
From: Tracy Harvey [REDACTED]
Sent: Thursday, 30 April 2026 11:40 AM
To: Kingborough LPS
Cc: [REDACTED]
Subject: TPC Submission
Attachments: Dave Bennett - [REDACTED] - TPC Submission.pdf

Good morning TPC,

Please accept this email as a formal submission in relation to the recommendations made in the Ireneinc report.

I am writing on behalf of my neighbour, Dave Bennett, of [REDACTED], Snug TAS 7054.

Mr. Bennett has been cc'd on this email. Please acknowledge receipt of this submission by reply to him.

Kind regards,

Tracy Harvey

Landowner name(s)	Dave Bennett
Property address	[REDACTED]
Title reference (folio)	[REDACTED]
Lot size (approx.)	5.95 ha
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 B (minimum lot size 2 ha) — reflecting the existing lot pattern in my locality

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 and have not previously had correspondence with the Commission regarding the draft LPS. I understand that this letter has been sent to ensure procedural fairness and provides me with a clear opportunity to formally participate in this stage of the process. 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 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)

Rural Living Zone (RLZ) B (minimum lot size 2 ha) reflecting the existing lot pattern in my locality. I respectfully ask the Commission to apply this zone, in line with the site's current residential use. RLZ is also proposed in the Ireneinc Report for adjoining properties at [REDACTED] (Attachment B - Snug Tiers Settlement by lot - MAP 1).

The shed on the property was constructed in approximately 1980, with electrical power connected around the same period. At that time, an easement was cleared through the surrounding bushland to provide access to a neighbouring property.

Construction of the house commenced in mid-1985. Since then, the property has been used for residential purposes and small-scale self-sufficiency activities, including the establishment and ongoing use of a vegetable garden.

Water infrastructure on the property includes a small dam located toward the rear of the site, as well as a 10,000-litre water tank. The tank supplies water for fire protection purposes and is connected to a fire pump and hose hydrants to support bushfire preparedness.

The size, layout and existing development of the property may also allow for the opportunity to consider subdivision in the future, subject to planning controls and approvals at the relevant time.





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 based on 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.

The Zone Guidelines prohibit LCZ where priority is residential (LCZ 4(a))

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

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

The 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 based on generalised locality-level landscape values, not on the basis of demonstrated landscape values specific to my 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 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 at [REDACTED] has an area of 5.95 ha. 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 my property, supports RLZ

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

My property has a strategic residential intention

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

My property has the characteristics of a rural living settlement

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

Landowners in my area strongly disagree with Ireneinc's narrow assessment. I can demonstrate that the Snug Tiers community meets all three rural living settlement characteristics:

1. A pattern of at least ten smaller blocks, generally between 1–15 ha, with a consistent lot pattern. The attached map (Attachment B - Snug Tiers Settlement by Lot - MAP 1) shows my property among forty-one others in Snug Tiers, with lot sizes from 0.18 ha to 29.89 ha, 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.
2. A pattern of 'detached dwellings and outbuildings,' which Ireneinc admits is "generally met, as many lots have identified residences and cleared areas". As you can see from the attached map (Attachment B - Snug Tiers Living Intent - Map 2), there are dwellings and outbuildings located on nearly every property in our community. This also includes properties with development applications or strategic plans for living on empty blocks. My property has a house, and a large shed.
3. Visual evidence of rural activities such as 'clearings, grazing and hobby farming etc.' Ireneinc states that "some residential uses are associated with farming," yet at the review hearing, it was clarified that the criteria list is only an example.

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].

It is also noted that my property is within a Biodiversity Protection Area, Landslide Hazard Area, Bushfire Prone Area and Waterway & Coastal Protection Area. As such the relevant codes in the planning scheme may apply to any further development at the property. These overlays should satisfy the council to determine appropriate development permits if submitted. The LCZ is an unnecessary added measure to conserve the property which is not needed. It will only decrease the value of my land by applying restrictions to it.

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 my property achieves this outcome, as the minimum lot size under that subcategory is consistent with the existing lot size and does not create a viable subdivision pathway.

The 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.

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.

Risk ratings are judgement calls, not defined thresholds

At Day 20, the low/medium/high risk ratings applied by Ireneinc to LCZ recommendations were described as judgement calls, not defined thresholds. Ireneinc's position was that these ratings are a rule of thumb only [Day 20 guide]. The Commission has not yet determined what weight to give these ratings. Where the risk rating applied to my locality is medium or high, this is not a determinative finding — it is an assessment that can be challenged with site-specific evidence.

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 my property.

Consistency and fragmentation arguments

Fragmented LCZ application should be resolved in favour of the surrounding zone

The Ireneinc report itself identifies avoidance of fragmented LCZ application as a key principle. The report notes that areas where only 2–3 LCZ-zoned properties are surrounded by Rural Zone (RZ) or RLZ land should be modified to resolve the fragmentation. Where my property is located within or adjacent to an area predominantly zoned RLZ or RZ, the application of LCZ creates exactly the kind of spot-zoning that the Ireneinc framework seeks to avoid.

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. See attached MAP – Snug Tiers Living Intent

Council's approach has been historically inconsistent

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

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

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.

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

Signed:



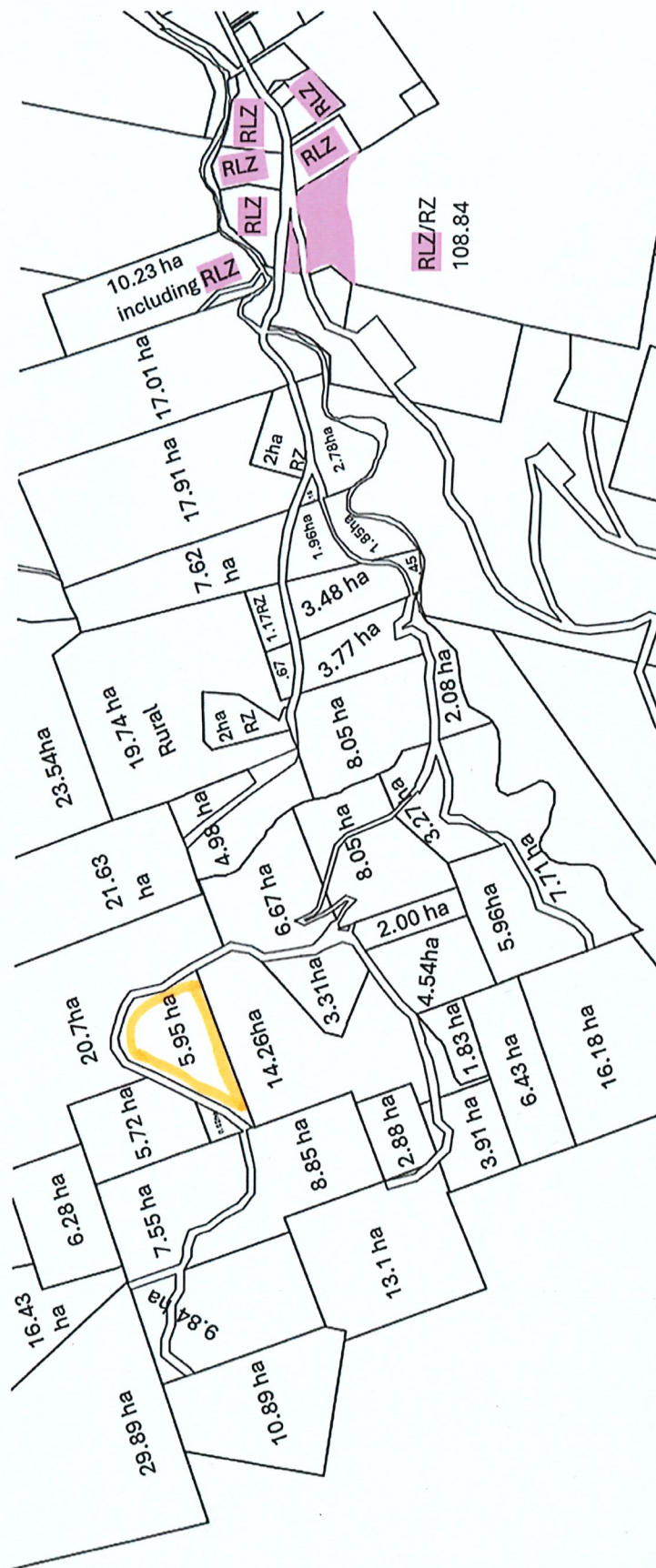
David Bennett



Date:

29.4.26

Attachment A - Snug Tiers Settlement by lot - MAP A



SNUG TIERS SETTLEMENT - LOT SIZE

Attachment B - Snug Tiers Living Intent - MAP B



SNUG TIERS RURAL LIVING STRATEGIC INTENT