
From: johanna warren [REDACTED]
Sent: Tuesday, 28 April 2026 2:06 PM
To: Kingborough LPS
Subject: CM: [REDACTED]
Attachments: [REDACTED] Kingston 28042026.pdf

Good afternoon TPC

Please find my representation attached.

Regards

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1. Introduction

I submit this representation to the Tasmanian Planning Commission regarding the proposed application of the **Landscape Conservation Zone (LCZ)** to my property.

My concerns relate to the **misapplication of “landscape values”**, the absence of any demonstrable scenic or environmental significance, and the inconsistency of the proposal with both the **State Planning Provisions (SPPs)** and the Commission’s own prior findings.

2. Landscape Values Must Be Demonstrable, Not Assumed

Under the SPPs, landscape or scenic values must be:

- identifiable
- mapped
- visible from public places
- of recognised scenic or environmental significance

No such evidence has been provided for my property.

No site-specific assessment, mapping, scenic analysis, environmental report, or public-view assessment has been provided to justify applying LCZ to this particular

The justification appears to rely solely on the presence of trees.

This is not a valid planning basis for LCZ under the SPPs.

3. Vegetation Is Dynamic and Cannot Justify Permanent Zoning

The presence of vegetation does not, in itself, establish landscape conservation significance. Vegetation on private rural land is not a permanent landscape feature.

Trees:

- grow, die, fall, and regenerate
- are affected by drought, fire, disease, and natural senescence
- change composition over time
- are routinely managed by landowners

It is therefore unsound to apply a permanent zoning based on vegetation that is temporary, changeable, and not identified as having any special scenic or environmental significance.

The SPPs do not permit zoning based on **ordinary regrowth or common bushland**, which is all that exists on my property.

4. Lack of Public Visibility

Landscape values under the SPPs must relate to **public views**, not private perceptions.

My property:

- is **not visible** from key public viewpoints
- does **not form part of a scenic corridor**
- does **not contribute to a recognised landscape character area**

If the landscape cannot be seen by the public, it cannot form the basis for LCZ.

5. Incompatibility With Surrounding Land Use

The property has been continuously used and occupied for residential purposes for approximately fifty years. It is not managed as a conservation reserve, scenic asset, or environmental protection area.

While there is **extensive bushland in the broader region**, the **immediate landscape context** of my property is not consistent with the purpose of the Landscape Conservation Zone.

The surrounding area includes:

- a quarry and associated attenuation area
- rural-living properties
- mixed and fragmented land uses
- no cohesive or intact scenic landscape character in the immediate setting

The LCZ is intended for **large, continuous areas of high scenic integrity** where conservation values dominate the landscape.

My property does **not** form part of such an area. Instead, it sits within a **mixed-use, partially industrialised, partially rural-living environment**, which directly contradicts the purpose and intent of the LCZ.

The presence of broader regional bushland does not change this. The LCZ must reflect the **actual land use pattern and immediate landscape context**, not the existence of general bushland elsewhere in the municipality.

6. Absence of Environmental Significance

There is:

- no threatened vegetation community
- no mapped habitat significance
- no environmental significance overlays
- no evidence of ecological values warranting LCZ

The LCZ requires **both** scenic and environmental significance.

My property has neither.

7. The Scenic Overlay Demonstrates That LCZ Is Unnecessary

My property is currently subject to the **Scenic Landscapes Code** under KIPS2015, and under the Tasmanian Planning Scheme it will fall within the **Scenic Protection Area**.

These overlays already regulate:

- visual impact
- building siting
- clearing that affects public views
- development that may alter landscape character

These tools are **specifically designed** to manage scenic considerations **without requiring LCZ**.

Importantly:

- The Scenic overlay is **broad and generic**, not an indicator of high scenic significance.
- If the land genuinely possessed exceptional scenic value, it would be mapped as a **significant scenic landscape**, a **scenic corridor**, or a **protected view line**. It is not.
- The Scenic overlay functions effectively within **Rural Living** and **Low Density Residential** zones.
- It is a **targeted control**, whereas LCZ is a **blunt instrument** intended for large, intact, high-value landscapes.

The presence of the Scenic overlay therefore demonstrates that **visual impact can be fully managed without LCZ**, and that LCZ is unnecessary, disproportionate, and inconsistent with the SPPs.

8. The TPC Has Already Determined That LCZ Criterion 4 Excludes My Property

At my 2025 hearing, the TPC panel members confirmed - after conducting their own drive-by inspection of my property - that **LCZ Criterion 4 clearly states that the Landscape Conservation Zone should *not* be applied to land where the priority is residential use and development**.

My property has been used primarily as a residence for nearly fifty years (eight years by me and forty years by the previous owners). The land is managed and occupied as a home, not as a conservation landscape. This long-standing residential use was acknowledged by the panel during the hearing.

The Commission's own interpretation of LCZ Criterion 4 supports the conclusion that:

- the LCZ is **not appropriate** for land with established residential use

- the LCZ should **not override** the primary residential purpose of the land
- zoning must reflect **actual use**, not theoretical or assumed landscape values

It is therefore inconsistent for Council to continue proposing LCZ for my property when the Commission has already recognised that the zone is incompatible with the land's primary residential function.

This prior finding should carry significant weight in the current assessment.

9. Procedural Fairness / Natural Justice

Given that I have already participated in the hearing process in 2025, during which the Commission considered my evidence, inspected my property, and made clear findings regarding the inappropriateness of the LCZ (including the application of Criterion 4), Kingborough Council staff in attendance, agreed. I respectfully ask the Commission to clarify the following:

Why am I required to make a further representation and re-argue matters that have already been heard, considered, and addressed by the Commission?

I raise this question in the context of procedural fairness, as it is unclear why the burden of repeating this process is being placed on me when the need for reconsideration has arisen from issues outside my control. I would appreciate confirmation that the principles of natural justice are being upheld and that I will not be disadvantaged by procedural inconsistencies or errors in the earlier process.

10. Conclusion

Given:

- the absence of mapped scenic or environmental values;
- the lack of public visibility;
- the incompatibility with surrounding land uses;
- the dynamic and non-significant nature of the vegetation;
- the presence of a Scenic overlay that already manages visual impact;
- and the TPC's own previous determination that LCZ Criterion 4 excludes land used primarily for residential purposes.

The application of the Landscape Conservation Zone to my property is not justified under the State Planning Provisions.

I respectfully request that the property not be included in the Landscape Conservation Zone and instead be zoned in a manner consistent with its established residential use and surrounding land use pattern.

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