
From: Jesse Pugh [REDACTED] >
Sent: Monday, 21 September 2026 12:47 AM
To: TPC Enquiry
Subject: Attendance form for Kingborough Hearings
Attachments: Kingborough draft LPS - Attachement B - Hearing attendance form (1).pdf; [REDACTED]
[REDACTED]_Further_Submission.pdf

To whom it may concern,

Please find attached our written submission for our upcoming Kingborough Draft Local Provisions Schedule hearing, set for the 29th of September 2026.

Via a phone conversation on Thursday the 17th of September 2026, it was confirmed we could submit our case via the written form as we cannot attend the hearing in person. We do not wish for this to be taken as complacency towards the issue, we feel very strongly about it, but unfortunately it has been scheduled when we are away in Scotland and the converted time frame of midnight-4am is impractical to attend via Teams.

In light of our inability to attend, we respectfully ask that, if the Commission requires any clarification or further information before determining the matter, we be given an opportunity to respond before a decision is made, even if this requires the matter to be adjourned. We have prepared this submission ourselves, having already incurred more than \$25,000 in planning-related costs for the property, including consultant reports and professional planning advice associated with the recently DA approved extension and shed. We are not in a position to engage further professional representation for this hearing, and would therefore be very grateful if our written submission and supporting material could be considered in full, with the opportunity for us to address any questions that may arise.

Kind regards,

Jesse and Katrina Pugh

Jesse Pugh
The Reno Life Director
[REDACTED]

WRITTEN SUBMISSION TO THE

TASMANIAN PLANNING COMMISSION

Kingborough Draft Local Provisions Schedule - Direction 69 / Ireneinc Review

Further submission by Representatives 87 and 89

To the Tasmanian Planning Commission,

We are Jesse and Katrina Pugh, owners and occupiers of [REDACTED], Margate. We made representations during the public exhibition of the Kingborough draft Local Provisions Schedule and are recorded in Kingborough Council's section 35F report as Representations 87 and 89.

This further submission responds to the subsequent Direction 69 review undertaken by Ireneinc Planning & Urban Design and provides property-specific evidence relevant to the proposed application of the Landscape Conservation Zone (LCZ) to our land.

PROPERTY DETAILS

Landowners	Jesse Pugh and Katrina Pugh
Property address	[REDACTED], Margate TAS 7054
PID	[REDACTED]
Title reference	CT [REDACTED] - [REDACTED] on Diagram 84888
Approximate title area	3.4 ha
Current zone	Rural Resource Zone - Kingborough Interim Planning Scheme 2015
Draft / recommended zone	Landscape Conservation Zone
Zone sought	Rural Living Zone B
Purpose of this submission	Request modification of the draft LPS zoning for the subject land

STATEMENT OF POSITION

We respectfully submit that Landscape Conservation is not the most appropriate underlying zone for [REDACTED]. The evidence supports Rural Living Zone B because the property has a long-established residential use, sits within an existing rural-residential settlement pattern, and contains natural and landscape values that can be identified and managed through relevant codes and site-specific controls without making conservation the primary land-use purpose of the entire title.

1. EXECUTIVE SUMMARY

Our position is not that the property has no natural or landscape values. The land contains native vegetation and habitat features that warrant appropriate management. The planning question is whether those values justify LCZ as the primary underlying zone for the whole 3.4 ha title, or whether Rural Living more accurately reflects the existing and intended use of the land while retaining environmental controls.

- The land contains an established dwelling and domestic area, with a residential site and driveway already well established by early 1981 according to the ECOtas assessment.
- Kingborough Council approved additions and alterations to the dwelling and a new outbuilding in February 2025, subject to detailed environmental, arboricultural and bushfire controls.
- The 2023 ECOtas assessment found no threatened flora detected or known from the study area, no Tasmanian-listed threatened fauna detected or known from the study area, and classified the vegetation

communities affected by the approved proposal as low-priority biodiversity values under the then-applicable Biodiversity Code.

- The subject land is directly associated with an existing rural-residential settlement pattern. ECOtas describes the title to the north as a typical rural-living occupied title, while the draft mapping shows Rural Living extending along [REDACTED] / [REDACTED] immediately beside the subject locality.
- The regional strategy expressly allows Rural Living to recognise an existing rural-living community regardless of current zoning, provided the relevant criteria are met. The requested RLZ-B classification creates only limited subdivision potential and any future subdivision would require a separate planning assessment.

2. APPLICABLE PLANNING FRAMEWORK

2.1 LPS criteria under the Land Use Planning and Approvals Act 1993

Section 35L(2) of the Land Use Planning and Approvals Act 1993 (LUPAA) prevents approval of an LPS unless the Commission is satisfied that it meets the LPS criteria. Under section 34(2), those criteria include furthering the Schedule 1 objectives and, as far as practicable, consistency with the applicable regional land use strategy.

2.2 Guideline No. 1 - Rural Living and Landscape Conservation

Section 8A Guideline No. 1 provides the Commission's zone-application guidance. Of particular relevance:

- LCZ 4(a) states that the Landscape Conservation Zone should not be applied to land where the priority is for residential use and development, referring instead to the Rural Living Zone.
- RLZ 1(a) supports Rural Living for residential areas with larger lots where residential use is mixed with lower-order rural activities and residential amenity is prioritised.
- RLZ 2(a) allows Rural Living on land not currently zoned Rural Living where the application is consistent with the relevant regional land use strategy, or supported by appropriate strategic analysis.
- RLZ 3 requires the A/B/C/D differentiation to reflect the existing pattern and density of development or to be strategically justified.
- RLZ 4(b) recognises that land containing important landscape values can still be appropriate for Rural Living where those values can be appropriately managed through the application and operation of relevant codes.

These provisions require a site- and locality-specific assessment. The existence of vegetation does not, of itself, resolve the zoning question.

3. THE SUBJECT LAND HAS A LONG-ESTABLISHED RESIDENTIAL CHARACTER

The ECOtas Natural Values Assessment describes the south-eastern portion of the title as long-developed with a residential dwelling and associated domestic elements, including a substantial cleared area, ornamental plantings, fencing and a well-formed internal gravel driveway. It also records that the present house site and driveway were already well established by early 1981, with paddocks then present in the north-western part of the title.

The same assessment records a long history of modification across the balance of the property, including previously cleared ground, silver-wattle regeneration, mature planted radiata pine and evidence of earlier selective tree cutting. This demonstrates that the title is not simply an intact or undisturbed bushland parcel.

That residential character was recognised through the statutory development process in February 2025, when Kingborough Council approved DA-2023-263 for additions and alterations to the dwelling and a new outbuilding. The permit expressly limits the outbuilding to storage and other activities incidental to the normal enjoyment of a dwelling.

We acknowledge that a development permit does not determine the appropriate zoning. It is nevertheless relevant factual evidence that the existing and continuing function of this land is residential and that Council has recently assessed that function against the site's environmental and hazard constraints.

4. THE PROPERTY FORMS PART OF AN EXISTING RURAL-RESIDENTIAL SETTLEMENT PATTERN

The settlement context is important. ECOtas describes the subject title as being bounded to the north by a typical rural-living occupied title, and to the east and south by larger bush lots with small-scale residential occupation. The Kingborough Land Use Strategy 2019 likewise describes [REDACTED] as one of the main transport spines extending from Margate into the rural area, with smaller roads containing small farms, residential properties and bush blocks.

The draft zoning map also shows the subject property at the transition between Rural Living land along [REDACTED] / [REDACTED] and the larger proposed LCZ area to the south and east.

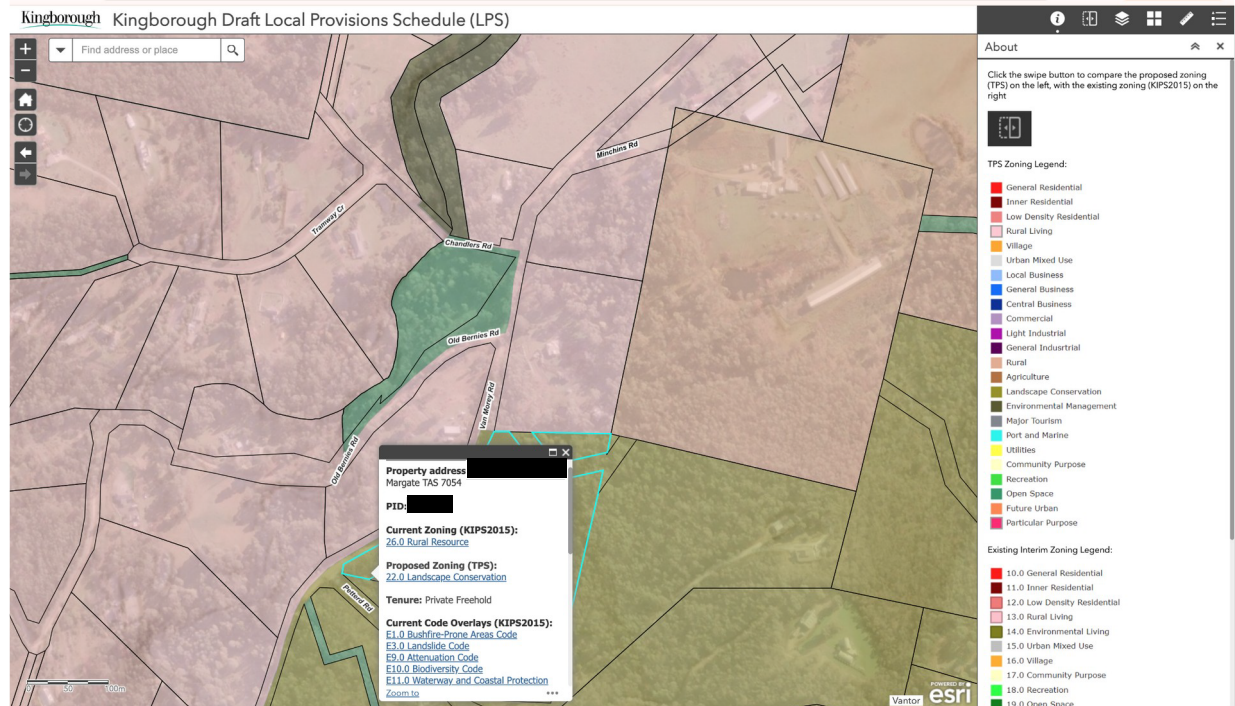


Figure 1. Kingborough Draft LPS interactive mapping. [REDACTED] is outlined in cyan and identified in the map pop-up; the map records current Rural Resource zoning and proposed Landscape Conservation zoning.

Ireneinc's review of earlier Commission modifications identifies several considerations that have supported changes from LCZ to Rural Living in other contexts, including avoidance of fragmented LCZ application, Rural Resource land adjoining Rural Living with similar settlement characteristics, recognition of existing settlement patterns, and rural-living characteristics that do not amount to creation of a new or substantially more intense rural-living settlement. Those considerations are not determinative, but they are relevant to the spatial logic of the proposed boundary at this property.

5. RURAL LIVING IS STRATEGICALLY AVAILABLE DESPITE THE CURRENT RURAL RESOURCE ZONING

We recognise that [REDACTED] is currently Rural Resource rather than Environmental Living. We therefore do not rely on the Environmental Living pathway in RLZ 2(b). Our case is instead made under RLZ 2(a), by reference to the Southern Tasmania Regional Land Use Strategy (STRLUS).

STRLUS policy SRD 1.3 allows land not currently zoned Rural Living or Environmental Living to be rezoned for Rural Living where this recognises an existing rural-living community. Relevant requirements include that the community is substantial in size or adjoins a settlement and that only limited subdivision potential is created by rezoning.

The evidence supports recognition of the [REDACTED] / [REDACTED] locality as an existing rural-residential community: the subject land contains a long-established dwelling; adjoining and nearby titles contain residential occupation; proposed Rural Living land sits immediately beside the subject locality; and the subject title itself is a 3.4 ha residentially occupied lot rather than a large productive rural holding.

RLZ-B has a standard minimum lot size of 2 ha. On a title of approximately 3.4 ha, that classification does not create extensive subdivision potential. Under clause 11.5.1 of the State Planning Provisions, any subdivision relying on the performance criterion cannot create lots more than 20% smaller than the applicable minimum lot size and must be assessed against matters including usable area, existing buildings, topography, natural and landscape values and the established pattern of development. Any future subdivision would therefore remain limited and subject to a separate merits assessment.

6. SITE-SPECIFIC NATURAL VALUES EVIDENCE DOES NOT REQUIRE LCZ AS THE BASE ZONE

The property has been the subject of a detailed Natural Values Assessment by Mark Wapstra of ECOtas following a field assessment on 4 October 2023. That assessment provides substantially more site-specific information than can be obtained from broad-scale mapping alone.

The report found that no plant species listed as threatened under the Commonwealth EPBC Act or the Tasmanian Threatened Species Protection Act were detected or known from the study area. It also found that no fauna species listed under the Tasmanian Threatened Species Protection Act were detected or known from the study area. An historic eastern quoll database point notionally located within the title was assessed as low-precision and almost certainly not a record from within the title.

The vegetation communities affected by the approved development - *Eucalyptus obliqua* dry forest and *Eucalyptus pulchella* forest and woodland - were found not to constitute threatened vegetation communities under Tasmanian legislation or threatened ecological communities under the EPBC Act. As vegetation types, those occurrences were classified as low-priority biodiversity values under the then-applicable Kingborough Biodiversity Code.

The assessment does identify potential fauna habitat, individual trees of conservation significance, native vegetation and broader landscape values. We do not seek to minimise those findings. The relevant point is that the professional evidence presents a mixed and modified residential-bushland site, rather than evidence that the primary strategic purpose of the entire title must be conservation.

7. IDENTIFIED VALUES CAN BE MANAGED THROUGH CODES AND SITE-SPECIFIC CONTROLS

RLZ 4(b) is particularly relevant because it expressly contemplates Rural Living where important landscape values can be appropriately managed through relevant codes. This is consistent with the Planning Commission's published guidance that the appropriate zone for vegetated private land depends on local and site context and that natural values can, in appropriate cases, be protected through the Natural Assets Code while another underlying zone is applied.

The recent assessment of DA-2023-263 demonstrates how that can operate on this property. Council approved the residential additions and outbuilding subject to targeted conditions addressing vegetation disturbance, retention and protection of remaining vegetation and trees, arboricultural controls and bushfire management.

The Tree Pioneers arboricultural assessment concluded that the site could be developed while effectively retaining the landscape, subject to tree-protection zones, sensitive construction methods, semi-permeable above-grade driveway works where required and professional arboricultural supervision.

The December 2024 bushfire assessment likewise treats the property as an existing residential site in a rural setting. It identifies BAL-29 and requires an ongoing Hazard Management Area around the dwelling, with active management of litter, grass, understorey and canopy separation. This reinforces that residential occupation of the site necessarily involves ongoing, regulated land management.

Taken together, these assessments support a planning response in which environmental and landscape values are identified and managed through specific controls rather than assuming that LCZ must be the primary land-use designation over the whole title.

8. THE PROPOSED LCZ BOUNDARY SHOULD REFLECT THE ACTUAL SETTLEMENT PATTERN

The proposed zoning boundary places [REDACTED] at the point where the LCZ begins along this part of [REDACTED], despite the continuation of residential occupation and rural-residential characteristics through the locality. The location of the boundary should therefore be tested against the actual characteristics of the subject land, not simply its visual association with larger vegetated parcels to the south and east.

Ireneinc's own review records avoidance of fragmented LCZ zoning and recognition of existing settlement patterns as relevant considerations in previous Commission modifications. A Rural Living zoning outcome for the subject land would provide a more logical transition from the established rural-residential pattern while leaving environmental and hazard controls available to manage the values identified on the property.

9. RURAL LIVING ZONE B IS THE APPROPRIATE SUBCATEGORY

Guideline RLZ 3 requires the Rural Living A/B/C/D distinction to reflect the existing pattern and density of development or to be supported by strategic justification. Table 11.1 of the State Planning Provisions sets the standard minimum lot size for Rural Living Zone B at 2 ha.

We request Rural Living Zone B for the subject land. In our submission, RLZ-B is proportionate to the approximately 3.4 ha title and the larger-lot rural-residential character of the locality. It recognises the established residential use without converting the land to an urban or high-density residential purpose.

Any future use, development or subdivision proposal would remain subject to the applicable provisions of the Tasmanian Planning Scheme and would require assessment on its own merits, including the relevant natural-assets, scenic, bushfire, landslip, access and servicing considerations.

10. CONCLUSION AND RELIEF SOUGHT

For the reasons set out above, we respectfully submit that:

1. [REDACTED] has a long-established residential use and is physically and functionally part of a rural-residential settlement pattern.
2. Guideline No. 1 states that LCZ should not be applied where the priority is residential use and development.
3. Rural Living is strategically available under RLZ 2(a) and STRLUS SRD 1.3 notwithstanding the current Rural Resource zoning, where the rezoning recognises an existing rural-living community and creates only limited subdivision potential.
4. The ECOTas assessment identifies natural values that warrant management but does not establish that conservation must be the primary land-use purpose of the entire title.
5. The approved development process, arboricultural assessment and bushfire assessment demonstrate that residential occupation and protection of identified environmental and landscape values can operate together through targeted planning controls.
6. The proposed boundary should recognise the subject property's relationship with the adjoining rural-residential settlement pattern rather than treating it solely as part of the larger vegetated LCZ area to its south and east.
7. Rural Living Zone B provides the more appropriate underlying planning framework for the subject land.

REQUESTED MODIFICATION

Modify the Kingborough draft Local Provisions Schedule so that [REDACTED] Margate (CT [REDACTED] PID [REDACTED]) is removed from the proposed Landscape Conservation Zone and included in Rural Living Zone B.

We also request an opportunity to respond to any new site-specific concern or alternative zoning outcome raised by the Commission before a final determination is made in relation to the subject land.

Jesse Pugh

Katrina Pugh

[REDACTED], Margate TAS 7054

19 September 2026

ATTACHMENT SCHEDULE

Attachment	Document
Attachment A	Kingborough Draft LPS interactive zoning map - [REDACTED] road highlighted.
Attachment B	ECOTas, Natural Values Assessment of [REDACTED], 24 October 2023.
Attachment C	Kingborough Council Planning Permit DA-2023-263, decision 25 February 2025, together with the approved overall site plan.
Attachment D	Tree Pioneers, Arboricultural Assessment Report, 10 June 2024.
Attachment E	Geo-Environmental Solutions, Bushfire Hazard Report - [REDACTED], December 2024, J8606v2.0.

Attachment	Document
Attachment F	Recorder of Titles - Folio Plan / title identification, CT

SOURCE DOCUMENTS / PLANNING REFERENCES

1.

Land Use Planning and Approvals Act 1993 (Tas), ss 34 and 35L. [Online source](#)

2.

Tasmanian Planning Commission, Section 8A Guideline No. 1 - Local Provisions Schedule: Zone and Code Application, Version 3. [Online source](#)

3.

Southern Tasmania Regional Land Use Strategy 2010-2035, amended 19 May 2025, particularly SRD 1.3. [Online source](#)

4.

Tasmanian Planning Scheme - State Planning Provisions, Rural Living Zone, clause 11.5.1 and Table 11.1. [Online source](#)

5.

Ireneinc Planning & Urban Design, Review of the LCZ Kingborough - Locality Baselineing and Alternative Zone Evaluation, March 2026. [Online source](#)

6.

Kingborough Council, Kingborough Land Use Strategy, May 2019. [Online source](#)

7.

Tasmanian Planning Commission, Kingborough draft LPS assessment page. [Online source](#)

Note: This submission has been prepared by the landowners. The supporting consultant reports should be read in full and in the context for which each was prepared.