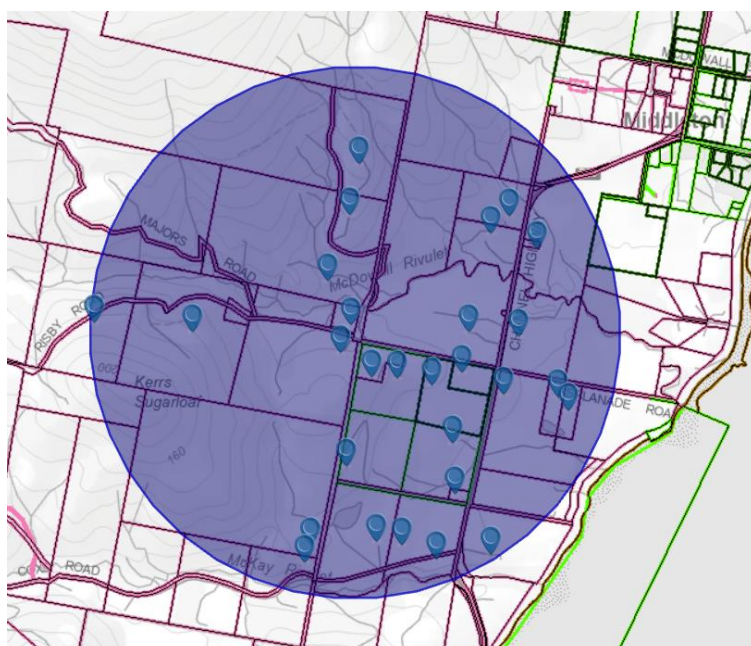
My proposed Rural living area of 6.2HA See the map of [REDACTED] below:



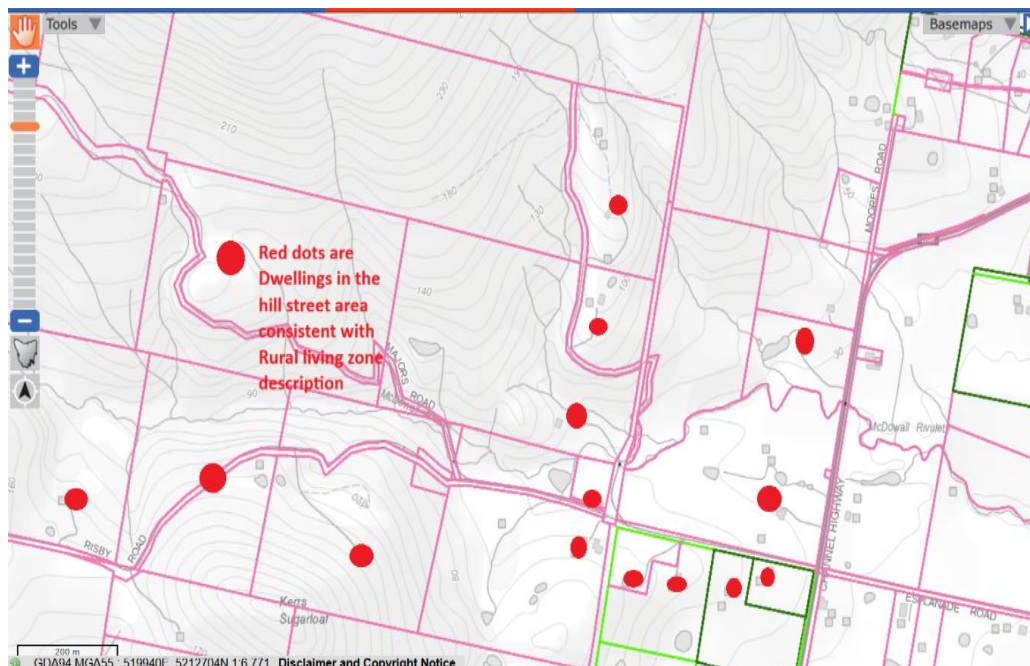
Map of [REDACTED] showing road access and existing dwellings

This rural living settlement pattern is not confined to [REDACTED]. Within an 800-metre radius of the junction of [REDACTED] Risby Road and Majors Road, there are approximately 27 dwellings used for residential purposes in a rural setting. These properties commonly contain detached outbuildings and display characteristics consistent with the Rural Living Zone.

Map showing an 800-metre radius from the centre of [REDACTED] illustrating the surrounding settlement pattern and existing dwellings.



This wider area, including the western part of Risby Road from the Channel Highway and the lower half of Majors Road, provides a more appropriate delineation of the rural living settlement. The properties share the same primary access route (Risby Road) and collectively exceed the 'greater than 10 properties' characteristic relied upon by Irene Inc in identifying rural living settlements.

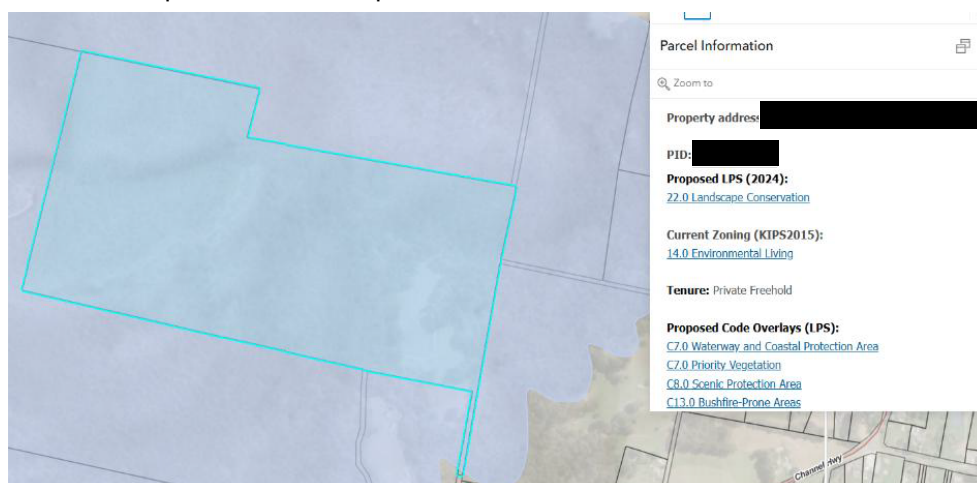


Dwellings used for residential purposes in the [REDACTED] Rural settlement area

The identified landscape values can be managed outside of LCZ

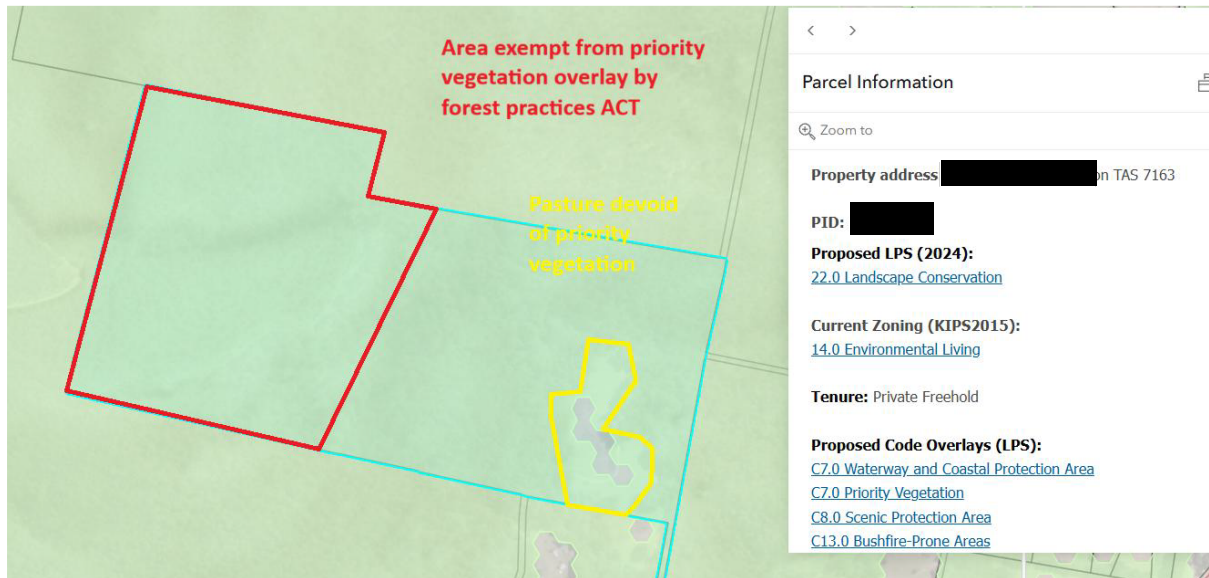
The Irene Inc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of LCZ, specifically through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission itself accepted this argument 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 subject land at [REDACTED] is already protected by the Scenic Protection Code (SPC). The SPC provides an appropriate and proportionate statutory mechanism to protect identified scenic values, such that the application of the Landscape Conservation Zone (LCZ) is unnecessary to achieve those outcomes. In particular, the SPC imposes controls relating to building height and siting, built form and external materials, and vegetation removal/land disturbance, which are sufficient to avoid unacceptable adverse impacts on the scenic values of the area.

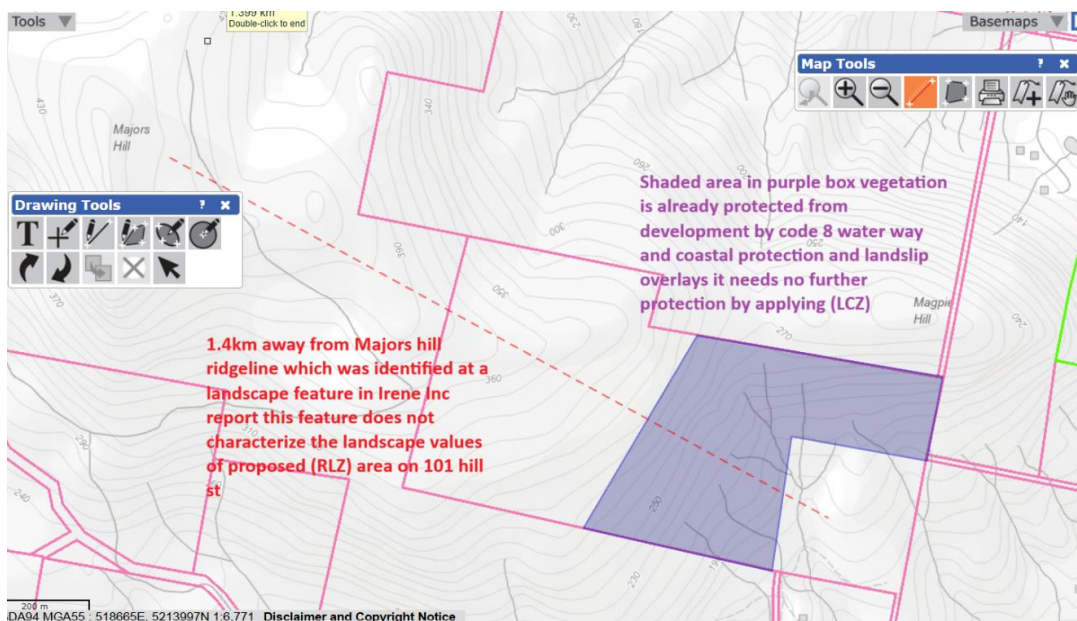


[REDACTED] Middleton showing complete coverage by scenic protection code

The subject land is also protected by the Priority Vegetation Code overlay; however, the overlay mapping does not accurately reflect existing on-ground conditions. In particular, the area identified in red is exempt from the restrictions sought by applying LCZ in the current planning scheme. Forest practices are regulated under the *Forest Practices Act 1985*. Further, the extent of the cleared improved pasture in the south-east corner of the title is materially greater than indicated by the overlay mapping, and this cleared area does not contain any threatened native vegetation communities.



The remainder of the subject land's native vegetation is already managed and protected from inappropriate development and adverse impacts on scenic values through the Waterway and Coastal Protection Code overlay and the Landslip Hazard Code overlay. Under the split-zoning outcome sought, these overlay controls would continue to apply, ensuring that native vegetation is appropriately retained and that future development responds to landscape constraints and values. In these circumstances, the Landscape Conservation Zone (LCZ) would not provide any material additional protection and should not be applied to the subject land.



Map showing distance from Majors Hill and the extent of the Waterway and Coastal Protection Code and Landslip Hazard Code overlays

The RLZ subcategory provides for limited or no further subdivision

The Irene Inc 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.

The subject land has a total area of 41.14 hectares and is currently zoned Environmental Living under the planning scheme. It has never been my intention to subdivide the property; my sole intention has always been to construct a single dwelling. Under the current planning scheme, the minimum lot size for the Environmental Living Zone is 10 hectares, meaning the land could theoretically be subdivided into four lots of approximately 10.35 hectares.

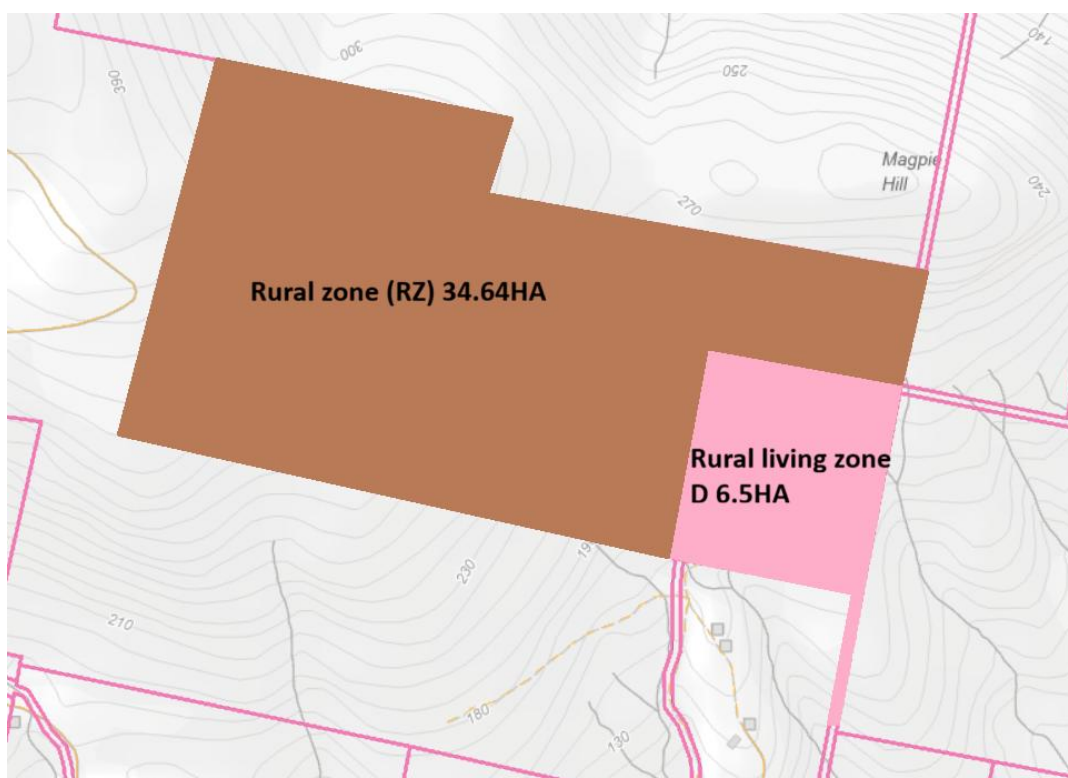
However, as outlined in the Lark and Creese report, any subdivision potential is in practice limited and constrained by the application of existing code overlays. An extract from that report is set out below.

14.5 Development standards for Subdivisions, 14.5.1 Lot designs, P2 performance criteria (f) states development 'Does not impact on native vegetation subject to any codes in this planning scheme' This clause is likely to prohibit a subdivision when works such as construction of the access and development sites will require the removal of native vegetation. This clause is also likely to prohibit access to the western part of the property, as well as the steep gradients.

Vegetation occupying the study site is within the Council's Biodiversity Code and subject to the Biodiversity Protection Area Overlay mentioned in Clause P2 (f) above. In addition, the two watercourses within the property are also protected under the Waterways and Coastal Protection Area Overlay. A preliminary bushfire assessment determined the existing clearing is of insufficient size to accommodate two new building areas and the required Hazard Management Area for the mandatory BAL-19 standard.

This demonstrates that the existing code overlays already provide sufficient protection of the native vegetation and the natural and scenic values of my property. The application of the Landscape Conservation Zone would therefore provide no additional protection against subdivision.

Under the proposed zoning map below, the Rural Living Zone (RLZ) Sub-category D portion of my property would comprise 6.5 hectares. This, in itself, prevents further subdivision into smaller lots, as the minimum lot size for Rural Living Zone D is 10 hectares (or 8 hectares under the performance criteria). Accordingly, subdivision would not be possible, addressing any concern regarding further intensification of development.



Additionally, split zoning my property this way ensures that the remaining (RZ) of 34.64HA does not meet the performance criteria for subdivision. Performance criteria A1 states that the minimum lots size of 40HA. It would also not meet the performance criteria A2 because of the topographic factors in the surrounding area of [REDACTED]. Under the proposal the (RL) area of my property would not meet these (RL) zone criteria for subdivision.

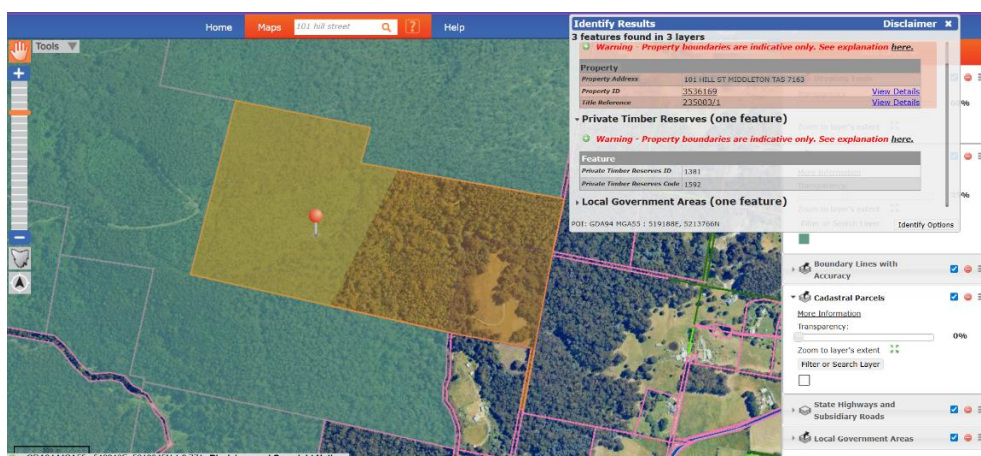
Acceptable Solutions	A2
A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities or irrigation infrastructure; (c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or (d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2.	A2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

LCZ imposes restrictions inconsistent with the existing use of the land

The Zone Guidelines note that the LCZ 'provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.' The LCZ is not intended for land whose existing character is rural — such as grazing, hobby farming, timber production, or similar uses. For such land, the RZ provides the appropriate framework.

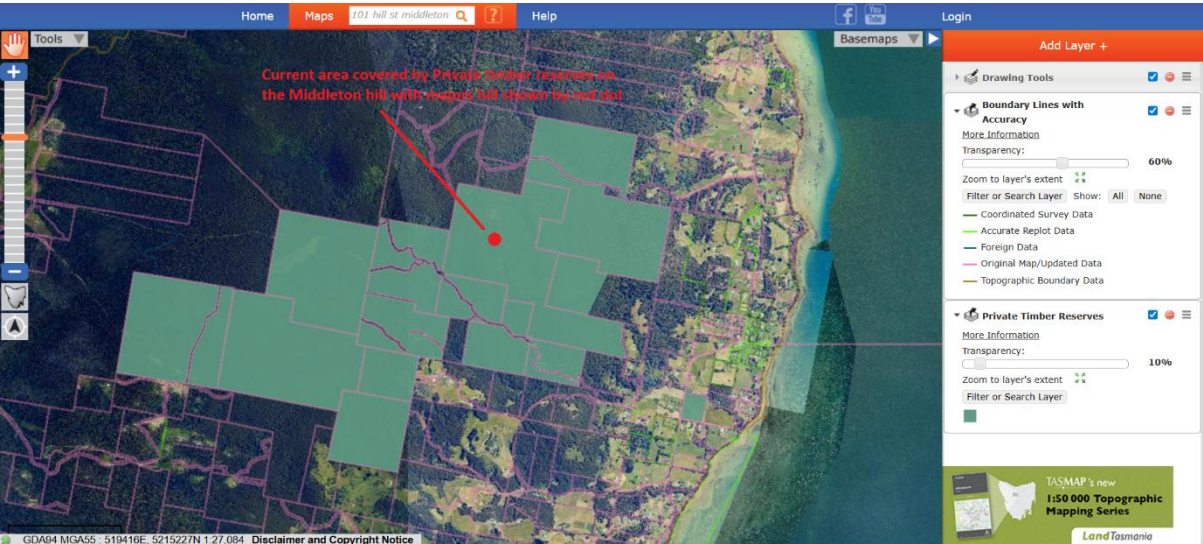
Under the Landscape Conservation Zone, my existing use for timber production may become non-conforming or subject to restrictions that are disproportionate to any landscape values present on the land. The property is covered by a registered Private Timber Reserve of 20.53 hectares and is actively used for the establishment, growth and production of native timber. This long-standing and lawful use is not consistent with the acceptable use framework contemplated by the Landscape Conservation Zone and, in practice, conflicts with the zone's stated purpose of prioritising landscape protection over productive land use.

The subject land at [REDACTED] has a clear and continuous history of forestry use and was previously zoned for Primary Industries under the Kingborough Planning Scheme 2000. The application of the Landscape Conservation Zone would therefore represent a fundamental departure from the established and strategic use of the land, without site-specific justification and without any demonstrated planning benefit.

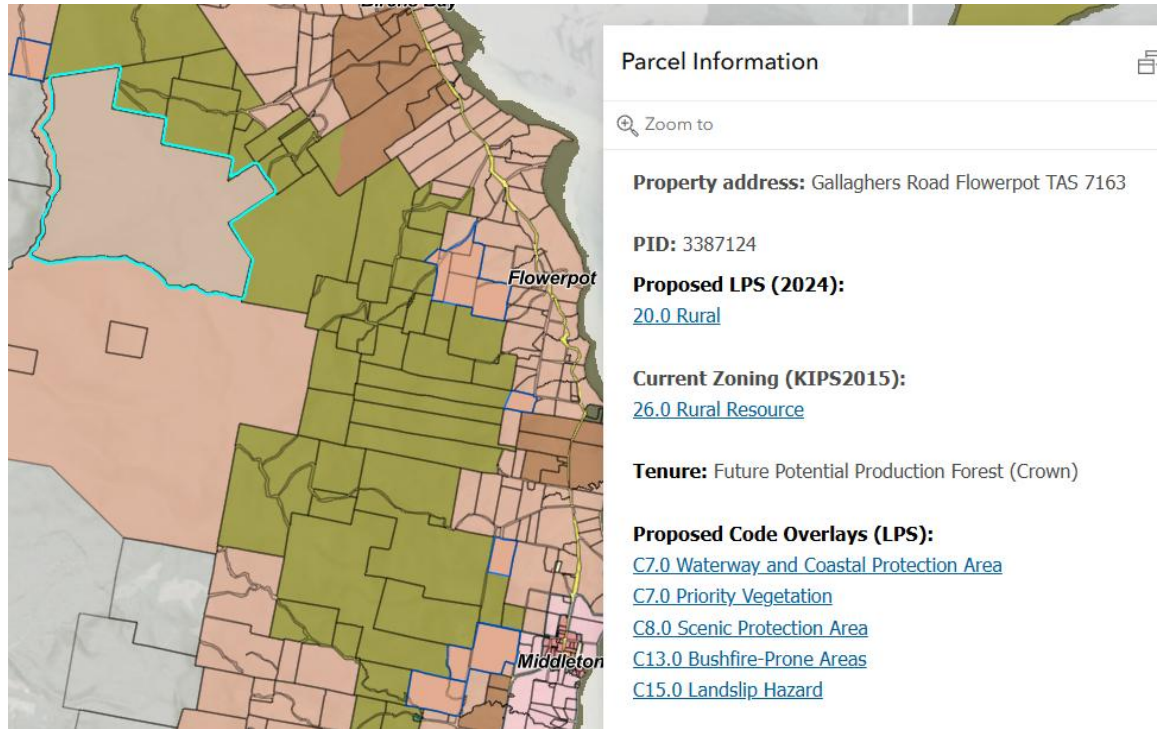


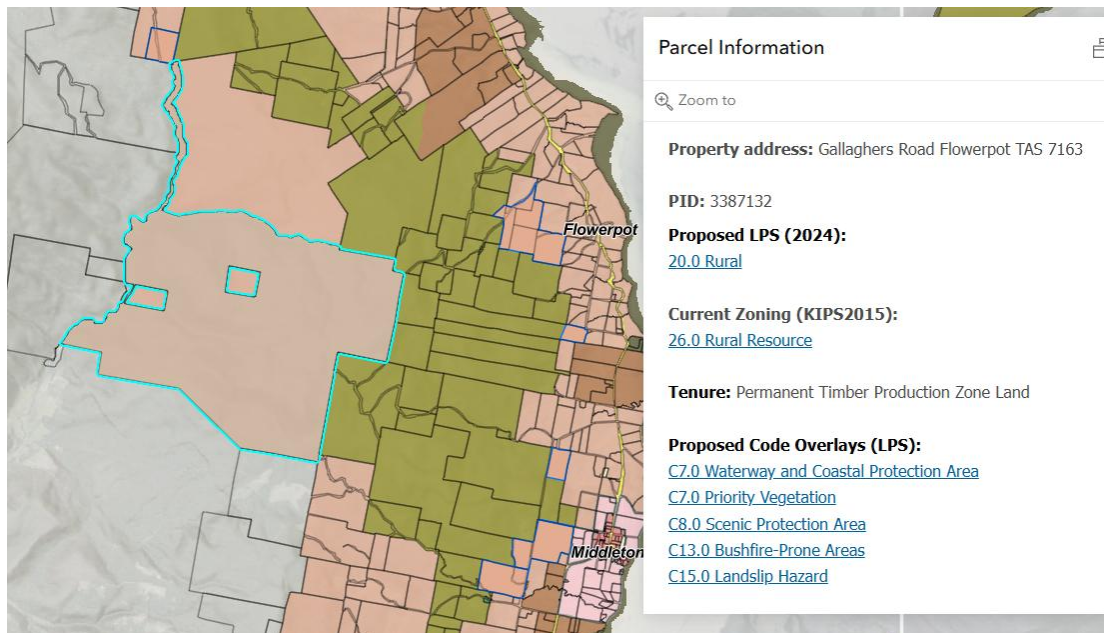
Area on [REDACTED] covered by Private timber reserve

In addition, the majority of the properties located on Majors Hill—identified by Irene Inc as a key landscape feature in its assessment—are also subject to registered Private Timber Reserves and are actively used for production forestry. These properties therefore do not align with the zoning purpose or acceptable use framework of the Landscape Conservation Zone. This further demonstrates that the reliance placed on Majors Hill as a determinative landscape feature is inconsistent with actual land use patterns and undermines the justification for applying the Landscape Conservation Zone to land characterised by productive forestry.



Similar large landholdings within the Kingborough municipality that are also used for timber production have been transitioned to the Rural Zone in the draft Irene Inc mapping. This is particularly evident in the zoning outcomes applied to PID 3387124 and PID 3387132 at Gallaghers Road, Flowerpot. These properties exhibit comparable land use characteristics, including active production forestry, yet have been afforded a less restrictive zoning outcome. This further demonstrates the inconsistent application of the Irene Inc methodology and undermines the justification for applying the Landscape Conservation Zone to my property at [REDACTED]





The evaluation framework is not a statutory instrument

Kate Heckelmann (Irene Inc) 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.

Risk ratings are judgement calls, not defined thresholds

At Day 20, the low/medium/high risk ratings applied by Irene Inc to LCZ recommendations were described as judgement calls, not defined thresholds. Irene Inc'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 Irene Inc report rates the transition of land to (RLZ) in Middleton as a Medium/High risk, I strongly disagree with this reasoning and these ratings as a measure used in applying LCZ to my property. Irene Inc have clearly not identified correctly the rural living settlements throughout Middleton.

Using a risk rating to identify land suitable for RLZ is both inconsistent and unacceptable as they were not used to identify these areas in the original draft LPS. The wording and methodology used to describe the areas and differentiate these areas from others is both ambiguous and misleading. It does not clearly define each area and how it differs from the next area. There is a lack of specific identifying features and the language used to describe the features is of a general nature. All the areas in kingborough contain landscapes like bushland, coastal interface, dwellings integrated into bushland areas, hills and ridgelines.

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.

The TPC has confirmed that visible rural activity is not a prerequisite for the Rural Living Zone. In any event, the [REDACTED] properties including my property demonstrate clear evidence of historic and ongoing rural activities. Examples are provided below.







Analogy to accepted RLZ localities

The Irene Inc 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.

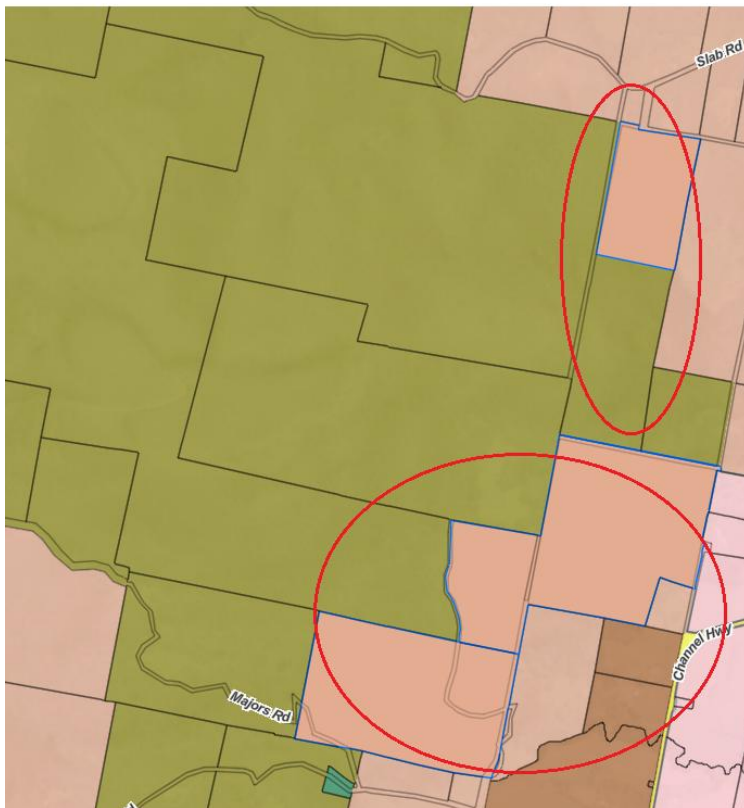
Middleton is directly comparable to localities such as Kettering East and Oyster Cove. These areas share similar flora and fauna, the same pattern of rural living activities (including hobby farming, firewood collection, orchards, animal husbandry and small-scale vegetable gardens), and a consistent built and settlement form. In each locality, dwellings are supported by ancillary outbuildings on comparable lot sizes, with similar settlement patterns and a similar level of service availability. Each is a small settlement supported by a general store and has similar proximity to land already zoned Rural Living Zone (RLZ). The [REDACTED] properties have the same character as other areas in the Irene Inc report recommended for full transition to RLZ. There is therefore no proper basis to treat these small settlements differently from one another. Collectively, they form part of the Channel region, which is recognised for shared landscape values and characteristics across the area.

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.

The other properties on [REDACTED] numbers 11,54 and 89 have all been transitioned too Rural in the report by Irene Inc. Similarly, a property over the hill at 67 slab road has been split zoned. These properties contain the same features as my property. This has created further fragmentation in an area which should all be rural living zone (RLZ) and rural (RZ). My property is directly located next to those that have been zoned (RL) and exhibits the same landscape features as these properties. It also includes a private timber reserve which makes it more suitable for (RL) than the surrounding properties.

review undertaken by Irene Inc ⓘ



Mapping of inconsistency adjacent to [REDACTED] Middleton

Council's response has been historically inconsistent

The Irene Inc 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 Irene Inc 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.

My property at [REDACTED] has again been incorrectly classified in the latest report from Irene Inc and the zoning incorrectly applied.

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.

Irene Inc 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.

The land at [REDACTED] is already subject to multiple planning controls that adequately and appropriately protect its environmental, landscape, and ecological values.

The property is affected by the Scenic Protection Code, which operates in conjunction with the Natural Assets Code. These provisions are explicitly intended to recognise and protect landscapes of

scenic significance and ensure that development does not result in unacceptable visual or landscape impacts.

The site is also subject to the Waterway and Coastal Protection Code, which provides specific controls to protect water quality, minimise disturbance to priority vegetation, and ensure that development appropriately manages impacts on native fauna and associated habitat.

In addition, the property is regulated under the Priority Vegetation Code, which seeks to minimise the clearing of native vegetation and protect threatened ecological communities. This includes Blue Gum habitat identified as critical for the Swift Parrot, a matter of State and national environmental significance.

Collectively, these existing planning provisions impose rigorous development controls that directly address landscape character, vegetation retention, biodiversity protection, and environmental risk management on the subject land. These controls ensure that development outcomes are consistent with the objectives of environmental conservation and landscape protection without the need for additional zoning constraints.

The application of the Landscape Conservation Zone (LCZ) would not introduce any materially different or enhanced environmental protections beyond those already achieved through the existing overlay codes. Instead, it would result in unnecessary regulatory duplication and additional restrictions that are not supported by a demonstrated planning need.

On this basis, the current suite of planning controls is considered sufficient to manage development and protect the environmental, scenic, and ecological values of the land. Rezoning the property to LCZ is therefore unwarranted and inconsistent with the principle of proportional and evidence-based land use regulation.

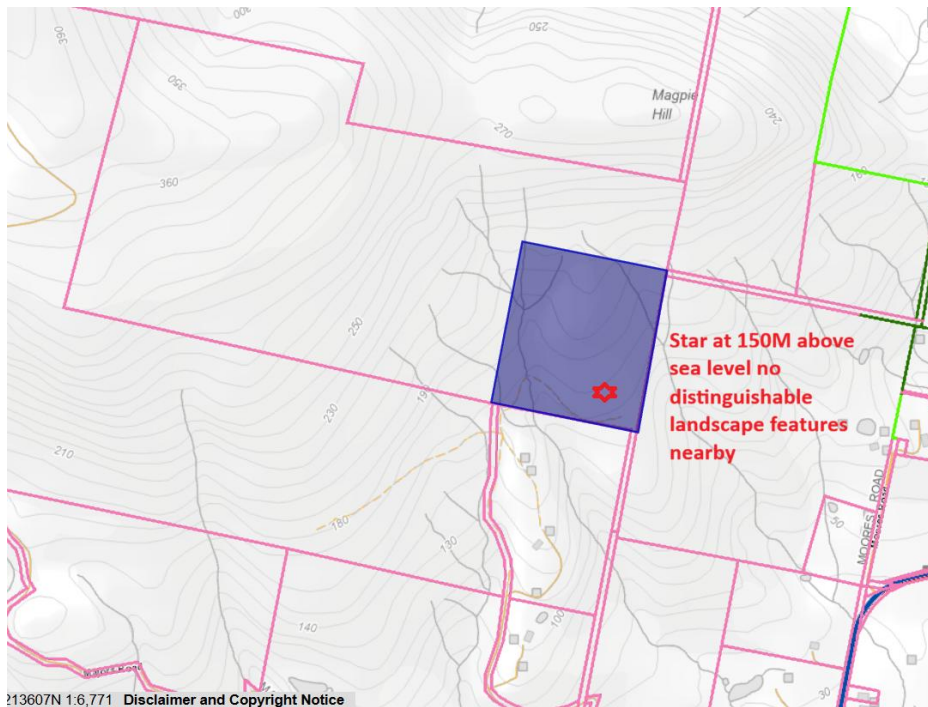
Inconsistency in the Irene Inc evaluation framework

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 Irene Inc 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 Irene Inc 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 (Irene Inc) [05:53:00]: The evaluation framework is a tool, not a statutory instrument. Submissions can depart from it with good evidence.

As documented in inconsistency analysis attachment in the Middleton section the comparison with Kettering East and Oyster cove shows that Irene Inc applied near identical landscape value descriptions and settlement findings to both these areas. But then recommended LCZ for Middleton and RLZ for areas like Kettering and Oyster cove. Majors hill is sighted as the sole landscape feature; my property sits 1.4km away from this feature and does apply to the landscape values associated with my property. The area I have cited as RLZ sits at only 160M above sea level and cannot be seen visually from anywhere in Middleton or elsewhere in the channel or on Bruny Island. Please see attached pictures that I took from different locations in and around Middleton and from Bruny Island.



Topographic map showing elevation of area proposed for RLZ

I ask the Commission to consider inconsistency analysis attachment when assessing this submission, particularly the comparison rows identified above, which show that the Irene Inc recommendation for this locality is inconsistent with the outcome produced by applying the same evaluation framework to comparable localities elsewhere in the municipality.

STRLUS 4.1: No community consultation on Landscape Values

Council and Irene Inc rely on STRLUS CV 4.2 and CV 4.3 to justify applying LCZ to ELZ land in preference to RLZ — arguing that LCZ is necessary to ensure the key values of regionally significant landscapes are not compromised by development.

Before CV 4.2 and CV 4.3 can be engaged in this way, the foundational sub-policy CV 4.1 must be satisfied.

CV 4.1 requires State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values. The significance of the landscape values Council seeks to protect through LCZ must first be established through that agreed criteria process.

No independent community consultation has been undertaken in Kingborough to identify landscape values of significance or to determine how those values should inform the assessment criteria relied upon to justify the application of the Landscape Conservation Zone.

CV 4.1 was designed to address a recognised gap: the STRLUS narrative identifies 'the limited understanding of cultural landscape values and the lack of an overarching policy with respect to determining relative significance' as an existing problem at the time of the strategy's publication. The landscape significance determinations underpinning the LCZ recommendations were made by Council without community input on the criteria used.

The community's assessment of these landscapes, as expressed in exhibition representations, consistently identified residential use as the primary land use and the Scenic Protection, Priority Vegetation and Natural Assets codes as adequate for landscape value protection. That is the only available community evidence on the significance question, and it does not support the criteria Council applied.

Road and access concerns

A critical consequence of the proposed LCZ application to [REDACTED] is its interaction with the dwelling access standard in the State Planning Provisions.

SPP clause 20.4.3 requires, at both the Acceptable Solution (A1) and Performance Criterion (P1) level, that new dwellings have frontage or legal access — by right of carriageway — to a road maintained by a road authority. Under the SPPs, a road authority means, for local roads, the relevant council under the Local Government (Highways) Act 1982. Private access tracks, unvested Crown roads, and rights of carriageway over third-party land do not satisfy this definition, regardless of their physical adequacy or length of use.

Under KIPS 2015, this constraint did not exist. The ELZ expressly accommodated access via private rights of carriageway of no less than 3.6 metres, with no requirement that access terminate at a council-maintained road. A single dwelling was a permitted use within a building area on a sealed plan, and discretionary otherwise — either pathway was achievable on privately-accessed land. The transition to LCZ imports a standard that forecloses what the previous scheme expressly permitted. That loss falls entirely on landowners whose parcels are physically and legally unchanged — it is not a consequence of their landscape character, but of zone selection.

It is significant that Council has itself acknowledged this problem in its Section 35F Report, conceding that the road authority access requirement produces unreasonable outcomes on transitioning ELZ land and that it has formally raised the matter with the State Planning Office. That concession — that the standard is not fit for purpose in this context — should weigh against a zoning decision that subjects landowners to its burden in the interim.

The Rural Living Zone does not carry this consequence. SPP clause 11.5.1 P2 and P3 require a contextual, merits-based assessment of whether access is sufficient for the intended use — having regard to topography, length, emergency vehicle access, and the pattern of established development — without requiring that the access terminate at a road authority-maintained road. A privately accessed parcel that fails the LCZ threshold can satisfy the RLZ standard on its merits.

The Commission is asked to find that applying the LCZ to privately accessed ELZ parcels where residential use is the established primary intention would disproportionately extinguish development rights without planning justification, and that the RLZ is the appropriate zone for those parcels.

Locality specific content [REDACTED] Middleton

The Majors Hill and ridgeline landscape value does not apply to every lot in the LCZ bulk. [REDACTED] Middleton lot is below the ridgeline, cleared, and at a lower elevation, or does not contribute to views of or from Majors Hill. The eastern cluster properties in Middleton have all been appropriately zoned Rural living not LCZ. Middleton contains the same landscape values as Kettering East/west and Oyster cove. It also shares the same settlement pattern as Margate which was recommended for transition to Rural living zone.

To objectively assess the claimed landscape values relied upon by Irene Inc, I attended multiple publicly accessible and frequently used vantage points throughout Middleton and across to Bruny Island and recorded photographic evidence looking toward [REDACTED]. These viewpoints represent the locations from which landscape values would reasonably be experienced by the public. The resulting photographs clearly show that the subject land is not visible, or is only minimally discernible, from these locations and does not contribute to the landscape character or values identified in the Irene Inc report. This demonstrates that the application of the Landscape Conservation Zone to the subject land is not supported by site-specific visual or landscape evidence.

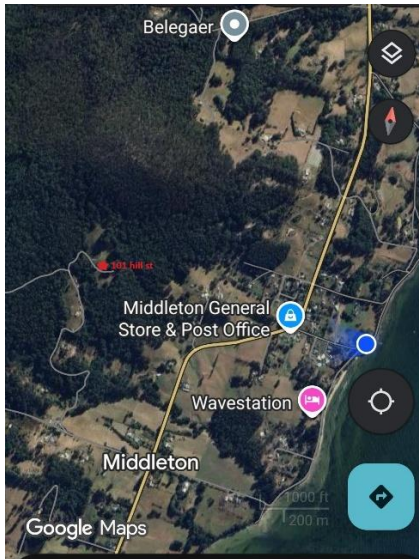


Photo taken from Middleton boat ramp East of Middleton looking west

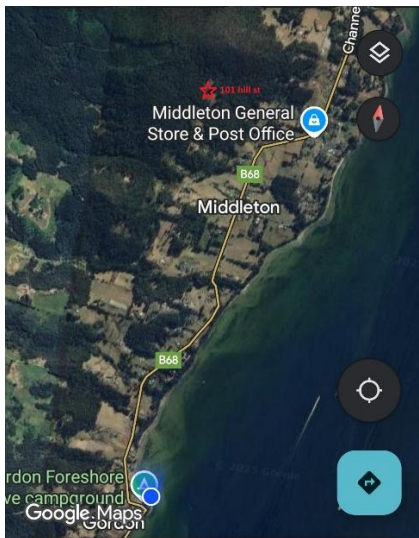


Photo taken from Gordon camping area and boat ramp South of Middleton looking North

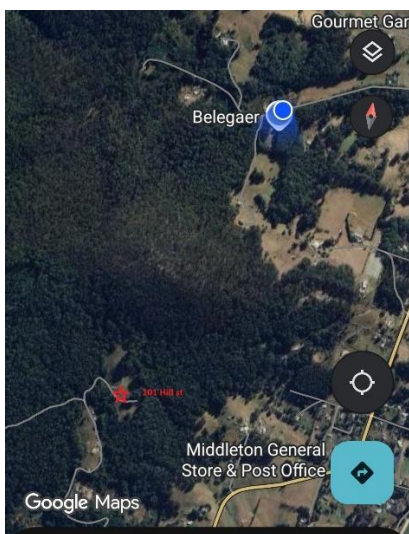


Photo taken from Slab Road north of Middleton looking south



Photo from Channel highway descent into Middleton looking southwest

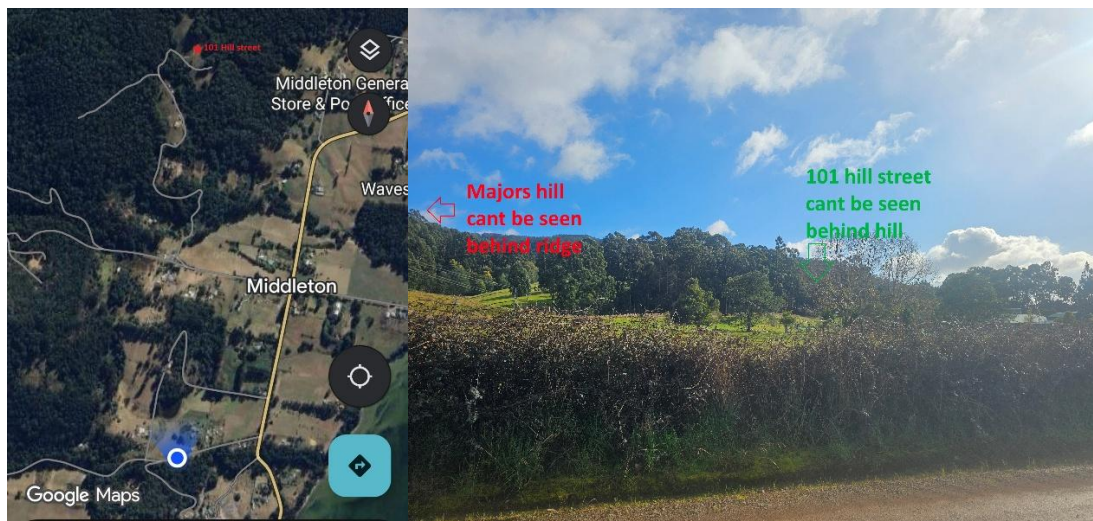


Photo from Coxs road looking North

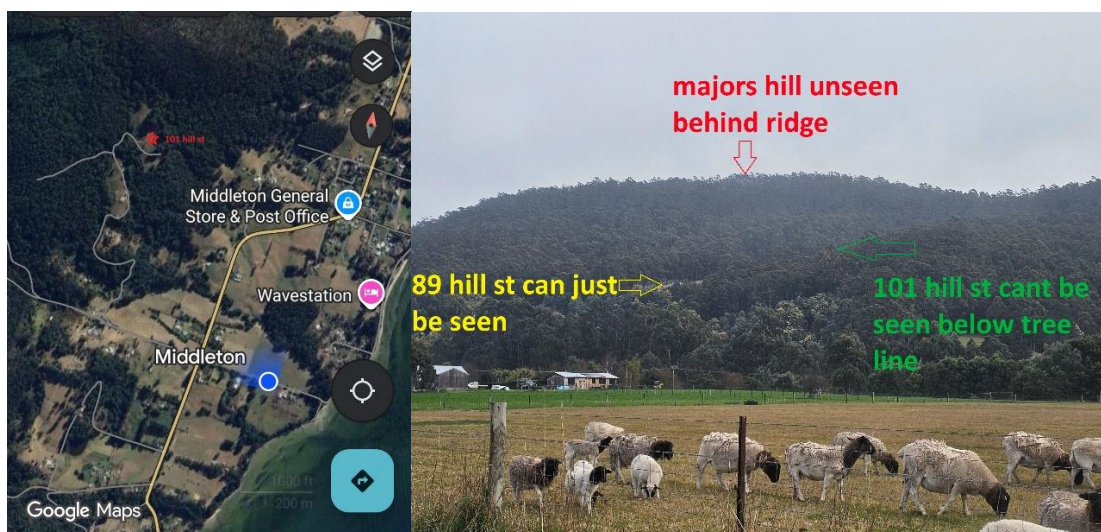


Photo from Esplanade Road looking Northwest

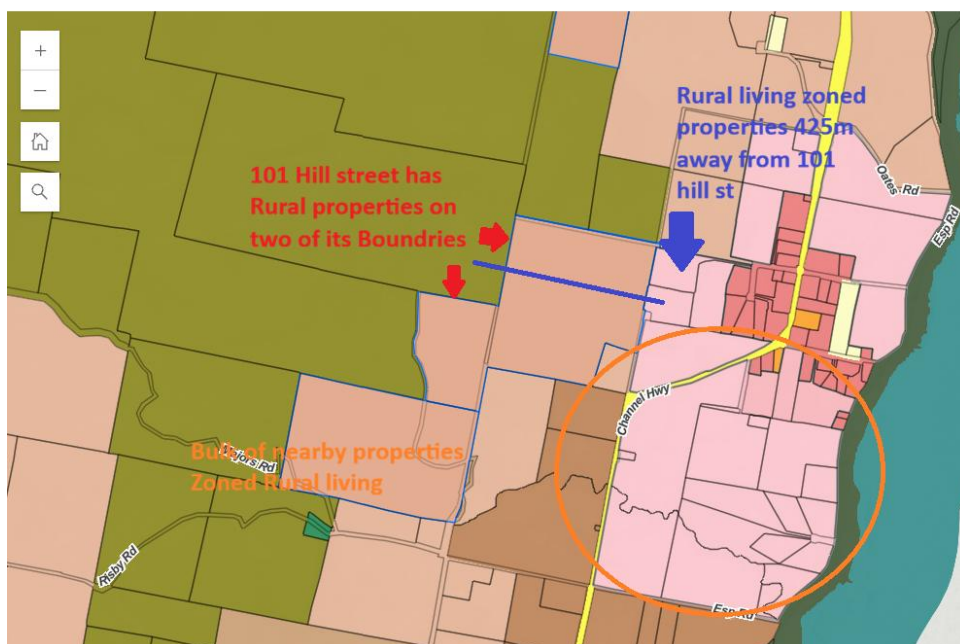


Photo from Bruny Island Neck Lookout looking west

As is evident from the final photograph above, Majors Hill is not a defining or singular feature of the Middleton landscape. The broader scenic character of Middleton is formed by a series of surrounding hills and landforms, collectively contributing to the area's visual landscape. While Majors Hill is one element of this wider landscape, it is incorrect to rely on it as a defining reference point for categorising the landscape character of Middleton as a whole, or for attributing specific landscape values to my property at [REDACTED]. This reliance on Majors Hill as a determinative feature overstates its relevance and results in a mischaracterisation of the landscape values applicable to the subject land. The Irene Inc report's treatment of this issue therefore demonstrates inconsistency and a lack of site-specific analysis in its explanation of the landscape values relied upon.

Map showing zoning context for Proposed zoning of [REDACTED]

Proposed LCZ review undertaken by Irene Inc ⓘ



The proximity of my property at [REDACTED] to other areas proposed for Rural living zone in Middleton

The proximity of my property at [REDACTED] to areas proposed for the Rural Living Zone and Rural Zone is clearly illustrated in the map above. In particular, the subject land is located approximately 425 metres from the nearest area proposed for the Rural Living Zone. This spatial context highlights the inconsistency in the zoning outcomes recommended by Irene Inc. It also demonstrates that the methodology and mapping relied upon are flawed and have not been applied consistently. The landscape characteristics of the area I propose for Rural Living zoning at [REDACTED] are materially no different from those of comparable properties, including 26 Moore's Road, Middleton, which have been recommended for a less restrictive zoning outcome.

Conclusion and relief sought

For the reasons set out above, I submit that:

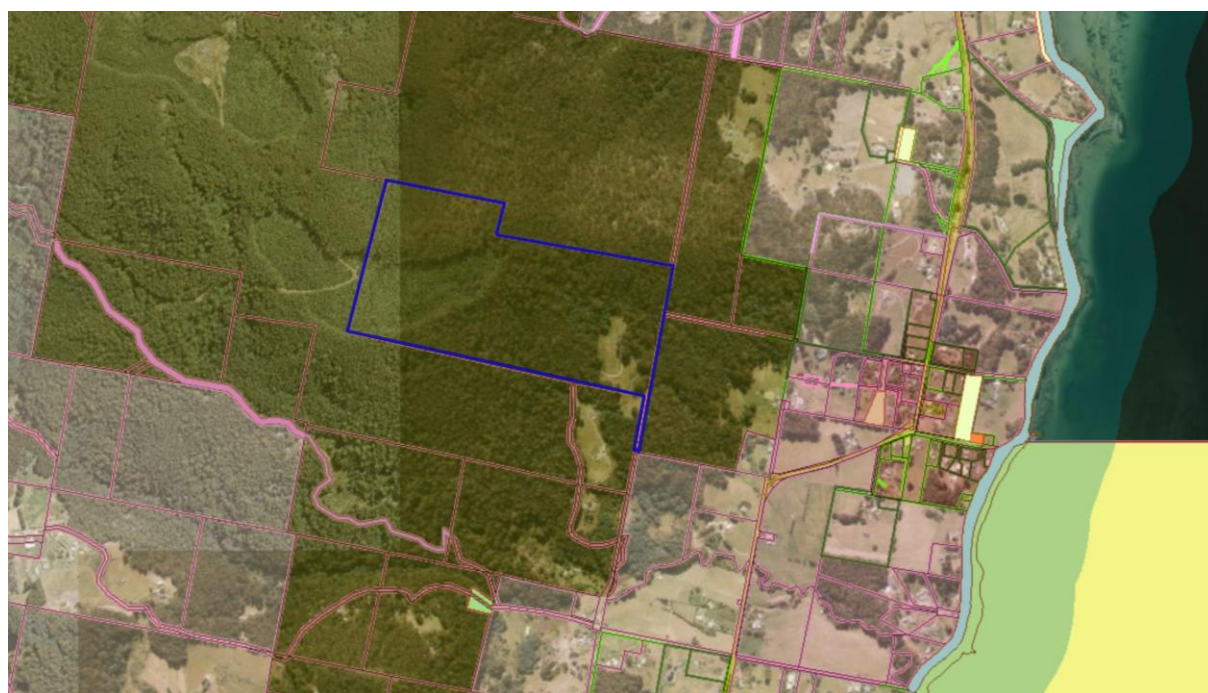
1. The application of the LCZ to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone 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.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the Rural Living Zone [specify subcategory A/B/C/D];
- 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 folio of the register [REDACTED] at [REDACTED] Middleton be split between Rural living D and Rural living in the Kingborough local provisions schedule.

Signed: [REDACTED]	Date: 4/5/2026 [REDACTED] [REDACTED]
Matthew Richard Heerey	
_____ Full name:	_____ Contact email / phone:



Town Planning advice – proposed Visitor Accommodation in the Environmental Living zone

For Mr Matt Heerey

Middleton

8 February 2022

Gray Planning 2022 Commercial in Confidence



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Danielle Gray, Principal Consultant
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8 February 2022

Mr Matthew Heerey

[REDACTED]
Sandy Bay TAS 7005

Dear Matt,

Thank you for considering Gray Planning to assist you with town planning enquiries you have in relation to your property at [REDACTED] Middleton (title reference CT-[REDACTED])

I refer to recent discussions with you in relation to a proposed development which requires professional planning advice and assistance regarding the proposed development at the subject site [REDACTED]

Gray Planning has been engaged to undertake the following:

Preliminary Town Planning Advice regarding development of [REDACTED] Middleton

To review the subject site and provide town planning advice on the proposal (Visitor Accommodation) would take us approximately 5 to 6 hours and be chargeable at a (2022 rate) rate of \$255 per hour (not including GST).

We will check the current zoning and applicable Code standards, Planning Directives with respect to Visitor Accommodation and also the upcoming zoning of the site under the Tasmanian Planning Scheme due to come into effect in (approximately) mid 2022 for the Kingborough municipality.

As part of our written advice, we will also advise what other consultants or issues may be required for a planning application to be submitted to Council.

We will also check current titles to ensure there are no title impediments that would affect the proposal. Retrieval of title documents will be additionally charged at a rate of \$64.80 per property. We will provide you with a copy of title documents sourced as part of our written advice.



Our advice would be provided to you in the form of a written report in pdf and sent via email.

General correspondence including telephone calls, meetings, emails, etc for the duration of services:

Hourly rate: All correspondence including emails, telephone calls, any additional site inspections or meetings are charged on a Time and Materials basis for the duration of services at an hourly rate of \$255 per hour not including GST.

Please find attached a town planning report addressing the above engaged work.

It is intended that the information contained therein will assist you in making decisions about developing the property.

Should you have any questions about the content of the report, please do not hesitate to contact me on [REDACTED].

Yours faithfully

[REDACTED]

Danielle Gray B.Env.Des. MTP. MPIA
Principal Consultant, Gray Planning



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1 Introduction

1.1 Purpose

The purpose of this report is to provide planning responses to the client about the potential development of the subject site at [REDACTED] Middleton with respect to a proposed Visitor Accommodation use of the subject site.

1.2 Copyright

The report is subject to copyright the owner of which is Danielle Gray Planning, trading as Gray Planning. All unauthorised copying or reproduction of this report or any part of it is forbidden by law and is subject to civil and criminal penalties as asset out in the *Copyright Act 1968*. All requests for permission to reproduce this report or its contents must be directed to Danielle Gray.

This document may only be used for the purposes for which it was commissioned and in accordance with the Letter of Engagement dated 23 December 2021 for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Last updated: 8 February 2022, Version 1.0

Report Author: Danielle Gray

1.3 Disclaimer

This report contains research undertaken by Gray Planning to provide advice regarding use and development standards applicable to a proposed development (Visitor Accommodation) on the subject site [REDACTED] Middleton.

Given the discretionary and independent assessment process under the Resource Management Planning System in Tasmania, Gray Planning cannot guarantee a planning approval will be received from Kingborough Council for any planning application submitted to Council.

As part of the research contained within this report, Gray Planning has not approached Kingborough Council to determine if there are any outstanding orders, notices (such as abatement notices) or compliance matters associated with the subject site. These are outside the scope of this planning report. In the event that advice is required in these areas, it is recommended that legal advice is sought from a barrister & solicitor who specialises in local government and development (including planning and building) law within the state of Tasmania.

No other Gray Planning client benefits from the information or recommendations contained within this report.



2 The subject site

2.1 Request for town planning advice

Gray Planning was approach by the client in December 2021 to provide town planning and guidance with respect to a proposed development comprising Visitor Accommodation at the subject site which would require planning approval from Kingborough Council.

Gray Planning was engaged to undertake the following written advice:

Preliminary Town Planning Advice regarding development of [REDACTED] Middleton

To review the subject site and provide town planning advice on the proposal (Visitor Accommodation) would take us approximately 5 to 6 hours and be chargeable at a (2022 rate) rate of \$255 per hour (not including GST).

We will check the current zoning and applicable Code standards, Planning Directives with respect to Visitor Accommodation and also the upcoming zoning of the site under the Tasmanian Planning Scheme due to come into effect in (approximately) mid 2022 for the Kingborough municipality.

As part of our written advice, we will also advise what other consultants or issues may be required for a planning application to be submitted to Council.

We will also check current titles to ensure there are no title impediments that would affect the proposal. Retrieval of title documents will be additionally charged at a rate of \$64.80 per property. We will provide you with a copy of title documents sourced as part of our written advice.

Our advice would be provided to you in the form of a written report in pdf and sent via email.

The following planning report provides responses to address the above.



2.2 Existing Site Development at the subject site [REDACTED] Middleton

The subject site is [REDACTED] at Middleton and has frontage onto a [REDACTED] road reservation. From aerial photography the majority of this road reservation appears unconstructed where it meets with the subject site access strip.

The site has a secondary frontage onto a 'paper road' which is flagged on the title as being McDowell Street (see Figure 4). This road is not in any physical existence and appears to be entirely unconstructed according to aerial photography.

The third access is via an unnamed reserved road that traverses through 12 [REDACTED] and runs directly adjacent to 11 [REDACTED] and 54 [REDACTED] and 89 [REDACTED] and also 82 Majors Road. (see Figure 2)

The ownership of the unnamed reserved road, McDowell Street and [REDACTED] is unclear with title information as well as mapping on TheList not definitively confirming whether Council or the Crown owns the road reservations.

The subject site appears to be vacant of any use or development.

The subject site is on a reasonably large and substantially vegetated lot measuring 40.22 hectares that is not serviced with any sewer, water and stormwater infrastructure.

The lot site contains remnant and what appears to be regrowth native vegetation spread across the site and has a predominantly regular rectangular configuration with a varying gradient across the site that steepens uphill in the north western portion of the subject site. The site gradient falls down toward south and east and toward the access strip with the [REDACTED] road reservation.

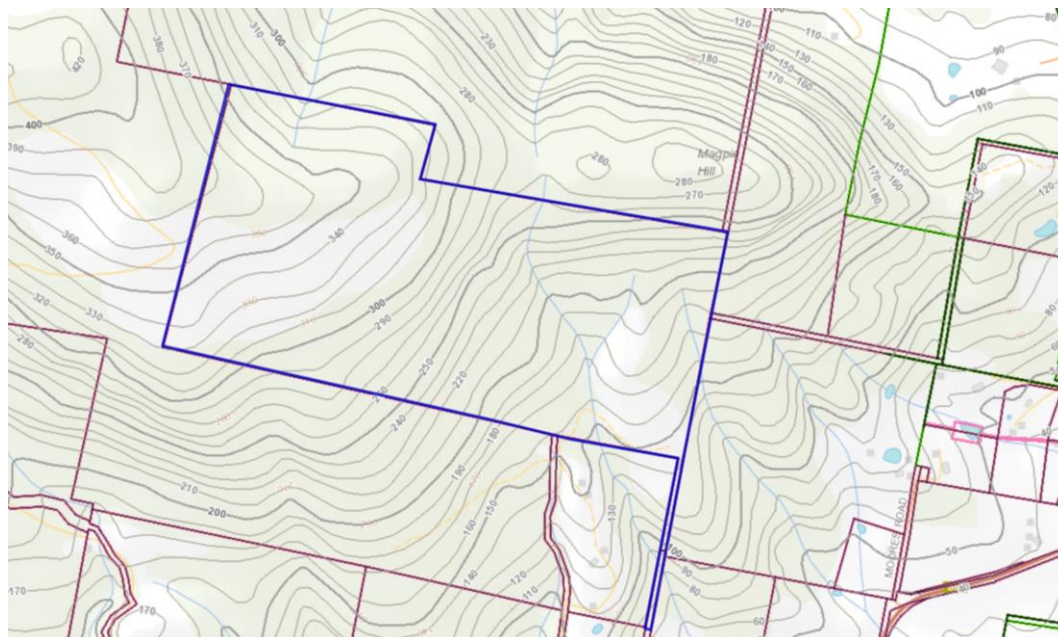


Figure.1. TheList mapping of the subject site shown outlined with surrounding properties of varying sizes and configurations. Lots where developed, are generally used for residential purposes in the form of a modest sized single dwelling. Source: TheLIST, sourced February 2022. No nominated scale.



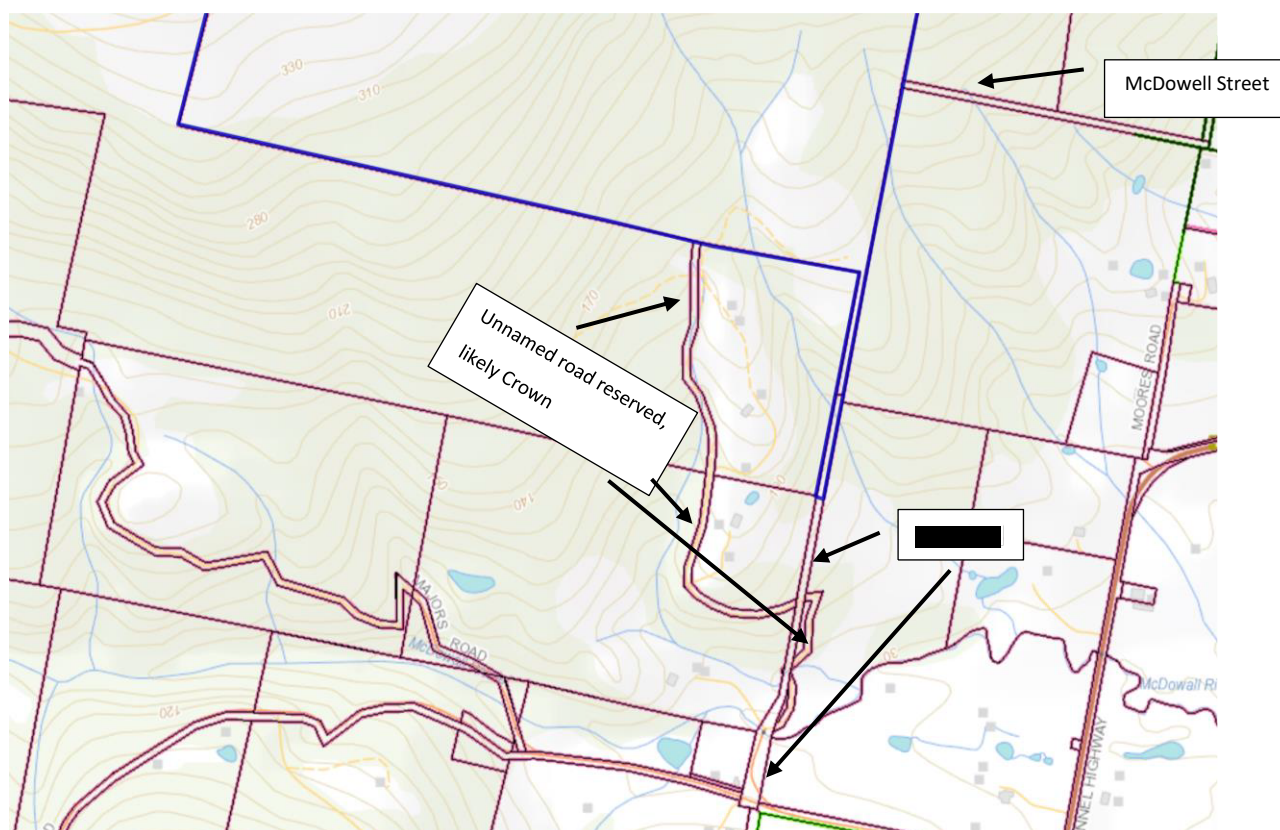


Figure.2. Reserved roads that are located adjacent to the subject site. Source: TheLIST, sourced February 2022. No nominated scale.

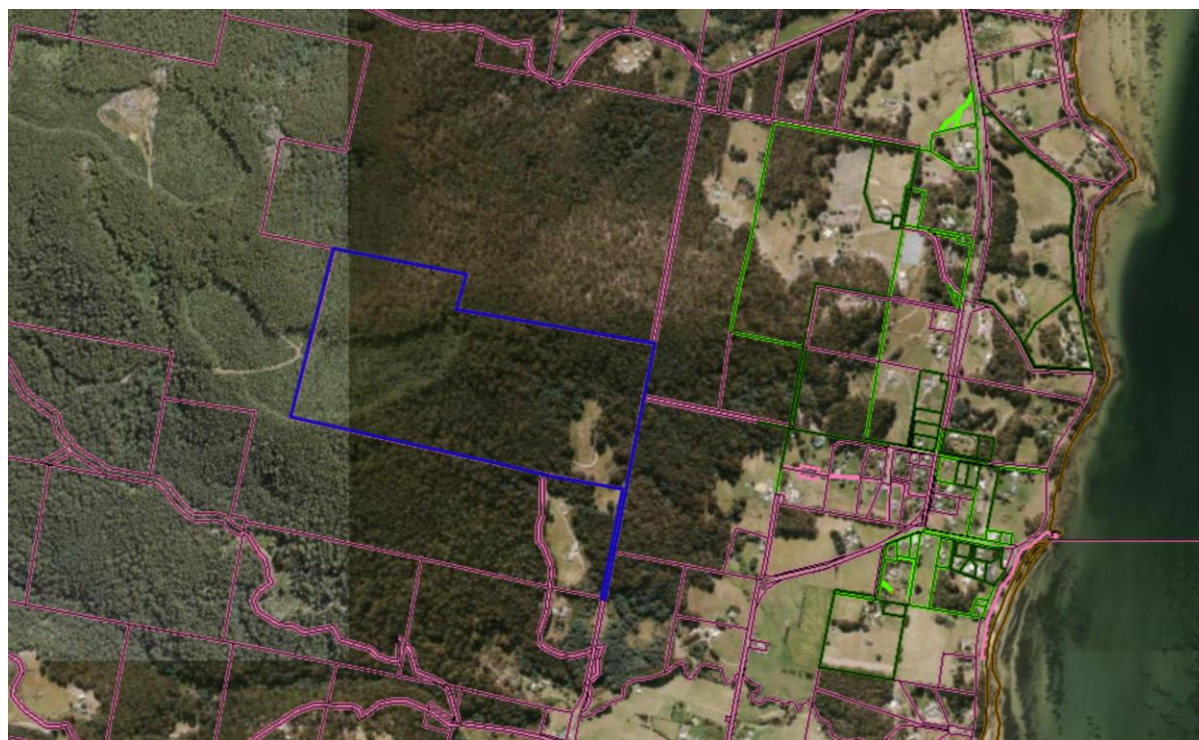


Figure.3. TheList aerial photography of the subject site shown outlined with surrounding predominantly residential development to the east in the Middleton township. Source: TheLIST, sourced February. No nominated scale.





Figure.4. Zoom in of TheList aerial photography of the subject site shown outlined. Source: TheLIST, sourced February 2022. No nominated scale.

The subject site contains a large cleared area in the south east of the subject site close to the access strip that connects to the [REDACTED] road reservation. This cleared area is obvious in aerial photography in Figures 2 and 3.

Manually measured off TheList, this cleared area measures around 1.7 hectares in total area that is free of trees and contains cleared pasture only.

It is presumed that this cleared area represents the best location for future development owing to minimising/avoiding as much as possible the removal of vegetation cover and also minimising cut and fill with respect to the gradient of the subject site which increases in elevation to the west and north.



2.3 Title for the subject site [REDACTED] Middleton

The subject title reference is CT-[REDACTED] with the subject site measuring 40.22 hectares in total site area according to the survey and also the title plan.

A check of the title for the subject site revealed there is no applicable Schedule of Easements attached to the subject title. This would imply that the property has no covenants, Part 5 Agreements or building areas. The subject site has no burdening or benefitting rights of way available for access use.

The title plan and text for the subject site confirms the site has no easements. There are no other title schedules applicable to the subject site as confirmed in the title text.

The title property report from TheList provides the following property information (which notes it is rated as vacant):

PREMIUM PROPERTY Information Report		
PROPERTY DETAILS - 101 HILL ST MIDDLETON		
Property Name:		
Land Use:	Residential - VACANT-RURAL RESIDENTIAL (valuation purposes only)	
Improvements:	VACANT LAND	
Improvement Sizes (Top 3 by Size):	Improvement:	Area:
	VACANT LAND	
Number of Bedrooms:		
Construction Year of Main Building:		
Roof Material:		
Wall Material:		
Land Area:	40.22 hectares	
Title References:	235003/1	
Municipality:	KINGBOROUGH View Municipality Information Report	
Title owner:	235003/1 : MATTHEW RICHARD HEEREY	
Interested parties:	MATTHEW RICHARD HEEREY	
Postal address:	18 GEORGE ST	
(Interested Parties)	NORTH HOBART TAS 7000	

Figure.5. Property data from TheList. Source: TheLIST, sourced February 2022.



R.P. 512

VOL. FOL.

ANNEXURE TO CERTIFICATE OF TITLE 3346 22

REGISTERED NUMBER

235003

Recorder of Titles



Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

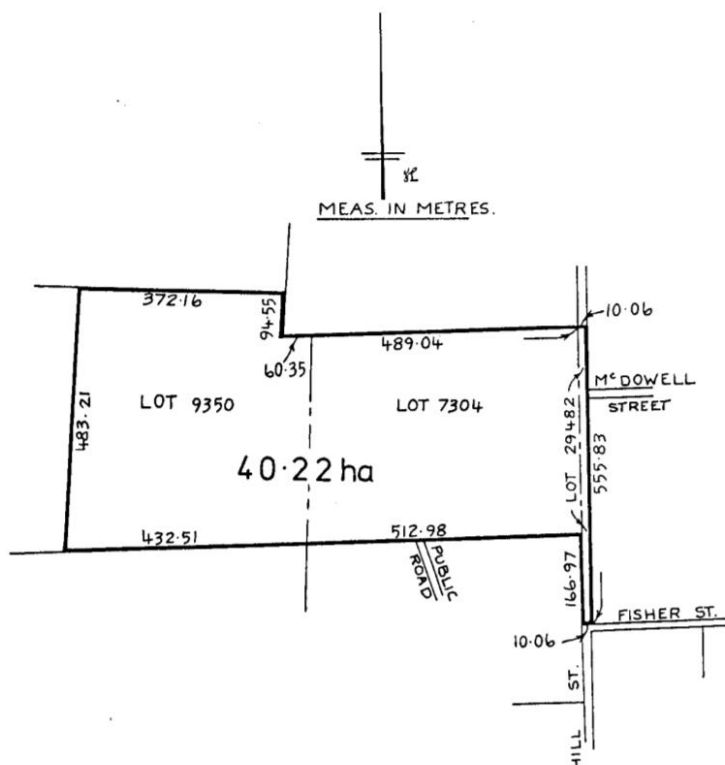


Figure.6. Title plan from TheList for the subject site [REDACTED] Middleton. Source: TheLIST, sourced February 2022. Not to nominated scale.



3 Applicable Planning Scheme Zone Use and Development Standards in the Environmental Living zone under the current Interim Planning Scheme

3.1 Zoning of the subject site under the Interim Planning Scheme

The subject site [REDACTED] at Middleton is currently zoned Environmental Living under the *Kingborough Interim Planning Scheme 2015*.

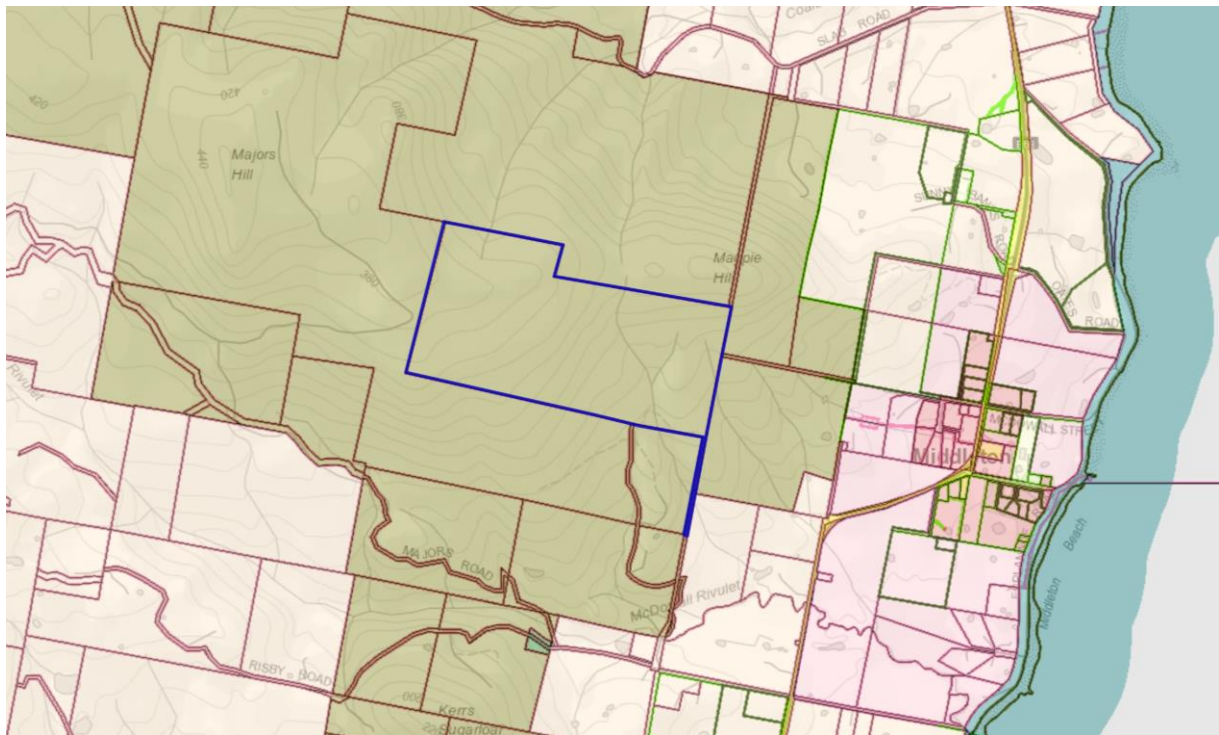


Figure.7. The subject site shown outlined and located within the (green) Environmental Living zone area of Middleton which appears to have been extensively applied by Council throughout rural areas of the municipal area on sites that contain substantial native vegetation cover. The pink shaded areas are properties zoned Rural Living and these almost exclusively comprise historically cleared land. Source: TheLIST February 2022. No nominated scale.



3.2 Classification of Visitor Accommodation use class in the zone

Classification of land use is covered in Table 14.2 of the Planning Scheme.

This table notes that Visitor Accommodation is a Permitted use in the Environmental Living zone.

The State Government introduced Planning Directive 6 in August 2018 that covers use standards for particular zones under Interim Planning Schemes for Visitor Accommodation developments.

One of those zones is Environmental Living. The use standard for Visitor Accommodation in the Planning Directive 6 replaces that in the *Kingborough Interim Planning Scheme 2015*.

Under this Planning Directive, Visitor Accommodation is a likewise Permitted use in multiple zones including Environmental Living.

3.3 Zone Purpose Statements for the zone

The Zone Purposes Statements for the Environmental Living zone are covered under Clause 14.1 and outline objectives for any use or development in the zone.

These are:

14.1.1 Zone Purpose Statements

14.1.1.1

To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.

14.1.1.2

To ensure development is reflective and responsive to the natural or landscape values of the land.

14.1.1.3

To provide for the management and protection of natural and landscape values, including skylines and ridgelines.

14.1.1.4

To protect the privacy and seclusion that residents of this zone enjoy.

14.1.1.5

To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity.

14.1.1.6

To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages.



14.1.1.7

To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.

The above Zone Purpose Statements prioritise protection of native vegetation, privacy and amenity of residents already living in the zone and avoidance of development that will impact detrimentally on natural and landscape values.

The Statements also confirm that there is a limited ability for community, tourism and recreational uses provided they do not impact on natural values and residential amenity. This would include the consideration of proposals for Visitor Accommodation in the zone.

3.4 Use Standards for the zone – Visitor Accommodation & PD6

As discussed earlier the Visitor Accommodation clause 14.3.2 is replaced by the Planning Directive 6 with respect to use standards in particular zones in Interim Planning Schemes in Tasmania. This Directive came into effect on 1 August 2018.

The Directive includes the following clauses about Visitor Accommodation use that is applicable to the Environmental Living zone:

A1

Visitor Accommodation must:

- (a) accommodate guests in existing habitable buildings; and*
- (b) have a gross floor area of not more than 200m² per lot.*

Planning Comment: As there are no buildings at the subject site, any proposal will unavoidably be discretionary. The above Acceptable Solution also sets a Permitted limit on the floor area of any Visitor Accommodation. This is in line with the approximate floor area of an average family residential dwelling. Anything larger or multiple buildings with a larger combined floor area than 200sqm would need to demonstrate that they would not result in unreasonable impact on surrounding uses as outlined in the below Performance Criteria.

The following P1 Performance Criteria would be applicable to a proposal for Visitor Accommodation at the subject site:

P1

Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;*
- (b) any likely increase in noise to adjoining properties;*



(c) the scale of the use and its compatibility with the surrounding character and uses within the area;

(d) retaining the primary residential function of an area;

(e) the impact on the safety and efficiency of the local road network; and

(f) any impact on the owners and users rights of way.

Planning Comment: It is considered that a development greater in size, intensity and scale than existing residential uses in single dwellings on surrounding lots may be problematic in terms of the above criteria.

Also in consideration would be the access strip that adjoins the [REDACTED] road reservation. This access strip is 10.06m in width according to the title plan (see Figure 5). The width of the unknown road reservation that traverses through or adjacent to neighbouring properties is unknown.

The chosen access route should allow for 2 vehicles to pass each other within the access. It is unclear what construction in terms of vehicular access is located within the unnamed road reservation and whether this has ever received any Council (or Crown) approval.

Such an access would have to obtain approval from the relevant land owner (Crown or Council) and this would also include approval to upgrade this access to an appropriate standard to Council as the assessing and permit issuing authority. It is likely that an upgrade may have to include regular passing bays along the length of the access to the subject site.

It is considered that a single building to be used as Visitor Accommodation of a floor area around 200sqm would be likely acceptable under the above Criteria, subject to location, intensity of use and also compliance with any access upgrade required by Council as part of their assessment.

A more intense development with a larger footprint may be potentially problematic against the above criteria as such a development will likely use the unnamed road reserve that that traverses through 12 [REDACTED] and runs directly adjacent to 11 [REDACTED] and 54 [REDACTED] and 89 [REDACTED] and also 82 Majors Road. (see Figure 2) This unnamed reserved road runs within 30m of the dwelling at 54 [REDACTED] and around 40m of the dwelling at 89 [REDACTED]. Regular vehicle movements associated with a more intense development running in close proximity to neighbouring dwellings may be considered problematic under the above criteria, particularly (a), (b) and (c).

It is therefore considered that the above criteria are not likely to be problematic subject to a license being issued to formally use a reserved road for access, that any access works and passing bays can be accommodated within that reserved road (and the owner, likely Crown) is agreeable to such works) and that the development was relatively minor in scale, intensity and extent and comparable to existing residential use and development in the surrounding area.

A2 clause in the Planning Directive does not apply as this clause applies to development on lots under a strata title scheme. The subject site is not on a strata title and therefore the clause is not applicable to any development at the subject site.



3.5 Use Standards for the zone

There are other use standards applicable to Visitor Accommodation development.

These are summarised:

Clause 14.3.1 Non Residential use

A1

Hours of operation must be within:

(a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;

(b) 9.00 am to 12.00 noon Saturdays;

(c) nil Sundays and Public Holidays;

except for office and administrative tasks or visitor accommodation.

Planning Comment: This clause does not apply as it states it is not applicable to Visitor Accommodation uses.

Clause 14.3.1 Non Residential use

A2

Noise emissions measured at the boundary of the site must not exceed the following:

(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;

(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;

(c) 65dB(A) (LAm_{ax}) at any time.

Planning Comment: This clause is unlikely to apply as it is commonly applied where there are noise generating activities or machinery proposed as part of a use and development.



3.6 Development Standards for the zone

In terms of development standards, the following would apply to a Visitor Accommodation development which would include the construction of a building(s) given the site is vacant.

Clause 14.4.1 Building Height

A1

The maximum building height is 7.5m.

Planning Comment: This is measured to natural ground level, not excavated or filled ground level. This height should easily enable the construction of a two storey building.

In the event any building was over 7.5m at any point, the following Performance Criteria would be applicable where a building height exceeding 7.5m was sought:

P1

Building height must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area;*
- (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:

 - (i) overlooking and loss of privacy;*
 - (ii) visual impact when viewed from adjoining lots, due to bulk and height;**
- (c) be reasonably necessary due to the slope of the site;*
- (d) be no more than 8.5 m.*

Planning Comment: This Performance Standards places an absolute maximum height limit of 8.5m. This cannot be exceeded.

Overlooking, privacy and visual impact are unlikely to be an issue given the proximity of the cleared area within the subject site and the location of residences on other properties and also the extent of screening that existing vegetation provides.



Clause 14.4.2 Setback

A1

Building setback from frontage must be no less than:

30 m.

Planning Comment: Setback is measured to a part of the subject site that fronts a 'road'. [REDACTED] and the unnamed reserved roads are likely to be legally defined as a 'road' by Council as a 'road' is land over which the general public has a permanent right of passage. The title plan (Figure 6) notes the unnamed road reserve in a 'public road' supports this.

In any case given the subject site will require access via a reserved road more than 30m in length, this requirement is able to be complied with for any proposal.

Clause 14.4.2 Setback

A2

Building setback from side and rear boundaries must be no less than:

30 m.

Planning Comment: Setback from side and rear boundaries is measured from any building (which includes works like retaining walls) to the title boundary of a development site.

A 30m measurement was undertaken against aerial photography mapping of the subject site (see Figure 8 below) and it is considered that any development should reasonably be able to comply with this 30m setback from boundaries.

It is considered that given the size of the subject site, regular configuration and location of the cleared area that there would be little to justify a building not complying with the 30m setback.



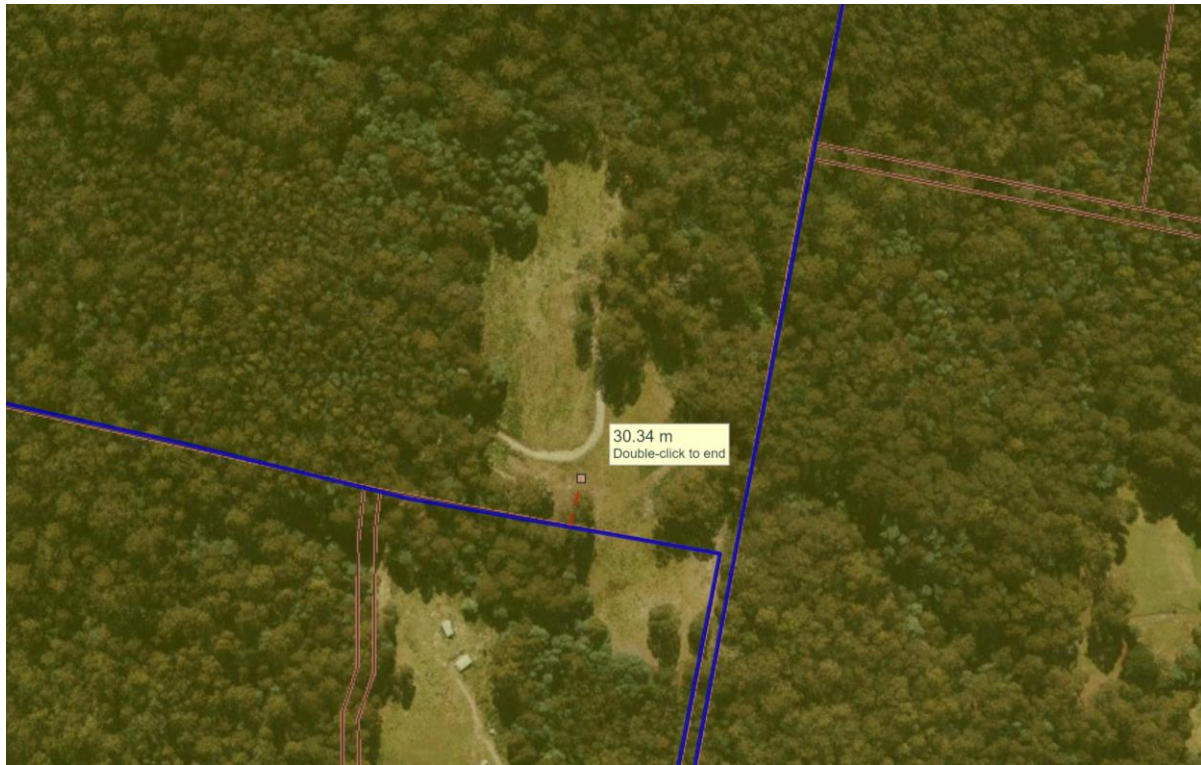


Figure.8. An approximate 30m setback demonstrated within the subject site. Source: TheLIST February 2022. No nominated scale.

Clause 14.4.3 Design:

A1

The location of buildings and works must comply with any of the following:

- (a) be located within a building area, if provided on the title;*
- (b) be an addition or alteration to an existing building;*
- (c) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline.*

Planning Comment:

Comment is provided against each of the three above Acceptable Solution criteria:

- (a) – there is no building area on the title for the subject site and therefore a proposal would not comply with (a).
- (b) – there is no building on site and therefore any proposal would not be able to be considered as either additions or alterations to an existing building. Therefore, the proposal cannot comply with (b).



(c) – the subject site has a single large cleared areas but a bushfire hazard management assessment from an accredited practitioner would have to be taken against a set of proposal plans to ensure that the placement of the proposed development can occur without any native vegetation removal.

It is assumed that native vegetation removal may be required regardless of the placement of a development (including servicing and access) within the subject site.

Therefore, it is to be assumed that any placement of the proposed development which requires clearing for bushfire hazard management will require the unavoidable removal of native vegetation regardless of location within the subject site.

The subject site is not on a skyline or ridgeline.

A proposal would partially complies with (c) as the subject site is not on a skyline and is not on a ridgeline.

The Minister's Urban Skylines and Hillfaces Committee (2000) defines the skyline as "the silhouettes of hills and ridge lines against the sky" and hillfaces as "the sides of hills and include those ridgelines below the skyline".

The cleared area within the subject site will not broach the skyline as it will sit well below the highest contour within the subject site which is 380m contour in the far western end of the subject site. Conversely, the cleared area sits at a maximum contour level of 190m.

On this basis, the cleared area within the subject site is located on a hillface rather than on the skyline or a ridgeline.

As a proposed development would be unable to comply with any of the A1 Acceptable Solution criteria (a), (b) or (c), the proposal unavoidably requires assessment under the P1 Performance Criteria.

The P1 Performance Criteria for clause 14.4.3 is as follows:

P1

The location of buildings and works must satisfy all of the following:

(a) be located in an area requiring the clearing of native vegetation only if:

- (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;*
- (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;*
- (iii) the location of clearing has the least environmental impact;*

(b) be located on a skyline or ridgeline only if:



- (i) *there are no other sites suitable for development due to access difficulties or excessive slope;*
 - (ii) *there is no significant impact on the rural landscape;*
 - (iii) *building height is minimised;*
 - (iv) *any screening vegetation is maintained.*
- (c) *be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.*

In terms of (c), there are no Desired Future Character Statements provided for the Environmental Living zone.

In terms of having a 'regard for the landscape', an assessment of landscape values would have to be undertaken as part of any response provided back to Council.

The surrounding landscape has a mixed character comprising historically cleared settings as well as more contemporary residential development placed within cleared sites to provide for bushfire hazard management.

It is considered that a proposed development in the existing cleared area would not be out of character with the pattern of development in the surrounding area.

On that basis, it is considered a positive planning argument could be made to Council to support development within this area.

It is therefore considered that a robust planning argument could be made to support the proposed development against (c).

In terms of (b), this clause is only applicable where a proposed development is to be located on a skyline or ridgeline. As the subject site is not located on a skyline or ridgeline anywhere within the site, this criteria is not applicable to the proposed development or the subject site.

In terms of (a), there are three separate criteria, all of which must be complied with:

- (i) *there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;*
- (ii) *the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;*
- (iii) *the location of clearing has the least environmental impact;*



There is a large cleared area within the subject site and the above clause effectively forces any development to be located within this area, given the absence of any other cleared areas within the subject site.

The rest of the subject site is covered in thick native vegetation and is also subject to steep and undulating gradients.

Any new clearing of vegetation for a development would have to be in accordance with a bushfire hazard management plan.

Council are likely to require a Natural Values Assessment from an ecologist to provide advice justifying any vegetation removal and to confirm the species of vegetation required to be removed.

It is strongly recommended that any Natural Values Assessment and Bushfire Hazard Management plan is undertaken by a sole consultant who has the accreditation and qualifications to undertake both (to avoid any crossover or conflicting advice).

Clause 14.3.4 Design

A2

Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.

Planning Comment: Proposal plans from an architect will have to confirm external colours, materials and finishes and what their Light reflectance Values are.

Where lighter finishes and cladding is chosen, these are likely to have a higher LRV than 40% and would be assessed against the following P2 Performance Criteria:

P2

Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.

Planning Comment: Despite the subject site being relatively shrouded in native vegetation, it is recommended that highly reflective materials are avoided as Council are unlikely to consider such schemes. These include zincalume, unpainted metal finishes and also pale cream and white paint and Colorbond finishes.



Clause 14.3.4 Design

A3

The combined gross floor area of buildings must be no more than:

300 m².

Planning Comment: The above Permitted Acceptable Solution also includes any garages or carports, not just habitable floor space of a dwelling or Visitor Accommodation building.

A single dwelling/Visitor Accommodation should be able to comply with the above easily in terms of maximum floor area.

Where a proposal did not, the following would apply:

P3

The combined gross floor area of buildings must satisfy all of the following:

- (a) there is no unreasonable impact on natural values;*
- (b) there is no unreasonable impact on the landscape;*
- (c) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;*
- (d) be consistent with any Desired Future Character Statements provided for the area;*

Planning Comment: Where a development comprised multiple Visitor Accommodation cabins, it would be more difficult to justify against the above Performance Criteria as opposed to one or possibly two buildings to be used for Visitor Accommodation.

Development on surrounding lots is typically comprised of a single dwelling and relatively minor outbuildings of a generally modest scale and intensity.

A higher intensity development comprising two or more accommodation buildings would be progressively more difficult to justify given the scale and character of development on surrounding properties.



Clause 14.3.4 Design

A4

Fill and excavation must comply with all of the following:

- (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;*
- (b) extent is limited to the area required for the construction of buildings and vehicular access.*

Planning Comment: The above requirement for cut and fill will be dependent on the design of any proposal and its location within the subject site. Given the gradients of the subject site which are undulating and typically steeper than 1 in 5, a proposal may well exceed the maximum 1m. On that basis, a proposal would be assessed under the following P4 Performance Criteria.

P4

Fill and excavation must satisfy all of the following:

- (a) there is no unreasonable impact on natural values;*
- (b) does not detract from the landscape character of the area;*
- (c) does not unreasonably impact upon the privacy of adjoining properties;*
- (d) does not affect land stability on the lot or adjoining land.*

Planning Comment: The above requirement should not prove difficult to comply with but Council may require particular assessment against the extent of cut and fill proposed.

Clause 14.4.4 Outbuildings

A1

Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:

- (a) have a combined floor area no more than 80 m²;*
- (b) have a wall height no more than 5.5 m and a building height not more than 6.5 m;*
- (c) have setback from frontage no less than that of the existing or proposed dwelling on the site.*



Planning Comment: The above requirement states a maximum area for outbuildings. It is envisaged that any outbuilding in conjunction with a Visitor Accommodation development would be a single car parking space per accommodation unit as either as a garage or carport and should be able to easily comply with the above.

In the event a proposal did not comply, the proposal would be assessed against the following Performance Criteria:

P1

Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:

- (a) be less visually prominent than the existing or proposed dwelling on the site;*
- (b) be consistent with the scale of outbuildings on the site or in close visual proximity*
- (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.*

Planning Comment: The above makes it clear that any outbuildings must be smaller in scale and extent to any residential buildings on the site (Council will consider this also applies to buildings used for Visitor Accommodation purposes).

Outbuilding sizes do vary in the surrounding area, but they are generally set behind a dwelling in terms of their proximity to a road and therefore are likely to be less visually conspicuous than the dwelling building.

Clause 14.4.5 Environmental Values

A1

Development must be located within a building area on a plan of subdivision.

Planning Comment: The title for the subject site does not have a building area and therefore would have to comply with the following P1 Performance Criteria:

P1

The application is accompanied by an environmental management plan for the whole site, setting out measures to be put in place to protect flora and fauna habitats, riparian areas, any environmental values identified as part of a site analysis, and identify measures to be used to mitigate and offset adverse environmental impacts.



Planning Comment: Any proposal would have to include an Environmental Management plan incorporating a Natural Values Assessment from an ecologist. This plan and assessment would have to be undertaken against a set of proposal plans.



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4 Planning Scheme overlays that apply to the subject site

The subject site was checked for Planning Scheme overlays.

The below Figure 9 shows that the site is subject to multiple overlays.

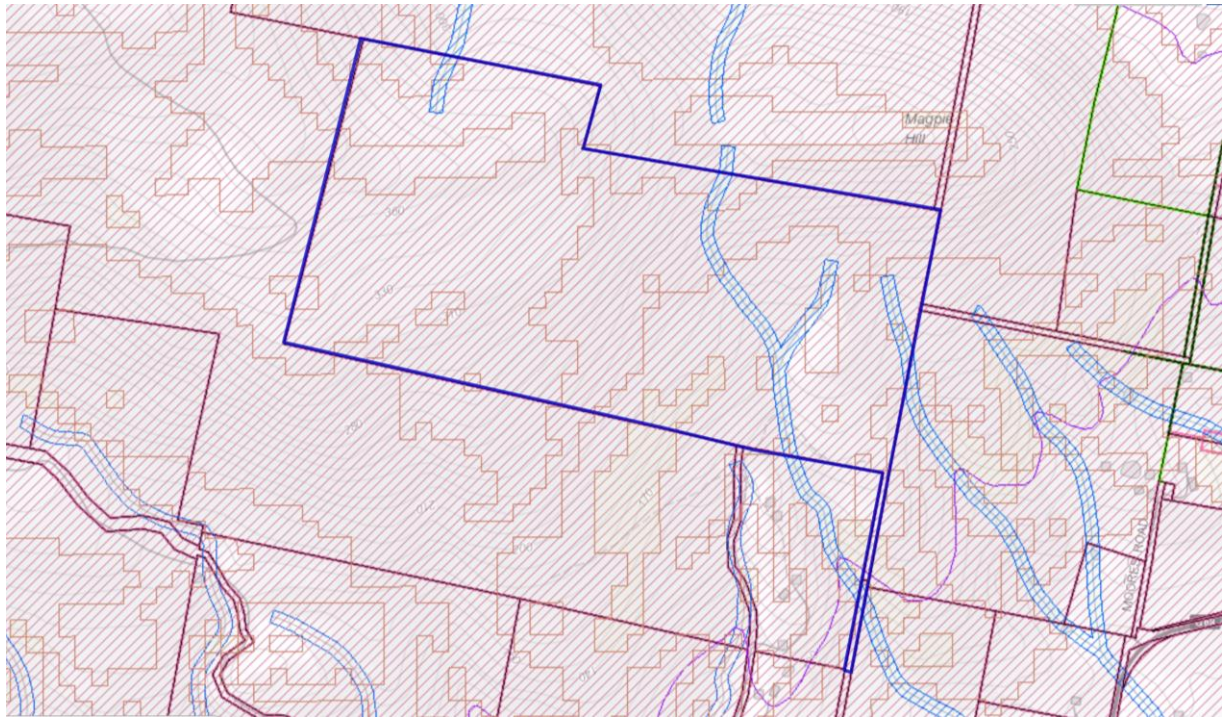


Figure.9. The subject site shown outlined with Planning Scheme overlays. Source: TheList, February 2022. No nominated scale.

These overlays include:

- Waterway and Coastal Protection Area overlay (blue diagonal lines): Located entirely in the upper northern portion and eastern of the site. The cleared area does not include this overlay area as shown below in Figure 10.
- Bushfire Prone Area overlay that covers the entire site and surrounding area.
- Biodiversity Protection Area overlay that covers the entire site and surrounding area.
- Scenic Landscape Area that covers the entire site and surrounding area above the 100m contour (100m above sea level).





Figure.10. The subject site shown outlined showing the cleared area within the subject site with Planning Scheme overlays. Source: TheList, February 2022. No nominated scale.



5 Applicable Planning Scheme Zone Use and Development Standards in the proposed zone for the Tasmanian Planning Scheme

The planning system in Tasmania has been under a state of change since 2013 where Interim Planning Schemes were introduced for all Councils between 2013 and 2015. This was to standardise planning application standards across the state and result in a more level playing field, regardless of the location of a development site throughout the state.

In the last 12 months, Interim Planning Schemes are now being replaced by a statewide consistent Tasmanian Planning Scheme with a consistent set of zones and a consistent set of use and development standards for those zones.

The subject site was checked for its proposed zone under the draft Local Provisions Schedule for Kingborough Council.

The subject site will be in a zone called Landscape Conservation zone which is essentially a like for like replacement for the current Environmental Living zone.



Figure.11. The subject site arrowed and being shaded green which is noted as being the Landscape Conservation zone. This zone is a like-for-like replacement of the current Environmental Living zone. Source: Kingborough Council February 2020 agenda. No nominated scale.



Use and development standards will alter for this new Landscape Conservation zone and are essentially rewritten but have comparable objectives and requirements as current use and development standards for the Environmental Living zone in the existing Interim Planning Scheme. These new proposed use and standards that will apply to the subject site are outlined below.

The wording of clauses is generally 'like for like' but some standards have changed.

For example, setback from frontages will decrease to 10m from the current 30m allowing buildings to be built closer to road frontages.

Setbacks from side and rear boundaries will also decrease from the current 30m setback to 20m enabling buildings to be constructed closer to boundaries.

Height limits will also decrease however, and the maximum permitted height will decrease from the current 7.5m to 6m.

On the whole, it is considered that current Interim Planning Scheme use and development standards are likely to be more restrictive than those under the State Planning Provisions for the Landscape Conservation zone that the subject site is proposed to be zoned in the future.

It should be noted that the maximum area (Permitted) for buildings to be used for Visitor Accommodation has been increased from 200sqm in the current Planning Directive 6 to 300sqm under the clause 22.3.2.

The Planning Directive 6 will no longer apply once the Tasmanian Planning Scheme and Kingborough LPS (Local Provisions Schedule) come into effect as the Planning Directive applies only to Interim Planning Schemes.



Tasmanian Planning Scheme – State Planning Provisions

22.3.2 Visitor Accommodation

Objective:	That Visitor Accommodation is of a scale that is: (a) compatible with the landscape values of the site and surrounding area; and (b) does not impact the safety and efficiency of local roads or private rights of way.	
Acceptable Solutions		Performance Criteria
A1 Visitor Accommodation: (a) guests are accommodated in existing buildings; and (b) has a gross floor area of no more than 300m ² .		P1 Visitor Accommodation must: (a) be of a scale that respects the character of use in the area; (b) not cause an unreasonable impact on the landscape values of the site; and (c) not adversely impact the safety and efficiency of the local road network or unreasonably disadvantage owners and users of rights of carriageway.

22.3.3 Discretionary use

Objective:	That the location, scale and extent of a use listed as Discretionary is compatible with landscape values.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Use listed as Discretionary must be compatible with landscape values, having regard to: (a) the nature, scale and extent of the use; (b) the characteristics and type of the use; (c) the landscape values of the site; (d) the landscape value of the surrounding area; and (e) measures to minimise or mitigate impacts.

22.0 Landscape Conservation Zone: 3



22.4 Development Standards for Buildings and Works

22.4.1 Site coverage

Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the site and surrounding area.	
Acceptable Solutions		Performance Criteria
A1 Site coverage must be not more than 400m ² .		P1 Site coverage must be compatible with the landscape values of the site and surrounding area, having regard to: (a) the topography of the site; (b) the capacity of the site to absorb run-off; (c) the size and shape of the site; (d) the existing buildings and any constraints imposed by existing development; (e) the need to remove vegetation; (f) the location of development in relation to cleared areas; and (g) the location of development in relation to natural hazards.

22.4.2 Building height, siting and exterior finishes

Objective:	That building height, siting and exterior finishes: (a) protects the amenity of adjoining properties; (b) minimises the impact on the landscape values of the area; and (c) minimises the impact on adjoining agricultural uses.	
Acceptable Solutions		Performance Criteria
A1 Building height must be not more than 6m.		P1 Building height must be compatible with the landscape values of the site, having regard to: (a) the height, bulk and form of proposed buildings; (b) the height, bulk and form of existing buildings; (c) the topography of the site; (d) the visual impact of the buildings when viewed from roads and public places; and (e) the landscape values of the surrounding area.



Tasmanian Planning Scheme – State Planning Provisions

A2 Buildings must have a setback from a frontage not less than 10m.	P2 Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to: (a) the topography of the site; (b) the frontage setbacks of adjacent buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public places; (e) the safety of road users; and (f) the retention of vegetation.
A3 Buildings must have a setback from side and rear boundaries not less than 20m.	P3 Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to: (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the side and rear setbacks of adjacent buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the need to remove vegetation as part of the development; (f) the appearance when viewed from roads and public places; and (g) the landscape values of the surrounding area.
A4 Buildings for a sensitive use must be separated from the boundary of an adjoining Rural Zone or Agriculture Zone a distance of: (a) not less than 200m; or (b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	P4 Buildings for a sensitive use must be sited to not conflict or interfere with uses in the Rural Zone or Agriculture Zone, having regard to: (a) the size, shape and topography of the site; (b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties; (c) the existing and potential use of land in the adjoining zones; (d) any buffers created by natural or other features; and (e) any proposed attenuation measures.



22.0 Landscape Conservation Zone: 5

Tasmanian Planning Scheme – State Planning Provisions

A5 Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.	P5 Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to: (a) the appearance of the building when viewed from roads or public places in the surrounding area; (b) any screening vegetation; and (c) the nature of the exterior finishes.
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22.4.3 Access to a road

Objective:	That new dwellings have appropriate vehicular access to a road maintained by a road authority.	
Acceptable Solutions		Performance Criteria
A1 New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.		P1 New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is sufficient for the intended use, having regard to: (a) the number of users of the access; (b) the length of the access; (c) the suitability of the access for use by the occupants of the dwelling; (d) the suitability of the access for emergency services vehicles; (e) the topography of the site; (f) the construction and maintenance of the access; and (g) the construction, maintenance and usage of the road.



Tasmanian Planning Scheme – State Planning Provisions

22.4.4 Landscape protection

Objective:	That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts.	
Acceptable Solutions		Performance Criteria
A1 Building and works must be located within a building area, if shown on a sealed plan.		P1 Building and works must be located to minimise native vegetation removal and the impact on landscape values, having regard to: (a) the extent of the area from which vegetation has been removed; (b) the extent of native vegetation to be removed; (c) any remedial or mitigation measures or revegetation requirements; (d) provision for native habitat for native fauna; (e) the management and treatment of the balance of the site or native vegetation areas; (f) the type, size, and design of development; and (g) the landscape values of the site and surrounding area.
A2 Buildings and works must: (a) be located within a building area, if shown on a sealed plan; or (b) be an alteration or extension to an existing building providing it is not more than the existing building height; and (c) not include cut and fill greater than 1m; and (d) be not less than 10m in elevation below a skyline or ridgeline.		P2.1 Buildings and works must be located to minimise impacts on landscape values, having regard to: (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) any constraints imposed by existing development; (e) visual impact when viewed from roads and public places; and (f) any screening vegetation. P2.2 If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.

22.0 Landscape Conservation Zone: 7



It is noted that the proposed development standards for new buildings in the upcoming Landscape Conservation zone do not have a requirement that requires an assessment of 'least environmental impact'. Instead, there is a requirement to locate development to 'minimise'.

Furthermore, there is no requirement that development is virtually forced into existing cleared areas on a site unless 'substantial site constraints' can be justified in such existing cleared areas.

These inflexible development requirements are clearly stated as a non negotiable requirement for all new development under the P1 Performance Criteria for clause 14.4.3 in the current Environmental Living zone for the existing Interim Planning Scheme.

These issues and requirements will no longer be a specified requirement in development standards in the Landscape Conservation zone under the Tasmanian Planning Scheme.

However, the issue is that there is still no timeframe for the introduction of the Tasmanian Planning Scheme for the Kingborough municipality. As a rough guide, it is likely to be introduced in the next 12 to 18 months.

There is also no guarantee what the final zoning of the subject site will be. However, it is expected that it will be Landscape Conservation given this is the zone that has been flagged by Council to replace all existing Environmental Living zoned properties and also given the obvious environmental values that the site contains as it contains predominately native vegetation and is located in an elevated setting in the channel.



6 Applicable Planning Scheme Codes

Comment has been provided under each Planning Scheme Code in the Interim Planning Scheme:

Code E1.0 Bushfire Code:

The proposal for Visitor Accommodation would be exempt under this Code as the site is bushfire prone and the use proposed (Visitor Accommodation) is classed as a vulnerable.

Due to the Visitor Accommodation component of a proposal, the proposal will be required to lodge an Emergency Management Plan as required by clause E1.5.1.A2 as well as a Bushfire Hazard Management Plan in terms of managing site conditions against proposed use and development.

These plans need to be provided by an accredited bushfire practitioner against a set of proposal plans.

Code E2.0 Potentially Contaminated Land Code:

The Visitor Accommodation use proposed is not a 'sensitive use' or one outlined in Table E2.2.1 and the site has no overlay. The proposal would therefore be exempt under this Code.

Code E3.0 Landslide Code

The site has an overlay of 'Low Landslide Hazard'.

This is unlikely to be problematic for a future proposal as the risk within the cleared building area has been confirmed to be 'low'.

Code E4.0 Not used in the *Kingborough Interim Planning Scheme 2015*



Code E5.0 Road and Railway Assets Code

The proposal may involve a new access (confirmation as part of any application will be required if a proposal will require a new access onto [REDACTED] or where the unnamed road reservation meets with [REDACTED] but would not involve any new junction and does not involve a 'sensitive use' within 50m of a Utilities zone that involves a rail network or a category 1 or 2 road.

Council is further likely to state that the proposal will intensify the use of an existing access where the proposed development will seek approval for Visitor Accommodation use of the subject site as such use typically involves a high turnover of traffic. It is considered that this Code will therefore apply.

The applicable clause that Council's development Engineers will assess the proposal under is as follows:

Clause E5.5.1.A3

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Comment: Council may ask for traffic figures for the proposed development. As a rule of thumb, daily vehicle movements per dwelling/Visitor Accommodation typically range from 8-10 movements per residence per day.

The proposal is not likely to be problematic with the above, but the client should be aware that Council may request for further information from a suitably qualified person (Traffic Engineer) to address the above and associate Performance Criteria which centre on traffic safety.

Code E6.0 Parking and Access Code

Most uses require parking to be provided. This Code outlines the number of parking spaces required for use classes.

****This Code will be relevant for the proposal and will trigger multiple requirements for parking and access and on site turning. These are discussed as follows:**

Clause E6.6.1 Number of car parking spaces

Under clause E6.6.1, Table E6.1 sets out the number of parking spaces required.

Parking spaces are not required for disabled spaces or motorcycle parking. But bicycle parking spaces are also not required.

In terms of car parking spaces, a dwelling use requires the following:

- *for 2 or more bedroom dwelling 2 spaces are required.*



In terms of Visitor Accommodation spaces, such use requires the following:

- 1 space required. (per cabin/unit)

Clause E6.6.2 Disabled Parking Spaces

Under clause E6.6.2, Disabled parking spaces would not be required to be provided as part of the proposal.

Clause E6.6.3 Motorcycle Spaces

This clause is not relevant as motorcycle spaces would not be required to be provided.

Clause E6.6.4 Bicycle Spaces

This clause is not relevant as bicycle spaces would not be required to be provided.

Clauses E6.6.5 to E6.6.9 inclusive

None of these clauses are relevant as they refer to parking in commercial zones.

Clause E6.6.10 Car parking in a residential zone

This clause is not relevant as it refers to parking for commercial uses in a residential zone.

Clauses E6.7.1 Access

Clause E6.7.1 refers to a site having a single vehicle access in order to comply. The subject site has multiple accesses onto reserved roads as shown in Figure 2. The proposal would have to nominate using a single access and would therefore comply.

Clause E6.7.2 Access

This clause requires the following:

in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking

It is considered that this clause will be relevant for a proposed Accommodation development at the subject site.



Clause E6.7.3 Access

This clause requires the following:

Vehicular passing areas must:

- (a) be provided if any of the following applies to an access:*
 - (i) it serves more than 5 car parking spaces;*
 - (ii) is more than 30 m long;*
 - (iii) it meets a road serving more than 6000 vehicles per day*
- (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;*
- (c) it meets a road serving more than 6000 vehicles per day;*
- (d) have the first passing area constructed at the kerb;*
- (e) be at intervals of no more than 30 m along the access.*

A total of 1 parking space would be required per Visitor Accommodation cabin/unit. However, the access from [REDACTED] through the unnamed road reservation is more than 30m long.

Passing bays are likely to be required as part of a bushfire assessment for the development to allow for safe evacuation from the subject site and also potentially allow for emergency vehicles to access the site.

It should be noted that passing bays required for bushfire safety need to be shown on a proposal site plan and should be considered by a project engineer when designing any upgrades to an internal access road to access a development. Reference will also to be made by the project ecologist if the construction and location of passing bays will require additional vegetation removal. Passing bays should be referenced in a Natural Values Assessment, bushfire assessment and ecological assessment/Environmental Management Plan and a location nominated for such passing bays within the access strip and road reservation to buildings.

Clause E6.7.4 On site turning

This clause requires on site turning so that vehicles are all able to leave the site in a forward direction. This does not apply as the proposal would not have more than 5 spaces required at the subject site.

Clause E6.7.5 Carparking layout areas

This clause requires:

The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation



Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.

It is considered that this clause is not relevant.

Clause E6.7.6 Surfacing of Parking Areas

Under this clause, the following is required:

A1

Parking spaces and vehicle circulation roadways must be in accordance with all of the following;

- (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;*
- (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.*

Based on the above, no sealing or drainage to a stormwater system is required as the road [REDACTED] is unsealed.

Clause E6.7.7 Lighting of Parking Areas

This clause requires the following:

A1

Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

This would not apply as the proposal would not require more than 5 parking spaces.

Clause E6.7.8 Landscaping of Parking Areas

This clause requires the following:

A1

Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.

As the site is not within the Central Business zone and will not require more than 5 spaces, landscaping would not have to be provided.



Clauses E6.7.9, E6.7.10, E6.7.11

These clauses are not relevant as these refer to bicycle and motorcycle parking, neither of which would be required to be provided.

E6.7.12 Location of Parking Spaces

This clause does not apply as the site is not located in the zones noted (Inner Residential, Village and Business zones).

Clause E6.7.13 Facilities for Commercial Deliveries

This clause is not relevant as it applies to commercial uses.

.....

Code E7.0 Stormwater Management Code

This Code applies to any development. The proposed development would be required to have all buildings, roofed areas and hard stand parking and vehicular access areas drained to a nominated area within the subject site.

Council may ask for details on how stormwater will be managed and dispersed on the site as part of any proposal.

Code E8.0 Electricity Transmission Infrastructure Protection Code

This Code is not relevant as the proposed change of use is not within 65m of a substation or transmission corridor.

E9.0 Attenuation Code

This Code is not relevant as the proposed use is not a use in Table E9.1.

E10.0 Biodiversity Code

This Code is relevant as the subject site has vegetation that is mapped in an overlay.

Council will assess the Natural values Assessment against this Code.



E11.0 Waterways and Coastal Protection Code

This Code does not apply to use as the proposed development locations within the subject site is not mapped with an overlay.

E12.0 Not used in the Kingborough Interim Planning Scheme 2015

E13.0 Historic Heritage Code

This Code does not apply as the subject site is not located within a Heritage Precinct.

E14.0 Scenic landscape Code

This Code applies as the site is mapped with any overlay confirming it is in a scenic protection area.

The subject site is located at a contour 100m above sea level and above and therefore all of the site is subject to this Code.

Comments have been provided against the relevant clauses in this Code:

E14.7.1 Removal of bushland within Scenic Landscape Areas

The proposed development will result in vegetation removal for bushfire protection and the access to be constructed.

On this basis, the following P1 Performance Criteria are relevant:

P1

Removal or disturbance of bushland must be minimised and must satisfy both of the following:

- (a) result in only negligible change to the silhouette of skylines;*
- (b) maintain scenic landscape value.*

Planning Comment: An assessment will be required to be made of the extent of vegetation removal and how this will affect scenic landscape value and with these findings to be submitted to Council as part of the planning application.

It is considered that Council will generally require this to be undertaken by a landscape architect. It is the experience of the author that photo modelling is sometimes required for



such development at a high altitude (above 150m) and comprising a large development area, large extent of cut and/or fill as well as large areas of vegetation removal.

Clause E14.7.2 Appearance of Buildings and Works in a Scenic Landscape Area:

The A1 Acceptable Solution requires that only extensions to an existing building are proposed and that such works are not visible from public spaces.

As the development may be visible from a public space and would comprise new building(s), the proposal would be required to meet the P1 Performance Criteria:

P1

Buildings visible from public spaces must maintain scenic landscape value by satisfying one or more of the following, as necessary:

- (a) have external finishes that are non-reflective and coloured to blend with the landscape;*
- (b) be designed to:

 - (i) incorporate low roof lines that follow the natural form of the land;*
 - (ii) minimise visual impact in height and bulk;*
 - (iii) minimise cut and fill;**
- (c) be located below skylines;*
- (d) be located to take advantage of any existing native vegetation or exotic vegetation for visual screening purposes.*

Planning Comment: An assessment will be required to be made of the proposed development (including fill which is classified as ‘works’) and how this will affect scenic landscape value and with these findings to be submitted to Council as part of the planning application. It is considered that Council will generally require this to be undertaken by a landscape architect. It is the experience of the author that photo modelling is occasionally required for such development at a high altitude (above 150m) and comprising a large development area (in terms of building footprint proposed) as well as requiring large areas of vegetation removal.

It should be noted that concern is raised under P1(b)(iii) which states that proposals have been designed to minimise cut and fill.



Any large proposed cut and fill that could be otherwise avoided by alternative design may be problematic for Council in their assessment and the ability to support the proposal, in the experience of the report author. Council will likely require explanation of why the extent of fill is required.

E15.0 Inundation Prone Areas Code

This Code does not apply as the site is not in a mapped area.

E16.0 Coastal Erosion Hazard Area

This Code does not apply as the site is not in a mapped area.

E17.0 Signs Code

This Code would typically not apply as it applies only for commercial signage and other 'signage' including murals.

Council may seek further information if any signage is proposed for the Visitor Accommodation.

E18.0 Wind and Solar Energy Code

This Code would only apply where a proposal seeks approval for any development involving solar energy.

These would require assessment under clause E18.8 of this Code.

A1 of clause E18.8 requires that such panels do not have a height more than 3m above natural ground level.

A2 requires that no more than 30sqm is allocated to such ground mounted panels. If the solar energy nominated on proposal plans was more than 30sqm, the following P2 Performance Criteria will be applied:

P2

The area size must not cause an unreasonable impact on visual amenity, and must satisfy all of the following:

- (a) be screened from public spaces by topography, vegetation fencing or existing buildings;*



(b) *not cause excessive glare or reflectivity outside of the site.*

E19.0 Telecommunications Code

This Code is not relevant as this Code applies to telecommunications developments.

E20.0 Acid Sulphate Soils Code

This Code is not relevant as the site is not mapped with an overlay.

E21.0 Dispersive Soils Code

This Code is not relevant as the site is not mapped with an overlay.

E22.0 Not used in the *Kingborough Interim Planning Scheme 2015*

E23.0 On Site Wastewater Management Code

This Code would be relevant as the site is within a wastewater (septic) serviced area.

Council would assess a submitted wastewater management report as part of any development proposal.

It is noted that such report should the location of the wastewater system and that it has been designed and located to avoid vegetation removal or impact on such vegetation (as confirmed by a Natural Values Assessment).

E24.0 Significant Trees Code

This Code is not relevant as the site does not contain any vegetation formally listed as 'significant trees'.



E25.0 Local Development Code

This Coe is not relevant to the subject site as the site is not in proximity to the coast.

Part F Specific Area Plans

None of these apply as the site is not located in an area covered by a Specific Area Plan.



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7 Summary

- There are no title impediments such as building areas, easements, covenants or Part 5 Agreements that will impact upon the proposed development.
- Visitor Accommodation is a Permitted use under both the current Planning Directive 6 and the upcoming proposed Landscape Conservation zone.
- Confirmation needs to be provided as to who owns and manages the road reservations, Council or the Crown. Where this is Crown, an access license should be applied for prior to progressing any development proposals.
- It is recommended that any proposal for Visitor Accommodation 'start off small'. The development standards for the zone clearly suggest a 'less is more' approach is appropriate in terms of the scale, intensity and environmental and amenity impact of any proposal.
- The clients should engage an ecological consultant and a bushfire consultant to provide advice against a draft set of proposal plans as outlined this report. It is recommended that a consultant be engaged who can undertake both.
- A decision needs to be made as to whether to continue to apply for planning approval under the current Interim Planning Scheme under the Environmental Living development standards or wait until the Tasmanian Planning Scheme comes into effect which will result in the site being zoned Landscape Conservation. It should be noted that there are no timeframes for the Tasmanian Planning Scheme to come into effect for the Kingborough municipality and this will result in a waiting game over the next 12 to 18 months approximately.
- It is considered that use and development standards are generally less restrictive under the future proposed Landscape Conservation zone but the client should review both to assist their decision as to what Planning Scheme is preferable to lodge a development under, against the details of the particular development they would be seeking approval for.
- Access to the subject site may be an issue for Council and also Crown (if Crown are the owner of the road reservations that abuts the subject site). A future development is likely to require road upgrades and passing bays along the access to any proposed development. Council would generally require these to be constructed to a given acceptable standard dependent on the extent and nature of a proposal. If the owner of the road reservation is Crown, their approval would additionally have to be granted for a license for access and also their approval to lodge the planning application to Council per se. Their consent would also have to be obtained as part of the Council assessment process for any works within Crown land, including vegetation removal.



- As assessment of a proposed building site within the cleared area should be undertaken in terms of the total vegetation removal required for a proposed development (this also includes vegetation removal required for access or services such as wastewater) and confirmation of a site which is the one of least environmental impact.
- It is expected the following consultants would have to be engaged to assist a proposed development:
 - Accredited bushfire practitioner for a bushfire hazard management plan and Emergency Management Plan;
 - Ecologist for a Environmental Management Plan and Natural Values Assessment;
 - Architect/draftsperson for proposal plans (who may require a site survey to be undertaken prior to drafting plans);
 - Wastewater consultant for a wastewater assessment;
 - Civil engineer to provide details of access to the subject site including details of any required construction, gradients and passing bays required for bushfire hazard management. The civil engineer should liaise closely with the bushfire consultant to address any access requirements for bushfire safety and evacuation;
 - Town planner to address any triggered Performance Criteria under use and development standards (optional).



DEVELOPMENT FEASIBILITY ASSESSMENT

██████████ MIDDLETON

FOR

M. HEEREY



14th March 2025

Prepared by Lark & Creese Pty Ltd

N. Creese & D. Summers

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1. Introduction & purpose:

M. Heerey has engaged Lark and Creese Pty Ltd to provide a feasibility assessment report to determine the likely planning and legislative implications of development within [REDACTED] Middleton. The assessment criteria include impact of the relevant planning controls on development of the site including construction of an access, Class 1a dwelling, installation of an on-site wastewater disposal and the establishment of an appropriate bushfire hazard management area. The study site was assessed by Doug Summer on the 15th of February 2025.

2. LOCATION:

Property address: [REDACTED] Middleton

Title owner: Matthew Richard Heerey

Title reference: C.T. [REDACTED]

PID N°: 3536169

Title area: 40.22 ha

Municipal area: Kingborough

Zoning: Environmental Living

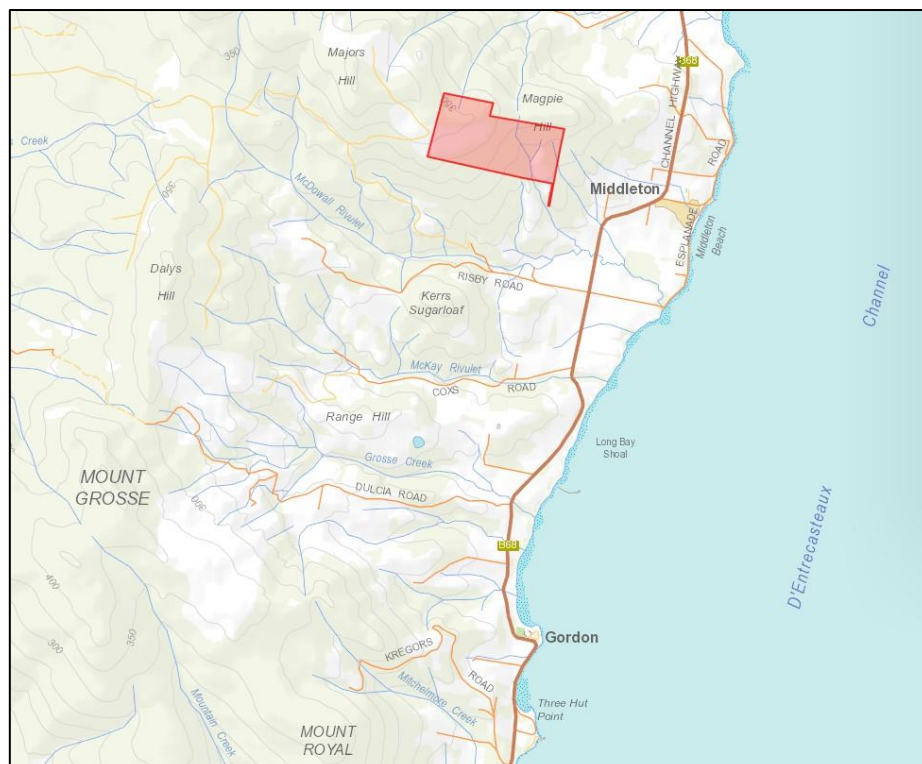


Figure 1: Site location (Ref: The LISTmap)

3. SITE DESCRIPTION:

The site is located within an existing rural area on [REDACTED] approximately 1 km north of the intersection of [REDACTED] and Risby Road, Middleton. The assessed building site is located at an elevation of approximately 150-190 metres with grades falling to the south-east in the order of 10-15°.

Existing access is via [REDACTED] in the south-east corner. An area of approximately 2 ha area of old pasture / area cleared of native vegetation is established in the south-east corner. The remainder of the property is occupied by wet sclerophyll vegetation. Given the Environmental Living zoning, all development is effectively restricted to the open area clear of native vegetation.

The site is subject to several Codes within *Part E, Kingborough Interim Planning Scheme* as follows:

Code N°	Overlay name	Hatching
E1.0	Bushfire-Prone Areas	Whole site
E3.0	Landslide Hazard Areas (Low)	Brown
E3.0	Landslide Hazard Areas (Medium)	Dark brown
E10.0	Biodiversity Protection Area	Whole site
E11.0	Waterway and Coastal Protection Area	Blue

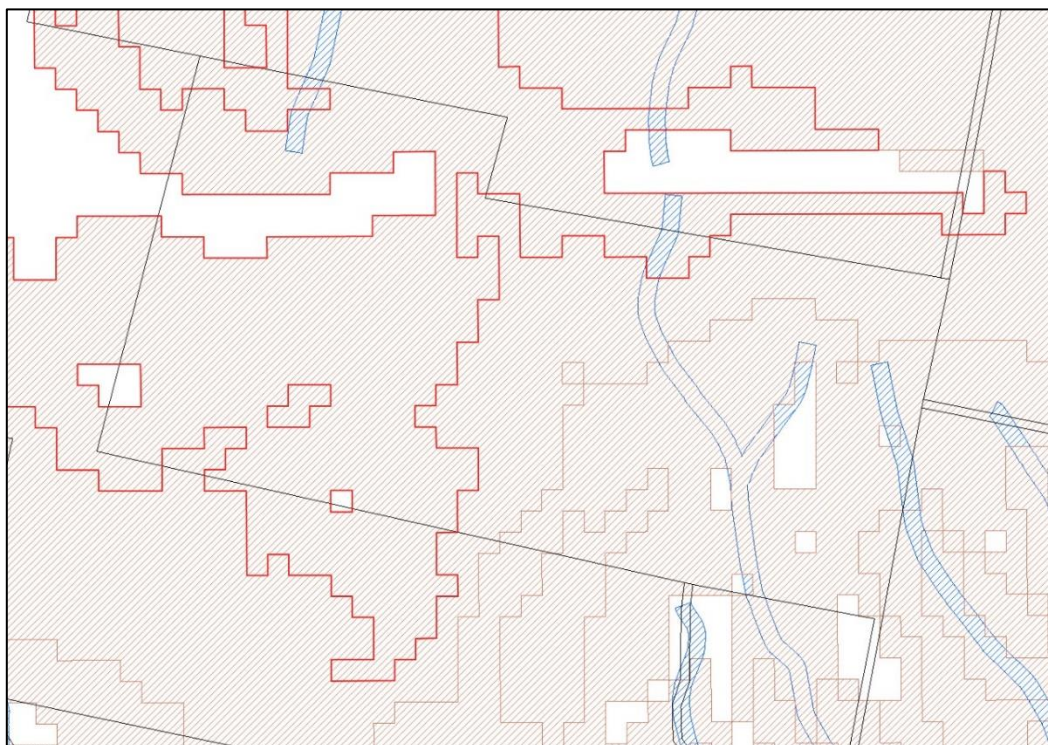


Figure 2: Kingborough Interim Planning Scheme 2015 Planning Codes overlay map
(Source The LIST).

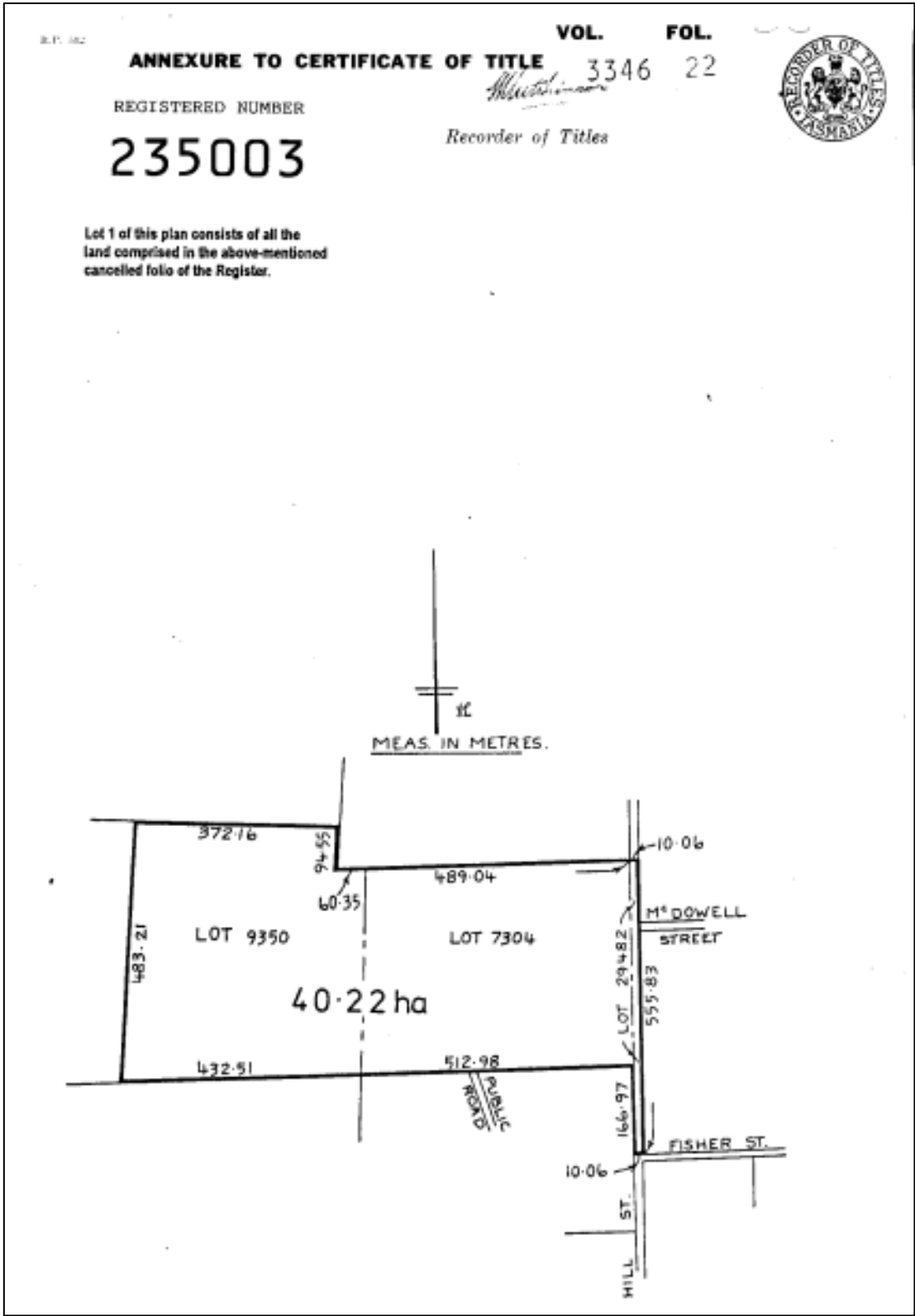


Figure 3: Title Plan [REDACTED]

4. SCOPE:

The feasibility assessment focuses on the planning controls within the *Kingborough Interim Planning Scheme 2015* on the location including

- Planning controls contained within *Clause 14.0 Environmental Living*
- Planning controls contained within *Code E1.0, Bushfire-Prone Areas*
- Planning controls contained within *Code E3.0, Landslide*
- Planning controls contained within *Code E10.0 Biodiversity Protection Area*
- Planning controls contained within *Code E13.0 Waterways and Coastal Protection Area*

5. ASSESSMENT:

Initial assessment:

A desktop assessment of impacts to the site resulting from planning controls have been made using:

- Kingborough Interim Planning Scheme 2015
- The LIST (Land Information Systems Tasmania), Department of Natural Resources and Environment, Tasmania

Site assessment:

A site assessment was conducted on the 15th of January 2025. The purpose of the site visit was primarily to inspect the limitations of the site, suitability of development within the site and likely compliance with planning controls contained within the *Kingborough Interim Planning Scheme 2015*.

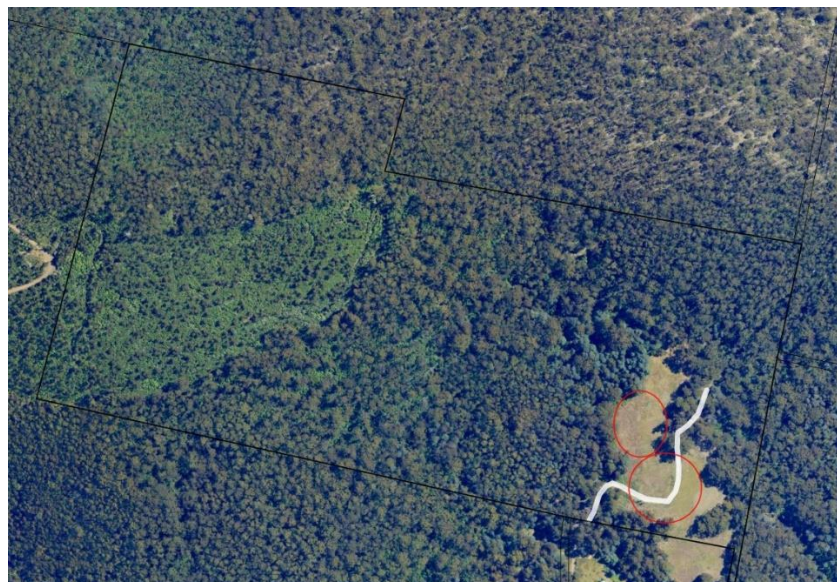


Figure 4: Aerial image of [REDACTED] Middleton (C.T. [REDACTED] showing location of existing access (white) and locations identified for development feasibility assessment (red).

Environmental Living zoning (Zone N° 14.0)

The *Kingborough Interim Planning Scheme 2015* zones the property as Environmental Living, being a classification to provide for residential use or development in areas where existing natural and landscape values are to be retained. The purpose of the Environmental Living Zone Purpose is as follows:

14.1 Zone Purpose

- 14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.
- 14.1.1.2 To ensure development is reflective and responsive to the natural or landscape values of the land.
- 14.1.1.3 To provide for the management and protection of natural and landscape values, including skylines and ridgelines.
- 14.1.1.4 To protect the privacy and seclusion that residents of this zone enjoy.
- 14.1.1.5 To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity.
- 14.1.1.6 To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages.
- 14.1.1.7 To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.

Although not an assessment criterion, the Zone Purpose Statement provides context to the purpose of the Environmental Living zone and expectations for development.

14.2 Use Tables

Table 14.2 identifies a range of uses that are compatible with that zone and are categorised as follows:

- No permit required. Any use within this category can be carried out with no permit.
- Permitted. A permit is required, however will be approved subject to the submission of an appropriate planning application addressing the acceptable solutions contained within the planning scheme.
- Discretionary. A permit is required and will be subject to several discretions. These are generally assessed against the Performance Criteria of the planning scheme.
- Prohibited. Any use not specified Table 14.2 is prohibited.

No permit required	
Use Class	Qualification
Educational and occasional care	Only if for home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities and located underground
Permitted	
Use Class	Qualification
Residential	Only if single dwelling or home-based business
Visitor accommodation	
Discretionary	
Use Class	Qualification
Community meeting and entertainment	Only if church, art and craft centre or public hall
Emergency services	Only if a fire station
Food services	Only if a restaurant or cafe associated with a tourist use or a Visitor accommodation use class at 1005 Adventure Bay Road, Adventure Bay (CT 143862/10) or associated with a tourist use at 1565 Channel Highway, Margate (CT 134382/1)
Resource Development	Only if agriculture use or crop production on predominantly cleared land
Sports and recreation	
Tourist operation	Only if booking office or visitor centre at 1005 Adventure Bay Road, Adventure Bay (CT 143862/10) or at 1565 Channel Highway, Margate (CT 134382/1).
Utilities	Except if no Permit Required.
Prohibited	
Use Class	Qualification
All other uses	

Figure 5: 14.2 Use Table

From Table 14.2, residential use is shown as being a permitted use provided it is a single dwelling or home-based business.

An application must be lodged with Council so that the requirements of Part 14.0, prescribing the planning controls, and the requirements of the appropriate Overlays (mentioned above) can be addressed. The planning controls include

- 14.3 Use Standards
- 14.4 Development Standards for Buildings and Works

14.3 Use Standards

14.3.1 Non-Residential Use

Objective:	
To ensure that non-residential use does not unreasonably impact residential amenity	
Acceptable Solutions	Performance Criteria
A1 Hours of operation must be within: (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12.00 noon Saturdays; (c) nil Sundays and Public Holidays; except for office and administrative tasks or visitor accommodation.	P1 Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that area unreasonable in their timing, duration or extent.
A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A)(LAeq) between the hours of 8.00 and to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40 dB(A)(LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A)(LAmix) at any time.	P1 Noise emissions measured at the boundary of the site must not cause environmental harm.

Figure 6: Table 14.3.1 Non-Residential Use

14.3.2 Visitor Accommodation

Objective:	
To ensure visitor accommodation is of a scale that accords with the bushland character and use of the area.	
Acceptable Solutions	Performance Criteria
A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160 m ²	P1 Visitor accommodation must satisfy all of the following: (a) not adversely impact residential amenity and privacy of adjoining properties; (b) provide for any parking and manoeuvring spaces required

	pursuant to the Parking and Access Code on-site; (c) be of an intensity that respects the character of use of the area; (d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.
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Figure 7: Table 14.3.2 Visitor Accommodation

14.4 Development Standards for Building and Works

14.4.1 Building Height

Objective:	
To ensure that building height contributes positively to the landscape character and does not result in unreasonable impact on residential amenity of adjoining land.	
Acceptable Solutions	Performance Criteria
A1 Building height must not be more than: 7.5 m.	P1 Building height must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy (ii) visual impact when viewed from adjoining lots, due to bulk and height; (c) be reasonably necessary due to the slope of the site; (d) be no more than 8.5 m.

Figure 8: Table 14.4.1 Building Height

As shown in Table 14.4.1 if the proposed building is 7.5 metres or less in height it will comply with the Acceptable Solution A1. If the proposed building is greater than 7.5 metres and less than 8.5 metres in height it will need to comply with the

requirements of the Performance Solution P1. As shown in Performance Solution P1, the proposed building is not to be greater than 8.5 metres in height.

14.4.2 Setback

Objective:	
To maintain desirable characteristics of the landscape, protect amenity of adjoining lots, avoid land use conflict and fettering of use on adjoining rural land and protect environmental values on adjoining land zoned Environmental Management.	
Acceptable Solutions	Performance Criteria
A1 Building setback from frontage must be no less than: 30 m.	P1 Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following: (a) the topography of the site; (b) the prevailing setbacks of existing buildings on nearby lots; (c) the size and shape of the site; (d) the location of existing buildings on the site; (e) the proposed colours and external materials of the building; (f) the visual impact of the building when viewed from an adjoining road; (g) retention of vegetation.
A2 Building setback from side and rear boundaries must be no less than: 30 m.	P2 Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following: (a) the topography of the site; (b) the size and shape of the site; (c) the location of existing buildings on the site; (d) the proposed colours and external materials of the building; (e) visual impact on skylines and prominent ridgelines; (f) impact on native vegetation; (g) be sufficient to prevent unreasonable adverse impacts on

	residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.
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Figure 9: 14.4.2 Setback

The assessed building area exceeds the 30 metre boundary offsets required by Acceptable Solutions A1 and A2.

14.4.3 Design

Objective:	
To ensure that the location and appearance of buildings and works minimises adverse impact on natural values and on the landscape.	
Acceptable Solutions	Performance Criteria
A1 The location of buildings and works must comply with any of the following: (a) be located within a building area, if provided on the title; (b) be an addition or alteration to an existing building; (c) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline.	P1 The location of buildings and works must satisfy all of the following: (a) be located in an area requiring the clearing of native vegetation only if: (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope; (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works

	and associated bushfire protection measures; (iii) the location of clearing has the least environmental impact; (b) be located on a skyline or ridgeline only if: (i) there are no other sites suitable for development due to access difficulties or excessive slope; (ii) (ii) there is no significant impact on the rural landscape; (iii) (iii) building height is minimised; (iv) (iv) any screening vegetation is maintained. (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.
A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.	P2 a. Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.
A3 The combined gross floor area of buildings must be no more than: 300 m2.	P3 The combined gross floor area of buildings must satisfy all of the following: (a) there is no unreasonable impact on natural values; (b) there is no unreasonable impact on the landscape; (c) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity; (d) be consistent with any Desired Future Character Statements provided for the area;

A4 Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.	P4 Fill and excavation must satisfy all of the following: (a) there is no unreasonable impact on natural values; (b) does not detract from the landscape character of the area; (c) does not unreasonably impact upon the privacy of adjoining properties; (d) does not affect land stability on the lot or adjoining land.
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Figure 10:14.4.3 Design

A1 is not applicable as some native vegetation will be affected by the assessed development.

P1(a)(i) the assessed building site appears to be the most appropriate site within the property due to the topography of the site and other constraints such as Code Overlays.

P1(a)(ii) the assessed building site and access are to be located in such a way as to minimise the removal/modification of any native vegetation this includes the establishment of the Hazard Management Area, wastewater catchment area etc.

P1(a)(iii) any development within the site is to be designed in such a way as to minimise any impacts on the environment.

A2 the exterior cladding of any buildings within the site are to be coloured with colours that have a light reflectivity of $\leq 40\%$. If the cladding does not comply with A2 than an assessment against the requirements of P2 will be required.

A3 the combined floor area of the dwelling and any sheds within the site must be less than 300 m² to comply with the Acceptable Solution. If the combined floor area of the buildings within the site exceeds 300 m² than an assessment against the requirements of P3 will be required.

Compliance with A4 is possible provided any excavation and/or fill are less than 1 metre from the natural ground level, except for any excavations required for the foundations. If any excavation and/or fill exceeds the 1 metre threshold, then assessment against the requirements of P4 will be required.

14.4.4 Outbuildings

Objective:	
To ensure that the size and number of outbuildings does not detract from the amenity of the area and does not visually dominate an associated dwelling.	
Acceptable Solutions	Performance Criteria
A1 Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following: (a) have a combined floor area no more than 80 m ² ; (b) have a wall height no more than 5.5 m and a building height not more than 6.5 m; (c) have setback from frontage no less than that of the existing or proposed dwelling on the site.	P1 Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following: (a) be less visually prominent than the existing or proposed dwelling on the site; (b) be consistent with the scale of outbuildings on the site or in close visual proximity (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.

Figure 11: Table 14.4.4 Outbuildings

Provided any outbuildings requiring a permit comply with the requirements of A1(a), (b), and (c) the building will comply with the Acceptable Solutions. Any deviation from these will result in the outbuildings having to be assessed against the requirements of the Performance Criteria P1.

14.4.5 Environmental Values

Objective:	
To ensure development maintains and enhances environmental values.	
Acceptable Solutions	Performance Criteria
A1 Development must be located within a building area on a plan of subdivision.	P1 The application is accompanied by an environmental management plan for the whole site, setting out measures to be put in place to protect flora and fauna habitats, riparian areas, any environmental values identified as part of a site analysis, and identify measures to be used to mitigate and offset adverse environmental impacts.

Figure 12: 14.4.5 Environmental Values

There is no designated building area shown on the title plan so any development within the property must be assessed against the requirements of Performance Criteria P1.

14.5 Development Standards for Subdivisions

14.5.1 Lot Design

Objective:	
To provide for new lots that: (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements; (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land; (c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas	
Acceptable Solutions	Performance Criteria
A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities; (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 30 m x 30 m in size.	P2 The design of each lot must contain a building area able to satisfy all of the following: (a) is reasonably capable of accommodating residential use and development; (b) meets any applicable standards in codes in this planning scheme; (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land; (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development; (e) is located to minimise environmental impacts. (f) does not impact on native vegetation subject to any codes in this planning scheme

Given the allotment is zoned Environmental Living, clauses within the Kingborough Interim Planning scheme are very strict regarding subdivisions.

14.5 Development standards for Subdivisions, 14.5.1 Lot designs, P2 performance criteria (f) states development 'Does not impact on native vegetation subject to any codes in this planning scheme' This clause is likely to prohibit a subdivision when works such as construction of the access and development sites will require the removal of native vegetation. This clause is also likely to prohibit access to the western part of the property, as well as the steep gradients.

Vegetation occupying the study site is within the Council's Biodiversity Code and subject to the Biodiversity Protection Area Overlay mentioned in Clause P2 (f) above. In addition, the two watercourses within the property are also protected under the Waterways and Coastal Protection Area Overlay. A preliminary bushfire assessment determined the existing clearing is of insufficient size to accommodate two new building areas and the required Hazard Management Area for the mandatory BAL-19 standard.

6. PART E CODES

E1.0 Bushfire-Prone Areas Code

E1.1 Purpose of the Bushfire-Prone Areas Code

E1.1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

E1.2 Application of this Code. E1.2.1 of the Code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use of hazardous use.

This Code is applicable to the assessed use for the land; however, the area of modified vegetation is unable to contain the required BAL-19 Hazard Management Areas required in accordance with *E1.6.1 Subdivision: Provision of hazard management areas, E1.6 Development Standards*. As such, subdivision is not possible.

A Bushfire Hazard Assessment must need to be completed at the time of application for a building required to comply with AS 3959, i.e. a Class 1, 2, 3, 8, 9, and a Class 10a within 6 metres of a habitable building. Figure 13 shows possible building areas and approximate hazard management areas. This plan is for the purposes of discussion only. A full Bushfire Hazard Management Plan must be prepared at the time of design.



Figure 13: Possible building locations.

E3.0 Landslide Code

E3.1 Purpose

E3.1.1 The purpose of this provision is to ensure that use and development is appropriately designed, located, serviced, constructed or managed to reduce to within tolerable limits the risk to human life and property and the cost to the community, caused by landslides.

E3.2 Application

E3.2.1 This Code applies to:

- (a) Development for buildings and works or subdivision on land within a Landslide Hazard Area;
- (b) Use of land for vulnerable use or hazardous use within a Landslide Hazard Area.

The site is subject to the Landslide Hazard Area (Low and Medium) Overlay. Any development, that requires a planning permit and that occurs within the areas of the property subject to the Landslide Hazard Areas Overlay must be assessed in accordance with E3.2.1 (a).

7.0 Stormwater Management Code

E7.1 Purpose

E7.1.1 The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy.

E7.2 Application

E7.2.1 This code applies to development requiring management of stormwater. This code does not apply to use.

The proposal does not comply with Acceptable Solutions E7.7.1 A1 however, it appears the proposal satisfies alternative solution Performance Criteria P1 in that:

'Stormwater from new impervious surfaces must be managed by any of the following'

- b) *Collected for re-use on the site.* Site plans indicate the stormwater will be collected on-site for re-use in 225000L collection tanks. It is recommended the overflow point implement mechanisms to mitigate erosion and mobilisation of sediments.

E10.0 Biodiversity Code

E10.1 Purpose

E10.1.1 The purpose of this provision is to:

- (a) minimise loss of identified threatened native vegetation communities and threatened flora species;
- (b) conserve identified threatened fauna species by minimising clearance of important habitat and managing environmental impact;
- (c) minimise loss of other biodiversity values that are recognised as locally significant by the Planning Authority;

E10.2 Application

E10.2.1 This code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area. Desk top assessment indicates the entire property is subject to Council's Biodiversity Protection Area Overlay, including degraded pasture.

Despite being located within degraded pasture and land possibly consistent with Weed infestation, assessment found the study site represents 'Moderate priority biodiversity values' due to the presence of potential threatened species habitat (Tasmanian Devil, Spotted-tailed and Western quoll, Swift parrot, Masked owl and potential nesting habitat for threatened raptor species including the Grey Goshawk. Therefore, any development requiring a planning permit must have documentation prepared (Natural Values Assessment) that quantifies the extent of the impacts on the native vegetation, potential threatened species habitat values and any appropriate management mechanisms (see below).

Objective:	
To ensure that development for buildings and works that involves clearance and conversion or disturbance within a Biodiversity Protection Area does not result in unnecessary or unacceptable loss of priority biodiversity values.	
Acceptable Solutions	Performance Criteria
A1 Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.	P1 Clearance and conversion or disturbance must satisfy the following: (a) if low priority biodiversity values: (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire

	resistant design of habitable buildings; and/or (b) if moderate priority biodiversity values: (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and (iii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire resistant design of habitable buildings; and (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; and (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2023; and/or (c) if high priority biodiversity values: (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably
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	practicable through siting and fire resistant design of habitable buildings; and (iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; and (iv) special circumstances exist; and (v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2023; and (vi) clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development.
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Proposed development site does not comply with A1 however, it appears the proposal complies with P2(b)

- I. Moderate Priority Biodiversity Values, in that the proposed development site positioned taking into consideration constraints such as topography or land hazard,
- II. The positioning of development within degraded pasture classified by TAVEG 4.0 as Agricultural / Modified land (FAG) and / or Weed infestation (FWU) will effectively mitigate impacts.
- III. It is likely the proposal will impact potential Devil and Quoll habitat values. Expected impacts will be limited to disturbance only, and unlikely to result in a significant loss of potential habitat values, and
- IV. Not anticipated the development site will result in significant impacts.

Assessment indicates access upgrade works could potentially impact the tree protection zones of a number of high conservation value eucalypts adjacent to the existing access that represent potential nesting habitat for the Swift parrot and

Masked owl Impacts to high or very high conservation value eucalypts could trigger the Biodiversity Code requiring biodiversity offsets. In my experience, it is possible Council will request an Arborists assessment to determine the probable impacts to trees. See Appendix A: Kingborough Council's Biodiversity Offset Policy 6.10 for tree Conservation classification and financial offset values.

E11.0 Waterway and Coastal Protection Code

E11.1 Purpose

E11.1.1 The purpose of this provision is to manage vegetation and soil disturbance in the vicinity of wetlands, watercourses and the coastline in order to:

- (a) minimise impact on water quality, natural values including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes;
- (b) minimise impact on coastal and foreshore values, native littoral vegetation, natural coastal processes and the natural ecological function of the coast;
- (c) protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- (d) minimise impact on water quality in potable water supply catchment areas.

E11.2 Application. E11.2.1 This code applies to development within:

- (a) Waterway and Coastal Protection Areas;
- (b) Future Coastal Refugia Areas;
- (c) Potable Water Supply Areas. This code does not apply to use.

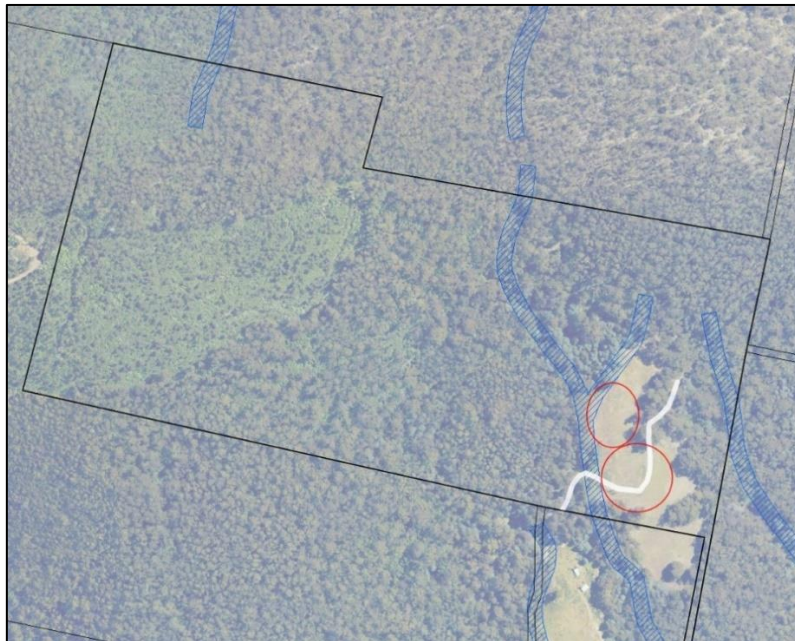


Figure 14 – Image showing the location where the access (white) crosses the Class 4, 20m wide Waterways and Coastal Protection Areas (blue) and identified development envelopes (red) within the allotment (REF: LISTmap)

E11.7 Development Standards

E11.7.1 Buildings and Works

Objective:	
To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.	
Acceptable Solutions	Performance Criteria
A1 Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme	Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

Any development that encroaches and impacts land within the Waterway and Coastal Protection Overlay, including buildings, access, bushfire mitigation measures etc, must have documentation prepare that defines the extent of the incursion and any mitigation measures.

A desk-top and site assessment indicates the existing access footprint crosses a Class 4, 20m wide Waterway and Coastal Protection Area and any development proposal that requires upgrade works will trigger the Waterways and Coastal Protection Code. The locations identified as potential development sites, including the bushfire hazard management area and on-site wastewater system, are located clear of Class 4 waterway and coastal protection areas (WCPA) identified in LISTmap.

E23.0 On-site Wastewater Management Code

E23.1 Purpose

E23.1.1 The purpose of this provision is to ensure that development or use requiring onsite wastewater management will have access to sufficient land area necessary for the satisfactory and sustainable onsite treatment of that wastewater.

E23.2 Application

E23.2.1 This code applies to use and development relying on onsite management of:
(a) domestic wastewater from residential use; and
(b) wastewater similar to domestic wastewater from non-residential use, other than wastewater from industrial or manufacturing processes.

Objective:	
To ensure sustainable onsite wastewater management for residential development	
Acceptable Solutions	Performance Criteria
A1 A new dwelling must be provided with a land application area that complies with Table E23.1.	P1 The land application area is of sufficient size to comply with the requirements of AS/NZ1547.
A2 An addition or alteration to an existing dwelling, or change of use to a dwelling, must not encroach onto an existing land application area and comply with at least one of the following: (a) not increase the number of bedrooms or otherwise increase the potential volume of wastewater generated onsite;	P2 The land application area is of sufficient size to comply with the requirements of AS/NZ1547.

Site plans indicate the land application area is of sufficient size to comply with the requirements of AS/NZ1547. Providing geotechnical assessment indicates the substrate has the capacity to accommodate an on-site wastewater system and appropriately engineered, it is not anticipated the output of tertiary treated wastewater will result in any long-term residual impacts on native vegetation down-slope from the facility or surface or groundwater quality.

7. CONCLUSIONS:

Assessment of the matters raised by the *Kingborough Interim Planning Scheme 2015* Planning Codes and Land Zoning suggest there are several limiting factors that will control residential development of the site. This includes:

1. Part D, 14.0 Environmental Living Zoning. The zoning of the land is to provide for residential use or development in areas taking into consideration any potential impacts on native flora and fauna. The objectives prioritise utilising existing cleared areas and avoiding or minimise impact on native vegetation. Construction within the Environmental Living Zone generally requires a Construction Management Plan prior to commencement of works. Clause 14.5.1 Lot Design Clause P2 (f) effectively prohibits subdivision development as the site cannot accommodate the mandatory BAL-19 hazard management areas without requiring clearance and conversion of native vegetation.
2. Part E, E1.0 Bushfire-Prone Areas Code. A Bushfire Hazard Management Plan must be prepared for the application of any building work within the site that are required to comply with the requirements of AS 3959. This typically includes the dwelling and any sheds closer than 6 metres to the dwelling. Assessment of bushfire impact is not typically required for the planning application of a dwelling, however, should be considered at an early stage as this may affect the design and location of the dwelling, and design of the driveway.
3. Part E, E3.0 Landslide Code. The assessed building area is within the Landslide Hazard Area Overlay. Any development requiring a planning permit must have documentation prepared that determines the potential risks and any mitigation measures.
4. Part E, E7.0 Stormwater Management Code. Any development requiring a planning permit must have documentation prepared that determines the potential risks and any mitigation measures.
5. Part E, E10.0 Biodiversity Code. As the whole site is subject to the Biodiversity Protection Areas Overlay, any development requiring a planning permit, documentation must be prepared that states the level of impact on the native flora and fauna and addresses the planning and legislative implications of the proposal including mitigation measures.
6. Part E, E11.0 Waterway and Coastal Protection Code. Any works that are carried out within the property that result in an impact on the Waterway and Coastal Protection Overlay, e.g. construction of any buildings, driveway, establishment of any bushfire mitigation measures, etc, must have documentation prepared that defines the level of impact and any mitigating measures.
7. Part E, E23.0 On-site Wastewater Management Code. Any development requiring a planning permit will necessitate the production of documentation from an appropriately qualified practitioner stating the site has sufficient land area necessary for the satisfactory and sustainable on-site treatment of that wastewater.

Subject to satisfactory response to the matters raised above, it is anticipated Council planning approval for typical residential or visitor accommodation would be forthcoming, subject to approval conditions enforcing any necessary mitigating measure. Clause 14.5.1 Lot Design Clause P2 (f) effectively prohibits subdivision development as the site cannot accommodate the mandatory BAL-19 hazard management areas without requiring clearance and conversion of native vegetation. Development within the Environmental Living Zone generally requires a Construction Management Plan prior to commencement of works.

NOTE: It is anticipated that the Kingborough municipality will be transitioning to the *Tasmanian Planning Scheme* in the next 12-24 months, which will alter some provisions detailed in this report. It is expected that these changes will not adversely impact on the viability of the site.

8. DISCLAIMER:

Although the Author has used all due care in providing information made available in this feasibility assessment report, to the extent permitted by law, the Author otherwise excludes all warranties of any kind, either expressed or implied. This disclaimer is governed by the law in force in the State of Tasmania, Australia.

General Report Assumptions:

- Any legal description provided to the Author is assumed to be correct. Any titles and ownerships to any property are assumed to be correct. No responsibility is assumed for matters outside the consultant's control.
- The Author assumes that any property or project is not in violation of any applicable codes, ordinances, statutes or other local, state or federal government regulations.
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- To The Author's knowledge all facts, matter and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report will be fully researched and referenced and any such opinion not duly researched is based upon the writer's experience and observations.

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Biodiversity Offset Policy

Policy No:	6.10
Approved by Council:	November 2023
New Review Date:	November 2027
Minute No:	C344/21-2023
ECM File No:	12.155
Version:	2.1
Responsible Officer:	Manager Environmental Services
Strategic Plan Reference:	3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth

1. POLICY STATEMENTS

- 1.1 Kingborough Council recognises that 'biodiversity offsets' are an important mechanism to compensate for the loss of biodiversity values where it has been established that all feasible options in the hierarchy of avoid, minimise and mitigate impacts have been exhausted and the impacts will not substantially detract from the conservation status of biodiversity value(s).

2. DEFINITIONS

- 2.1 **"Biodiversity offsets"** mean measures that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social, or environmental reasons for the action to proceed.
- 2.2 **"High conservation value tree"** means a tree that:
- 2.2.1 is of a species that is listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999* (C'th); and/or provides potential or significant habitat for a threatened species listed in either of those acts and,
- 2.2.2 is as specified in Table 2.
- 2.3 **"Potential habitat"** means all habitat types within the potential range of a threatened flora or fauna species that are likely to support that species in the short and/or long term. It may not include habitats known to be occupied intermittently. Potential habitat is determined from published and unpublished scientific literature and/or via expert opinion, is agreed by the Threatened Species Section, NRE in consultation with species specialists, and endorsed by the Scientific Advisory Committee under the *Threatened Species Protection Act 1995*.
- 2.4 **"Priority Species"** means a species that is not listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) but is considered of conservation significance in the municipal area as determined by the Council. An example of this is candlebark (*Eucalyptus rubida*) which has been found to occur in very restricted pockets of Kingborough.
- 2.5 **"Recipient land"** means the land upon which an offset is implemented.
- 2.6 **"Secure conservation land"** means land that is effectively and permanently managed for conservation under a conservation covenant under the *Nature Conservation Act 2002*, an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or transferred to Council or the Crown to be managed for conservation.
- 2.7 **"Significant habitat"** means native vegetation determined from published scientific literature and/or agreed by the Threatened Species Section (NRE) in consultation with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC) as habitat within the known range of a threatened or vulnerable flora or fauna species that:
- 2.7.1 is known to be of high priority for the maintenance of breeding populations throughout the species' range; and/or
- 2.7.2 if converted to non-native vegetation is considered to result in a long term negative impact on breeding populations of the species.
- It may include areas that do not currently support breeding populations of the species but that need to be maintained to ensure the long-term future of the species.
- 2.8 **"Special circumstances"** means particular circumstances associated with the proposed use or development that may justify reduction in biodiversity. Special circumstances are considered to exist if one or more of the following apply:

- 2.8.1 the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location or design;
 - 2.8.2 ongoing management cannot ensure the survival of the biodiversity values on the site and there is little potential for recruitment or for long term persistence irrespective of long-term management;
 - 2.8.3 the extent of proposed removal of the biodiversity values on the site is insignificant relative to the extent of the values elsewhere on site; and/or
 - 2.8.4 the development is located on an existing title for a single dwelling and/or associated outbuilding.
- 2.9 **“Substantially detract from”** means the loss of the biodiversity value has consequences for the conservation status and viability of the value in the vicinity, including direct and indirect impacts on breeding and/or persistence in the landscape. Factors that may be considered include: the quality of the habitat or vegetation; the requirements of the value relative to the scale of the impact; the current conservation status; the presence/absence of the species in an area; the importance of the area for the connectivity; and the extent to which the loss may be offset through improved conservation measures within the immediate range of the affected value.
- 2.10 **“Vicinity”** means the area or region adjacent to or near the biodiversity value and varies depending upon the characteristics and requirements of the value and its range. For example, the forty-spotted pardalote has a limited range and specific habitat requirements. Therefore, what is in the vicinity is relatively localised for this species. Whereas the swift parrot is a migratory species which has a much wider range, breeds in different locations from year to year depending on the flowering of the blue gum and black gum and proximity to potential nesting habitat.

3. OBJECTIVE

- 3.1 The objectives of the Biodiversity Offset Policy are to ensure biodiversity offsets within Kingborough:
- 3.1.1 avoid a net loss in the extent and quality of biodiversity that is securely protected and effectively managed; and,
 - 3.1.2 are implemented in a transparent and consistent manner.

4. SCOPE

- 4.1 This policy applies to all applications assessed under the:
- 4.1.1 Any by-law under the *Local Government Act 1993* regulating the removal of vegetation in the Kingborough municipal area.
 - 4.1.2 Kingborough Planning Scheme 2000, the Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme declared under the *Land Use Planning and Approvals Act 1993* and applicable in the Kingborough municipal area.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Biodiversity offsets are required where there are impacts upon priority biodiversity values including:
- 5.1.1 priority biodiversity values identified in Table 3.
 - 5.1.2 individual trees of high conservation value (as per Table 2).
- 5.2 All offsets must be consistent with this Policy and have regard to:
- 5.2.1 the Guidelines for the Use of Biodiversity Offsets, (Southern Tasmanian Council’s Authority 2013 (referred to as the Regional Offset Guidelines); and

- 5.2.2 the General Offset Principles for offsets under the Resource Management and Planning System (RMPS) (Appendix 4 of the Guidelines for Natural Values Surveys, Natural and Cultural Heritage Division, May 2021) (referred to as the RMPS Offset Principles).
- 5.3 Offsets will only be considered where:
 - 5.3.1 'special circumstances' can be demonstrated;
 - 5.3.2 the loss of the biodiversity value(s) will not substantially detract from its conservation status in the vicinity; and,
 - 5.3.3 the proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on biodiversity values, including alternative locations or designs for the development.
- 5.4 Council will assess each offset proposal on a case-by-case basis in accordance with this Policy, the Regional Offset Guidelines. Council has the discretion to reject a proposal where it has not been demonstrated that the scale, scope and suitability of the offset delivers a new benefit for biodiversity conservation.
- 5.5 This policy should be reviewed within 5 years or following any changes to planning instruments, by-laws, state policies or regional policies relating to offsets, whichever is the sooner.

6. GUIDELINES

- 6.1 A biodiversity offset proposal must include one or more of the offset measures in Table 1 and must include at least one of options (a), (b) or (c).
- 6.2 All offset proposals must be consistent with the replacement ratios in Table 3.
- 6.3 Where demonstrating 'special circumstances' relies upon 'special circumstances (2.8.3)', then the offset must be achieved via option (a) to the extent practicable, with any shortfall in meeting the replacement ratios on-site adequately offset via options (b)-(e).
- 6.4 Where demonstrating 'special circumstances' relies upon 'special circumstances (2.8.4)' and the development is located in the Low Density Residential, Rural Living, Environmental Living, Landscape Conservation, Rural Resource or Rural Zone, then the offset must be achieved via option (a) to the extent practicable, with any shortfall in meeting the replacement ratios on-site adequately offset via options (b)-(e).
- 6.5 A biodiversity offset proposal only involving either option (a), (b) or (c) in isolation may be considered where it can be demonstrated it is consistent with the objectives and provisions of this Policy.
- 6.6 A biodiversity offset proposal involving (a) or (b) may only be considered where:
 - 6.6.1 it is not part an existing natural area reserve managed by Council or part of the Tasmanian Reserve Estate as shown on the LIST.
 - 6.6.2 there are no existing protections from development impacts through a Part 5 Agreement or Conservation Covenant under the Nature Conservation Act 2002.
 - 6.6.3 there are no existing requirements for vegetation to be retained under conditions of a current development application.
 - 6.6.4 there are no previous offset requirements.
- 6.7 A biodiversity offset proposal involving (a), (b), (d) or (e) must be accompanied by an offsetting plan for the 'recipient land' that is consistent with this Policy, outlines the offset options proposed and contains the relevant landowner consents.

- 6.8 As a result of implementing an offsetting plan, the 'recipient land' must become 'secure conservation land' and demonstrate that the biodiversity value(s) will be maintained and/or restored to improve its condition.
- 6.9 Upon approval of an offsetting plan, the 'recipient land' must be subject to a conservation management plan which at a minimum must include a map of the values, baseline condition assessments, management actions and scheduled monitoring. Management actions for the first 5 years of implementing the conservation management plan must be costed and bonded. Ongoing management is the responsibility of the landowner/manager and must be undertaken in accordance with the conservation management plan.
- 6.10 Council has a responsibility to ensure the 'secure conservation land' is being monitored and managed in accordance with the offsetting plan and conservation management plan.
- 6.11 All offsets must aim to be like for like and contain equivalent biodiversity values in equal or better condition than those being impacted. Offsets that are not like for like will only be considered where it is demonstrated that it achieves a significantly enhanced conservation outcome that considers ecological viability and condition, size, resilience and integrity, the landscape context, and potential future risks. This may be subject to third party validation by the State, or another peer review body nominated by Council.
- 6.12 Condition of biodiversity value(s) is determined by:
- 6.12.1 the TASVEG VCA Manual: A manual for assessing vegetation condition in Tasmania, Version 2.0, (Michaels et al,2020) for native vegetation communities.
 - 6.12.2 published scientific literature and/or agreed by the Threatened Species Section (NRE) in consultation with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC), for threatened species habitat.
- 6.13 Financial offsets are only appropriate where:
- 6.13.1 there is no opportunity for a viable on-site or off-site offsets, taking into consideration the size, shape, quality of any potential offset area, or the replacement ratios cannot be fully met on-site or off-site, and a more strategic outcome can be achieved by pooling resources. The appropriateness of a financial offset is determined on merits by Council on a case-by-case basis.
 - 6.13.2 the scale of loss is small with regards to the conservation status and specific characteristics of the value(s) being impacted. A small level of loss may be considered significant and inappropriate to offset financially for vegetation communities or threatened species that have a greater risk of extinction in light of specialist advice.
- 6.14 The financial offset must be paid into the Kingborough Environmental Fund in accordance with the Guidelines for Expenditure as published on Kingborough Council's website.
- 6.15 All expenditure of financial offsets must be in accordance with Councils endorsed Guidelines for Expenditure of the Kingborough Environmental Fund.

Table 1: Offsetting Options

Option	Description
(a) On-site conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral to Council or	Covenanting or protecting in perpetuity remaining areas on the subject land.

Option	Description
the Crown to be managed for conservation	
(b) Off-site conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral Council or the Crown to be managed for conservation	Covenanting or protecting in perpetuity an area of sufficient size, but off-site.
(c) Financial offsets	Financial offsets¹ calculated at a rate of: • up to \$570 per tree of very high conservation value and up to \$340 for high conservation value as identified in Table 2; or, • \$13,650 per hectare of high and moderate biodiversity values as identified and subject to the replacement ratios in Table 3. These financial offsets are inclusive of a 20% administration fee and are reviewed periodically in conjunction with the policy.
(d) Restoration	Restoration of areas on or off-site with similar values but in poorer condition to improve their condition and increase their long-term viability. Note: For loss assessed under the planning scheme this option must be used in conjunction with offsetting options (a), (b) and/or (c) and is not applicable to areas directly or indirectly impacted by the proposed development.
(e) Revegetation	Revegetation and rehabilitation of degraded areas on or off-site with the aim of restoring values equivalent to those being lost. Note: For loss assessed under the planning scheme this option must be used in conjunction with offsetting options (a), (b) and/or (c) and is not applicable to areas directly or indirectly impacted by the proposed development.
(f) Recovery actions	Implementation of direct and indirect recovery actions, including installation of nest boxes, threat abatement,

¹ Where a tree meets the threshold for a very high or high conservation value tree and the removal of the tree requires a development application, the maximum amount is charged. Where tree removal is exempt from requiring a development application but still otherwise requires Council approval under a covenant on the title, Part 5 Agreement or By-Law, the required offset may be at the lower end of the scale, as these situations generally do not involve new development and the tree removal is necessary to protect and maintain existing development. Flexibility in the offset rates is provided for situations where a tree may technically meet the threshold of a high or very high conservation value tree, but there are characteristics which reduce its conservation value, such as its declining health or poor form. In these situations, a lower offset rate can be considered.

Option	Description
	surveying and mapping of significant values to inform their ongoing strategic management and conservation. Note this option must be used in conjunction with other offsetting options (a), (b) and/or (c).

Table 2: Conservation Value of Individual Trees

Description	Characteristics	Rationale	Conservation Value
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >70cm	Significant or potential swift parrot foraging habitat	Very high
<i>E. viminalis</i>	DBH >25cm and within or directly adjacent to significant forty-spotted pardalote habitat	Significant forty-spotted pardalote habitat	Very high
Native trees with known or potential nesting hollows	Hollows present; and/or, DBH > 70cm in dry forests or cleared settings; or, DBH >100cm in wet forests	Potential or significant habitat for hollow dependent species	Very high
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >40cm and <70cm	Potential swift parrot foraging habitat	High
<i>E. viminalis</i> ²	DBH >25cm and: - on Bruny Island; or - within 5,000m of significant forty-spotted pardalote habitat or within potential forty-spotted pardalote habitat	Potential forty-spotted pardalote habitat	High
A species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999 (C'th)</i>	N/A	Listed threatened species	High

² Consistent with the definition of potential habitat, the 5km distance for the potential range of the forty-spotted pardalote is derived from the published literature (FPA, 2022, Threatened fauna species range boundaries and habitat descriptions, v1.29 June 2022; Threatened Species Section (2012), Listing Statement for *Pardalotus quadragintus* (Forty-spotted Pardalote). Department of Primary Industries, Parks, Water and Environment, Tasmania).

Description	Characteristics	Rationale	Conservation Value
Priority species (including <i>Eucalyptus rubida</i>) ³	DBH >25cm	Meets IUCN criteria for endangered within Kingborough	High

Table 3: Biodiversity Values and the Replacement Ratios for Offsets

Value	Definition	Replacement ratio*
Very high priority values	- Native vegetation/ecological communities listed as endangered or critically endangered under the <i>Nature Conservation Act 2002</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> - Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are: - Recognised as endangered or critically endangered; or - Largely confined in their total distribution to the municipal area; or - Have most of their range within the municipal area.	6:1
High priority biodiversity values	- Native vegetation communities listed as vulnerable under the <i>Nature Conservation Act 2002</i> and <i>EPBC</i> - Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are recognised as vulnerable. - Native vegetation communities with a distribution on a bioregional basis having contracted to less than 10% of its former area. - Native vegetation communities with a total area on a bio-regional basis generally being less than 1,000 ha. - Remnants occurring on land systems components which have been more than 90% cleared of their native vegetation.	5:1

³ In determining whether a species meets the criteria, an assessment by a suitably qualified person against the IUCN criteria as published on their website and consideration by the Planning Authority is required.

Value	Definition	Replacement ratio*
Moderate priority biodiversity values	- Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are: (a) Recognised as rare; and (b) Are not specific to the municipal area. - Potential habitat for threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. - Native vegetation communities approaching a reduction in areal extent of 70% within a bioregional context. - Other priority species that are not listed but are considered of conservation significance in the municipal area.	3:1
Low priority biodiversity values	All other native vegetation communities.	1:1
Individual trees of very high conservation value	As per Table 2	5:1 for replanting
Individual trees of high conservation value	As per Table 2	3:1 for replanting
* When determining whether a proposed offset involving option (a), (b), (c) and/or (d) will achieve a net benefit for conservation and satisfy the required replacement ratios, the condition of the biodiversity value(s) potentially impacted and the condition of any biodiversity value(s) proposed to be protected or enhanced must be considered. * Where values are not like for like, the required replacement ratio may be varied at the discretion of council * Where there is a high risk of failing to avoid a net loss in biodiversity, the required replacement ratio may be increased at the discretion of Council. * Where the area being impacted contains multiple values, or values that are more difficult to offset, the replacement ratio may be increased at the discretion of Council. * Where the 'recipient land' contains additional values to the area being impacted, the offset ratio may be reduced at the discretion of Council.		

7. COMMUNICATION

- 7.1 This policy will be made available to the public on the Council website and at the Customer Services counter.
- 7.2 The following stakeholders have a direct interest in this Policy and should be notified of any amendments through direct communications:
- 7.2.1 Council staff

7.2.2 Department of Natural Resources and Environment

7.2.3 Regular applicants

7.2.4 Ecological consultants.

8. LEGISLATION

8.1 Kingborough Planning Scheme 2000

8.2 Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme declared under the *Land Use Planning and Approvals Act 1993* and applicable in the Kingborough municipal area.

8.3 Any by-law under the *Local Government Act 1993* regulating the removal of vegetation in the Kingborough municipal area

8.4 *Land Use Planning and Approvals Act 1993*

8.5 *Nature Conservation Act 2002*

8.6 *Threatened Species Protection Act 1995*

8.7 *Environment Protection and Biodiversity Conservation Act 1999*

9. RELATED DOCUMENTS

9.1 Southern Tasmanian Council's Authority, 2013, *Guidelines for the Use of Biodiversity Offsets*, Southern Tasmanian Council's Authority, Hobart.

9.2 Michaels, K., Panek, D. and Kitchener, A. Contributing Eds (2020), *TASVEG VCA Manual: A manual for assessing vegetation condition in Tasmania*, Version 2.0. Natural and Cultural Heritage, Department of Primary Industries, Parks, Water and Environment, Hobart.

9.3 Natural and Cultural Heritage Division, 2015, Appendix 4: General Offset Principles for offsets under the Resource Management and Planning System, in *Guidelines for Natural Values Surveys – Terrestrial Development Proposals*. Version 1.2 – May 2021 (minor updates), Department of Primary Industries, Parks, Water and Environment.

9.4 Quinn, L., 2017, *Guidelines for the Expenditure of the Kingborough Environmental Fund*, Version 1, Kingborough Council.

10. AUDIENCE

10.1 Councillors.

10.2 Council staff.

10.3 Applicants.

10.4 Ecological Consultants.

10.5 Tasmanian Planning Commission.

10.6 State and Commonwealth agencies.

10.7 Community.

KINGBOROUGH LPS — IRENEINC ZONE REVIEW

Why Your Property Fits Rural Living Zone — 20 Locality Comparisons

⚠ **DEADLINE: All submissions must be lodged by midnight Monday 4 May 2026. This document supports your submission — it does not replace the submission templates or professional planning advice.**

PURPOSE: This document is structured into 20 sections — one for each mainland Kingborough locality. Each section contains a side-by-side comparison table showing how your locality was described and assessed by the consultant (Ireneinc) against a similar locality that was recommended for Rural Living Zone using the same types of descriptions and evidence. The goal is to help you show the Commission why your property should be in Rural Living Zone, by pointing to similar properties that were recommended for exactly that.

IMPORTANT NOTE ABOUT THE HEARING: The Day 19 and Day 20 hearings in April 2026 were for the Ireneinc report to be presented to the Tasmanian Planning Commission (TPC). During the hearing, TPC delegates asked questions about some recommendations. Where delegates did not ask questions about a particular area, this does not mean they agreed with the recommendation — in a long hearing covering 20 localities, time constraints meant many points were not questioned on the day. The recommendations in the Ireneinc report are not final decisions. The Commission will make its own decision based on all submissions and the statutory criteria in the Zone Guidelines. Your submission is your opportunity to put forward evidence about your specific property.

HOW TO USE THIS DOCUMENT: (1) Find the section for your locality. (2) Look at the comparison table — the left column shows how your locality was described; the right column shows how a similar locality was described when it was recommended for Rural Living Zone. (3) Note where the descriptions are the same or very similar. (4) Read the 'What this means for your submission' paragraph at the bottom of each section. (5) Use those points in Part D and Part E of your submission template, and attach the relevant locality section as Attachment A.

GLOSSARY — TERMS AND ABBREVIATIONS USED IN THIS DOCUMENT	
Term	What it means
LPS	Local Provisions Schedule
TPC	Tasmanian Planning Commission — the independent body that reviews and approves the LPS. They hold public hearings and make the final decision on zone allocations.
Ireneinc	The planning consultancy (Ireneinc Planning and Urban Design) engaged by Kingborough Council to review the zone recommendations. Their report was presented to the TPC at the April 2026 hearings.
ELZ	Environmental Living Zone — the zone that most of the affected properties are in under the current (interim) planning scheme. This zone is being phased out and must be replaced with a new zone under the LPS.
LCZ	Landscape Conservation Zone. A zone that prioritises protecting landscape values such as native bushland, scenic views, and native vegetation.
RLZ	Rural Living Zone. Allows residential use (a home and associated rural activities like hobby farming) on larger lots in a rural setting. It has four categories — A, B, C and D — based on minimum lot size. This is the zone most similar to how properties in the Environmental Living Zone have been used.
RZ	Rural Zone. A zone for rural land where agricultural use is limited. It allows a range of rural activities but treats residential use as discretionary. It is less restrictive than LCZ but does not give residential use the same priority as Rural Living Zone.
EMZ	Environmental Management Zone.
SPA	Scenic Protection Area. A mapped overlay that applies to land with important scenic values — usually elevated or visually prominent land. Where this overlay applies, extra rules control building height and design to protect scenic views. Ireneinc used the presence or absence of this overlay as one reason for recommending LCZ or Rural Living Zone in some localities.
PVA	Priority Vegetation Area. A mapped overlay that identifies land containing important native vegetation — for example, threatened plant species or significant habitats. The Natural Assets Code (see below) applies to land within this overlay and limits how much vegetation can be cleared.
NAC	Natural Assets Code. A state-wide planning code that controls clearing of native vegetation within Priority Vegetation Areas and protects waterways and coastal areas. It applies regardless of what zone the land is in.
DP6 (Decision Point 6)	Step 6 in the assessment process (decision tree) that Ireneinc used to evaluate each locality. This step asks: 'Could the landscape values be protected if Rural Living Zone was applied, using the NAC, SPA, and other existing planning rules?' A 'yes' answer at this step supports Rural Living Zone. A 'no' answer supports LCZ.
UGB	Urban Growth Boundary. A boundary that separates urban areas (where growth is planned) from rural areas. Land inside the UGB is expected to develop at higher densities over time. The state planning strategy does not support Landscape Conservation Zone inside the Urban Growth Boundary.
STRLUS	Southern Tasmania Regional Land Use Strategy — the state government's planning strategy for the Southern region. It sets out policies for where growth should and should not occur. Zone recommendations in the LPS must be consistent with this strategy.
KIPS / Interim Planning Scheme	Kingborough Interim Planning Scheme 2015 — the current planning rules that apply until the new LPS comes into effect. Most affected properties are currently zoned Environmental Living (ELZ) under the KIPS.
LUPAA	Land Use Planning and Approvals Act 1993 — the Tasmanian law that governs planning schemes and the role of the TPC. Section 34 of this Act sets out the legal tests the TPC must apply when deciding whether the LPS is correct.
Zone Guidelines / Guideline No. 1	A document issued by the TPC that sets out the rules for which zone should be applied to which type of land. It is the main reference document for zone decisions in the LPS process. It includes specific rules for LCZ (rules LCZ 1–4) and Rural Living Zone (rules RLZ 1–4) that must be followed.
Risk rating (low / medium / high)	A judgement made by Ireneinc at Decision Point 6 about how likely it is that landscape values would be harmed if Rural Living Zone was applied instead of LCZ. TPC delegates confirmed at the hearing that these ratings are judgement calls — they are not defined legal thresholds. A medium or high risk rating does not automatically mean LCZ is required.

REGION 1 — KINGBOROUGH BUSHLAND SURROUNDS

1. Kingston & Kingston Beach [Kingston & Bushland Surrounds]

Ireneinc outcome: LCZ retained. Ireneinc recommendation at Day 20: but explicitly flagged as out of place — LCZ inside the Urban Growth Boundary is inconsistent with STRLUS [04:17:00–04:25:00].

Characteristic	Kingston & Kingston Beach — Outcome: LCZ retained	Albion Heights & Bonnet Hill — Outcome: Full RLZ
Ireneinc landscape value description	Residential on large bushland lots (1–6 ha); surrounded by urban residential; inside Urban Growth Boundary; Boronia Hill parkland connection	Elevated bushland; vegetated ridgeline landscape; dwellings nestled into vegetation; scenic backdrop to Channel; similar native vegetation character
Settlement characteristics found	Yes — consistent residential pattern on larger lots; recognisable subdivision pattern	Yes — rural living settlement; lots 2–25 ha; dispersed but recognisable settlement pattern between higher-intensity residential
Lot sizes	1–6 ha	2–25 ha (majority 2–5 ha)
SPA coverage	Partial	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high	Medium
DP6 — codes manage landscape values?	Not explicitly tested — LCZ retained on exhibited position	YES — 'sufficient mechanisms in the planning scheme to provide for appropriate management of landscape values'
Key differentiator cited	Located inside UGB; LCZ accepted as out of place for this process only	Located between higher-intensity residential uses; codes sufficient; min lot size prevents subdivision
Zone Guidelines basis	LCZ flagged as STRLUS-inconsistent by TPC — no positive Zone Guidelines basis explained	RLZ 1(a), 2(b); RLZ min lot size provides no further subdivision

Zone outcome for Kingston & Kingston Beach	Landscape Conservation Zone	⚠ INCONSISTENCY: The Landscape Conservation Zone was recommended despite the TPC explicitly acknowledging it is STRLUS-inconsistent. Albion Heights, with similar or more significant landscape values, was recommended for full Rural Living Zone. The UGB location is the only distinguishing factor cited — but this is a planning strategy consideration, not a Zone Guidelines criterion for LCZ.
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What this means for your submission: The TPC's own acknowledgement that LCZ inside the UGB is a STRLUS an inconsistency undermines the LCZ justification. If your lot does not contribute to the Boronia Hill bushland corridor and has cleared or developed character, argue that LCZ 1 threshold is not met on your individual title, drawing on the Albion Heights precedent where comparable vegetation and residential character produced RLZ.

2. Albion Heights & Bonnet Hill [Kingston & Bushland Surrounds]

Ireneinc outcome: Full ELZ → RLZ. Presented at the hearing [04:29:00–04:38:00]. Bonnet Hill LDRZ pocket outside UGB contested separately.

Characteristic	Albion Heights & Bonnet Hill — Outcome: Full RLZ	Kingston West (upper blocks) — Outcome: LCZ retained
Ireneinc landscape value description	Elevated bushland; distinctive ridgeline landscape; vegetated; dwellings on expansive parcels; scenic backdrop	Elevated bushland on upper blocks; similar ridgeline character; dwellings within vegetated setting — near-identical language to Albion Heights
Settlement characteristics found	Yes — semi-rural residential character; lots 2–25 ha; dwellings on expansive parcels	Yes — western residential cluster; upper blocks have larger lots with residences
Lot sizes	2–25 ha (majority 2–5 ha)	Variable; upper blocks >5 ha; western cluster 1–5 ha
SPA coverage	Partial	Partial (similar extent)
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium — Ireneinc recommended Rural Living Zone	Medium — used to justify LCZ for upper blocks
DP6 — codes manage landscape values?	YES — codes and min lot size manage values adequately	Partially — Ireneinc found increased building height from RLZ could become more visually prominent on upper blocks
Key differentiator cited	Located between higher-intensity residential zones; codes sufficient	Elevation and visual prominence of upper blocks — but same features are present in Albion Heights
Zone Guidelines basis	RLZ 1(a), 2(b) applied	LCZ 1 applied to upper blocks — but no more significant landscape value than Albion Heights
Zone outcome for Albion Heights & Bonnet Hill	Full RLZ — consistent	⚠ INCONSISTENCY: Ireneinc recommended full Rural Living Zone for this locality — it is an similar locality for LCZ-retained properties in Kingston West with similar elevation and vegetation character. The same medium risk rating that produced RLZ here was used to retain LCZ in the upper Kingston West blocks, despite near-identical landscape value descriptions.

Submission argument (for Kingston West properties referencing Albion Heights): Ireneinc's own finding here — that landscape values at this elevation are manageable by scheme codes and a min lot size that prevents subdivision — applies equally to upper Kingston West blocks. Cite the identical risk rating and near-identical landscape value language as evidence of inconsistency.

3. Tarooma & Kingston North [Kingston & Bushland Surrounds]

Ireneinc outcome: LCZ retained for majority; small group of western parcels noted as potentially suitable for Rural Zone. Ireneinc recommendation at Day 20: at medium-to-high risk.

Characteristic	Tarooma & Kingston North — Outcome: LCZ retained	Howden & Blackmans Bay — Outcome: Full RLZ
Ireneinc landscape value description	Elevated bushland; ridgeline character; scenic values; coastal interface on eastern parcels; connection to Hobart City Council boundary	Native bushland; towering Eucalyptus; distinctive vegetated ridgeline; residential settlement pattern follows topography; dwellings screened by vegetation; scenic views
Settlement characteristics found	Yes — residential uses occurring; interface with urban areas; western parcels have rural farming activities	Yes — rural living settlement; lots 1–5 ha; located between urban settlements at Blackmans Bay and Howden
Lot sizes	Variable — mix of larger and smaller lots near Channel Highway	1–5 ha (majority); two larger parcels ~10–16 ha
SPA coverage	Significant	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-to-high	Medium
DP6 — codes manage landscape values?	Not clearly concluded — Ireneinc noted alignment with Hobart City Council LCZ across boundary as additional factor	YES — codes and min lot size manage values; 'low risk where RLZ is applied'
Key differentiator cited	Alignment with Hobart City Council LCZ across municipal boundary; eastern parcels have significant values	Residential settlement pattern predominates; codes sufficient; existing blocks already fully used
Zone Guidelines basis	LCZ 1/2(c) — but cross-boundary alignment is not a Zone Guidelines criterion	RLZ 1(a), 2(b)

Zone outcome for Tarooma & Kingston North	LCZ retained	⚠ INCONSISTENCY: Ireneinc used alignment with Hobart City Council's LCZ across the municipal boundary as a supporting reason for LCZ here. This is not a criterion under the Zone Guidelines (Guideline No. 1). Howden & Blackmans Bay, with similar or less significant landscape values and partial SPA coverage, was recommended for full Rural Living Zone at medium risk. Ireneinc also acknowledged that western rural-use parcels in Tarooma could be Rural Zone — suggesting the LCZ boundary was drawn more broadly than the evidence supports.
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What this means for your submission: Cross-boundary consistency with Hobart's LCZ is not a basis for LCZ under Zone Guidelines LCZ 1 or 2. The Zone Guidelines require site-specific landscape value justification. Cite Howden as similar — similar elevation, vegetation, and coastal setting produced RLZ at the same partial SPA coverage. For western rural-use parcels, Ireneinc's own concession that Rural Zone may be appropriate supports a T2 submission.

4. Kingston West [Kingston & Bushland Surrounds]

Ireneinc outcome: Mixed — LCZ for elevated upper blocks; RLZ for western residential cluster; extra western parcels added to RLZ. Ireneinc recommendation at Day 20: with case-by-case flexibility; Chair Heath noted small cleared residential lots inside LCZ can still be argued out [05:50:30].

Characteristic	Kingston West (LCZ upper blocks) — LCZ retained	Albion Heights & Bonnet Hill — Full RLZ	Howden & Blackmans Bay — Full RLZ
Ireneinc landscape value description	Elevated bushland; ridgeline; scenic backdrop — near-identical language to Albion Heights and Howden	Elevated bushland; vegetated ridgeline; dwellings nestled in vegetation; scenic backdrop	Vegetated ridgeline; residential settlement follows topography; native bushland; scenic views to/from properties
Settlement characteristics found	Yes — upper blocks have residential uses but less consistent pattern than western cluster	Yes — semi-rural residential; lots 2–25 ha; between higher-intensity zones	Yes — lots 1–5 ha; consistent pattern; between Blackmans Bay and Howden urban areas
Lot sizes	Upper blocks >5 ha; western cluster 1–5 ha	2–25 ha	1–5 ha
SPA coverage	Partial	Partial	Partial
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium (upper = LCZ)	Medium (→ RLZ)	Medium (→ RLZ)
DP6 — codes manage landscape values?	Ireneinc said codes were not enough — cited elevation and building height risk	YES — codes and min lot size adequate	YES — codes and min lot size adequate; 'low risk'
Key differentiator cited	Elevation/prominence of upper blocks; building height difference between RLZ and LCZ	Located between higher-intensity residential zones	Settlement pattern clear; existing blocks already fully used

Zone outcome for Kingston West (upper LCZ blocks)	LCZ retained	⚠ INCONSISTENCY: The same medium risk rating and near-identical landscape value descriptions produced RLZ in Albion Heights and Howden but LCZ in Kingston West upper blocks. The sole cited difference is the height allowance differential between RLZ and LCZ on elevated blocks — but Albion Heights and Howden are equally elevated and was recommended for Rural Living Zone. Delegate Ford directly challenged this distinction at Day 2 [01:07:00–01:08:25], noting the landscape descriptions are 'very similar' and asking what the actual difference is between localities where codes can and cannot manage.
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What this means for your submission: Chair Heath at [05:50:30] explicitly noted that small cleared residential lots inside Kingston West LCZ can be argued out through representations. Cite Albion Heights and Howden as directly similar — identical risk rating, identical or greater elevation, nearly identical landscape value language — yet full RLZ resulted. The building height differential alone is not a sufficient basis for LCZ where codes, NAC, and PVA overlay provide equivalent protection.

5. Neika [Kingston & Bushland Surrounds]

Ireneinc outcome: LCZ for majority; 2 Huon Road parcels → RLZ; split-zone approach for 540 Leslie Road (cleared portion → RLZ). Ireneinc recommendation at Day 20: with case-by-case flexibility.

Characteristic	Neika (LCZ majority) — Outcome: LCZ retained	Neika (Huon Road parcels) — Outcome: RLZ
Ireneinc landscape value description	Significant bushland and elevated landscape across most of locality; scenic values; similar vegetation character throughout	Same locality — landscape values present throughout; no meaningful difference in landscape character between LCZ and RLZ areas identified
Settlement characteristics found	Present across much of locality — residential uses with varying lot sizes	Yes — Huon Road lots show rural living pattern consistent with adjoining RLZ to south
Lot sizes	Variable — many >10 ha in LCZ portion	Similar to LCZ portions but positioned adjacent to existing RLZ
SPA coverage	Partial across locality	Partial — same as LCZ area
PVA / NAC overlay	Yes throughout	Yes — same as LCZ area
Risk rating applied	Medium-high (LCZ)	Lower — consistency with adjoining RLZ cited
DP6 — codes manage landscape values?	Ireneinc did not apply this reasoning to the LCZ majority	YES — characteristics consistent with existing RLZ to south; 'could be reasonably managed in the same way'
Key differentiator cited	Lot sizes >10 ha (too large for RLZ without subdivision risk) for some parcels; insufficient consistency in settlement pattern	Proximity and consistency with adjoining RLZ parcels — same reasoning, same landscape values

Zone outcome for Neika (LCZ majority)	LCZ retained	⚠ INCONSISTENCY: Ireneinc applied RLZ to specific Huon Road parcels because of consistency with adjoining RLZ — using the same landscape value and code management reasoning it declined to apply to the LCZ majority. The proximity to adjoining RLZ argument applies equally to other Neika lots that adjoin or are near existing RLZ. For large lots (>10 ha), Ireneinc's concern about subdivision potential is addressed by applying RLZ D (minimum 10 ha) — a solution Ireneinc accepted at 540 Leslie Road.
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What this means for your submission: If your Neika property adjoins or is in close proximity to existing RLZ or to the Huon Road RLZ parcels, argue consistency — the same reasoning Ireneinc applied to grant RLZ on Huon Road applies to your lot. For large lots, show that RLZ D (minimum 10 ha) eliminates subdivision potential, directly addressing the risk Ireneinc cited for LCZ retention.

6. Leslie Vale [Kingston & Bushland Surrounds]

Ireneinc outcome: Exhibited RLZ + LCZ mix retained as appropriate; no recommended changes. Ireneinc recommendation at Day 20:. Note: 540 Leslie Road split-zone (RLZ for cleared portion, LCZ for vegetated balance) was flagged but accepted.

Characteristic	Leslie Vale (LCZ portions) — Outcome: LCZ retained	Leslie Vale (RLZ portions) — Outcome: RLZ retained
Ireneinc landscape value description	Native vegetation; scenic values; 540 Leslie Road specifically: >20 ha, extensive vegetation connecting to EMZ to northeast	Similar native vegetation and scenic character — landscape descriptions are consistent across the locality; no meaningful difference in vegetation type identified
Settlement characteristics found	Present across LCZ portions — residential uses occurring	Yes — clear residential and rural living settlement pattern in RLZ portions
Lot sizes	LCZ lots range from smaller to very large (540 Leslie Road >20 ha)	Generally smaller to medium lots in RLZ portions
SPA coverage	Partial across locality	Partial — similar coverage
PVA / NAC overlay	Yes	Yes
Risk rating applied	Not re-assessed — exhibited position retained	Not re-assessed — exhibited position retained
DP6 — codes manage landscape values?	Not re-evaluated — existing LCZ carried forward without new analysis	Existing RLZ carried forward as appropriate — codes managing values
Key differentiator cited	540 Leslie Road: lot size >20 ha; extensive vegetation; EMZ connection. Other LCZ lots: no specific new differentiator identified	Existing RLZ already established; settlement pattern consistent with rural living

Zone outcome for Leslie Vale (LCZ portions)	LCZ retained	⚠ INCONSISTENCY: Ireneinc did not re-evaluate the Leslie Vale LCZ or RLZ designations — it simply accepted the exhibited position. Where a LCZ lot does NOT share the characteristics of 540 Leslie Road (lot size >20 ha, extensive native vegetation, EMZ connection), the specific LCZ justification for that lot is absent from the Ireneinc report. Lots that share characteristics with the existing RLZ portions have no documented basis for different treatment.
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What this means for your submission: If your Leslie Vale LCZ lot is smaller than 20 ha and does not share the specific characteristics of 540 Leslie Road (extensive vegetation, EMZ connection), the LCZ justification in the Ireneinc report does not apply to your title. Argue that your lot's characteristics match the existing RLZ properties in the locality, and that Ireneinc's failure to re-evaluate the LCZ designation means the exhibited LCZ was not positively confirmed by the review process.

7. Allens Rivulet [Kingston & Bushland Surrounds]

Ireneinc outcome: Mixed — RLZ (Mountain Road / Allens Rivulet Road parcels); Rural Zone (red group with rural activities); LCZ balance. Ireneinc recommendation at Day 20:.

Characteristic	Allens Rivulet (LCZ balance) — Outcome: LCZ retained	Allens Rivulet (RLZ parcels — Mountain Rd) — Outcome: RLZ
Ireneinc landscape value description	Bushland; native vegetation; similar landscape character throughout locality — no meaningful difference in landscape value description between LCZ and RLZ parcels in the locality report	Same locality — landscape values present throughout; the RLZ recommendation was based on settlement pattern consistency, not absence of landscape values
Settlement characteristics found	Present — residential uses in LCZ portions	Yes — Mountain Road / Allens Rivulet Road parcels show rural living settlement characteristics consistent with adjoining RLZ
Lot sizes	Variable in LCZ portions	Similar — consistent with adjoining RLZ lot sizes
SPA coverage	Partial throughout locality	Partial — same as LCZ areas
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium for LCZ	Lower — consistency with adjoining RLZ
DP6 — codes manage landscape values?	Not explicitly concluded as YES for LCZ balance	YES — 'could be reasonably managed in the same way' as adjoining RLZ
Key differentiator cited for RLZ	—	Consistency with and proximity to adjoining RLZ parcels — characteristics match

Zone outcome for Allens Rivulet (LCZ balance)	LCZ retained	⚠ INCONSISTENCY: Ireneinc granted RLZ to specific parcels on consistency with adjoining RLZ — using the same landscape and code management reasoning it declined to apply to the LCZ balance. If a LCZ lot is adjacent to or near the Mountain Road / Allens Rivulet Road RLZ cluster and shares similar characteristics, the consistency argument applies equally. The Ireneinc report does not identify any meaningful difference in landscape values between the RLZ and LCZ sub-areas of this locality.
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What this means for your submission: If your Allens Rivulet LCZ lot is adjacent to or shares characteristics with the Mountain Road / Allens Rivulet Road RLZ parcels, argue consistency — the same basis Ireneinc used to grant RLZ to those parcels applies to yours. For rural-activity-dominant lots, cite the Rural Zone group as similar and use T2 template.

8. Sandfly & Kaoota [Kingston & Bushland Surrounds]

Ireneinc outcome: Mixed — RLZ (Pregnall's Road / Talbots Road residential cluster); Rural Zone (Halls Track / Pioneer / Huon / Thompson Roads); LCZ balance. Ireneinc recommendation at Day 20:.

Characteristic	Sandfly & Kaoota (LCZ balance) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	Elevated bushland; scenic values; mix of cleared and vegetated parcels; similar to Channel Region descriptions. Pregnall's / Talbots cluster: 'elevated bushland interspersed with cleared areas; rural activities contribute to overall landscape values'	Rural living characteristics; scenic landscape; interface between coastline and bushland; dwellings integrated into natural setting — near-identical language to Sandfly cluster areas
Settlement characteristics found	Yes — Pregnall's / Talbots cluster: clear rural living settlement pattern. LCZ balance: less consistent pattern in some areas	Yes — consistent rural living settlement throughout; lots 1–10 ha along Manuka Road; pattern clear and recognisable
Lot sizes	Pregnall's / Talbots: 2–8 ha. LCZ balance: variable, some larger	1–10 ha (majority 2–7 ha)
SPA coverage	Partial	Partial — comparable extent
PVA / NAC overlay	Yes throughout	Yes
Risk rating applied	Low-medium for RLZ cluster; medium-high for LCZ balance	Medium — accepted for full locality
DP6 — codes manage landscape values?	YES for RLZ cluster: PVA and SPA manage values; 'low to medium risk'	YES — codes and min lot size manage values; full RLZ accepted
Key differentiator cited	LCZ balance: more fragmented settlement; some larger lots outside cluster pattern	Clear settlement pattern throughout; existing blocks already fully used; codes adequate
Zone outcome for Sandfly & Kaoota (LCZ balance)	LCZ retained	⚠ INCONSISTENCY: Kettering East was recommended for full Rural Living Zone at medium risk with landscape value descriptions and settlement patterns nearly identical to the Sandfly/Kaoota Pregnall's cluster — and with comparable characteristics to many LCZ-balance lots. Ireneinc's own Sandfly assessment found codes manage landscape values in the RLZ cluster; the same conclusion was not applied to the LCZ balance without clear additional justification.

What this means for your submission: If your Sandfly / Kaoota LCZ lot shares characteristics with the Pregnall's / Talbots RLZ cluster (lot 2–8 ha, residential settlement character), cite the cluster RLZ as directly similar. For the broader LCZ balance, cite Kettering East where nearly identical characteristics — including medium risk — produced full RLZ across the entire locality.

9. Longley & Lower Longley [Kingston & Bushland Surrounds]

Ireneinc outcome: Exhibited zoning generally retained; part of 137 Anderson Road → Rural Zone; Krauses Road and Huon/Andersons Roads → Rural Zone (TPC modifications). Ireneinc recommendation at Day 20:.

Characteristic	Longley & Lower Longley (LCZ) — Outcome: LCZ retained	Longley & Lower Longley (Rural Zone parcels) — Outcome: Rural Zone
Ireneinc landscape value description	Elevated landscape; bushland; hinterland character across the locality — consistent descriptions throughout; no meaningful difference in landscape value language between LCZ and Rural Zone areas in the locality	Same locality — Rural Zone parcels at Krauses Road, Huon Road, and Andersons Road have similar landscape setting; the Rural Zone recommendation was based on existing rural activities, not absence of landscape values
Settlement characteristics found	Present — residential and rural uses throughout	Yes — existing rural farming and grazing activities on specific parcels
Lot sizes	Variable in LCZ portions	Larger rural parcels at Krauses Road, Andersons Road
SPA coverage	Partial	Partial — similar extent
PVA / NAC overlay	Yes	Yes
Risk rating applied	Not explicitly re-assessed — exhibited LCZ retained	Not rated separately — Rural Zone applied on existing-use basis
DP6 — codes manage landscape values?	Not explicitly re-evaluated for LCZ balance	Implicitly YES — Rural Zone applied because existing rural activities dominate; codes manage any residual landscape values
Key differentiator cited	Exhibited LCZ accepted without re-evaluation	Existing rural activities (grazing, farming) on specific parcels; consistent with Rural Zone purpose

Zone outcome for Longley & Lower Longley (LCZ)	LCZ retained	⚠ INCONSISTENCY: Ireneinc did not re-evaluate the LCZ designation for the balance of Longley and Lower Longley — it simply accepted the exhibited position. Rural Zone was applied to specific parcels with existing rural activities. Where a LCZ lot also has existing rural activities, the same Rural Zone reasoning applies. Where a LCZ lot has residential character similar to the existing RLZ land in the municipality, the Sandfly and Kettering East precedents support an RLZ argument.
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What this means for your submission: For Longley LCZ lots with existing rural activities, cite the Anderson Road / Krauses Road Rural Zone precedent and use T2 template. For residential-character lots, the Ireneinc report did not positively confirm the LCZ through re-evaluation — argue this gap, and cite Sandfly Pregnall's cluster or Kettering East as similar localities where comparable characteristics produced RLZ.

REGION 2 — CHANNEL REGION

10. Tinderbox [Channel Region]

Ireneinc outcome: West side → full RLZ. East side → LCZ retained. TPC Day 20: East — 'locality where TPC delegates asked the most questions about the LCZ justification' [00:35:10–00:47:04]. Delegate Probert at [01:06:52–01:08:25] directly stated the landscape descriptions are near-identical and the only difference is the risk profile — which Ireneinc was then challenged to explain.

Characteristic	Tinderbox East — LCZ retained	Tinderbox West — Full RLZ	Howden & Blackmans Bay — Full RLZ
Ireneinc landscape value description	'Elevated bushland... vegetated ridgeline... dwellings nestled into vegetation... scenic backdrop... residential settlement pattern closely follows natural topography' — IDENTICAL language to west side	Identical landscape value language — same peninsula, same vegetation type, same topographic character, same coastal setting	'Distinctive vegetated ridgeline landscape characterised by residential settlement pattern... native bushland present throughout... dwellings often screened by retained vegetation' — same language, different locality
Settlement characteristics found	Yes — residential settlement along Tinderbox Road; lots 1–10 ha; dwellings with outbuildings; recognisable pattern	Identical — same road, same peninsula, same settlement type	Yes — lots 1–5 ha; consistent pattern; framed by reserves to north and south
Lot sizes	1–10 ha (with 2 large northeastern lots noted as outliers)	1–10 ha	1–5 ha (majority)
SPA coverage	NO — absent on eastern coast	YES — Scenic Protection Area covers western peninsula	Partial — not full SPA coverage
PVA / NAC overlay	Yes	Yes	Yes
Risk rating applied	Medium-high → LCZ	Low-medium → RLZ	Medium → RLZ
DP6 — codes manage landscape values?	NO — 'potential for increased height associated with extensions or new builds to become more visible'; SPA absent means no code control on height	YES — SPA provides height control; 'low risk where RLZ is applied'	YES — 'codes and min lot size manage values; low risk'; SPA only partially present — same as east Tinderbox in areas
Key differentiator cited	Absent SPA on east coast; higher building height allowance in RLZ vs LCZ; two large northeastern lots reduce settlement consistency	SPA present; western development less visually prominent from water	Residential settlement character predominates; codes sufficient
TPC challenge	Delegate Ford [00:35:14]: 'Specifically, what cannot be managed through those codes?' Delegate Probert [01:07:48]: 'One we say they can be managed and the other one we say they can't — what we really need to say is the difference between those two'	Recommended by Ireneinc without challenge	Recommended by Ireneinc without challenge

Zone outcome for Tinderbox East	LCZ retained	⚠ INCONSISTENCY: This is the starkest inconsistency in the entire Ireneinc report. Delegate Probert's own words from the hearing [01:07:48] confirm it: identical landscape value descriptions, identical settlement characteristics, and both sides of the same peninsula — but opposite zone outcomes. The sole cited differentiator is the absence of SPA on the eastern coast. However Howden & Blackmans Bay, which has PARTIAL SPA coverage (not full), also was recommended for Rural Living Zone at medium risk. The SPA-absence argument is not applied consistently.
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Submission argument — Tinderbox East properties: Cite Delegate Probert's own statement from [01:07:48] verbatim — '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.' Then show that Howden was recommended for Rural Living Zone at partial SPA coverage, and Kettering West Groombridges was recommended for Rural Living Zone after TPC delegates identified an issue and the concession that PVA overlay does the landscape-protection work [02:33:54]. If PVA applies to your east Tinderbox lot, argue the SPA-absence rationale is overcome by PVA coverage.

11. Howden & Blackmans Bay [Channel Region]

Ireneinc outcome: Full ELZ → RLZ. Ireneinc recommendation at Day 20: without challenge [00:59:00–01:03:00]. This is the primary RLZ precedent for the Channel Region.

Characteristic	Howden & Blackmans Bay — Outcome: Full Rural Living Zone — best comparison for your area	Tinderbox East — Outcome: LCZ retained
Ireneinc landscape value description	'Native bushland, towering Eucalyptus trees; distinctive vegetated ridgeline landscape characterised by residential settlement pattern; dwellings often screened by retained vegetation; elevated topography provides scenic views'	Near-identical language: elevated bushland; vegetated ridgeline; dwellings nested in vegetation; scenic backdrop — Delegate Probert confirmed descriptions are 'very similar' [01:07:21]
Settlement characteristics found	Yes — lots 1–5 ha; consistent pattern; located between Blackmans Bay and Howden settlements	Yes — residential settlement along Tinderbox Road; lots 1–10 ha; same peninsula structure
Lot sizes	1–5 ha (majority); 2 parcels ~10–16 ha	1–10 ha; 2 large northeastern lots noted
SPA coverage	Partial — not full coverage	NO SPA on east coast
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium — Ireneinc recommended Rural Living Zone	Medium-high — used to justify LCZ
DP6 — codes manage landscape values?	YES — 'sufficient mechanisms in the planning scheme... low risk where RLZ is applied'	NO — 'increased height could become more visibly prominent; SPA absent'
Key differentiator	None explained — landscape descriptions are near-identical; Howden simply described as having 'more prevalence of residential feel' [Transcript 01:11:56]	Two large northeastern lots reduce settlement consistency; SPA absent
TPC challenge	Recommended by Ireneinc without challenge	Delegate Ford: 'Specifically what cannot be managed through those codes?' — direct challenge to the LCZ justification
Zone outcome for Howden & Blackmans Bay	Full RLZ — consistent	⚠ INCONSISTENCY: This locality is the most useful comparison for the Channel Region. Its consistent use as an similar comparison in submissions is supported by Delegate Ford's Day 20 challenge to the Tinderbox East LCZ justification and Delegate Probert's explicit statement that the landscape descriptions are near-identical. Howden was recommended for Rural Living Zone with partial SPA coverage — the same coverage level cited as insufficient in Tinderbox East.

Submission argument (for any Channel region LCZ locality): Cite Howden as the primary similar locality. The landscape value language, settlement characteristics, lot sizes, partial SPA coverage, and risk profile are comparable to many LCZ-retained localities in the Channel Region. Use Ireneinc's own Howden reasoning — 'sufficient mechanisms in the planning scheme to provide for appropriate management' — and argue it applies equally to your property.

12. Margate & Electrona [Channel Region]

Ireneinc outcome: Mixed — Rural Zone (cleared rural parcels); RLZ (residential cluster); LCZ (Van Moray Road elevated/SPA-covered); EMZ (reserve). Ireneinc recommendation at Day 20: [01:29:00–01:34:00].

Characteristic	Margate & Electrona (LCZ — Van Moray Road) — Outcome: LCZ retained	Margate & Electrona (RLZ cluster) — Outcome: RLZ
Ireneinc landscape value description	Van Moray Road: 'significant natural landscape values and scenic landscape values'; elevated; SPA-covered; prominent views from Channel	RLZ cluster: 'landscape values consistent with that anticipated in a rural living settlement; contributing to overall scenic character' — landscape values PRESENT but found manageable
Settlement characteristics found	Limited — Van Moray Road has fewer residential lots; not a clear rural living settlement pattern	Yes — recognisable rural residential subdivision pattern; lots 2–7 ha; residential uses and rural activities
Lot sizes	Larger lots on Van Moray Road; less consistent pattern	2–7 ha — consistent with RLZ C
SPA coverage	YES — significant SPA coverage on Van Moray Road elevated area	Partial — same general area
PVA / NAC overlay	Yes	Yes
Risk rating applied	High (Van Moray elevated block)	Low-medium
DP6 — codes manage landscape values?	NO — SPA coverage does not negate the elevated prominence and visual significance at this specific location	YES — codes and min lot size manage values; consistent with adjoining RLZ land
Key differentiator cited	Elevation, SPA coverage, visual prominence from Channel; no clear rural living settlement pattern	Settlement pattern consistent with rural living; existing blocks already fully used

Zone outcome for Margate & Electrona (Van Moray LCZ)	LCZ retained	⚠ INCONSISTENCY: The Van Moray Road LCZ is the most defensible LCZ retention in Margate — it has strong SPA coverage, high elevation, and high visual prominence from the Channel. However, properties in the Margate LCZ area that do NOT share these specific characteristics (elevated, SPA-covered, Channel-prominent) have no documented basis for LCZ over RLZ. Many Margate properties with similar characteristics to the RLZ cluster were LCZ in the exhibited scheme and remain LCZ in Ireneinc — argue site-specific differentiation from the Van Moray characteristics.
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What this means for your submission: If your Margate property is not on the elevated Van Moray Road ridge and does not have the specific Channel-prominence cited for LCZ, argue differentiation. The RLZ cluster in the same locality was recommended for Rural Living Zone because codes manage landscape values and the settlement pattern is consistent with rural living. If your lot shares those characteristics, cite the within-locality RLZ as the directly relevant precedent.

13. Coningham & Snug [Channel Region]

Ireneinc outcome: Mixed — RLZ (Snug Tiers Road cluster); Rural Zone (Old Station Road / PPZ footprint); LCZ balance; 4 coastal parcels not decided. Ireneinc recommendation at Day 20: [01:56:00–02:03:30].

Characteristic	Coningham & Snug (LCZ balance) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	Coastal views; native vegetation; D'Entrecasteaux Channel setting; coastal bushland — near-identical language to Kettering East. 'Landscape values consistent with a rural living settlement within the region, contributing to overall scenic character and coastal rural landscapes'	'Scenic landscape; coastal interface; bushland; dwellings integrated into natural setting; interface between coastline and bushland contributing to significant landscape value'
Settlement characteristics found	LCZ balance: less consistent settlement than Snug Tiers Road cluster; variable lot sizes	Yes — consistent rural living settlement throughout; lots 1–10 ha along Manuka Road
Lot sizes	Variable in LCZ balance; some larger lots	1–10 ha
SPA coverage	Significant for some coastal LCZ lots	Partial — comparable or lesser coverage
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high for LCZ balance	Medium — Ireneinc recommended full Rural Living Zone
DP6 — codes manage landscape values?	NOT explicitly concluded as YES for LCZ balance	YES — full locality; codes and min lot size manage values
Key differentiator cited	More variable settlement pattern in LCZ areas; coastal interface complexity; 4 parcels parked	Clear consistent settlement pattern; existing blocks already fully used throughout
Zone outcome for Coningham & Snug (LCZ balance)	LCZ retained	⚠ INCONSISTENCY: Kettering East was recommended for full Rural Living Zone at medium risk with a D'Entrecasteaux Channel coastal setting described in near-identical terms to the Coningham/Snug LCZ balance. The coastal setting alone did not prevent RLZ at Kettering East. The key differentiator used here — less consistent settlement pattern — is a matter of degree, not kind, and is challengeable with evidence that individual lots in the LCZ balance do have consistent settlement characteristics.

What this means for your submission: If your Coningham / Snug LCZ lot has a consistent rural living settlement character (lot 1–10 ha, dwelling with outbuildings, rural activities), cite Kettering East as the primary similar locality — identical coastal setting, comparable landscape values, medium risk. Cite Snug Tiers Road as within-locality evidence that the same area can support RLZ where settlement pattern is recognised.

14. Kettering East & Oyster Cove [Channel Region]

Ireneinc outcome: Full ELZ → RLZ — largest LCZ retreat of Day 2. Ireneinc recommendation at Day 20: immediately [02:04:40–02:12:25]. This is the primary RLZ precedent for the southern Channel Region.

Characteristic	Kettering East & Oyster Cove — Outcome: Full Rural Living Zone — best comparison for southern Channel	Woodbridge (LCZ bulk) — Outcome: LCZ retained
Ireneinc landscape value description	'Scenic landscape; coastal interface; bushland; dwellings integrated into natural setting; interface between coastline and bushland contributing to significant landscape value'	D'Entrecasteaux Channel views; bushland; scenic values — near-identical coastal and bushland language to Kettering East
Settlement characteristics found	Yes — clear rural living settlement; lots 1–10 ha along Manuka Road; consistent pattern throughout	Woodbridge Hill Road cluster: recognisable rural pattern. LCZ bulk: less consistent settlement
Lot sizes	1–10 ha (majority)	LCZ bulk: variable, some larger. Woodbridge Hill Rd: smaller
SPA coverage	Partial — not full coverage	Significant — greater SPA coverage than Kettering East in some areas
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium — full RLZ accepted	Medium-high — LCZ retained for bulk
DP6 — codes manage landscape values?	YES — full locality; codes and min lot size manage values; existing blocks already fully used	NOT fully concluded — channel views and bushland cited as requiring LCZ protection
Key differentiator cited	Clear consistent settlement pattern; existing blocks already fully used	Woodbridge Hill Rd cluster: fragmentation/rural activities → Rural Zone. LCZ bulk: channel views and continuous bushland
Zone outcome for Kettering East & Oyster Cove	Full RLZ — consistent	⚠ INCONSISTENCY: This locality is the most useful comparison for the southern Channel Region. Its full acceptance at medium risk, with a D'Entrecasteaux Channel coastal setting described in near-identical terms to LCZ-retained Woodbridge, Birchs Bay, Middleton, and Gordon, shows that coastal setting and bushland alone do not prevent RLZ. The distinguishing characteristic consistently cited for LCZ in the southern localities is the continuous bushland corridor along the ridgeline — which does not characterise every individual lot within those localities.

Submission argument (for all southern Channel LCZ localities): Cite Kettering East directly. Identical D'Entrecasteaux Channel coastal setting, identical landscape value language, partial SPA coverage — but full RLZ at medium risk. Argue that the continuous bushland corridor argument does not apply to individual cleared, developed, or lower-elevation lots that do not contribute to the ridgeline corridor. Use Kettering East's DP6 finding ('codes and min lot size manage values') and apply it to your property.

15. Kettering West [Channel Region]

Ireneinc outcome: Mixed — Rural Zone (Watsons Road); RLZ (Groombridges Road / central area); LCZ (elevated Saddle Road yellow block). Ireneinc recommendation at Day 20: after TPC acknowledgement that PVA overlay does landscape-protection work, not the zone [02:33:54].

Characteristic	Kettering West (Groombridges Rd) — RLZ — TPC corrected	Kettering East — Full RLZ	Tinderbox East — LCZ retained
Ireneinc landscape value description	Elevated bushland; similar Channel coastal setting to Kettering East; rural living characteristics present in Groombridges cluster	Identical coastal/bushland description — same Channel, same landscape character, same vegetation type	Near-identical elevated bushland and ridgeline description — see Tinderbox section for full quote
Settlement characteristics found	Yes — Groombridges cluster has clear rural living pattern consistent with Kettering East	Yes — clear rural living settlement throughout	Yes — residential settlement along Tinderbox Road; similar pattern
Lot sizes	1–7 ha (Groombridges cluster)	1–10 ha	1–10 ha
SPA coverage	Partial (elevated block only)	Partial	NO — absent on east coast
PVA / NAC overlay	Yes — PVA applies to Groombridges area	Yes	Yes
Risk rating applied	Medium (initially LCZ proposed; TPC corrected)	Medium (full RLZ)	Medium-high (LCZ)
DP6 — codes manage landscape values?	YES — TPC [02:33:54]: 'Priority Vegetation overlay does the landscape-protection work, not the zone' — PVA accepted as sufficient	YES — codes and min lot size; full RLZ	NO — SPA absent; RLZ height allowance creates risk
Key finding / TPC intervention	TPC delegates identified a problem and the consultant agreed to a change — PVA overlay is sufficient; zone does not need to be LCZ to protect landscape values	Recommended by Ireneinc without challenge	TPC challenged but accepted; flagged as weakest LCZ retention

Zone outcome for Kettering West	Mixed — inconsistency now partially corrected by TPC	⚠ INCONSISTENCY: The TPC's forced correction at [02:33:54] — that the PVA overlay does the landscape-protection work, not the zone — is the most important single statement from Day 20 for LCZ-affected landowners. This principle was NOT applied to Tinderbox East (where PVA is also present), despite near-identical characteristics. The inconsistency in applying the PVA-sufficiency principle selectively remains uncorrected.
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What this means for your submission: If PVA applies to your property, cite the TPC's statement at [02:33:54] directly — 'the Priority Vegetation overlay does the landscape-protection work, not the zone.' Show that PVA applies to your lot and argue that this is equivalent to the protection the TPC found sufficient at Groombridges. This argument applies to any LCZ locality where PVA coverage exists — Tinderbox East, Kingston West, Taroona, and others.

16. Woodbridge [Channel Region]

Ireneinc outcome: LCZ for bulk; eastern yellow block (Woodbridge Hill Road) → Rural Zone. Ireneinc recommendation at Day 20: Multiple representations from Woodbridge Hill Road argued LCZ was an an inconsistency for their road.

Characteristic	Woodbridge (LCZ bulk) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	D'Entrecasteaux Channel views; bushland; scenic values; continuous ridgeline bushland corridor extending to Birchs Bay and south to Gordon	Scenic landscape; coastal interface; bushland; dwellings integrated into natural setting — near-identical Channel coastal landscape language
Settlement characteristics found	Woodbridge Hill Road cluster: recognisable rural pattern. LCZ bulk: variable lot sizes, less consistent residential pattern in some areas	Yes — consistent rural living settlement throughout locality; lots 1–10 ha
Lot sizes	LCZ bulk: variable, some larger. Woodbridge Hill Rd: smaller	1–10 ha (majority)
SPA coverage	Significant — greater than Kettering East in some areas	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high — LCZ	Medium — full RLZ
DP6 — codes manage landscape values?	Ireneinc did not reach this conclusion for the LCZ bulk — continuous bushland corridor cited as requiring LCZ protection	YES — codes and min lot size; existing blocks already fully used
Key differentiator cited	Continuous ridgeline bushland corridor (Birchs Bay to Woodbridge to Gordon); LCZ needed to maintain corridor	Clear residential settlement; blocks already fully used; existing codes protect landscape values
Within-locality precedent	Woodbridge Hill Road → Rural Zone: fragmentation avoidance + existing rural activities	—

Zone outcome for Woodbridge (LCZ bulk)	LCZ retained	⚠ INCONSISTENCY: Kettering East, with a near-identical D'Entrecasteaux Channel coastal and bushland setting, was recommended for full Rural Living Zone at medium risk. Woodbridge LCZ bulk was recommended for Landscape Conservation Zone at medium-high risk citing the 'continuous bushland corridor' — but not every individual lot within the LCZ bulk contributes to this corridor, particularly cleared, lower-elevation, or developed lots. Rep 4 from Woodbridge Hill Road specifically argued their LCZ was an an inconsistency because 'nearly all properties along the road corridor were proposed to be rezoned to Rural Living Zone.'
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What this means for your submission: For Woodbridge LCZ lots that do not contribute to the ridgeline bushland corridor (cleared, developed, lower-elevation, set back from the ridgeline), argue that the corridor justification does not apply to your individual title. Cite Kettering East as the similar coastal-bushland locality that was recommended for full Rural Living Zone. For Woodbridge Hill Road lots, cite Rep 4's argument directly alongside the Ireneinc Rural Zone cluster as evidence that the corridor argument does not apply to the road-frontage properties.

17. Birchs Bay [Channel Region]

Ireneinc outcome: LCZ for bulk; eastern yellow block → Rural Zone. Ireneinc recommendation at Day 20:. Pattern mirrors Woodbridge.

Characteristic	Birchs Bay (LCZ bulk) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	Coastal bushland; scenic; D'Entrecasteaux Channel setting; eastern cluster has cleared/rural character. Ireneinc approach identical to Woodbridge — 'areas of elevating bushland features retained around existing development contributing to landscape value and overall scenic values'	Scenic landscape; coastal interface; bushland; dwellings integrated into natural setting — same Channel coastal language
Settlement characteristics found	Eastern cluster: rural activities. LCZ bulk: variable lot sizes	Yes — consistent rural living settlement throughout; lots 1–10 ha
Lot sizes	Eastern cluster: smaller/cleared. LCZ bulk: larger/vegetated	1–10 ha
SPA coverage	Likely significant for coastal lots	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high — LCZ	Medium — full RLZ
DP6 — codes manage landscape values?	Ireneinc did not reach this conclusion for the LCZ bulk — same bushland corridor argument as Woodbridge	YES — codes and min lot size; full RLZ
Key differentiator cited	Continuous ridgeline bushland corridor (Flowerpot to Gordon)	Consistent settlement pattern; existing blocks already fully used; codes manage values

Zone outcome for Birchs Bay (LCZ bulk)	LCZ retained	⚠ INCONSISTENCY: Same inconsistency as Woodbridge — D'Entrecasteaux Channel coastal and bushland setting nearly identical to Kettering East, but different zone outcome. Same argument applies: cleared, developed, or lower-elevation lots that do not contribute to the ridgeline corridor are not characterised by the landscape values cited for LCZ retention.
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What this means for your submission: Same as Woodbridge — cite Kettering East as the primary similar locality. For individual lots that are cleared, developed, or not on the ridgeline, argue the corridor justification does not apply to your title. Note that the Ireneinc approach to Birchs Bay and Woodbridge is identical — a submission that succeeds for Woodbridge is directly relevant to Birchs Bay.

18. Flowerpot [Channel Region]

Ireneinc outcome: LCZ for bulk; identifiable cluster → Rural Zone (split-zone approach). Ireneinc recommendation at Day 20:. Pattern consistent with Birchs Bay and Middleton.

Characteristic	Flowerpot (LCZ bulk) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	Ridgeline bushland corridor connecting Birchs Bay to Gordon; 'elevating bushland features retained around existing development contributing to landscape value and scenic values including large areas of native vegetation hills'	Scenic landscape; coastal interface; bushland — same Channel region language. Landscape values present but manageable
Settlement characteristics found	Cluster: identifiable rural pattern with existing rural activities. LCZ bulk: larger vegetated lots	Yes — consistent rural living settlement throughout
Lot sizes	Cluster: smaller/cleared. LCZ bulk: larger/vegetated	1–10 ha
SPA coverage	Partial	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high — LCZ bulk	Medium — full RLZ
DP6 — codes manage landscape values?	Ireneinc did not reach this conclusion for the LCZ bulk — corridor continuity cited	YES — codes and min lot size; full RLZ
Key differentiator cited	Ridgeline bushland corridor must be maintained (Birchs Bay to Gordon)	Consistent settlement pattern; existing blocks already fully used; codes manage values

Zone outcome for Flowerpot (LCZ bulk)	LCZ retained	⚠ INCONSISTENCY: Same corridor argument as Birchs Bay and Woodbridge. Same Kettering East inconsistency. Additionally: Ireneinc accepted the split-zone approach for the cluster (Rural Zone for cleared/active parcels) — demonstrating that the corridor argument does not apply to every parcel within the locality boundary.
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What this means for your submission: The split-zone precedent within this locality shows that Ireneinc itself accepted that not every lot within Flowerpot contributes to the bushland corridor. For individual lots that are cleared, have existing rural activities, or are not part of the ridgeline vegetation, argue the corridor justification does not apply. Cite Kettering East and the within-locality Rural Zone cluster as dual precedents.

19. Middleton [Channel Region]

Ireneinc outcome: LCZ for bulk; eastern yellow block → Rural Zone (some split zoning). Ireneinc recommendation at Day 20:. Pattern consistent with Birchs Bay, Flowerpot, Gordon.

Characteristic	Middleton (LCZ bulk) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	'Elevating bushland features retained around existing development; large areas of native vegetation hills behind settlement along ridgeline; consistent bushland corridor extending south to Gordon and north to Flowerpot; Majors Hill prominent scenic feature'	'Scenic landscape; coastal interface; bushland; dwellings integrated into natural setting' — same Channel coastal language; no Majors Hill equivalent cited
Settlement characteristics found	Eastern cluster: cleared; rural activities. LCZ bulk: larger vegetated lots on ridgeline	Yes — consistent rural living settlement throughout; lots 1–10 ha
Lot sizes	Eastern cluster: smaller/cleared. LCZ bulk: larger/vegetated ridgeline	1–10 ha
SPA coverage	Significant — Majors Hill and ridgeline area	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high — LCZ bulk	Medium — full RLZ
DP6 — codes manage landscape values?	Ireneinc did not reach this conclusion for the LCZ bulk — Majors Hill and ridgeline corridor cited as requiring LCZ	YES — codes and min lot size; full RLZ
Key differentiator cited	Majors Hill prominent scenic feature; ridgeline native vegetation hills; continuous corridor to Gordon and north to Flowerpot	Consistent settlement pattern; existing blocks already fully used; codes manage values

Zone outcome for Middleton (LCZ bulk)	LCZ retained	⚠ INCONSISTENCY: Middleton has the most specifically explained landscape value in the southern Channel group — Majors Hill and the vegetated ridgeline hills are named features. However, not every lot within the LCZ bulk is ON the Majors Hill ridgeline or contributes to the elevated bushland corridor. Cleared, lower-elevation, or settled lots in the LCZ area that sit below or away from the ridgeline are not characterised by those specific landscape values.
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What this means for your submission: The Majors Hill and ridgeline landscape value does not apply to every lot in the LCZ bulk. If your Middleton lot is below the ridgeline, cleared, at lower elevation, or does not contribute to views of or from Majors Hill, show this site-specific differentiation. Cite the eastern cluster Rural Zone as within-locality evidence that cleared lots are appropriately zoned Rural Zone or RLZ, not LCZ. Cite Kettering East for the broader coastal bushland inconsistency.

20. Gordon [Channel Region]

Ireneinc outcome: LCZ bulk; LDRZ coastal strip; Rural Zone (western parcels with rural activities). Ireneinc recommendation at Day 20:, with one mapping correction — crown land at Craigers Road corrected from LCZ to EMZ [04:07:57].

Characteristic	Gordon (LCZ bulk) — Outcome: LCZ retained	Kettering East & Oyster Cove — Outcome: Full RLZ
Ireneinc landscape value description	D'Entrecasteaux Channel coastal setting; bushland; southern end of ridgeline corridor (extending north through Middleton, Flowerpot, Birchs Bay, Woodbridge to Kettering)	Scenic landscape; coastal interface; bushland; dwellings integrated into natural setting — same Channel coastal language used throughout the Channel Region
Settlement characteristics found	Western parcels: rural activities (grazing, farming). LDRZ strip: small coastal residential. LCZ bulk: variable lot sizes	Yes — consistent rural living settlement throughout; lots 1–10 ha along Manuka Road
Lot sizes	Western Rural Zone: larger rural. LDRZ: small. LCZ bulk: variable	1–10 ha
SPA coverage	Likely significant coastal coverage	Partial
PVA / NAC overlay	Yes	Yes
Risk rating applied	Medium-high — LCZ	Medium — full RLZ
DP6 — codes manage landscape values?	Ireneinc did not reach this conclusion for the LCZ bulk — southern anchor of the bushland corridor cited	YES — codes and min lot size; full RLZ
Key differentiator cited	Southern anchor of the D'Entrecasteaux Channel bushland corridor; connection between channel coastal landscape and terrestrial bushland	Consistent settlement pattern; existing blocks already fully used; codes manage values
Mapping correction	Crown land at Craigers Road corrected from LCZ to EMZ at Day 2 [04:07:57] — Ireneinc confirmed the correction	—

Zone outcome for Gordon (LCZ bulk)	LCZ retained	⚠ INCONSISTENCY: The Gordon LCZ bulk is the southern anchor of the channel corridor argument used consistently from Woodbridge south. The same Kettering East inconsistency applies — coastal setting, bushland, scenic values, but different zone outcome. The mapping correction at Day 20 also shows the TPC will correct errors, including zone boundary errors, if raised.
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What this means for your submission: If your Gordon LCZ lot is not on the elevated coastal bushland interface (cleared, western-side rural, or developed), argue differentiation from the corridor value. The western Rural Zone was accepted because existing rural activities dominate — if your lot has rural character, use T2 and cite the Rural Zone precedent. For LDRZ coastal strip lots incorrectly remaining in LCZ, argue that LDRZ is the appropriate zone based on the coastal strip designation. Raise any mapping errors explicitly — the TPC corrected one on the day.