
From: hannah direen <[REDACTED]>
Sent: Sunday, 26 April 2026 9:04 PM
To: Kingborough LPS
Subject: CM: Please Disregard previous emai
Attachments: second submission [REDACTED] Kettering FRIEND.docx; Rep 523_Friend and Others_Submission_25.02.26_Hannah (1).docx

Please see attached my submission against LCZ /Ireneinc
Thankyou Hannah Friend

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 previously made a representation on the draft LPS. I understand that my representation has not yet been heard and will be heard at a future hearing.

I understand that this letter provides me the opportunity to make a

further written submission specifically in relation to the Ireneinc recommendations, and that I may speak to this

submission when I appear before the Commission.

I take up that opportunity and submit as follows.

PROPERTY DETAILS

Landowner name: Hannah and Thomas Friend

Property address : [REDACTED] kettering tasmania 7155

*Title reference : [REDACTED]

*Lot size :17.8 acres

*Locality : Kettering

*.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) — specify subcategory below

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 C (minimum lot size 5- ha) — reflecting the existing lot pattern in my locality and adjoining neighbours .

Our property is a single entity between recently ruled RLZ to be denied and Left as LCZ after a joint submission

'The predominant

lot size in kettering is approximately 7.5ha, consistent with RLZ

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.

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.

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.

See photos attached

Our vacant block was purchased in June 2021. • Prior to our /purchase the crown reserve access walking track was widened and sheeted with blue metal FCR. We have leased the crown reserve road to gain access to our property.

- As a family with a vacant block the proposed LCZ change will affect us drastically. Our ability to choose how to develop or use our block. This effectively means our family's future is on hold.

- • • Will we lose our property access? Will we only be able to visit their property to walk along the tracks and have a picnic?

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

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 postlodgement 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

Our property is an internal block and is not visible from local roads or properties including

[REDACTED], [REDACTED],

[REDACTED], [REDACTED] or

The [REDACTED]

'The Ireneinc Locality

Report for kettering does not identify any specific landscape values on my title.

The landscape value assessment is made

at locality level without reference to the characteristics of my individual property which has always been farming and residential land

See submission attached

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 17.8 acres 7.9 hectares

This is consistent with the RLZ C minimum lot size of 5 \ha and does not provide for further subdivision under that

subcategory.'

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.

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.

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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

'My property is situated within a cluster

of approx 9 properties along [REDACTED] each with lot sizes ranging from approximately 5ha to 15 ha. The settlement pattern

is consistent

Neighbouring properties contain detached dwellings with associated

rural activities including [hobby farming / grazing / orchards and businesses

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 is not within a Scenic

Protection Area (SPA). It is not subject to the NAC / PVA overlay. These overlay controls provide adequate

management of any landscape values present, without the need for the more restrictive

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

Contest LCZ Retention — Seeking Rural Living Zone

D3.2 — 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.

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.

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 kettering

is directly comparable to properties right next door 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 my property differently.'

D4 — Consistency and fragmentation arguments

D4.1 — 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.

D4.2 — Inconsistency with adjoining or comparable properties

The Zone Guidelines require that the spatial application of zones be, as far as practicable, consistent with and

coordinated across the LPS. Where neighbouring properties with substantially similar characteristics have

been recommended for RLZ, the application of LCZ to my property is inconsistent and not supported by

evidence of any material difference.

'The property on either side and

which is immediately adjacent to mine and shares the same lot size, settlement character, and land cover, has been

recommended for [RLZ]. There is no identified difference in landscape values, vegetation cover, or development history

that would justify the different treatment of my property ??

D5 — Council's approach has been historically inconsistent

IN SUMMARY

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.

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.

I request that the Commission have regard to Attachment A in assessing this submission, and in particular to

the specific comparison rows identified above, which demonstrate that the Ireneinc recommendation for this

locality is inconsistent with the outcome produced by the same evaluation framework applied to comparable

localities elsewhere in the municipality

Regards Hannah and Thomas Friend

[REDACTED] Kettering

[REDACTED]