
From: [REDACTED]
Sent: Monday, 4 May 2026 8:24 PM
To: Kingborough LPS
Cc: TPC Enquiry
Subject: Submission on the Kingborough draft Local Provisions Schedule - [REDACTED]
Allen's Rivulet
Attachments: Denbeigh_Armstrong_[REDACTED]_Allens_Rivulet_Submission_040526.pdf;
Allens_Rivulet_Nierinna_Margate_Collective_Submission_040526.pdf

Dear Commissioner Heath,

Please find attached a written submission in relation to the recommendations made in the Ireneinc report.

I also attach the collective submission of 35 landowners in the Allen's Rivulet / Nierinna corridor who jointly lodged a collective submission dated 4/5/2026. I am a signatory to this submission. I adopt the arguments in that collective submission and incorporate them into this individual submission by reference. I have provided a copy of the collective submission as an attachment to this submission.

Yours sincerely
Denbeigh Armstrong

[REDACTED]
[REDACTED]

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Local Provisions Schedule — Direction 69 / Ireneinc Report

Submission by Denbeigh Armstrong | [REDACTED], Allens Rivulet | Representation 505



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 Planning & Urban Design report (*Locality Baseline and Alternative Zone Evaluation*, Stage Two, Version 1.1, 19 March 2026) recommends that my property be split-zoned Landscape Conservation Zone (LCZ) and Rural Zone (RZ) under the draft Kingborough Local Provisions Schedule (LPS). This revised recommendation follows the original Council proposal to apply LCZ to the full property, which itself had been the subject of my earlier representation.

I previously made a representation on the draft LPS (Representation 505). 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. This submission addresses both the LCZ element retained from the original Council proposal and the RZ element introduced by the Ireneinc recommendation. I oppose both allocations and submit that Rural Living Zone D (RLZ-D) is the appropriate zone for this property.

I also note that I am one of 35 landowners in the Allen's Rivulet / Nierinna corridor who have jointly lodged a collective submission dated 4/5/2026. I adopt the arguments in that collective submission and incorporate them into this individual submission by reference. I have provided a copy of the collective submission as an attachment to this submission.

PART B — PROPERTY DETAILS

Landowner name(s)	Denbeigh Armstrong
Property address	[REDACTED], Allens Rivulet TAS 7150
Title reference (folio)	130582/1
Lot size (approx.)	22.96 ha
Locality (Ireneinc report)	Allens Rivulet — Section 2.7, Stage Two report (19 March 2026)
Current IPS zone	ELZ — Kingborough Interim Planning Scheme 2015
Draft LPS exhibited zone	LCZ
Ireneinc recommended zone	RZ+ LCZ split (Section 2.7.2.2, Stage Two report, 19 March 2026)
Zone sought in this submission	RLZ-D
Representation number	Representation 505
Contact email	[REDACTED]
Contact phone	[REDACTED]

My property is a 22.96 ha rural residential holding situated at the end of [REDACTED], Allens Rivulet (Figure 1). The property forms part of the Allens Rivulet locality assessed by Ireneinc in Section 2.7 of the Stage Two report. It has been lawfully used for residential occupation, horse grazing, food production, land stewardship (including cool burning for fuel load management using techniques learned from Palawa man Jason Andrew Smith), and passive recreation throughout the period of its current ELZ designation under KIPS 2015.

The property comprises approximately four-fifths native vegetation and one-fifth cleared and semi-cleared working land.

The working land supports my home, paddocks for horse grazing, a horse-riding arena, hay storage, a tractor shed, and food production for household self-sufficiency. The dwelling is fully off-grid with no connection to water, sewerage, or power services (refer to Appendix 1 for images that evidence this use).

The vegetated portion comprises regenerated and regrowth native bushland on the elevated rear of the property. There are established 4WD tracks throughout this part of the property used for land stewardship, as alternative egress routes in the event of a bushfire emergency, and to provide access to the gravity-fed header water tank, boundary fencing, and gates that access adjoining properties (through to Mudies Rd to the east and to Lawless Rd to the west). These infrastructure elements reflect decades of active land management and are integral to the property's functioning as a large lot rural residential holding (see figure 2).

The primary access to the property is via a Crown Road reserve (PID 3422241) that continues off the top of Maudsleys Rd and finishes at an abandoned quarry (PID 5788642). From there, a private shared driveway provides access to both [REDACTED] and [REDACTED] (refer to easements CID605860 and CID605857). Additional easements include CID 605909 – drainage, CID 605862 – service and CID 605861 – pipeline (see Figure 3).

Historically, the property has been selectively logged, used for grazing cattle and much of the vegetation was lost in the 1967 fires (refer figures 4 and 5). Evidence of that history is visible throughout the property.

The property is subject to the following overlay codes under the proposed TPS (see Figure 6):

- C7.0 Natural Assets Code (Priority Vegetation Area and Waterway and Coastal Protection Area)
- C8.0 Scenic Protection Area Code
- C13.0 Bushfire-Prone Areas Code
- C15.0 Landslip Hazard Code.

Figure 1: location of [REDACTED] (in red) in relation to the Allen's Rivulet Settlement, showing draft Kingborough LPS and Ireneinc proposed zones for this property

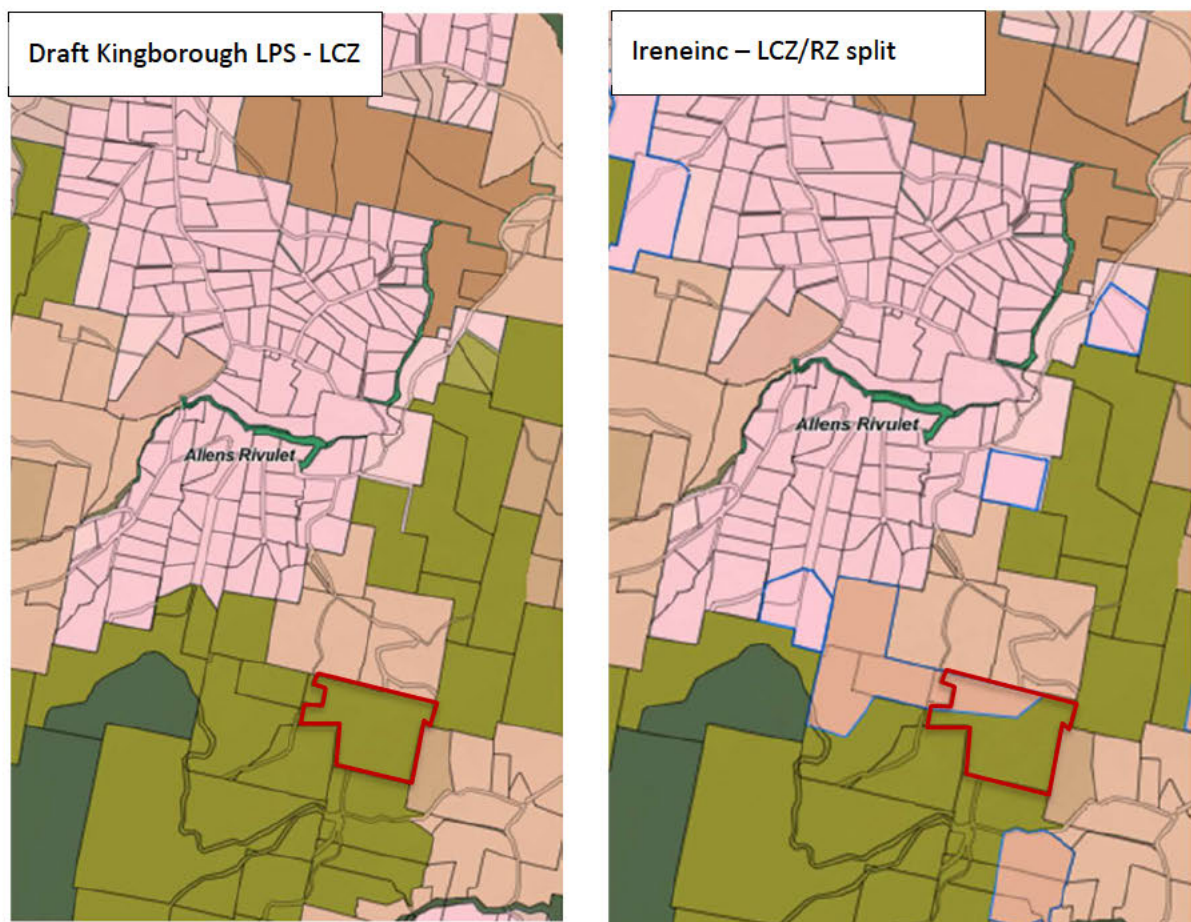


Figure 2: [REDACTED], showing an established internal driveway and 4WD access tracks throughout the property and the location of the header water tank. The green polygons identify the horse paddocks, riding arena, dwelling, and actively managed areas around the house.



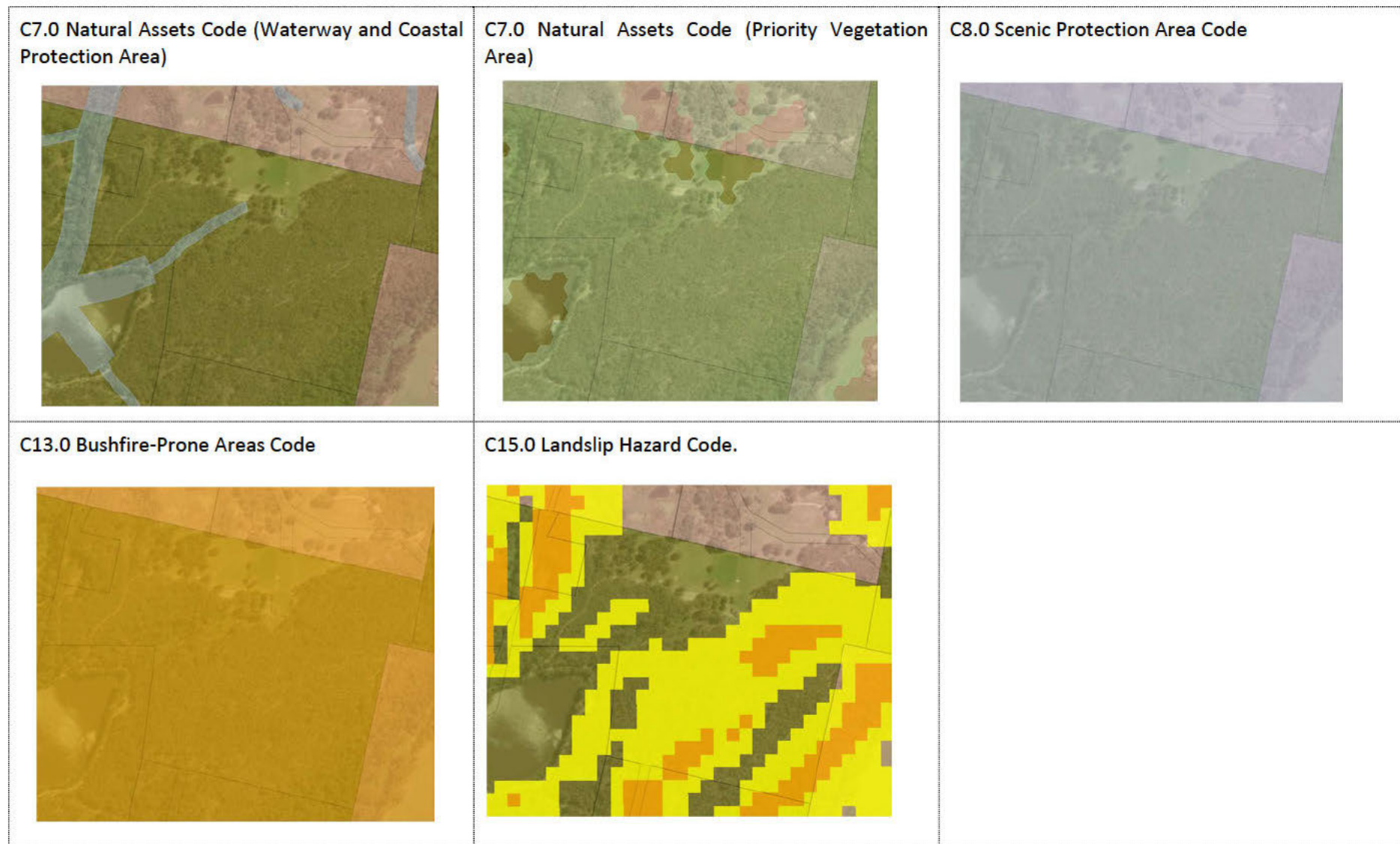
Figure 3: [REDACTED], showing Crown Rd access and easements



Figures 4 and 5 show the historical extent of land clearing. Image 3, dated 18 February 1967, shows the impact of the 1967 fires. Much of the property was burnt. Access tracks used for selective logging are clearly visible. These tracks are still used today. Image 4 is dated 31 January 1975 and shows extensive clearing of the property for grazing cattle



Figure 6: Code Overlays applicable to [REDACTED]



PART C — Statement of position

I argue that both the original LCZ application for my property, as proposed by Kingborough Council, and the revised proposal for an RZ and LCZ split recommended by Ireneinc, do not comply with 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 South East Tasmania Regional Land Use Strategy 2010-2025 (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 D (minimum lot size 10 ha)**, reflecting the existing lot size and settlement pattern of my property at 22.96 ha. RLZ-D is consistent with and does not reduce the minimum lot size threshold that already applies under the ELZ (1 dwelling per 10 ha). It does not create a viable two-lot subdivision pathway that is not already managed by zone standards and applicable code overlays.

PART D — Grounds for this submission

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

The application of LCZ (and RZ) to my property does not comply with the Zone Guidelines, as demonstrated below.

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

Zone Guideline LCZ 4(a) states that the LCZ should NOT be used for land designated primarily for residential use or development (see also Rural Living Zone). The Zone Guidelines explicitly clarify that ‘the LCZ is not intended for large lot residential areas in regions characterised by native vegetation and other landscape features.’

Since 2007, my property has been used mainly for residential purposes and is zoned ELZ per KIPS 2015. The primary use and strategic intention of the land is residential. The property features a longstanding dwelling that has served as the main residence continuously. It operates completely off-grid. Additionally, the land supports lower-order rural activities, such as horse grazing, household food production for self-sufficiency, and land stewardship. This constitutes residential use within a rural landscape, consistent with the RLZ's purpose, rather than the LCZ.

D1.2 - The Rural Zone component of the Ireneinc recommendation is also inappropriate (Zone Guideline RZ 4(a))

Zone Guideline RZ 4(a) states that RZ should not apply if the primary use is residential rather than for primary production. My property does not engage in any commercial agricultural activity, large or small. The purpose of the RZ, to support primary production and prevent the conversion of agricultural land, conflicts with my situation. Because there is no agricultural activity and the land is used residentially, designating an RZ to my property is inappropriate for the same fundamental reason LCZ is not: it makes residential use discretionary, not as-of-right. A split LCZ/RZ allocation across a single title compounds the problem: the property is then governed by two discretionary regimes, neither of which reflects the land's established residential character.

The recommendation to split my property into Ireneinc LCZ/RZ zones has been based on its proximity to the RZ properties at 87 Maudsleys Road and 20 Mudgets Road, rather than its current features and land use. While I recognize the importance of avoiding spot zones, I believe it is unreasonable and unfair to justify applying an unsuitable zone to my property solely on this basis. Additionally, it could

be contended that applying RZ to the properties at [REDACTED], [REDACTED] Road, and several other properties is also unsuitable. This argument is elaborated in detail in section 4.6 of the Allen's Rivulet/Nierinna collective submission.

D1.3 — The LCZ is not a replacement zone for the ELZ (Zone Guideline note)

The Zone Guidelines explicitly state: 'The LCZ is not intended to replace the ELZ in interim planning schemes. Significant policy differences exist between these two zones.' The TPC noted this in follow-up correspondence with the Council, pointing out that the LCZ 'has been used quite often as a substitute for the ELZ' and warning that 'using the LCZ could indicate a change in Council policy or strategy, which should normally be thoroughly justified.'

No detailed, site-specific justification has been provided for my property. The Ireneinc report applies the LCZ (and the revised RZ+LCZ split) based on generalised landscape values from Section 2.7.1, rather than on landscape values specific to my property. The Ireneinc Locality Report does not identify any conservation values on my property that are not already protected by the mandatory code overlays outlined in D6 below. No site-specific analysis has been conducted to show how my property differs from neighbouring properties on [REDACTED] or those in the broader area, where the decision tree results in an RLZ outcome.

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

Zone Guideline RLZ 1(a) specifies that the RLZ applies to larger-lot residential areas where the current and planned land use includes both residential housing and lower-order rural activities, with a focus on protecting residential amenity. This closely describes my property: a 22.96 ha rural residential estate that features a house, horse grazing, food production, and active land management.

Zone Guideline RLZ 2(b) also indicates that RLZ can be temporarily applied to ELZ land within an interim planning scheme, especially when the primary strategic objective is residential development in a rural area with a comparable minimum lot size. My property fulfils both conditions: the strategic focus is unmistakably residential, and RLZ-D (minimum lot size of 10 ha) aligns with the ELZ requirement of one dwelling per 10 ha. Additionally, the shift of the property from the Environmental Management Zone to ELZ in 2015 clearly reflects Kingborough Council's intention for residential development of this land.

1. All three criteria outlined in Guideline No. 1 for transposing ELZ to RLZ are met concerning this property.
2. The main strategic intent is residential: the property has consistently served as a principal residence with related rural activities and has not been involved in any commercial agricultural enterprise.
3. A comparable minimum lot size is upheld: RLZ-D requires a 10-hectare minimum, which is the same as the ELZ threshold of one dwelling per 10 hectares.
4. Landscape values can be preserved under RLZ: the zone's purpose explicitly mandates the preservation of natural and landscape qualities, enhanced by mandatory code overlays C7.0, C8.0, C13.0, and C15.0, ensuring comprehensive site-specific protection beyond the zone's scope.

The Commission's guideline clearly endorses RLZ for this property, while the suggested use of LCZ or RZ conflicts with the Guideline and misapplies TPS zone architecture.

D1.4 — The STRLUS provides positive statutory authority for RLZ-D

The STRLUS, amended by the Tasmanian Planning Scheme Addendum, establishes three independent legal grounds for applying RLZ-D to this property:

1. SRD 1.3, subclause 2, which explicitly allows the translation from ELZ to RLZ when the RLZ designation accurately describes the land;

2. SRD 1.3(a), which recognizes the Allens Rivulet corridor as a designated rural living community;
3. SRD 1.3(c), which permits the allocation of Rural Living Zone when the land facilitates infill or consolidation within an existing rural living community and borders existing RLZ land.

My property at [REDACTED] meets all three criteria without relying on the Ireneinc framework.

The complete statutory analysis of all three bases, including the relevant criteria and how they are met across the group, is detailed in Argument D of the Allen's Rivulet/Nierinna collective submission.

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

The Ireneinc report uses an evaluation pathway (decision tree) to identify the suitable zone. During Day 20 of the hearing, the Commission was informed that this framework is not a statutory instrument — it functions as a tool, not a rule [Kate Heckelmann, Transcript Day 20, 05:53:00], and the risk ratings used are based on judgment calls, not fixed thresholds. These admissions are important. The framework serves as a guide only and does not replace the statutory criteria. Reputations can differ from it with sufficient evidence. Nonetheless, I believe that, even when applying the framework as designed, my property meets the criteria for RLZ rather than LCZ or RZ, as explained below.

D2.1 — My property has a strategic residential intention (Decision Point 1: YES)

The initial decision point in the Ireneinc evaluation pathway concerns whether there is a strategic plan for residential use. According to the Ireneinc report's locality baseline (Section 2.7.2.1), Decision Point 1 was marked as YES for the Allens Rivulet area, which was determined because 'most parcels either currently have residential use or feature small cleared zones that might be designated for residential purposes.'

My property clearly and unambiguously meets this criterion. It features an established dwelling, related agricultural outbuildings, a horse-riding arena, hay storage, and a tractor shed. It has been used as a primary residence continuously since 2015. About one-fifth of the land is cleared or semi-cleared, supporting residential living and rural activities like grazing livestock—currently horses, with plans to add a small flock of wool sheep for spinning and weaving hobbies, and to reinstate chickens for eggs. Aerial and other photos confirm the property's ongoing residential and hobby farm character over time (see Appendix 1). There is no doubt that Decision Point 1 is met regarding my title.

D2.2 — My property has the characteristics of a rural living settlement, and the DP4 evaluation contains a structural flaw

The Ireneinc framework prompts at Decision Point 4 to assess if the locality exhibits rural settlement features, characterised by indicators such as: a minimum of 10 smaller blocks typically between 1–15 ha with uniform lot layouts; a regular pattern of detached houses with outbuildings; and visual signs of rural activities.

The Ireneinc report highlighted three sub-areas within Allens Rivulet that meet DP4 criteria (shown as the yellow parcels on Ireneinc maps). These are lots ranging from 2 to 7 hectares with current residential and rural uses.

My property of 22.96 hectares, along with the other properties on [REDACTED] with lot sizes of 10-20+ ha, was not included in those three sub-areas. This resulted in the [REDACTED] properties being directed through the DP3 pathway, which immediately leads to LCZ consideration once landscape values are identified, and bypasses Decision Point 6 — the most critical balancing question in the entire framework.

I believe this DP4 routing is incorrect for my property and that the DP4 indicators have a structural flaw in this locality, for three reasons.:

1. The DP4 indicators set a quantitative density threshold, requiring at least 10 lots within 1–15 hectares, a standard not specified in the Zone Guidelines. A property can meet all four RLZ criteria—residential intent, no reservation, rural activities, and manageable landscape values—yet still fail DP4 if its lot exceeds 15 hectares or if the cluster has fewer than 10 lots. The Zone Guidelines do not include such a threshold. RLZ-D, which mandates a minimum lot size of 10 hectares, is tailored specifically for rural residential properties in the 10+ hectare range. The application of the lot-size threshold in the Ireneinc decision tree denies my property access to the DP6 balancing question required by the Zone Guidelines.
2. The DP3 assessment for the Allens Rivulet area (see page 138 of the Stage Two report) recognises the [REDACTED] parcels as mainly cleared or showing signs of rural use, evidence that would support DP4 = YES. However, it evaluates this evidence within a framework that prevents it from leading to RLZ. Although the rural residential character is acknowledged, it is essentially excluded from the pathway that would appropriately give it significance.
3. The DP4 rationale claims that lots larger than 15 ha could allow for more subdivision. However, this is counterproductive because the actual limit, the RLZ-D minimum lot size, already prevents further subdivision. The DP4 exclusion doesn't provide any extra protection beyond what the zone standard enforces.
4. The DP4 structural flaw is exacerbated by RZ's recommendation for part of my property. The decision to choose RZ is based on its proximity to nearby RZ properties rather than the current uses of my land. The recommendation to apply Rural Zone to a portion of the property based on a shared boundary with adjacent RZ land lacks foundation in the Zone Guidelines. There is no principle in the Guidelines that a zone boundary creates any presumption in favour of extending that zone to adjoining land. The single explicit adjacency principle in the document is a separation rule directed at an entirely different zone pair. Zone selection under the Guide turns on the use, character, and capability of the land itself, which, on the facts of this property, supports RLZ, not Rural Zone.

The flaw in the DP4 structure means the question, 'Could the landscape values of the [REDACTED] properties be managed outside LCZ?' was never posed or answered within the Ireneinc framework. For the three yellow sub-areas that did reach DP6, Ireneinc explicitly stated: 'These parcels also have characteristics which are consistent with the existing other RLZ land and could be reasonably managed in the same way. This presents a low risk where RLZ is applied.' (Section 2.7.2.1, p. 140, emphasis added). The Maudsleys Road properties share these characteristics. It seems unreasonable and unfair to adopt a framework that systematically excludes DP6 balancing assessments for properties whose only difference is larger lot sizes.

D2.3 — The identified landscape values can be managed outside LCZ (Decision Point 6: LOW RISK)

At Day 20 [02:33:54], the Commission acknowledged that the landscape-protection function is carried out by the Priority Vegetation Area overlay, not the zone itself. This principle directly pertains to my property. As illustrated in Part B, my property is subject to all code overlays listed below:

1. **C7.0 Natural Assets Code — Priority Vegetation Area:** Strict controls on clearing, disturbance, and development within mapped areas protecting threatened vegetation communities, flora, and fauna habitat.
2. **C7.0 Natural Assets Code — Waterway and Coastal Protection Area:** Setbacks and controls on works near waterways and wetlands.
3. **C8.0 Scenic Protection Area Code:** Controls on the visual impact of development protecting scenic and landscape values.

4. **C13.0 Bushfire-Prone Areas Code:** Bushfire hazard management requirements on all development.
5. **C15.0 Landslip Hazard Code:** Geotechnical assessment requirements for development in landslip-prone areas.

The Tasmanian Planning Scheme is deliberately structured to separate the **zone** (which describes the character and use of the land) from the **code overlays** (which protect specific values). The zone selects for the use; the codes protect the values. Code overlays apply with identical force regardless of which zone is applied beneath them

The main practical difference between LCZ and RLZ, given the same overlays, is altering the use table, which makes residential use discretionary, reduces building height, and, for some sub-categories, raises the minimum lot size. None of these adjustments enhances the scheme's conservation capacity. Instead, they simply impose constraints on legitimate use without offering additional protective benefits beyond those provided by the existing codes.

Beyond demonstrating that LCZ isn't necessary to safeguard landscape values, there is a compelling argument that LCZ could harm the very landscape outcomes it seeks to protect. Focusing primarily on vegetation cover as a key indicator of landscape value has led to a misunderstanding of the diverse landscape qualities present. As explained elsewhere, my property and surrounding land are a mix of partially cleared residential and garden spaces near dwellings and access tracks, gradually merging into semi-vegetated paddocks or pastures across the working area of the title, and then flowing into regenerating bushland on the elevated rear sections of the lots, where the terrain climbs into ridgelines. This is a mosaic landscape, not untouched wilderness. By subjecting my dwelling, grazing, and clearing activities to increased regulation, LCZ undermines the economic incentives for active land management that have shaped and maintained this landscape. In contrast, RLZ offers a balanced framework for managing human activities that support this mosaic landscape. According to peer-reviewed research and Zone Guidelines, the RLZ is most effective at achieving the landscape goals for areas in Kingborough featuring this mosaic landscape.

The full analysis, including supporting evidence from the peer-reviewed literature, is set out in Section 4.4 of the Allen's Rivulet/Nierinna collective submission.

D2.4 — RLZ-D provides for limited or no further subdivision

The Ireneinc framework considers a key RLZ suitability indicator to be when the transition 'would result in limited or no further subdivision' and 'a similar minimum allowable lot size is being applied.' Applying RLZ-D to my property accomplishes this.

My property covers 22.96 hectares. Under RLZ-D (minimum lot size of 10 hectares), it is technically possible to create an additional lot by splitting the land into two lots of approximately 12.96 ha and 10 ha. I do not intend to minimise this possibility. However, the proper way to manage this limited subdivision potential is through the RLZ-D minimum lot size standard and the zone's development assessment process, rather than outright excluding the property from the RLZ pathway. Any subdivision proposal under RLZ-D would be evaluated considering the Scenic Protection Area overlay and the Priority Vegetation Area overlay relevant to the property. Both overlays would impose strict limitations on any subdivided lot, likely rendering subdivision economically unfeasible. I have no plans or financial capacity to pursue subdivision, nor do I intend to sell the property to someone who might. The Commission's Zone Guidelines explicitly designed RLZ-D with a 10-hectare minimum to suit rural residential properties of this size. This management function is intended to be handled by the zone standard itself, not by a gatekeeping test that blocks larger-lot properties from access to the core evaluation criteria.

D2.5 — Tasmania's published scenic assessment frameworks do not support LCZ over this property

The scenic values claimed to justify LCZ are contradicted by the State's own published frameworks. The FPA's Manual for Forest Landscape Management describes the ideal rural mosaic—a 40–60% trees-to-space ratio—as optimal for Landscape Character Type 6 (South-east Coastal Hills), which includes this property, and rates closed-canopy regrowth as Low for scenic quality. Meanwhile, the Southern Tasmanian Regional Landscape Guidelines, co-developed by Kingborough's strategic planning staff, evaluate scenic value through a systematic GIS formula based on defined viewpoints, not vegetation density as a proxy. Neither of these methodologies was used in this LPS allocation. Additionally, the Scenic Protection Code (C8.0), applicable to this property regardless of its zoning, already provides scenic protection consistent with what LCZ aims to achieve.

The detailed analysis of both frameworks and their implications for the LCZ rationale in this locality is set out in Argument E of the Allen's Rivulet/Nierinna collective submission.

D3 — The TPC panel's own statements and Commission precedent support RLZ for properties like mine**D3.1 — TPC panel statements at the Day 20 hearing support this submission**

Three statements from the Day 20 TPC hearing are directly relevant to my property. Kate Heckelmann of Ireneinc clarified at [05:53:00] that the evaluation framework is a tool, not a rule or statutory instrument, and that the Commission is not bound by the framework's outcomes. The TPC panel essentially determined at [02:33:54] that the Landscape-Protection work is carried out by the Priority Vegetation Area overlay and Scenic Protection Code in their respective areas, eliminating the need for LCZ in those zones. The panel also affirmed that visible rural activity is not necessary for RLZ designation, aligning with its rulings on Howden, Albion Heights, and other locations at the same hearing.

My property clearly shows extensive, longstanding rural activities, as described in Part B of this submission. These activities exceed the thresholds the Commission has considered in similar localities.

D3.4 — Analogy to localities accepted for RLZ and the Huon Valley precedent

On Day 20, the TPC approved full ELZ to RLZ transitions in several localities, including Kettering East, Oyster Cove, Howden, Blackmans Bay, Albion Heights, and Tinderbox West. These areas are characterised by established residential settlements, lots typically ranging from 1 to 15 hectares, a mix of residential and rural activities, and limited evidence of significant landscape values that require LCZ protection. These features are also present in properties within the Allens Rivulet locality, including my own. During the same Kingborough LPS process, the Commission raised concerns about inconsistent zone allocations—for example, properties on Saddle Road and Groombridges Road in Kettering being zoned from Rural Zone and LCZ to Rural Living Zone C. The Commission emphasised the need to "apply the Rural Living Zone consistent with the purpose of the zone and Guideline No. 1," which directly relates to my case.

During the Huon Valley LPS process, the Commission directed the rezoning of over 450 titles from the Landscape Conservation Zone (proposed by Huon Valley Council) to the Rural Living Zone. The Huon Valley TPS came into effect on 20 July 2024. The planning situation in Huon Valley closely matches that of the subject property: properties initially proposed for LCZ by the council, which were actually used for rural residential and lifestyle purposes; conservation values protected by code overlays; and a finding by the Commission that LCZ did not accurately represent the character of those properties, leading to the declaration of RLZ as the suitable zone.

The principle of consistency in administrative decision-making states that similar cases should be treated similarly. Assigning LCZ or RZ to this property when the same Commission awarded RLZ to

identical properties in Huon Valley would be inconsistent, unless a convincing justification is provided. Neither the Council nor Ireneinc Planning has offered such justification.

More specifically, the TPC accepted full ELZ-to-RLZ transitions at the Day 20 Kingborough hearing for the following localities: Kettering East and Oyster Cove; Howden and Blackmans Bay; Albion Heights; and Tinderbox West. Each of those localities shares the characteristics most relevant to my property: established residential settlement, lots generally in the 2–15 ha range, mixed residential and rural activities, and limited evidence of landscape values requiring LCZ-specific protection beyond what overlay controls already provide. My property's characteristics are not distinguishable from those of those localities in any way that would justify a different outcome here.

Evidence to support this argument is provided in Appendix 1 of the Allen's Rivulet/Nierinna collective submission.

D4 — Consistency, fragmentation, and a landscape-scale proposal

My request to be considered for RLZ is part of a collective proposal to deliver a landscape-scale alternative to the current zoning proposal. The convergence of multiple independent representations from various properties, all making essentially the same argument (that Hickman's Hill, Knotts Hill, and the Perrins Ridge corridor have a rural character that conflicts with LCZ and RZ classifications), supports this submission.

The fragmentation principle and the spatial case for a coherent RLZ corridor in this locality are developed in full in Argument B of the Allen's Rivulet/Nierinna collective submission.

D5 — Council's historical approach has been inconsistent, and the planning system is not an instrument of conservation acquisition

D5.1 — Council's approach to LCZ allocation has been progressively narrowed

The Ireneinc LCZ Review report highlights a significant change in the Council's approach. In 2020, during the first draft of the LPS submission to the TPC, about 85% of ELZ parcels were proposed for LCZ. The TPC pointed out that this plan often conflicted with the Zone Guidelines, noting that 'when assessing specific sites, the proposed zone does not always align with these criteria or Guideline No. 1.' By the public exhibition phase, this proportion had decreased to around 75%, with remaining areas shifting to RLZ, RZ, and other zones. This history shows that the initial assumption favouring LCZ was not strongly supported and has been refined as the evidence was evaluated. The Ireneinc report forms part of this ongoing process. Kingborough Council's Resolution of 16 March 2026 explicitly endorsed a 'least restrictive alternative' approach and a 'high risk appetite' for zone transitions where evidence justifies it. Ireneinc identified LOW RISK for RLZ at DP6 in the Allens Rivulet area. The Council's policy thus supports RLZ as the most appropriate and least restrictive zone for this property.

D5.2 — The planning system is not a substitute for conservation acquisition

The planning system has a defined role: to describe the character of land and regulate use and development. It is not an instrument of conservation acquisition. Tasmania's framework provides distinct mechanisms for achieving conservation outcomes on private land:

- conservation covenants under the Nature Conservation Act 2002,
- private conservation reserves, and
- compulsory acquisition under the Land Acquisition Act 1993.

In each case, the community bears the cost of conservation through negotiated compensation or public expenditure.

Mandatory code overlays already provide comprehensive protection for all conservation values on this property. The only additional effects of LCZ over RLZ-D with the same codes are a reduced height

limit from 8.5 m to 6.0 m and the designation of residential dwellings and grazing activities as discretionary rather than permitted. These restrictions do not enhance conservation outcomes beyond what the overlays achieve, but they impose significant and disproportionate constraints on existing legitimate uses without conservation benefit. Over time, this results in planning blight, severely diminishing or eliminating the property's economic utility as a residential and rural holding. The landowner's only realistic option may be to sell, likely at a conservation-depressed price, to a conservation organisation or government body. Proper conservation acquisition processes require community payment and owner consent, whereas rezoning does not.

PART E — Locality specific context

E1 — Allens Rivulet Locality: Ireneinc Assessment

My property falls within the Allens Rivulet locality, as assessed by Ireneinc in Section 2.7 of the Stage Two report. Ireneinc's own baseline characterises the locality as *'the bushland fringe surrounding the semi-rural area of Allens Rivulet'* with residential uses and rural activities evident on vegetated land throughout. The representative locality photograph included in Section 2.7.1, taken from 29 Maudsleys Road looking south-east, is highly biased and does not reflect the rural residential character of the broader locality. The following image, taken from Cliff View Drive, is representative and clearly shows the rural residential uses, with a fringe of what appear to be vegetated hills, with no other development. The aerial view shows what you can't see from within the valley of Allen's Rivulet: cleared areas where residential and lower-order rural activities are occurring.



Ireneinc's decision-point summary for the locality is:

1. **DP1 (Strategic residential intention): YES** — majority of parcels have existing residential use.
2. **DP2 (State-reserved land): NO** — no state-reserved land identified.
3. **DP3 (Landscape values): YES** — corridor of bushland with vegetated state and elevating topography. Ireneinc also noted areas 'predominantly cleared or evidenced to have portions of the site utilised for rural activities' (the [REDACTED] corridor).
4. **DP4 (Rural living settlement characteristics): YES** — for three specific sub-areas (yellow parcels, 2–7 ha lots). The [REDACTED] properties (10–20+ ha) were not included.
5. **DP5 (Landscape values in rural living areas): YES** — qualified; values described as 'consistent with that anticipated in a rural living settlement within the region.'
6. **DP6 (Landscape values manageable outside LCZ): LOW RISK** — 'These parcels also have characteristics consistent with the existing other RLZ land and could be reasonably managed in the same way.' (Section 2.7.2.1, p. 140)

The Allens Rivulet locality is a documented cultural landscape — shaped by 10,000 years of Aboriginal patch-burning and 200 years of European pastoral use and orcharding — not a natural conservation landscape requiring protection from human activity. Aerial photographic evidence spanning 1965 to 2025, formally documented in the Landscape Character Change Report lodged as an annexure to the collective submission, shows a consistent trajectory of progressive canopy closure as active management has retreated: a pattern consistent with the landscape trap mechanism described by Lindenmayer et al. (2011) and Bowman (2026). A zone that discourages active land management accelerates this trajectory, whereas the application of RLZ-D would arrest it.

The full cultural landscape analysis, landscape trap evidence, and aerial photographic record are set out in Section 4.4 of the Allen's Rivulet/Nierinna collective submission.

Despite the LOW RISK finding, the Section 2.7.2.2 recommendation proposes Rural Zone for the [REDACTED] Road parcels (including [REDACTED], and [REDACTED]) rather than RLZ. The submitter argues that this recommendation is inconsistent with the decision-tree analysis and should not be adopted.

E2 — Crown Road Reserve Access: A Critical Additional Barrier to Rebuilding

A critical locality-specific issue compounds the rebuilding risk created by LCZ or RZ allocation. Access to my property — and to several other [REDACTED] properties — is provided via a Crown Road reserve, not a public road maintained by a road authority.

TPS State Planning Provisions clauses 20.4.3 (Rural Zone) and 22.4.3 (Landscape Conservation Zone) impose identical access requirements for new dwellings: new dwellings must have frontage with access to a road maintained by a road authority (Acceptable Solution A1), or legal access by right of carriageway to such a road (Performance Criteria P1). A Crown Road reserve managed by the Parks and Wildlife Service does not satisfy A1 (Parks is a reserve manager, not a road authority). An access licence or informal use of the Crown Road reserve does not satisfy P1 (P1 requires a registered right of carriageway, which is a permanent interest in land, not a personal and revocable licence).

The consequence, when combined with the TPS non-conforming use protections, is severe. If the dwelling on my property is destroyed by a bushfire (a real and documented risk given the C13.0 Bushfire-Prone Areas code), the right to rebuild lapses if rebuilding does not substantially commence within 2 years of destruction. Under LCZ or RZ:

1. A destruction event triggers the 2-year clock. Insurance assessment and demolition typically consume 3–6 months.
2. Legal access (a registered right of carriageway over the Crown Road reserve) must be established before a planning application can satisfy clause 22.4.3 or 20.4.3. This process —

application, survey, Crown assessment, registration — may take 12 months or more and is not guaranteed to succeed.

3. A planning application under LCZ or RZ is a discretionary application assessed against conservation or primary production criteria. Preparation, lodgement, public notification, assessment, and determination require a further 6–12 months minimum.
4. Substantial commencement of rebuilding must occur before the 2-year deadline. This sequence cannot fit within 2 years, even without delays.

Under RLZ, a dwelling is a permitted use as of right. Rebuilding is assessed as a permitted use application — not a discretionary application against conservation criteria. The 2-year clock does not create the same cliff under a permitted use pathway. RLZ provides the certainty that LCZ and RZ cannot. This property is my primary residence, and my only substantial asset; the ability to rebuild after an emergency should not be contingent on the outcome of a discretionary planning process.

The Commission is respectfully requested to consider this issue for all affected properties when determining the appropriate zone, and to recommend that the relevant Crown land administrator consider whether the Crown Road reserve can be proclaimed as a public road or formalised with registered rights of carriageway as part of LPS implementation.

E3 — Zone Comparison Summary

The following table summarises the key differences between the current zone (ELZ) and the four proposed zones, demonstrating that RLZ-D is the appropriate allocation based on the current land use.

Feature	ELZ (current)	RLZ-D (sought — preferred)	LCZ (Council proposal)	RZ (Ireneinc proposal)
Primary purpose	Residential in a bush setting	Residential in rural / landscape setting	Landscape & biodiversity conservation	Primary production/agriculture
Height limit (non-dwelling)	7.5 m	8.5 m	6.0 m	No specific limit
Min lot size (subdivision)	1 per 10 ha	10 ha (RLZ-D)	50 ha (20 ha discretionary)	Determined by production needs
Residential dwelling	Permitted as of right	Permitted as of right	Discretionary	Not a primary purpose
Grazing/agriculture	Permitted	Explicitly compatible use	Discretionary	Primary purpose
Farm outbuildings	Max 300 sqm combined GFA; 7.5 m	Farm shed exemptions; 8.5 m	6 m limit; discretionary for larger structures	Agricultural buildings permitted
Code overlays	E10.0, E11.0, E14.0, E1.0, E3.0	C7.0 PVA, C7.0 Waterway, C8.0, C13.0, C15.0		
Residential subdivision	Not below 10 ha lots	Not below RLZ-D 10 ha minimum	Not below 50 ha (20 ha discretionary)	Not for residential subdivision

PART F — Conclusion and relief sought

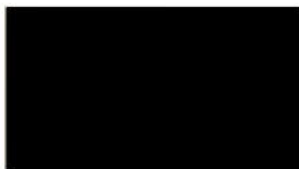
For the reasons set out above, I submit that:

1. The application of Landscape Conservation Zone to my property is inconsistent with the Zone Guidelines (Guideline No. 1) and does not satisfy the requirements of section 34 of LUPAA. The LCZ is expressly prohibited by Zone Guideline LCZ 4(a) where, as here, the priority of the land is residential use.
2. The application of Rural Zone to my property is equally inappropriate. The RZ purpose is to sustain primary production and prevent conversion of agricultural land. My property has no commercial agricultural enterprise. RZ's primary purpose is the opposite of my situation and would render my residential use permanently non-conforming.
3. The Rural Living Zone D satisfies the criteria in Zone Guidelines RLZ 1(a) and RLZ 2(b). All three criteria in Guideline No. 1 for ELZ-to-RLZ translation are met. The Commission's own guideline expressly contemplates and supports this zone allocation.
4. All landscape values identified in the Allens Rivulet locality can be appropriately managed through mandatory code overlays C7.0, C8.0, C13.0, and C15.0, which apply regardless of zone. Ireneinc itself found LOW RISK for RLZ application in this locality. LCZ adds no additional conservation protection over RLZ with these codes applied.
5. The Ireneinc evaluation framework contains a structural flaw — the DP4 gatekeeping test — that denies larger-lot properties (>15 ha) access to the DP6 balancing question that the Zone Guidelines require. The Commission should apply the Zone Guidelines directly rather than relying on a framework that produces results inconsistent with those Guidelines.
6. The Commission's own decision in the Huon Valley LPS directed over 450 materially identical properties to RLZ rather than LCZ. Consistency in administrative decision-making requires the same outcome here.

I respectfully request that the Commission:

1. **Preferred outcome:** Determine that the draft Kingborough LPS should be modified to include the folio of the Register [130582/1] at [REDACTED] Allens Rivulet, within the Rural Living Zone D.
2. **Acceptable alternative:** If the Commission is not prepared to apply RLZ-D across the full property, apply RLZ-D to the cleared and working land (approximately the lower one-fifth of the property comprising the dwelling, agricultural activities, and farm infrastructure) and LCZ to the remainder.
3. **Additional request:** If the Commission proposes any alternative outcome, I should be provided with the opportunity to respond before any final determination is made.

Signed:



Denbeigh Armstrong

Date:

4/5/2026

Appendix 1 - Images to evidence rural residential use

Residential use has been continuous since 2007



The property is used for horse grazing and related activities



Active land stewardship looks after the health of the property and reduces the risk of bushfire



Managing fuel load to mitigate fire risk using cool-burning techniques. This activity also helps to heal the land and promote fresh green growth in the native grasses, which benefits the wallabies and other native animals that use these as a food source

4WD tracks throughout the property provide access to maintain the property and are used to walk the dogs and for horse-riding



There is evidence of historical selective logging throughout the property, and the trees are clearly post 1967 fires re-growth.

The trees are blackened from fuel reduction burns undertaken prior to my purchase of the property. There are very few large trees left on the property.

