
From: Peter Yates <[REDACTED]>
Sent: Sunday, 3 May 2026 1:21 PM
To: Kingborough LPS
Cc: sue Yates
Subject: Submission — Kingborough LPS Direction 69 — [REDACTED]
Attachments: Submission [REDACTED] - Yates 3 May 2026.pdf

Dear Tasmanian Planning Commission

We Peter James Yates and Suzanne Maree Yates (nee Kay) as the owners of the property at [REDACTED]
[REDACTED], Tinderbox, TAS 7054 (Title reference [REDACTED]) wish to submit the attached written submission in
relation to the recommendations made in the Ireneinc report.

Yours sincerely,

Peter and Sue Yates

WRITTEN SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

PART A — PROCEDURAL OPENING

To the Tasmanian Planning Commission,

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

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

I take up that opportunity and submit as follows.

PART B — PROPERTY DETAILS

Landowner name(s)	Peter James Yates and Suzanne Maree Yates (nee Kay)
Property address	[REDACTED], Tinderbox, TAS 7054
Title reference (folio)	[REDACTED]
Lot size (approx.)	2.514 ha
Locality	Tinderbox
Current IPS zone	Environmental Living Zone (ELZ)
Draft LPS exhibited zone	Landscape Conservation Zone (LCZ)
Ireneinc recommended zone	Landscape Conservation Zone (LCZ) — unchanged
Zone sought in this submission	Rural Living Zone (RLZ) — B

PART C — STATEMENT OF POSITION

I submit that the application of the Landscape Conservation Zone (LCZ) to my property is not consistent with the requirements of section 34 of the Land Use Planning and Approvals Act 1993 (LUPAA), the Section 8A Guideline No. 1 — Local Provisions Schedule: Zone and Code Application (the Zone Guidelines), or the Southern Tasmania Regional Land Use Strategy (STRLUS).

I request that the Commission determine that the Rural Living Zone (RLZ) is the appropriate zone for my property under the draft Kingborough LPS.

The specific subcategory I seek is:

- Rural Living Zone B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

The predominant lot size surrounding my property is approximately 2.5 ha, consistent with RLZ B

PART D — GROUNDS FOR THIS SUBMISSION

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

The Commission is required by section 35L(2) of LUPAA to assess whether the LPS meets the LPS criteria, which includes compliance with the Zone Guidelines. The Commission confirmed at the Day 20 hearing that it will decide on the basis of the LPS criteria set out in section 34 of LUPAA and explicitly noted that Council's position — including its 16 March 2026 resolution favouring the 'least restrictive alternative' — is not binding on the Commission [Transcript, Day 20, 06:45:48]. I submit that the application of LCZ to my property does not comply with the Zone Guidelines as demonstrated below.

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

Zone Guideline LCZ 4(a) provides that the LCZ should NOT be applied to land where the priority is for residential use and development, instead indicating that the RLZ should be referred to. The Zone Guidelines further note explicitly that 'the LCZ is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values.'

We purchased our property in 1997, at which time it was zoned Rural Residential under the Kingborough Planning Scheme 1988. The house on the property had been built in the early 1980's. Since then the property has been used for residential purposes including throughout the period that it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During my tenure, the primary use and strategic intention of the land is and has always been residential and we have gradually renovated and extended the house, built a large shed, and landscaped the surrounds to provide a comfortable living environment.

In its early history, about half of our property had been cleared (probably for grazing) and the remainder is native bushland. Today, there is no evidence to suggest the primary use is other than residential.

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

The Zone Guidelines state expressly: 'The LCZ is not a replacement zone for the ELZ in interim planning schemes. There are key policy differences between the two zones.' The TPC itself noted this in its post-lodgement correspondence with Council, observing that the LCZ 'appears to have been used quite extensively to replace the ELZ' and that 'application of the LCZ could signify a shift in council policy or strategy, which generally ought to be comprehensively justified.'

No such comprehensive, site-specific justification has been provided for my property. The Ireneinc report applies the LCZ to my property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my title. The public hearings clarified that the report was 'done as a desk-top study' with very limited ground truthing carried out.

Further to this, Council and Ireneinc rely on policies in the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) to justify applying LCZ to ELZ land, in preference to RLZ. However STRLUS policy CV4.1 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. No independent community consultation on landscape significance criteria has been conducted in Kingborough.

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. In the public hearing of the report, the panel accepted that a bush-nestled detached-dwelling pattern can support RLZ even without paddocks or sheds.

My property satisfies both elements of this criterion. It has an area of 2.5 ha which is consistent with the RLZ B minimum lot size of 2 ha and does not provide for further subdivision under that subcategory. My property is partially cleared and has a large shed on it, and a primary use and intention that is residential.

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

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00].

No specific landscape values have been identified by the report for my property, and the generalised ones can be managed by either the SPA or PVA overlays. I submit that applying the framework as intended, my property satisfies the criteria for RLZ rather than LCZ.

D2.1 — My property has a strategic residential intention

The first decision point in the Ireneinc evaluation pathway asks whether there is a strategic intention for residential use. The report identifies visual evidence of existing residential use and known strategic intention as the relevant indicators.

My property contains an established dwelling, associated outbuildings including a large garage/shed, vegetable gardens, landscaped areas, cleared areas, all protected by fencing.

My property clearly satisfies this criterion.

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

My property is situated within a cluster of >40 properties along [REDACTED], each with lot sizes ranging from approximately 2 ha to 5 ha. The settlement pattern is consistent and has been established since before 2000 with an early subdivision adjacent to us occurring in 1968. Neighbouring properties contain detached dwellings, some with associated rural activities including hobby farming, sheep grazing, orchards, etc. and some are just residential in a peaceful rural setting.

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

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

The Ireneinc evaluation framework requires consideration of whether identified landscape values can be appropriately managed outside of LCZ, specifically through the Natural Assets Code (NAC), the Scenic Protection Code (SPC), or a Specific Area Plan (SAP). The Commission itself accepted this argument in relation to Kettering West at Day 20, where the panel effectively found that the Priority Vegetation Area (PVA) overlay does the landscape-protection work, not the zone [Transcript, Day 20, 02:33:54].

My property has about half the area cleared and developed, while the remainder has been kept as open native bushland. It is not within a Scenic Protection Area (SPA) as it lies below the 100m contour that defines the SPA on Tinderbox East. It is subject to the NAC / PVA overlay. These overlay controls provide adequate management of any landscape values present, without the need for the more restrictive LCZ.'

The landscape values identified in the Ireneinc locality baseline predominately relate to the parts of Tinderbox Hills above 100m and covered by the existing SPA.

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

The Ireneinc framework identifies as a key RLZ suitability indicator that the transition 'would result in limited/no further subdivision' and that 'a similar minimum allowable lot size is being applied.' Applying RLZ B to my 2.5 ha 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.

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

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

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

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

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

The use of Risk ratings in the Ireneinc Report is probably one of the weakest areas of the report, as it appears that it has not used the current Australian risk management standard - AS/NZS ISO 31000:2018 (Risk management — Guidelines). This Australian Standard provides principles, a framework, and processes for managing risk across any organization or project. It is designed to be tailored to specific needs and ensures a systematic approach to identifying, analyzing, evaluating, and treating risks to create and protect value. Consistently implemented, it allows risks to be identified, analysed, evaluated and managed in a uniform and focused manner.

This has clearly not been the case with this report, as identified on Day 20, the low/medium/high risk ratings applied by Ireneinc to LCZ recommendations were described as judgement calls, not defined thresholds. In fact Ireneinc's position was that these ratings are a rule of thumb only [Day 20 guide]. It appears that after identifying risk using a judgement call, no further analyzing, evaluating, and treating risks has been carried out to minimise a risk and protect the required value.

The Ireneinc report on page 193 tries to use their 'judgement calls' and 'rule of thumb' risks as the only difference for applying RLZ to Tinderbox West and LCZ to Tinderbox East. There are many issues with how they have arrived at this decision and should be dismissed.

1. The opening statement in this section goes against their final statement:
"Considering the existing extent and prominence of development within this area outside the Scenic Protection Area and the increased height of development provided for by the RLZ (compared with the LCZ) there would be the potential for increased height associated with extensions or new builds to become more visible within the locality and given the landscape values present, would not be totally incompatible with existing area."
2. They state several times that most of the area is already developed:
"Most of the parcels with identified rural living characteristics that are outside of the Scenic Protection Area have existing residential or rural activities occurring."

and again further down:

“Considering these mechanisms and as most of the lots within this area are already effectively developed to the capacity provided for within the RLZ,”

But then they state:

However given the volume of parcels on the peninsula, there is a higher chance that extensions and re-builds could result in development which does become more visibly prominent than currently exists.

Where did this statement come from ? Higher chance than what? Nothing has been defined or justified for making this statement. They have already stated that most of the area is already developed.

3. They then try to make the case that there is a medium to high risk that development does become more visible along the areas of the eastern coastlines and less likely on the western side areas that are less elevated. There is no justification or analysis as to how they determined a medium to high risk and there is no evidence presented for elevations and how this affects visibility of structures.
4. Then they finalise with two contradictory statements and no explanation or justification:
 1. *the likelihood of risk occurring is medium and could be lessened in the future through the application of and controls associated with the scenic protection area.*
So controls can be applied.
 2. But then the risk is elevated to now become high on the eastern side,
Given the evident rural living settlement pattern and surrounding rural living zoned land which has similar characteristics to much of the locality and the other controls in place within this area the risk of applying the RLZ is considered medium on the western side of the peninsula and high on the eastern side.
How can they make this statement with no evidence presented and analysis carried out, which arrives at this conclusion?

I can only state again that the whole treatment of risk in this section of the report should be dismissed as it:

- does NOT follow the Australian standard
- is not evidence based
- is not consistently applied and
- contradicts itself several times.

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

The TPC panel confirmed at Day 20 that visible rural activity is not a prerequisite for RLZ. This was applied consistently across multiple localities including Howden, Albion Heights, and Kingston West [Day 20 guide]. Properties need not demonstrate active farming or grazing to satisfy the RLZ criteria — residential use in a rural setting is sufficient. This should have been applied to Tinderbox East.

D3.4 — Analogy to accepted RLZ localities

The Ireneinc report recommended full ELZ to RLZ transitions for a number of localities, including Kettering East and Oyster Cove, Howden and Blackmans Bay, Albion Heights, and Tinderbox West. No questions were asked about these recommendations at the hearing, though this does not indicate acceptance by the Commission. The characteristics of those localities — established residential settlement, lots generally between 1 and 15 ha, mixed residential and rural activities, limited evidence of significant landscape values requiring LCZ protection — are shared by my property.

My property in Tinderbox East is directly comparable to properties in Tinderbox West and Howden and Blackmans Bay, where RLZ was recommended. Both areas share the following characteristics: similar lot sizes, settlement pattern, and absence of significant landscape values. The Ireneinc report for the Tinderbox Peninsular (West and East) specifically said that the extent of the area with the identified landscape values was the portion of the locality where there are no residential uses identified, and is the portion of land which is predominantly intended to be transitioned to EMZ. This area is also predominantly covered by the existing SPA, while the residential areas are on the lower slopes of the Tinderbox peninsula and covered by the existing PVA.

There is no clear basis for treating my property located in Tinderbox East, differently from properties in Tinderbox West.

D4 — 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. This is starkly evident in the above sections of how Ireneinc have applied their very poor form of risk assessment to Tinderbox East and West.

D5 — Council's approach has been historically inconsistent

The Ireneinc LCZ Review report documents a significant evolution — and inconsistency — in Council's approach to the application of the LCZ to ELZ land. At the time the draft LPS was first submitted to the TPC in 2020, approximately 85% of ELZ parcels were proposed for LCZ. The TPC noted that this approach was often inconsistent with the Zone Guidelines and that 'often when assessing particular sites the zone proposed does not seem to match these criteria or those of Guideline No.1.' By the time of public exhibition the proportion had been reduced to approximately 75%, with the balance transitioning to RLZ, RZ, and other zones.

This history demonstrates that the initial presumption in favour of LCZ was not well-founded and that the LCZ application has been progressively narrowed as the evidence base has been tested. The Ireneinc report represents a further iteration of this process, and as demonstrated in the above sections, the evidence specific to my property supports RLZ, so LCZ recommendation should not be allowed to stand.

D6 — Any landscape values present can be managed without LCZ

Where landscape values are present on or near my property, I submit that they can be appropriately managed through the application of the relevant overlay controls, without the need for LCZ. The TPC panel acknowledged on Day 20 [02:33:54] that the PVA overlay and SPC do the landscape-protection work in many cases, removing the justification for LCZ in those areas.

Ireneinc itself acknowledged in the LCZ Review report that a future rural living settlement review may reconsider current RLZ decisions, and that any short-term risk is 'not something that's a definitive or a risk that can't be mitigated with future action' [Transcript, 03:06:18]. This acknowledgement of residual risk mitigation further supports the appropriateness of RLZ rather than LCZ for my property.

My property is within the PVA overlay and the SPA comes to the boundary. The combined effect of RLZ zoning and these overlay controls is sufficient to manage any landscape values identified in the locality baseline without resort to LCZ.

D7 — Relevant Comments from the Hearings on the Inconsistency in the Ireneinc evaluation framework

The following comments made by TPC delegates at the Kingborough Day 20 hearings on 14-15 April 2026 are directly relevant to my neighbourhood and the arguments made in this submission

- Commissioner Rohan Probert [01:07:48]: Directly identified that landscape descriptions for Tinderbox East and Howden are near-identical yet produced opposite zone outcomes, asking Ireneinc to identify the actual difference between those two.
- Commissioner Dan Ford [02:33:54]: Forced the concession that the PVA overlay does the landscape-protection work, not the zone. This principle applies where PVA overlay is present on my property.
- Kate Heckelmann (Ireneinc) [05:53:00]: The evaluation framework is a tool, not a statutory instrument. Submissions can depart from it with good evidence.

I request that the Commission have regard to these comments which demonstrate that the Ireneinc recommendation for the Tinderbox East locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable localities elsewhere in the municipality.

PART F — CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, I submit that:

1. The application of the LCZ to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA.
2. The LCZ is prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
3. The Rural Living Zone satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b) and is the appropriate zone for my property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

I respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include my property within the Rural Living Zone B rather than the Landscape Conservation Zone (LCZ) currently proposed for my property;
- Have regard to the shared characteristics and shared arguments set out in the collective submission - Tinderbox Road East Neighbourhood - when assessing this submission.
- Organise any hearing for my locality so that our group can present collectively as well as individually, as Chair Heath invited at the Day 20 Kingborough LPS hearing [06:55:53].
- If the Commission proposes any alternative outcome, that I be provided with an opportunity to respond before any final determination is made.

I request that the folio of the Register [REDACTED] at [REDACTED], Tinderbox, TAS 7054, be included within the Rural Living Zone B in the Kingborough Local Provisions Schedule.

Signed: [REDACTED]	Date:
_____	3 May 2026
Full name: Peter James Yates	Contact email: [REDACTED]

PART G — ACRONYMS / TERMS USED IN THIS SUBMISSION

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