
From: emily lambrinakos <[REDACTED]>
Sent: Monday, 4 May 2026 7:16 PM
To: Kingborough LPS
Subject: TPC Submission - [REDACTED], Flowerpot A. E. Lambrinakos and P.J. Betts
Attachments: 2. Aerial Image [REDACTED].png; 3. Tasveg 5 Groups Flowerpot Image.png; STRLUS CV 4.1 No Community Consultation on Landscape Values.docx; 4. Proposed Area image.png; Attachment B.jpg; Attachment A.pdf; TPC Submission [REDACTED].pdf; land pic .jpeg

I am submitting against the re zoning of our land on behalf of myself and my husband.

Kind regards,
Angeliki Emily Lambrinakos

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

HOW TO USE THIS TEMPLATE

This template is structured in six parts. Work through each part in order:

- Parts A–B: Select your procedural opening (match your letter type) and complete your property details.
- Part C: Review and personalise the statement of position — delete the RLZ subcategory options that do not apply.
- Parts D–E: The arguments are pre-drafted. Work through each argument and insert the evidence specific to your property where indicated by amber boxes.
- Part F: Complete the conclusion and sign.
- Delete all amber instruction boxes and this 'How to Use' section before lodging.
- Lodge by email to tpc@planning.tas.gov.au quoting your property title reference.

[REDACTED]

To the Tasmanian Planning Commission,

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

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

Note Bene: Please do not consider this submission to be generic in nature as it contains new and specific evidence regarding both my property and errors that Ireneinc have prima facie made in determining that [REDACTED] Flowerpot was not a settlement when there is evidence that by definition [REDACTED] has at least 10 properties with established dwellings that are contiguous and have lot sizes between 1 – 15 ha.

I take up that opportunity and submit as follows.

[REDACTED]

Landowner name(s)	Angeliki Emily Lambrinakos and Peter James Betts
Property address	Flowerpot Tasmania 7163
Title reference (folio)	
Lot size (approx.)	2.71 ha
Locality	Flowerpot
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone (RLZ) — subcategory C or Rural Zone (RZ) whichever is the least restrictive.

We submit that the application of the Landscape Conservation Zone (LCZ) to our 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).

We respectfully request that the Commission determine that either the Rural Living Zone (Category C) or the Rural Zone (RZ) is the appropriate zoning for our property under the draft Kingborough LPS, whichever is the least restrictive consistent with planning objectives.

In particular, we seek consideration of:

- Rural Living Zone C, reflecting the existing lot pattern and settlement characteristics within the locality; or
- Rural Zone, if considered more appropriate.

The predominant lot sizes within Flowerpot are generally in the range of approximately 1–15 hectares, which is consistent with Rural Living Zone Categories A, B or C.

D1 — The LCZ does not comply with the Zone Guidelines (Guideline No. 1 / s.34 LUPAA)

The Commission is required by section 35L(2) of the Land Use Planning and Approvals Act 1993 (LUPAA) to assess whether the LPS meets the applicable LPS criteria, including compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that its decision will be made 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].

We submit that the application of LCZ to our property does not comply with the Zone Guidelines, for the reasons set out below.

D1.1 — The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

Zone Guideline LCZ 4(a) provides that the LCZ should not be applied to land where the priority is residential use and development, and instead directs consideration toward the Rural Living Zone. The Zone Guidelines further state that “the LCZ is not a large lot residential zone in areas characterised by native vegetation cover and other landscape values.”

Our property has been consistently used for residential purposes throughout the period in which it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During our ownership, the primary use and intended function of the land has always been, and remains, residential.

The dwelling, constructed in 2007, is a three-bedroom, two-bathroom family home of brick and steel construction with a total floor area of approximately 132 square metres. It includes underfloor storage, a wraparound deck to the front and sides, a double garage, and two separate driveway access points.

To support long-term residential use, the property is also serviced by two 22,000-litre water tanks, providing a reliable household water supply. It is connected to TasNetworks electricity infrastructure and has full telecommunications services.

In addition, the property includes formed paths and areas of modified terrain to improve internal access and usability, including for vehicles, children, and elderly residents.

Taken together, these improvements and infrastructure clearly demonstrate the established and ongoing residential use of our property.

D1.2 — The LCZ is not a replacement zone for the ELZ (Zone Guidelines note)

The Zone Guidelines expressly state that “the LCZ is not a replacement zone for the ELZ in interim planning. The TPC has also emphasised that there are key policy differences between the LCZ and other residential-oriented zones. In its post-lodgement correspondence with Council, the TPC observed that the LCZ “appears to have been used quite extensively to replace the ELZ” and that the “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 in relation to our property. The Ireneinc report applies the LCZ designation on the basis of generalised, locality-wide landscape values that are not clearly articulated, and does so without apparent reference to the specific characteristics of our title.

Furthermore, the Ireneinc Locality Report for Flowerpot does not identify any specific landscape values attributable to our property. Instead, landscape assessment has been undertaken at a broad locality scale, without meaningful consideration of the attributes of our individual property or those of immediately surrounding properties within our street.

D1.3 — The RLZ is the appropriate zone under the Zone Guidelines (RLZ 1 and RLZ 2(b))

Zone Guideline RLZ 1(a) provides that the RLZ should be applied to residential areas with larger lots where the existing and intended use is a mix between residential and lower order rural activities, with priority given to the protection of residential amenity. This description accurately characterises my property.

Zone Guideline RLZ 2(b) further provides that the RLZ may be applied to land within the ELZ in an interim planning scheme where the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied.

My property satisfies both elements of this criterion.

My property has an area of 8.315 ha. This is consistent with the RLZ C minimum lot size of 5 ha and does not provide for further subdivision under that subcategory.

D2 — The Ireneinc evaluation framework, applied correctly to my property, supports RLZ or RZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was advised at Day 20 of the hearing that this framework is not a statutory instrument, but a tool rather than a binding rule, and that departures from it are appropriate where supported by sound evidence [Kate Heckelmann, Transcript Day 20, 05:53:00].

However, we submit that even when the framework is applied as intended, our property satisfies the criteria for Rural Living Zone rather than Landscape Conservation Zone.

D2.1 — My property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway considers whether there is a strategic intention for residential use, with relevant indicators including evidence of existing residential use. Our property clearly satisfies this criterion.

The main dwelling was constructed in 2007 and is a three-bedroom, two-bathroom family home of brick and steel construction, with a total floor area of approximately 132 square metres. It includes underfloor storage and a wraparound deck extending along the front and sides of the home, providing multiple access points. A double garage provides vehicle accommodation, and a separate workshop is used for storing tools and equipment required for ongoing property maintenance. An enclosed vegetable growing area is also being developed beneath the deck to support household food production.

The property has two separate driveway access points: one serving the main dwelling and the other providing direct access to the garage. The immediate area surrounding the home is cleared and securely fenced for the containment of household pets, including a dog and birds.

To the rear of the dwelling, additional cleared land includes established pathways and a substantial chicken enclosure. This area has also been landscaped with native and complementary flowering plants to support local birdlife and pollinators, including native bees.

D2.2 — Our property has the characteristics of a rural living settlement

The Ireneinc framework identifies rural living settlement characteristics as including: at least ten smaller lots, generally ranging between 1 and 15 hectares, with a consistent lot pattern; a consistent pattern of detached dwellings with associated outbuildings; and clear visual evidence of rural-residential activities such as cleared land, hobby farming, grazing, and poultry keeping.

The Ireneinc report's own locality baseline confirms that the broader area in which our property is situated exhibits these characteristics.

Our property forms part of a cluster of more than ten contiguous properties along [REDACTED] with lot sizes ranging from approximately 1 hectare to 8.3 hectares, reflecting a consistent 1–15 hectare pattern. This settlement pattern has been established since the 1920s and remains clearly evident today. Neighbouring

properties contain detached dwellings supported by rural-residential uses, including hobby farming, grazing, and small-scale orchards.

Despite this, the IreneInc report contains significant errors in its assessment of [REDACTED] Flowerpot. In particular, it fails to recognise the existence of this established settlement pattern and incorrectly records “N/A” within its decision tree, despite more than ten contiguous residential properties clearly being present. On this basis, the report concludes that no settlement exists, which is demonstrably inconsistent with the observable and long-standing development pattern.

This mischaracterisation appears to stem from either an oversight or an error in judgement. In either case, it represents a material flaw in the application of the decision tree methodology and undermines the reliability of the LCZ allocation applied to this area.

D2.3 — The identified landscape values can be managed outside of LCZ

The IreneInc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of the Landscape Conservation Zone (LCZ), including through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission accepted this position in relation to Kettering West on Day 20, where the panel indicated that the Priority Vegetation Area (PVA) overlay performs the primary landscape protection function, rather than the zoning itself [Transcript, Day 20, 02:33:54].

However, a fundamental issue remains: neither IreneInc nor Kingborough Council has consistently or clearly articulated what constitutes “landscape values.” This lack of definition gives rise to inconsistency in the application of the LCZ. In the absence of clearly defined criteria, it appears arbitrary that some properties are identified as possessing landscape values warranting LCZ, while others—recommended for the Rural Zone—are not, despite often containing comparable or even denser vegetation.

This highlights an inherent inconsistency in LCZ attribution. Overlays and codes such as the NAC and PVA are designed to protect biodiversity and vegetation, yet they are being conflated with broader and less clearly defined “landscape values.” Within the IreneInc report, these values remain vague and subjectively applied. Notably, this subjectivity was acknowledged by the IreneInc delegate during Day 1 of the hearings.

Our property is located within a Scenic Protection Area (SPA) and is also subject to the NAC/PVA overlay. These controls already provide an appropriate and sufficient mechanism for managing any landscape or environmental values present, without the need to apply the more restrictive LCZ.

The property has a long-established history of residential use. Approximately half a hectare surrounding the dwelling has been cleared and landscaped with a mix of European and native trees, shrubs, and flowering plants. A further quarter hectare to the north of the dwelling is also cleared, while beyond this lies approximately one hectare of dense bushland, comprising eucalyptus species, pine, and various wattle varieties.

D2.4 — The RLZ subcategory provides for limited or no further subdivision

The IreneInc framework identifies as a key indicator of RLZ suitability that the transition “would result in limited/no further subdivision” and that “a similar minimum allowable lot size is being applied.” Applying Rural Living Zone C to our property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot pattern and does not create a viable pathway for further subdivision.

However, we submit that Rural Living Zone A or B may be more appropriate given that our property is less than 2 hectares, and therefore sits more naturally within the smaller lot size categories contemplated by those subzones.

D3 — The TPC panel's own statements support RLZ for properties like mine

The following exchanges from the Day 19 and Day 20 TPC hearings directly support the argument that the RLZ or RZ is more appropriate than the LCZ for my property. These statements were made by TPC Commissioners and are on the public record. I would like them applied.

D3.1 — The evaluation framework is not a statutory instrument

Kate Heckelmann (Ireneinc) conceded at Day 20 [05:53:00] that the evaluation framework is not a statutory instrument — it is a tool, not a rule. The Commission is not bound by its application in any individual case and must assess my property against the statutory criteria in section 34 of LUPAA and the Zone Guidelines.

D3.2 — Risk ratings are judgement calls, not defined thresholds

At Day 20, the low, medium and high risk ratings applied by Ireneinc to LCZ recommendations were described as judgment calls rather than outcomes based on defined thresholds. Ireneinc indicated that these ratings are intended as a rule of thumb only [Day 20 guide]. The Commission has not yet determined the weight to be given to them. Accordingly, where a medium or high risk rating has been applied to my locality, it should not be treated as determinative, but rather as a preliminary assessment capable of being tested against site-specific evidence.

The Ireneinc report assigns a medium to high risk rating to the transition of land in Flowerpot to RLZ. This is problematic, as Ireneinc was unable to clearly define the nature of the risk, either at a general level or as it relates specifically to my property. While the report appears to imply that the risk concerns vegetation and landscape values, those values are not clearly articulated or demonstrably applicable to my land. In these circumstances, I submit that the assigned rating does not accurately reflect the characteristics of my individual property.

D3.3 — Visible rural activity is not required for RLZ

The TPC Panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This approach was applied consistently across multiple localities, including Howden, Albion Heights and Kingston West [Day 20 guide]. Properties are not required to demonstrate active farming or grazing to meet the RLZ criteria; residential use within a rural setting is sufficient.

In our case, the property has been used for residential purposes since late 2007. Since that time, it has been further improved through the addition of a double garage, improved access to the site, and land shaping to support paths, a chicken enclosure, and a garden comprising both native and English plantings. These features are consistent with established residential use in a rural setting.

D3.4 — Comparison to accepted RLZ localities

The Ireneinc report recommended full ELZ-to-RLZ transitions for several localities, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were raised about these recommendations at the hearing, although this should not be taken as indicating acceptance by the Commission. The characteristics of those localities—established residential settlement, lot sizes generally between 1 and 15 hectares, a mix of residential and rural activities, and limited evidence of significant landscape values requiring LCZ protection—are also present in our property.

Our property in Flowerpot is directly comparable to properties in those localities where RLZ was recommended. Both areas share key characteristics, including lot sizes within the 1–15 hectare range, a clearly demonstrable settlement pattern (as shown in mapping and in Section B), and an absence of defined

and clearly articulated landscape values. In these circumstances, there is no principled basis for treating our property differently.

D4 — Consistency and fragmentation arguments

D4.1 — Fragmented LCZ application should be resolved in favour of the surrounding zone

The Ireneinc report identifies the avoidance of fragmented LCZ application as a key principle. It notes that where only two or three LCZ-zoned properties are surrounded by Rural Zone (RZ) or RLZ land, the zoning should be modified to resolve that fragmentation. In circumstances where my property sits within, or adjacent to, an area predominantly zoned RLZ or RZ, the application of LCZ creates precisely the type of spot zoning that the Ireneinc framework seeks to avoid.

Our property is situated among a series of established residential dwellings, both along the road frontage and on the properties opposite. The properties preceding mine are zoned Rural Zone under the draft LPS, while two neighbouring properties with established dwellings to the north and west—similar in character to my own—are proposed for LCZ.

We are applying LCZ to our property, together with these adjacent and opposite properties, would create a fragmented and isolated pocket of LCZ within an otherwise predominantly Rural Zone area. This does not reflect the on-the-ground reality, where the dwellings are in close proximity—approximately 50 metres apart—and form a cohesive residential pattern.

D4.2 — Inconsistency with adjoining or comparable properties

The Zone Guidelines require that the spatial application of zones be, as far as practicable, consistent and coordinated across the LPS. Where neighbouring properties with substantially similar characteristics have been recommended for the Rural Zone (RZ), the application of LCZ to our property is inconsistent and not supported by evidence of any material distinction, other than vegetation values that are already managed through applicable overlay controls, as noted earlier.

This inconsistency is further compounded by the apparent mischaracterisation of the [REDACTED] settlement in the Ireneinc report, which undermines the basis for distinguishing between RLZ and LCZ outcomes in this locality and should not weigh against an RLZ outcome.

The property at [REDACTED] is immediately adjacent to ours and shares a direct boundary, with its land extending around and beyond our property. Despite this close spatial relationship and shared settlement context, it has been recommended for Rural Zone. Our property is effectively embedded within the same contiguous land pattern, yet is proposed for a more restrictive zoning outcome.

This appears to reflect an oversight in relation to settlement character, land cover, and development history.

D5 — Council's approach has been historically inconsistent

The Ireneinc LCZ Review report highlights a clear evolution—and inconsistency—in the Council's approach to applying the LCZ to ELZ land. When the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC observed that this approach was often inconsistent with the Zone Guidelines, noting 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, this proportion had reduced to around 75%, with the remaining land transitioning to RLZ, RZ and other zones.

This progression indicates that the initial presumption in favour of LCZ was not well-founded, and that its application has been progressively refined as the underlying evidence has been tested. While the Ireneinc report represents a further step in that process, where the evidence specific to our property supports RLZ or RZ, the LCZ recommendation should not be maintained.

More broadly, this pattern suggests that the Council's methodology in recommending LCZ may have been influenced by a degree of confirmation bias. In some instances, this has resulted in established settlements being overlooked or discounted, and residential values not being adequately recognised under Criterion 1. This is evident in the assessment of our property and the [REDACTED] area more broadly.

D6 — Any landscape values present can be managed without LCZ

Where landscape values are present on or near our property, they can be effectively managed through the application of existing overlay controls, without the need to apply LCZ. The TPC Panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC often perform the necessary landscape protection function, thereby reducing or removing the justification for LCZ in many cases.

Ireneinc similarly recognised in the LCZ Review report that a future rural living settlement review may revisit current RLZ decisions, and that any short-term risk is “not something that’s definitive or incapable of being mitigated through future action” [Transcript, 03:06:18]. This acknowledgement of the capacity to manage residual risk further supports the suitability of RLZ or RZ zoning for our property, rather than LCZ.

Our property is already subject to multiple layers of planning control, including the SPA/PVA overlay and the NAC. It is also affected by several specific codes, including the Scenic Code, Waterways Code, Biodiversity Overlay, Landslip Code, and Protected Vegetation Code. Taken together, RLZ or RZ zoning, in combination with these overlay controls, provides a comprehensive framework to manage any identified landscape values within the locality, without the need to apply LCZ.

D7 — Inconsistency in the Ireneinc evaluation framework (Attachment A)

A formal inconsistency analysis has been prepared and is attached to this submission as Attachment A. The analysis compares the landscape value descriptions, settlement characteristics, lot sizes, SPA coverage, PVA/NAC overlay coverage, and risk ratings applied by Ireneinc to this locality with those applied to one or more comparable localities that received a more favourable zoning outcome, despite being assessed on the same or near-identical evidence.

The analysis is informed by the following key statements from the Day 20 TPC hearing:

- Commissioner Rohan Probert [01:07:48] identified that landscape descriptions for Tinderbox East and Howden are near-identical, yet resulted in different zoning outcomes, and asked Ireneinc to clarify the basis for that distinction. This principle is directly relevant to the inconsistency identified in Attachment A for this locality.
- Commissioner Dan Ford [02:33:54] elicited the concession that the PVA overlay performs the primary landscape protection function, rather than the zoning itself. This is directly applicable where the PVA overlay is present on my property.
- Kate Heckelmann (Ireneinc) [05:53:00] confirmed that the evaluation framework is a tool, not a statutory instrument, and that departures from it are appropriate where supported by sound evidence.

➡ Identify the specific comparison in Attachment A most relevant to your property.

As documented in Attachment A — Flowerpot section, the comparison with Kettering East and Oyster Cove shows that Ireneinc applied near-identical landscape value descriptions in both localities and erred in its settlement findings on the [REDACTED] Flowerpot locality yet recommended [LCZ] for Flowerpot including my property and RLZ for East Kettering and Oyster Cove.

We request that the Commission have regard to Attachment A in assessing this submission, and in particular to the comparison rows identified below (see “Specific landscape value statements by Ireneinc for your locality and how it relates to your property in comparison with Kettering East and Oyster Cove,” which were recommended for RLZ rather than LCZ).

These comparisons demonstrate that the Ireneinc recommendation for the Flowerpot—[REDACTED] locality is inconsistent with the outcomes produced by the same evaluation framework when applied to comparable localities elsewhere in the municipality.

— **Locality name** [REDACTED] Flowerpot.

— **Ireneinc recommendation for this locality**

The Ireneinc report recommends LCZ for the majority of Flowerpot, with RZ applied to [REDACTED] but LCZ to [REDACTED] despite them being in the same settlement.

— **Contextual TPC panel comments specific to your locality (from Day 20 hearing guide)**

- The TPC Panel Chair, Nick Heath, made a number of observations, while noting that more detailed questioning would occur at the individual hearing stage. The Panel acknowledged that this was the first of many localities to be considered, and that further scrutiny would follow. His key comments included the following:
- He noted that Flowerpot is a large and varied locality, presenting different challenges compared to smaller areas. He also highlighted that Ireneinc had recommended different zoning outcomes for the eastern and western parts of the locality, and indicated that the Panel would need to examine the justification for this differentiation in more detail.
- In reviewing aerial imagery, he observed that most lots appear to already contain dwellings, suggesting that the number of vacant lots with development potential may be limited. This, in turn, may reduce the strength of the risk-based justification for applying LCZ.
- He also raised questions regarding height provisions, particularly whether concerns about building height in the RLZ would apply not only to new development, but also to extensions or redevelopment of existing dwellings. Ireneinc responded that extensions and modifications to existing properties present the greatest potential risk, with elevation being a key factor in distinguishing between the eastern and western parts of the locality. At this point, the Chair pressed Ireneinc to clarify the nature of the potential landscape detriment between the two zones and to identify the specific harm that might arise, noting that this would likely remain an ongoing issue across multiple localities.
- Delegate Dan Ford further highlighted the difficulty of assessing landscape values where they are not clearly defined or conceptually articulated. The broader Panel acknowledged that these issues would remain open for closer examination as individual representations are considered.
- In conclusion, the Panel indicated that the east–west zoning distinction in Flowerpot will require careful scrutiny, and that the question of height-related risk warrants further examination. More broadly, the Panel accepted that these matters remain open and will need to be tested against site-specific, ground-level evidence, including residential history, land use, and the validity of the existing settlement pattern.

— **Specific landscape value statements by Ireneinc for your locality and how it relates to your property in comparison with Kettering East and Oyster Cove (that were recommended with RLZ rather than LCZ.)**

The Ireneinc report identifies the landscape value in [REDACTED] Flowerpot as: see below chart/diagram in direct comparison with Kettering East and Oyster Cove:

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
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.	

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.

We submit that the Flowerpot column above does not accurately reflect the characteristics of my property for the following reasons:

Landscape value description:

Kettering East and Oyster Cove exhibit the same ridgeline bushland characteristics as Flowerpot, and Flowerpot similarly includes a coastal interface with an identified settlement along Fleurty's Lane. The ridgeline connection described from Birchs Bay to Gordon is not unique to Flowerpot; rather, it extends continuously along the Channel region as part of the Herringbone Ridge. As such, the same level of manageability identified for Kettering East and Oyster Cove should, by definition, apply equally to Flowerpot, given the contiguous nature of these ridgeline areas. Comparable native vegetation is present across all these localities, indicating that similar scenic and landscape values apply.

Settlement characteristics:

The "cluster" referred to by Ireneinc in Flowerpot comprises at least 10 contiguous properties with well-established dwellings, generally within the 1–15 hectare range. This clearly demonstrates an established settlement pattern and satisfies the definition of a rural residential settlement.

Lot sizes:

While some properties in the comparator localities may be larger, the established Flowerpot settlement along [REDACTED] between 10 and 150 [REDACTED] — predominantly consists of lots ranging from 1 to 10 hectares. My property, at 8.315 hectares, falls squarely within this range and is directly comparable to properties in Kettering East and Oyster Cove.

Risk rating:

The "medium" risk rating applied to Kettering East and Oyster Cove, compared with the "medium-high" rating for Flowerpot, is, by Ireneinc's own admission, subjective and not clearly defined. It is unclear how this distinction is applied at a property-specific level. Given the similar ridgeline context and elevation, my property aligns more closely with a "medium" risk profile and is therefore comparable to the RLZ outcomes applied in those localities.

Application of planning controls (DP6 codes):

There is further inconsistency in Ireneinc's conclusions regarding the application of planning controls. My property is subject to the same codes and minimum lot size provisions as properties in Kettering East and Oyster Cove that were recommended for RLZ. This supports the conclusion that LCZ is not necessary to manage any identified values.

Key differentiators relied upon by Ireneinc:

Ireneinc identifies four key points of distinction:

1. The need to maintain the ridgeline;
2. A more consistent settlement pattern in Kettering East and Oyster Cove;
3. That existing blocks in those areas are already fully utilised; and
4. That risks can be managed through codes.

However, these distinctions are not supported when applied to my property and the [REDACTED] area. There is a well-established and longstanding settlement pattern along [REDACTED] of which my property forms part, with residential use dating back to the late 1890s. The area is already substantially developed and utilised, and the same planning controls are available to manage any residual risk. Accordingly, the differentiation drawn by Ireneinc is neither cogent nor justified.

Existing zoning context:

The Flowerpot-[REDACTED] area comprises 10 contiguous properties that collectively form a settlement. These properties are currently zoned Rural Resource or Environmental Living Zone under KIPS2015. Of these, seven properties—up to and including [REDACTED] are now recommended for Rural Zone. My property both adjoins and is in close proximity to [REDACTED] (recommended for Rural Zone), as well as [REDACTED] and [REDACTED].

Despite this, properties at [REDACTED] [REDACTED] are recommended for LCZ, resulting in a split zoning outcome within a single, contiguous settlement. This creates an arbitrary delineation that is difficult to justify, particularly when compared with the consistent RLZ outcomes applied in Kettering East and Oyster Cove. The division between [REDACTED] and [REDACTED] and between [REDACTED] and [REDACTED] is not a tenable or logically supported planning outcome.

[REDACTED]

For the reasons set out above, we submit that:

- The application of LCZ to my property is inconsistent with Zone Guideline No. 1 and does not satisfy the requirements of section 34 of LUPAA.
- LCZ is not supported under Zone Guideline LCZ 4(a) where, as in this case, the predominant and established use of the land is residential.
- The Rural Living Zone satisfies the relevant criteria under Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zoning outcome for my property.
- Any landscape values identified in the locality can be adequately managed through existing overlay controls, without the need to apply LCZ.
- An error has occurred in the Ireneinc Report regarding the [REDACTED] Flowerpot locality, insofar as there are clearly 10 properties with well-established dwellings on lots between 1–15 hectares that collectively constitute a rural settlement. This has implications for the subsequent decision-making pathway used to determine the LCZ recommendation for this property.
- Attachment A is highly relevant to my property, and demonstrates why [REDACTED] Flowerpot, should not be included within LCZ.

Accordingly, we respectfully request that the Commission:

- Determine that the draft Kingborough LPS be modified to include my property within either the Rural Living Zone (Category C) or the Rural Zone, whichever is the least restrictive appropriate outcome; and
- If the Commission is minded to consider any alternative outcome, that I be provided with an opportunity to respond prior to any final determination being made.

We further request that folio Register [redacted] relating to [redacted] Flowerpot, Tasmania 7163, be included within either the Rural Living Zone (Category C) or Rural Zone, as appropriate, and not within LCZ, in the Kingborough Local Provisions Schedule.

S [redacted] [redacted]	Date: 02/05/2026
Full name: Angelliki Emily Lambrinakos and Peter James Betts	Contact email / phone: [redacted] [redacted]

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



Acronym/Term	Meaning
ELZ	Environmental Living Zone
Ireneinc report	Review of the LCZ Kingborough (Review of the Methodology and Zone Application and Locality Baseline and Alternative Zone Evaluation)
LCZ	Landscape Conservation Zone
LPS	Draft Kingborough Local Provisions Schedule
LUPAA	Land Use Planning and Approvals Act 1993
NAC	Natural Assets Code
PVA	Priority Vegetation Area
RLZ	Rural Living Zone
SAP	Specific Area Plan
SPA	Scenic Protection Area
SPC	Scenic Protection Code
STRLUS	Southern Tasmania Regional Land Use Strategy
TPC	Tasmanian Planning Commission
Zone Guidelines	Guideline No. 1 — Local Provisions Schedule: Zone and Code Application

ATTACHMENT A

Inconsistency Analysis — Ireneinc Zone Evaluation

⚠ DEADLINE: Submissions must be lodged by midnight Monday 4 May 2026. Complete, sign and attach this cover note as the first page of Attachment A to your submission. Delete all amber instruction boxes before attaching.

IMPORTANT DISCLAIMER: This analysis has been prepared to support a written submission to the Tasmanian Planning Commission. It represents a personal analysis of publicly available Ireneinc reports and hearing records and is NOT professional planning advice. All references to Ireneinc locality reports and hearing transcripts should be verified against the primary source documents before being relied upon. The primary documents — Ireneinc Locality Baselineing and Alternative Zone Evaluation, the Ireneinc LCZ Review and Findings Report, and the Day 20 TPC hearing transcript — are publicly available on the Commission's website and Kingborough Council's website.

PART 1 — SUBMISSION IDENTIFICATION

Submission reference	Angeliki Emily Lambrinakos / Peter James Betts — [REDACTED] [REDACTED] Flowerpot Tasmania 7163 — <i>Direction 69</i>
Property title reference	[REDACTED]
Locality	Flowerpot ...
Submission template used	Contest LCZ seek RLZ or RZ
Date of attachment preparation	01/05/2026

PART 2 — PURPOSE OF THIS ATTACHMENT

This attachment has been prepared to support the written submission identified above. It provides comparative analysis of the Ireneinc zone evaluation framework as applied to the landowner's locality, compared against one or more similar localities that received a different — and more favourable — zone outcome using the same or very similar evidence.

The purpose is to demonstrate to the Commission that the Ireneinc recommendation for this locality is inconsistent with the outcome produced by the same evaluation framework applied elsewhere in the municipality, and that there is no clear reason to treat this locality differently from the similar localities identified.

This attachment should be read alongside the written submission, in particular the arguments set out in Part D (D7 — Inconsistency in the Ireneinc evaluation framework) and Part E (Locality-Specific Context) of that submission.

PART 3 — HEARING EVIDENCE SUPPORTING THIS ANALYSIS

The following statements from the Day 19 and Day 20 TPC hearings directly support the use of a comparative inconsistency analysis as evidence in a submission:

Speaker and timestamp	Statement and relevance
Delegate Rohan Probert [01:07:48]	Comparing Tinderbox East (LCZ) with Howden (RLZ): 'They are very similar if you only look at the description of the landscape values... one we say they can be managed and the other one we say they can't be managed. What we really need to say is the difference between those two.' This statement acknowledges that the Ireneinc framework produced inconsistent outcomes from very similar evidence, and that the difference between localities needs to be clearly explained. This analysis does exactly that for this locality.
Delegate Dan Ford [02:33:54]	At Kettering West: effectively forced the concession that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone. This is directly relevant where PVA applies to the subject property and LCZ has been recommended — the same logic that produced RLZ at Kettering West Groombridges applies.
Kate Heckelmann (Ireneinc) [05:53:00]	Conceded that the evaluation framework is a tool, not a legal requirement. Submissions can move away from it if supported by good evidence. This confirms that identifying inconsistencies in the framework's application — as this analysis does — is a legitimate basis for a submission.
Chair Nick Heath [06:45:48]	Confirmed that the Commission will decide on the basis of section 34 LUPAA criteria (Zone Guidelines and LPS criteria), not on the basis of Council's position or the Ireneinc framework alone. The Zone Guidelines require consistent application of zone criteria — inconsistency of the kind documented in this attachment is therefore directly relevant to the Commission's assessment under the law.

PART 4 — PROPERTY-SPECIFIC DIFFERENTIATION

Within this submission:

- inconsistencies have been identified at the Flowerpot locality level in section D6; and
- detailed evidence as it relates this individual property is provided in D1.1.

In summary, the characteristics of this property are consistent with similar localities that received RLZ (such as Kettering East) and are not consistent with the reasons cited by Ireneinc for LCZ retention.

PART 5 — VERIFICATION AND PRIMARY SOURCES

All comparisons in this attachment can be verified against the following primary source documents, which are publicly available:

- Ireneinc Locality Baselineing and Alternative Zone Evaluation (available on the TPC website)
- Ireneinc LCZ Review and Findings Report (available on the TPC website)
- TPC Day 20 hearing recording — Kingborough Council YouTube channel (available until midnight 19 June 2026)
- Section 8A Guideline No. 1 — LPS Zone and Code Application (available on the TPC website)

PART 7 — DECLARATION

I confirm that:

1. This attachment has been prepared to support a formal written submission to the Tasmanian Planning Commission in relation to the Kingborough Local Provisions Schedule (Direction 69).
2. The comparisons contained in this attachment are based on publicly available Ireneinc reports and TPC hearing records, and I have made reasonable efforts to ensure accuracy.
3. I am the owner or authorised representative of the property identified in Part 1 above.

Signature: [Redacted] <i>Angeliki Emily Lambanakis</i> Full name:	Date: [Redacted] 2/05/2026 Contact email / phone: [Redacted]
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LODGE MENT: Email your completed submission and Attachment A to tpc@planning.tas.gov.au with the subject line: 'Submission — Kingborough LPS Direction 69 — [your property address]'. The deadline is midnight Monday 4 May 2026. Attach only the locality section of the Inconsistency Analysis that is relevant to your property — not all 20 sections.

STRLUS CV 4.1: No Community Consultation on Landscape Values

Council and Ireneinc 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 on landscape significance criteria has been conducted in Kingborough.

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 Access Concerns

A material consequence of the proposed LCZ application 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.

1. Kate Heckleman — codes can manage landscape values (Day 19 - 02:21:26)

During the Irene Inc expert's evidence in chief, the following was said about the role of the Natural Assets Code and Scenic Protection Code:

"the scenic protection area code, the natural assets code, could also be mechanisms to appropriately manage those values"

The expert then criticised Council's approach, saying it had made a "pretty global determination of limitations of the application of the rural living zone" that had "ruled out the ability of scheme provisions to consider how scheme provisions might appropriately manage landscape values."

2. Kate Heckleman — Natural Assets Code provides controls not dissimilar to LCZ (Day 19 - 02:25:21)

The expert made a direct comparison between the Natural Assets Code and LCZ vegetation protections:

"the natural assets code in considering native vegetation has limited the ability to contribute to appropriately managing landscape values where the site is not mapped by the overlay — so in a practical sense most of Kingborough at this point in time is mapped where there is priority vegetation within the priority vegetation mapping, and the standards of that code of the natural assets code would provide controls that are not dissimilar to some of the landscape protection controls which are available in the landscape conservation provisions and also in the environmental living provisions as they relate to minimising the removal of vegetation"

The expert qualified this by saying the provisions are "not exactly like for like between the two schemes" but concluded that the Natural Assets Code's extent of coverage is "a scheme-wide issue as opposed to something that would stop you necessarily from assigning a particular zone."

3. Panel question — direct challenge on the role of codes (Day 19 - 05:40:02)

This is the most significant exchange. A panel member asked directly:

"What I'm trying to understand is if you've got a land, a zone that might be rural living and you've got a natural asset code sitting on top of that, I can't think of a single use that would require the trees removed. It's the development that would require trees to be removed and then you've got a trigger in which to assess that development against the appropriateness of removing those trees. So why do we care? Why do we care what the underlying zone is if we're protecting the trees which are managed by a code? I'm just trying to understand the connection between an established identified landscape value which we're going to work through — that's not a tree because the trees are covered — and what use could compromise it?"

The expert's response agreed in substance: "I probably agree with you in terms of that it's not so much... there probably are some exceptions where there is the provision of uses that might be considered... but again that likelihood of those things happening on the land that we're talking about in terms of the environmental living zone land is again probably quite limited in its ability to significantly restrict the management of the appropriate management of the landscape values."

4. Panel clarification — LCZ purpose is not to protect vegetation (Day 19 - 05:44:19)

A second panel member then made a sharp distinction:

"the application of the landscape conservation zone is not to protect the vegetation — that's the natural asset code's job. The landscape conservation zone is to protect our landscape values so whilst there is some very strong similarities between the two that we do have to try to compartmentalise those differences."

This is a critical passage — a panel member explicitly stated on the record that LCZ's purpose is not vegetation protection, that is the Natural Assets Code's function. This directly supports the argument that LCZ is not the necessary mechanism for managing the natural values the submissions are concerned with.

5. Panel question — coastal bushland values and codes (Day 20 - 00:35:14)

Earlier in proceedings a panel member asked:

"the established or recognised landscape values that we've got in here relate to bushland on coastal areas and significant biodiversity — specifically why can't the codes manage that? Doesn't matter what development you put on there, it's still going to be on the coast and the bushland components presumably will be managed by the natural asset code on the face of it. What cannot be managed through those codes for the eastern side of the peninsula specifically?"

The expert's answer focused on building height under the RLZ as a risk where the Scenic Protection Area overlay was not yet mapped, and acknowledged that priority vegetation is "the mechanism that's provided in the scheme to be able to regulate the clearing."

6. Panel exchange — vegetation removal risk under RLZ (Day 20 - 02:31:29)

During cross-examination a panel member pressed directly:

"if you're saying that the risk is associated with the removal of vegetation, but that removal of vegetation is going to be subject to the provisions of the Natural Assets Code presumably, what is the risk?"

The expert's response shifted away from vegetation to uses — visitor accommodation, fuel sales — as the concern, and acknowledged "while there are mechanisms in the scheme to address it..." before trailing off. The panel member followed up by asking what specific uses were the concern, given existing residential occupation.

Evaluation

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

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

LOCATION

Flowerpot Tasmania 7163

ent

seek RLZ or RZ

ATTACHMENT

rs of [REDACTED], Flowerpot, submit this statement in from Landscape Conservation back to Rural Living.

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

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

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

PART 3 — COMPARATIVE SETTLEMENT AREAS

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

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

PART 4 — RESEDENTS

Residents of [REDACTED] Flowerpot

Names of residents	Address	Signature of one household member
⇒ Name of all persons residing	⇒ Full Address	
Rachel Clohessy Ryan Clohessy Henry Clohessy Macsen Clohessy	[REDACTED] TAS 7163	[REDACTED]
DAVID BUCHANAN CHRISTINA BIRLEY-SCHADEL ASTRID BIRLEY LOTTE BIRLEY	[REDACTED] FLOWER POT TAS 7163	[REDACTED]
Angeliki Emily hemannikas Rier Betis Narissa Betis	[REDACTED] flowerpot Tas 7163	[REDACTED]
Beryl Tasharofi Frank Rangelosi	[REDACTED] Flowerpot 7163	[REDACTED]
Peta Annear Toby Annear Louis Annear Joe Annear	[REDACTED] FlowerPot 7163	[REDACTED]
Evan Brightman Lorri Brightman Jade Brightman Talia Brightman	[REDACTED] Flowerpot 7163	[REDACTED]
Nicola Hughes Andrew Hughes Hope Hughes Wilfrid Hughes Jean Hughes	[REDACTED] Flowerpot 7163	[REDACTED]

Diane + Skel Summers	[REDACTED] Flowerpot Tas
Tim	[REDACTED] flowerpot.
⇒ A	
dd further rows as needed	

PART 5 — DECLARATION

I confirm that:

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2. The comparisons contained in this attachment are based on p TPC hearing records, and I have made reasonable efforts to c
3. I am the owner or authorised representative of the property id

Signed: Organised by [REDACTED]

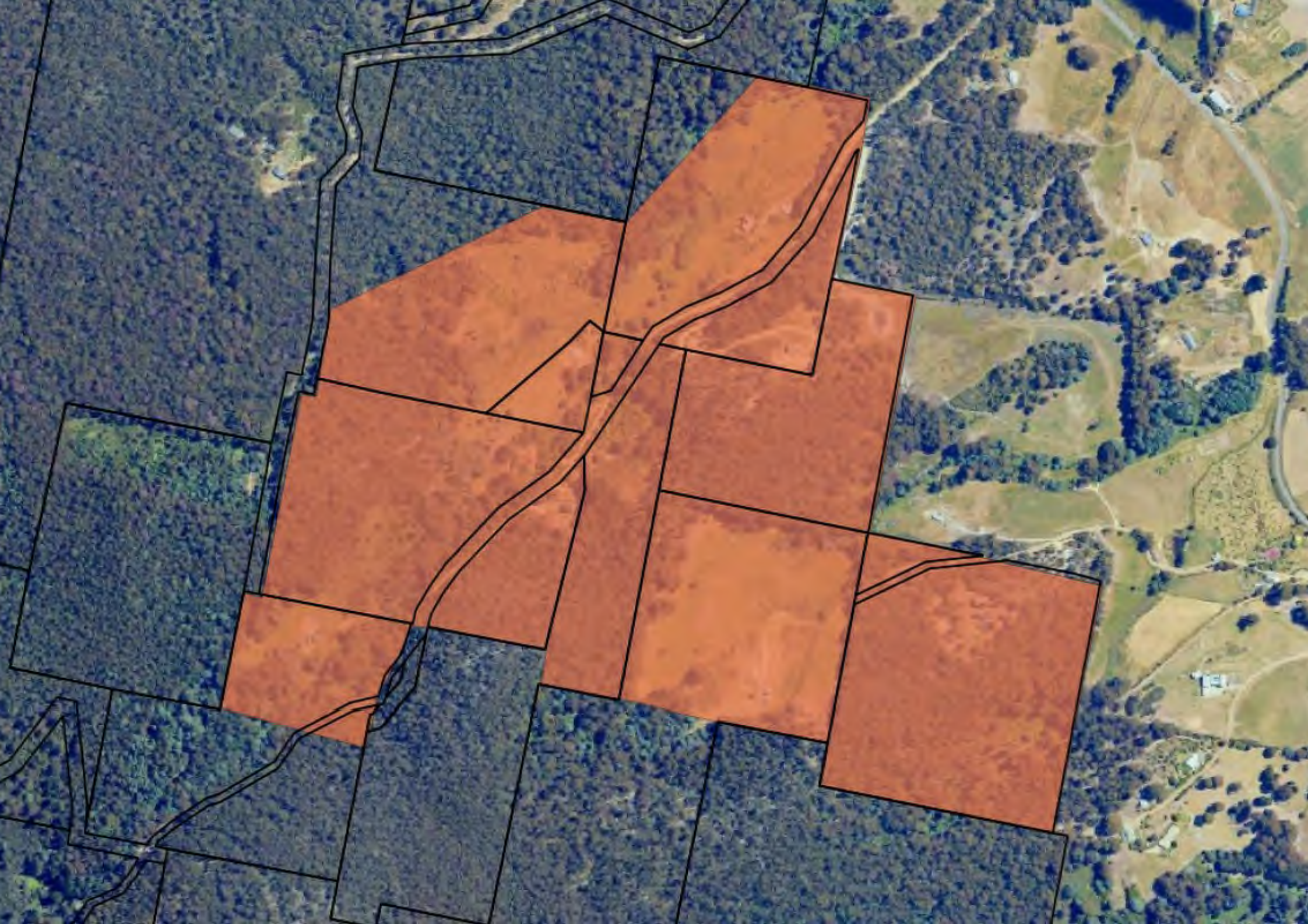
Date:

Full [REDACTED] A.C. Kingborough

Contact email [REDACTED]

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





- hland treeless vegetation
- modified land
- corland sedgeland and rushland
- native grassland
- Non eucalypt forest and woodland
- Other natural environments
- Rainforest and related scrub
- Saltmarsh and wetland
- Scrub heathland and coastal complexes
- Wet eucalypt forest and woodland

