From: Allan Penny <[redacted]>
Sent: Friday, 1 May 2026 2:49 PM
To: Kingborough LPS
Subject: Submission — Kingborough LPS Direction 69 — [redacted], Snug
Attachments: Contest_LCZ_Seek_RLZ Submission.pdf; Snug Tiers Settlement by lot - map a.pdf; Snug Tiers Living Intent - map b-1.pdf

To the Tasmanian Planning Commission,

We write in response to the letter dated 2 April 2026 (ref: DOC/26/36829) advising that the Ireneinc report recommends our property (title reference 161883/1) remains within the Landscape Conservation Zone (LCZ) under the draft Kingborough Local Provisions Schedule (LPS).

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

Please see the attached submission form.

Kind regards,
Allan and Maree Penny

To the Tasmanian Planning Commission,

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

We did not make a formal representation during the public exhibition period as we had received no response to the Landowner Statement and Consent Form we sent to you and were not aware of the public exhibition period.

However, we understand that this letter provides us the opportunity to formally participate in this stage of the LPS process by making a written submission. we understand that making a submission does not confer a right to be heard, but that the Commission may decide to invite us to discuss the matters raised.

We take up that opportunity and submit as follows.

Landowner name(s)	Allan and Maree Penny
Property address	[redacted] Snug
Title reference (folio)	[redacted]
Lot size (approx.)	8ha
Locality	Snug
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) C

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

The specific subcategory we seek is:

- Rural Living Zone C (minimum lot size 5 ha) — reflecting the existing lot pattern in our locality

Whilst we agree that Tasmania's landscapes should be protected, we believe it can be done best through RLZ as it has been done historically through ELZ and Rural Residential zonings. Rezoning to LCZ would harm our continuous use of the land as allowed when purchased.

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]. we submit that the application of LCZ to our property does not comply with the Zone Guidelines as demonstrated below.

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.'

Our property has been used for residential purposes throughout the period it has been zoned Environmental Living Zone (ELZ) under the Kingborough Interim Planning Scheme 2015. During our tenure, the primary use and strategic intention of the land is and has always been residential.

The property contains a dwelling constructed in1996, has been continuously occupied as a residence. There is no evidence to suggest the primary use is other than residential.

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 our property. The Ireneinc report applies the LCZ to our property on the basis of generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to our title.

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 our 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. our property satisfies both elements of this criterion.

Our property has an area of 8ha. This is consistent with the RLZ C minimum lot size of 5 ha and does not provide for further subdivision under that subcategory.

The Ireneinc evaluation framework, applied correctly to our property, supports RLZ

The Ireneinc report applies an evaluation pathway (decision tree) to determine the appropriate zone. The Commission was told at Day 20 of the hearing that this framework is not a statutory instrument — it is a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00]. Representations can depart from it with good evidence. However, we submit that even applying the framework as intended, our property satisfies the criteria for RLZ rather than LCZ.

Our 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. Our property clearly satisfies this criterion.

Our property contains an established dwelling, associated outbuildings including shed, garden, cleared areas, fruit trees, fencing, and animals. Aerial photography over the period of time we have resided here confirms the consistently residential character of the property.

Our property has the characteristics of a rural living settlement

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

A pattern of at least 10 smaller blocks, generally between 1–15 ha, with a consistent lot pattern. The attached map a shows my property among 41 others in Snug Tiers, with lot sizes from 0.18ha to 29.89ha, a pattern established since the early 1800s. As you can see all properties can be managed by available RLZ lot sizes to minimise subdivision potential.

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].

Our property is within a Scenic Protection Area (SPA). 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 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 C to our 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

Our property has an area of 8ha. Under RLZ D, the minimum lot size is 10 ha (with an 8 ha performance criteria). Subdivision of our property under this subcategory would significantly constrained if not impossible, addressing any concern about intensification.

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 our property. These statements were made by TPC Commissioners and are on the public record.

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 our 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 Ireneinc to LCZ recommendations were described as judgement calls, not defined thresholds. Ireneinc’s position was that these ratings are a rule of thumb only [Day 20 guide]. The Commission has not yet determined what weight to give

these ratings. Where the risk rating applied to our locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

The report notes a "medium/high" risk of RLZ uses in this locality but doesn't specify what those risks are, how likely they are considering the topography, vegetation, and existing settlement patterns, or whether they could be managed through overlay codes, SAPs, or other mechanisms. Ireneinc acknowledged that future reviews could reconsider RLZ decisions, and that any short-term risks could be mitigated. This supports the case that RLZ is appropriate for my property, not LCZ.

At the review hearings, Kate Heckelmann admitted there are no land uses that would impact landscape values which aren't already managed by building codes or overlays. This suggests overlaps through stricter zoning isn't necessary because landscape "values can be appropriately managed through the application and operation of the relevant codes" (Kingborough LPS guidelines, RLZ 4b).

Assuming LCZ is the only way to protect generic 'landscape values' ignores existing land management, bushfire mitigation efforts, biodiversity initiatives, and conflicts with the intent of the evaluation pathway of balancing landscape protection with existing land uses. It is illogical to rezone properties to LCZ to 'protect' the landscape that we've proven we can already care for on our own.

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.

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 our property.

Our property in Snug is directly comparable to properties in Kettering East and Oyster Cove where RLZ was recommended. Both areas share the following characteristics: lot sizes, settlement pattern, proximity to existing RLZ, absence of significant landscape values. There is no principled basis on which to treat our property differently.

Inconsistency with adjoining or comparable properties

Ireneinc suggests that LCZ zoning near Snug Recreation Area is necessary to provide connectivity to the EMZ and act as a buffer between living zones. Not only have National Parks (EMZs) already been put aside for state management, nearly every other Tasmanian council placed other living zones: Rural Living, Residential, Rural, Agricultural, and even Industrial zones next to National Parks or EMZs. It is also contradictory to the placement of Low Density Residential lots beside Coningham's EMZ reserve.

Rural Residential owners provide a significant free workforce to manage areas on the interface of bush, coast, country and town. They need to be able to continue to mitigate natural disaster, care for native species, maintain trails, carriage ways and fire access, and remove invasive pests, which is at risk in the LCZ. Our efforts help protect biodiversity, reduce financial and disaster risks, and improve resilience and food security for all - work that cannot be replaced by council staff or State Parks and Wildlife service.

Council's approach has been historically inconsistent

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

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

Any landscape values present can be managed without LCZ

Where landscape values are present on or near our property, we 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 our property.

Assessing Landscape Values

The STRLUS CV 4.1 states that community consultation should determine landscape values. Ireneinc admits in review hearings that they didn't consult. This means the assessment of whether properties meet 'landscape values' is now entirely based on the Planning Authority's judgment. Ireneinc's choice of dictionary terms 'hilly places' and 'bushland,' and focus on tree-centric descriptions, i.e.: 'predominantly bushland,' 'allotments set within native bushland,' 'dwellings are … nestled into vegetation,' and 'bushland backdrop' are the main basis for our locality's landscape values.
This overlooks the value of other features like waterways, fields, foraging areas, and the importance of varied terrain (grasslands, clearings, open areas, trails) for different species habitat. Such diversity is vital for a healthy rural or biodiverse landscape and aligns with evidence that people prefer varied scenery, including homesteads, sheds, and domestic animals.
The lack of consultation and reliance on terminology that favours the Planning Authority's narrow definition results in a flawed or biased assessment:

- Large areas of bushland and vegetation alone do not justify LC zoning. As confirmed at the TPC review hearing on 14/4/26, "LCZ is not for managing vegetation—that is the role of the Natural Assets Code", which applies to all properties. Ireneinc stated that for properties in our area proposed RLZ, overlays will likely (and logically) protect the natural values they identify.

- Describing dwellings and large lots around topography as 'scattered' implies no strategic planning or intent, which is untrue. You can see on the attached map b that there's overwhelmingly strategic intent for living.

- Biased reasoning: noting large vegetated spaces on rural properties (and comparatively less dwelling area, as set by development criteria) is worded in the report as though this is a choice or evidence that OUR preference was conservation over living: "integration of residential use … is largely within a small proportion of a parcel", "the remaining natural setting reinforces the area's natural values".

- Owning private property in natural settings doesn't mean residents prioritise landscape conservation over residential amenity. Ireneinc implies this repeatedly, both in review references to "built form" being "secondary to the natural landscape" and, in hearings, that lots in bushland reinforce or "contribute" to the area's "natural values". Snug Tiers residents purchased homes in natural areas because they value the contribution this makes to their Rural Living, not to add to Kingborough's undefined scenic or "landscape values".

- Ireneinc relied on overlays in a desktop assessment to identify landscape or environmental features across the locality, ignoring the challenges of topography and identifying these (i.e.,

through the tree canopy) by aerial images alone. Evidence-based alternative reports or maps of individual properties' natural settings are needed.

- The scenic protection overlay is broadly applied to properties over 100m above sea level. The photos used in the report, sourced from realestate.com, are aerial shots intended for sale and don't accurately reflect what is seen from local roads, towns, or waterways. Even Ireneinc admits that in the locality "bushland, landform, and ridgeline features ... remain visually intact," and the reality is that the siting of homes on Snug Tiers means they cannot be seen from these vantage points.

Conclusion And Relief Sought

For the reasons set out above, we submit that:

1. The application of the LCZ to our 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 our property.
4. Any landscape values identified in the locality can be appropriately managed through existing overlay controls without resort to LCZ.

We respectfully request that the Commission:

- Determine that the draft Kingborough LPS should be modified to include our property within the Rural Living Zone C;
- If the Commission proposes any alternative outcome, that we be provided with an opportunity to respond before any final determination is made.

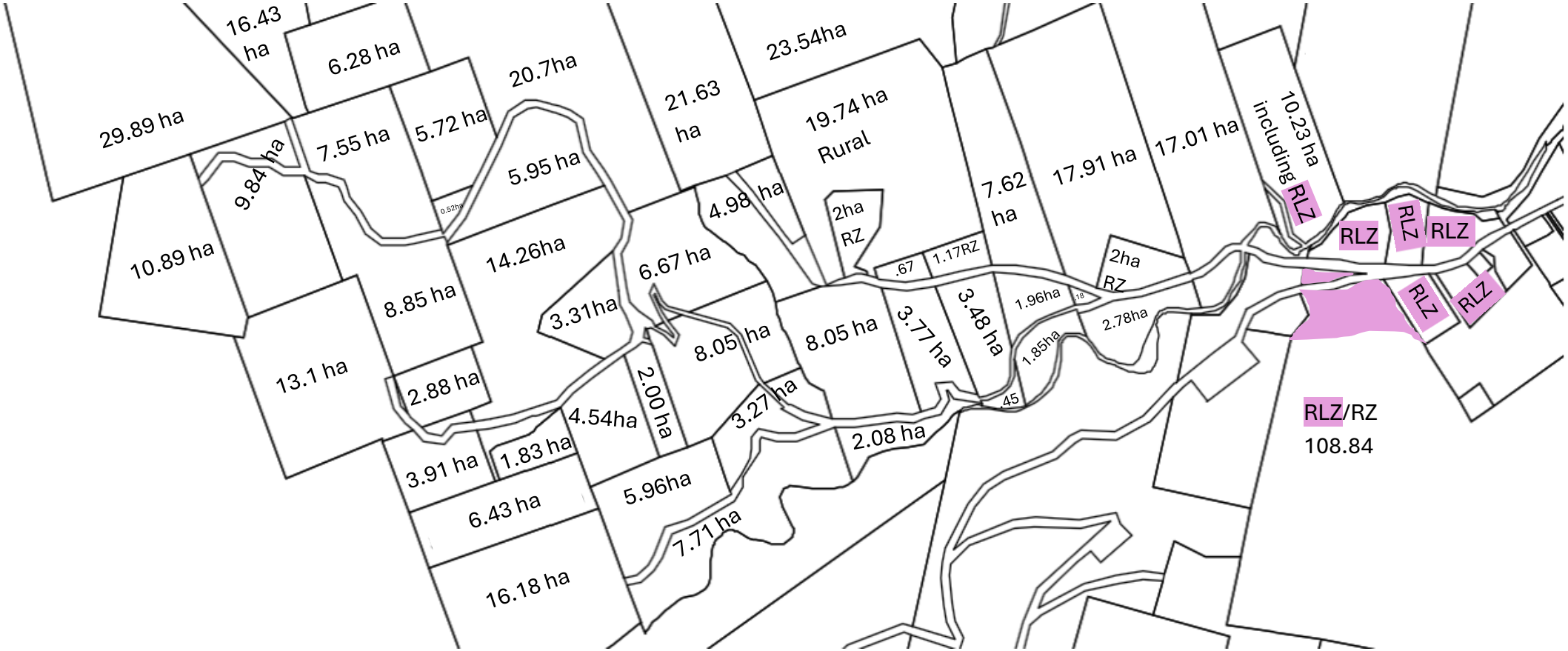
We request that the folio of the Register [redacted] at [redacted], Snug, be included within the Rural Living Zone C in the Kingborough Local Provisions Schedule.

Signed: [redacted] **Date:** 1/5/2026

Full name: Allan Penny Contact email / phone: [redacted]

Signed: [redacted] **Date:** 1/5/2026

Full name: Maree Penny Contact email / phone: [redacted]



SNUG TIERS SETTLEMENT - LOT SIZE

SNUG TIERS RURAL LIVING STRATEGIC INTENT