
From: Donna Finegan <[REDACTED]>
Sent: Monday, 4 May 2026 2:21 PM
To: Kingborough LPS
Subject: Re: Planning matter
Attachments: Pettered rd submission to TPC.docx

■
■ Please find attached our submission for Landscape Conservation Zone.

Kind regards,

Donna Finegan and Paul Annis-Brown

[REDACTED] [submission to TPC.pdf](#)

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Submission to the Tasmanian Planning Commission

Re: Kingborough Draft Local Provisions Schedule – Proposed Application of Landscape Conservation Zone (LCZ) to [REDACTED] Margate

Dear Commissioners,

I write to formally and unequivocally oppose the proposed application of the Landscape Conservation Zone (LCZ) to my property at [REDACTED], Margate..

This submission builds upon concerns already raised by affected residents and is supported by site-specific evidence, planning principles, and broader inconsistencies in the application of LCZ across Tasmania.

1. Fundamental Misapplication of the Landscape Conservation Zone

The LCZ is intended to protect areas of genuine, high environmental or landscape value. That threshold is not met in this locality.

As demonstrated in other resident's submissions from Pettered Road:

- The land is substantially modified, cleared, and actively managed
- It contains established dwellings and approved structures
- It is fragmented by significant infrastructure, including power easements, access tracks, and nearby utilities
- It forms part of an established rural residential settlement pattern, not an intact natural landscape

Council's own site observations confirm the absence of:

- High conservation value vegetation
- Threatened flora or fauna
- Intact ecological systems

Applying LCZ in these circumstances is not just questionable, it is a clear misalignment with the intent of the zone.

2. Established Residential Use Cannot Be Ignored

This is not undeveloped bushland. It is land that has long been used, approved, and relied upon as residential. The presence of existing dwellings, approved developments and longstanding subdivision intent creates a reasonable and legitimate expectation of continued residential use.

If a dwelling already exists on the land, and the land is functioning as residential, there is no rational planning basis to impose a restrictive conservation zone over it.

3. Significant and Unreasonable Impacts on Landowners

Many residents do not understand what benefit Council is obtaining by applying LCZ to privately owned property. Instead, it simply transfers significant financial and emotional burden onto individual landowners.

The zoning does not materially enhance environmental outcomes (given the land is already modified and managed), does not improve biodiversity protection beyond what existing regulations already achieve and does not contribute meaningfully to landscape conservation objectives.

Planning controls must deliver a net public benefit. In this case, there is none, only private cost.

The real and immediate consequences of this zoning are substantial:

- **Devaluation of property**
- **Increased insurance premiums**
- **Reduced borrowing capacity and financial security**
- **Limitations on reasonable use and future planning**

Beyond financial impacts, this process has caused genuine emotional distress, driven by a significant lack of transparency, uncertainty about property rights, retrospective changes to long-held expectations and importantly, a significant lack of honest consultation and true understanding of individual property owner's needs and concerns.

As outlined in the submission, landowners have acted as responsible custodians; maintaining, managing, and caring for their land over many years. This zoning effectively penalises that stewardship.

4. Procedural Failures and Lack of Fair Consultation

Multiple residents were not notified during the exhibition period, which undermines procedural fairness, Public participation requirements under the Land Use Planning and Approvals Act 1993, and confidence in the integrity of the planning process

Decisions of this magnitude must be built on genuine community engagement, not retrospective discovery.

In addition, evidence from broader planning reviews and community feedback highlights that LCZ has been applied inconsistently across municipalities without site specific assessment. This has resulted in similar land being treated differently depending on the location and Council. For example, the Glenmorgan Council only applied LCZ to private land where that landowner specifically requested this. They did not apply LCZ to any private land of their own volition. Planning schemes must be consistent, transparent, and evidence-based. This proposal fails on all three fronts.

6. Appropriate Zoning: Rural Living Zone (RLZ)

The Rural Living Zone clearly aligns with:

- Existing land use
- Settlement pattern
- Infrastructure availability
- Community expectations

It allows for continued residential use, sensible environmental management through overlays and codes, and a balanced outcome between use and protection

As mentioned, overlays (such as the biodiversity protection or scenic protection overlay) already provide a targeted and proportionate mechanism to protect identified landscape values without imposing broad, restrictive zoning. However, Kingborough Council has applied an unusually high number of subjective overlays—reportedly more than any other municipality in Tasmania—without clear, evidence-based justification, already representing an overextension of planning controls beyond their intended remit, even before the blanket application of LCZ.

Conclusion

A simple and fair principle should guide this decision:

Where land is already developed for residential use, and the landowner objects, the Landscape Conservation Zone should not be applied.

Anything else represents Council overreach, inequity and a complete disregard for property rights and planning integrity. The proposed application of the Landscape Conservation Zone to [REDACTED] is:

- Unsupported by environmental evidence
- Inconsistent with planning intent
- Procedurally flawed
- Harmful to affected landowners
- Devoid of clear public benefit

I therefore respectfully request that the Commission reject the application of LCZ to this locality and apply the Rural Living Zone to reflect the true character and use of the land

Yours sincerely,

Donna Finegan and Paul Annis-Brown

[REDACTED], Margate TAS 7054