
From: Jane Richards <[REDACTED]>
Sent: Monday, 13 April 2026 2:22 PM
To: kingboroughLPS@planning.tas.gov.au
Cc: TPC Enquiry
Subject: CM: Second Representation – Draft Local Provisions Schedule (LPS) – Proposed Landscape Conservation Zone (LCZ)
Attachments: Second Representation to proposed rezoning.docx; Letter of Objection to Proposed rezoning..docx

Dear Nick and TPC members,

Please find attached our second representation, along with the original representation, objecting to the proposed zoning of our property in Leslie Vale.

Note I have included the general TPC enquiry email as my first email to the Kingborough LPS email bounced back.

Best wishes,

Jane Richards
Learning and Teaching Support Officer

School of Engineering
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[\[REDACTED\]@utas.edu.au](mailto:[REDACTED]@utas.edu.au)

Please note my work hours are:
Mon-Fri: 7.30-3.30pm

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TASMANIA 
CRICOS 00586B

Dear Nick and Members of the Tasmanian Planning Commission,

I write to lodge a **second representation** regarding the Draft Kingborough Local Provisions Schedule (LPS) to **object** to the proposed **Landscape Conservation Zone (LCZ)** applying to my property at [REDACTED], **Leslie Vale**. Noting the report was originally commissioned to review the properties previously zoned Environmental Living (ELZ) and whether Landscape Conservation (LCZ) was a suitable replacement. Given our property was not zoned Environmental Living, but Rural Resource, our property should never have been included.

It is important to note that **the address referenced in the Tasmanian Planning Commission (TPC) briefing letter** ([REDACTED]) is incorrect — that property is **zoned Rural Living** and is **not subject to LCZ under the Draft LPS**. The property that is proposed for LCZ and is the subject of this representation is [REDACTED], **Leslie Vale**.

This representation should be read in conjunction with my previous submission to the Tasmanian Planning Commission, which raised concerns about the reliance on the Scenic Protection Code overlay to justify LCZ mapping. This further submission focuses specifically on the **inconsistency between the intent of the LCZ and the established, lawful, and primary residential use of this land**.

Below I have highlighted several points that clearly illustrate LCZ zoned has been incorrectly proposed for our residential property:

1. The Primary Use of the Land is Residential – Not Conservation

As outlined in my previous submission to the Tasmanian Planning Commission, the primary use of [REDACTED] is residential and rural in nature. The property is not wilderness, reserve land, or a landscape of recognised scenic prominence. It is a **long-established residential holding** used as:

- A residence
- A hobby farm (plantation and cattle)
- Agricultural outbuildings and machinery shed

This pattern of use aligns directly with the intent of the **Rural Living Zone**, under which the land has historically been managed.

The **LCZ explicitly discourages residential and rural living activities** and is intended for land where conservation and landscape protection are the dominant purposes. This is clearly not the case for this property, nor for many of the surrounding “bush block” residential holdings in Leslie Vale.

Applying LCZ to land whose dominant and historical purpose is residential is **contrary to the zone's purpose statement** and creates an artificial planning conflict that does not reflect on-ground reality.

2. LCZ Will Substantially Devalue the Property

The proposed re-zoning to LCZ will significantly **devalue the property** by:

- Restricting housing development to discretionary status
- Increasing planning risk and uncertainty
- Constraining sustainable use consistent with the established neighbourhood pattern
- Significantly reducing the number of permissible uses that support the land's productive value

Landowners have a legitimate expectation that their property will not be rezoned in a manner that materially reduces its value or utility without compelling planning justification.

It is also appropriate to highlight a recent and highly relevant legal decision from Victoria which underscores the real economic consequences of inappropriate rezoning. In that case, the Victorian Supreme Court found that the Government was required to pay **more than \$27 million** in compensation after land was subject to a change in planning controls that significantly affected its use and value. The obligation for compensation arose because the rezoning had effectively deprived the landowner of the reasonable use and value of the land. This case establishes that when a government authority imposes planning restrictions that substantially diminish the use and value of land — particularly without adequate justification or clear planning purpose — affected owners may be entitled to **significant compensation**.

While different statutory frameworks apply in Tasmania, the principle remains: rezoning that imposes severe and unjustified restrictions can materially injure landowners and carry legal liability for planning authorities.

3. LCZ is Being Used as a Proxy for the Scenic Protection Overlay

As outlined in my previous representation, the justification for applying LCZ appears to stem from the application of the Scenic Protection Code to land above the 100 m contour — an approach acknowledged in planning documents as **arbitrary and temporary and not sufficiently evidence-based** pending proper landscape analysis.

The Draft LPS Supporting Report uses this scenic overlay to justify the LCZ mapping. This is a **circular and flawed rationale**:

An overlay acknowledged to be inadequately mapped is being used to justify a restrictive zone that permanently alters land use rights. Using an acknowledged interim overlay to justify a permanent and restrictive zone is not consistent with proper strategic planning, and it risks establishing planning controls that could trigger devaluation claims or compensation principles akin to the Victorian case noted above.

This is not consistent with evidence-based planning.

4. Inconsistency with the Kingborough Land Use Strategy (2019)

The **Kingborough Land Use Strategy** recognises that many of these elevated “bush blocks” are predominantly residential and notes:

“The Landscape Conservation Zone discourages residential uses.”

Despite this, the Draft LPS applies LCZ to exactly these residential properties.

Applying LCZ to properties whose predominant and lawful use is residential and rural undermines the strategy’s own policy framework.

5. Unreasonable Loss of Existing and Future Use Rights

Under LCZ, existing and future reasonable rural and residential activities become:

- Discretionary or prohibited
- Subject to significantly increased planning barriers
- Vulnerable to refusal despite being long-standing and appropriate for the land

This results in a **substantial devaluation of the property** and removes reasonable expectations of land use that have existed for decades under the Rural Resource zoning.

Planning schemes should regulate inappropriate development — not retrospectively restrict appropriate, established land use.

6. Absence of Site-Specific Scenic or Landscape Justification

No site-specific assessment has demonstrated that this property possesses the type of scenic value that warrants LCZ classification.

There are:

- No identified scenic views
- No recognised landscape features
- No public vantage points - as the block is a private internal block
- No documented landscape ranking or assessment

Without this, the application of LCZ is **unsupported by evidence**, contrary to the methodology proposed for scenic assessment across Southern Tasmania.

In conclusion the proposed LCZ mapping does not reflect:

- The established residential and rural use of the land
- The intent of the LCZ
- Council's own strategic documents
- Evidence-based scenic assessment methodology

It instead applies an unnecessarily restrictive zone to residential rural land based on an acknowledged interim overlay method. Planning decisions must be evidence-based and fair. Rezoning that undermines property value and use without solid justification sets an unreasonable precedent, potentially exposing the relevant authorities to compensation liability of the type seen in the Victorian court case. I therefore respectfully request the Tasmanian Planning Commission:

1. Remove the Landscape Conservation Zone from [REDACTED].
2. Zone as Rural Living in lieu of Rural Resource Zone, which accurately reflects the land's primary use and character.
3. Refrain from using the Scenic Protection overlay as justification for zone application until a proper landscape assessment is completed.

I, along with other local residents, now await the response of the Tasmanian Planning Commission to what we consider to be a deeply flawed and unjustified planning scheme put forward by the Kingborough Council.

Yours sincerely,

Jane Richards and Alex Sutherland

[REDACTED]

Leslie Vale Tas 7054

[REDACTED]