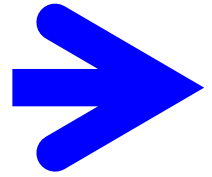


# APPLICATION FOR PLANNING SCHEME AMENDMENT



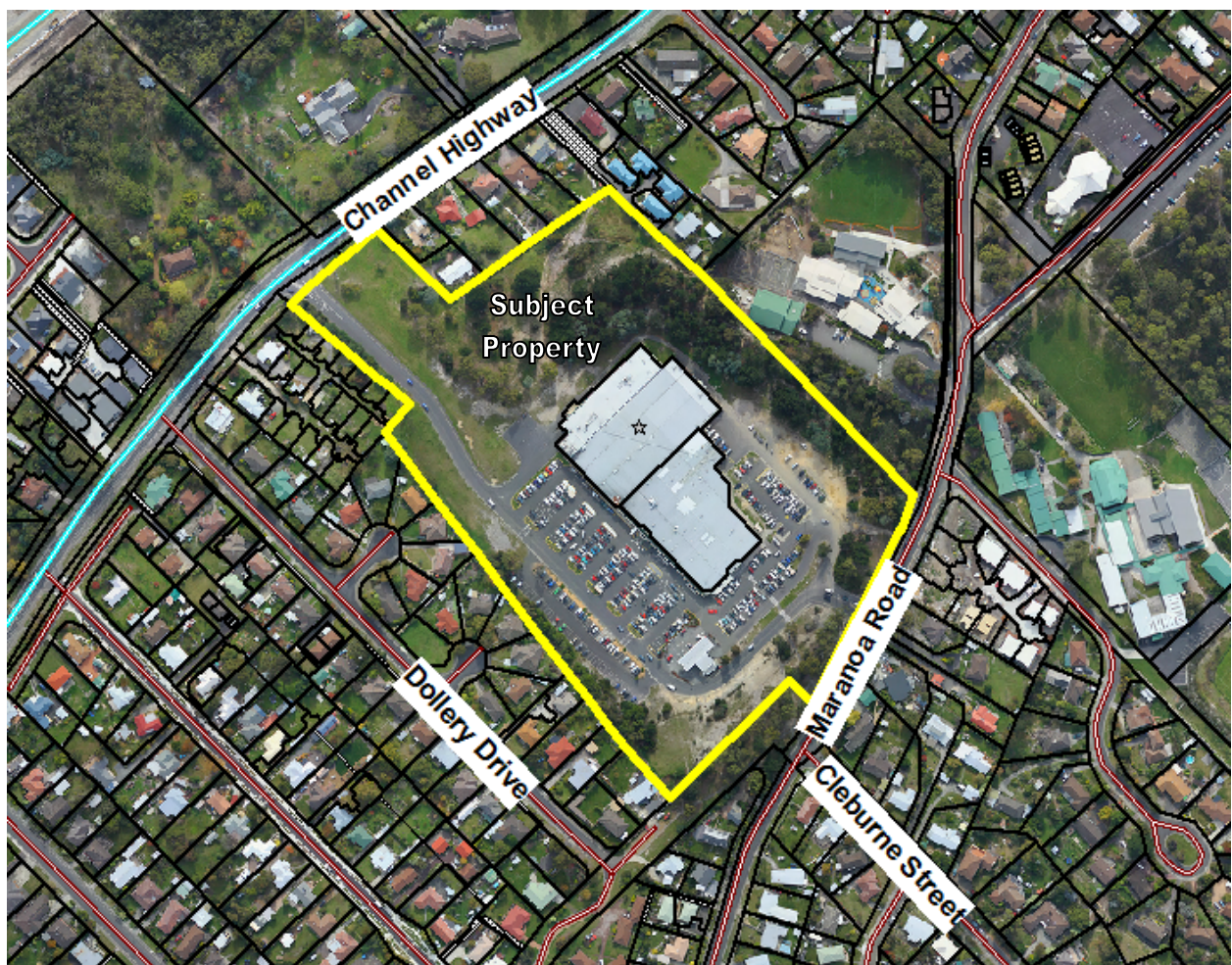
**AMENDMENT NO:** PSA-2018-1

**NAME OF APPLICANT:** All Urban Planning Pty Ltd

**INTENTION:** Amendment to the Kingborough Interim Planning Scheme 2015 for partial rezoning from General Business to Inner Residential and removal of the Biodiversity Overlay from the rezoned area

**LOCATION:** 'Kingston Town', 37-59 Maranoa Road, Kingston

Any representation from interested persons must be lodged in writing with the Acting General Manager, 15 Channel Highway, Kingston 7050 or by email to [kc@kingborough.tas.gov.au](mailto:kc@kingborough.tas.gov.au) by 9-Apr-2018.



# **DEVELOPMENT APPLICATION**

<b><u>Application Number:</u></b>	PSA-2018-1
<b><u>Proposed Development:</u></b>	Amendment to the Kingborough Interim Planning Scheme 2015 for partial rezoning from General Business to Inner Residential and removal of the Biodiversity Overlay from the rezoned area
<b><u>Location:</u></b>	'Kingston Town', 37-59 Maranoa Road, Kingston
<b><u>Applicant:</u></b>	All Urban Planning Pty Ltd
<b><u>Responsible Planning Officer:</u></b>	Dianne Cowen
<b><u>Associated Documents:</u></b>  The following information regarding the application is available at Council offices: <ul style="list-style-type: none"><li>• Application form</li><li>• Certificate of Title</li><li>• Planning Submission</li><li>• Arborists Report</li><li>• Bushfire Management Report</li><li>• Owners Consent for application</li><li>• Instrument of Certification</li><li>• Traffic Impact statement</li></ul>	

# KINGBOROUGH INTERIM PLANNING SCHEME 2015

## DRAFT AMENDMENT PSA-2018-1

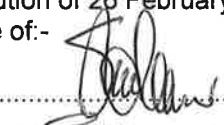
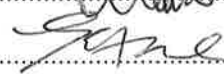
The Kingborough Interim Planning Scheme 2015 is amended as follows:

1. Rezone a portion of the land zoned General Business to Inner Residential at 37-59 Maranoa Road (CT 126707/0 & 1) as follows:



2. Remove the Biodiversity Protection Area Overlay from within the portion of land zoned Inner Residential.

The COMMON SEAL of the Kingborough Council is affixed below, pursuant to the Council's resolution of 26 February, 2018, in the presence of:-

  
.....  
  
.....

Councillor

General Manager






## INSTRUMENT OF CERTIFICATION

The Kingborough Council resolved at its meeting of 26 February, 2018 that Draft Amendment PSA-2018-1 to the Kingborough Interim Planning Scheme 2015 meets the requirements specified in section 32 of the *Land Use Planning and Approvals Act 1993*.

The COMMON SEAL of the Kingborough Council is affixed below, pursuant to the Council's resolution of 26 February 2018, In the presence of:-



.......... Councillor

.......... General Manager

## OFFICERS REPORTS TO PLANNING AUTHORITY

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FILE NO                      PSA-2018-1  
DATE                        23 January 2018  
OFFICER                    DIANNE COWEN – STRATEGIC PLANNING OFFICER  
ENDORSED BY            TASHA TYLER-MOORE – MANAGER DEVELOPMENT SERVICES

**PSA-2018-1 - PLANNING SCHEME AMENDMENT APPLICATION FOR PARTIAL REZONING FROM GENERAL BUSINESS TO INNER RESIDENTIAL AND REMOVAL OF THE BIODIVERSITY OVERLAY FROM THE REZONED AREA AFFECTING THE LAND AT 37-59 MARANOA ROAD, KINGSTON ON BEHALF OF ALL URBAN PLANNING PTY LTD AT 'KINGSTON TOWN', 37-59 MARANOA ROAD, KINGSTON FOR ALL URBAN PLANNING PTY LTD**

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<b>Application Number:</b>	PSA-2018-1
<b>Applicant:</b>	All Urban Planning Pty Ltd
<b>Existing Zoning:</b>	General Business
<b>Existing Land Use:</b>	General Retail and Hire (Kingston Town Shopping Centre)
<b>Proposal in brief:</b>	The proposal is to rezone a portion of land near the road frontage (addressing Channel Highway) to Inner Residential to facilitate infill medium density residential housing in future. Removal of the biodiversity protection area overlay from the portion of the site proposed for rezoning is also requested to allow for the efficient use of the site as a medium density residential site.
<b>No. of Representations:</b>	Not advertised as yet. Draft amendments are advertised for public comment following initiation by the Planning Authority for a period of 28 days.
<b>Recommendation:</b>	Initiate and certify the draft amendment in accordance with Section 12 of this report.

### 1. EXECUTIVE SUMMARY

This report considers a proposed amendment to the *Kingborough Interim Planning Scheme 2015* (KIPS 2015) to partially rezone land from General Business to Inner Residential. The assessment takes into account the following matters:

- The ability of the subject land to facilitate residential development to a higher density in accordance with the *Kingborough Interim Planning Scheme 2015*.
- Any environmental and/or landscape values.
- Site constraints.
- Strategic justification for the rezoning.
- Consistency with the Kingborough Council Strategic Plan 2015-2025.

- Consistency with the Southern Tasmania Regional Land Use Strategy.
- Consistency with the Kingborough Land Use Strategy.
- Compliance with the requirements of the former provisions of the *Land Use Planning and Approvals Act 1993*.

Listed above are the core issues assessed in order to determine whether the proposed amendment is strategically justified.

In summary, the amendment must be consistent with the requirements of the Kingborough Council Strategic Plan 2015-2025, the Southern Tasmania Regional Land Use Strategy, the Kingborough Land Use Strategy and the *Land Use Planning and Approvals Act 1993*.

The following comprehensive assessment of the relevant strategic matters provides sufficient evidence on which to base a decision on whether to initiate and certify the amendment as suitable for public exhibition. As a result of the assessment, it is considered there is strategic justification for the proposed amendment.

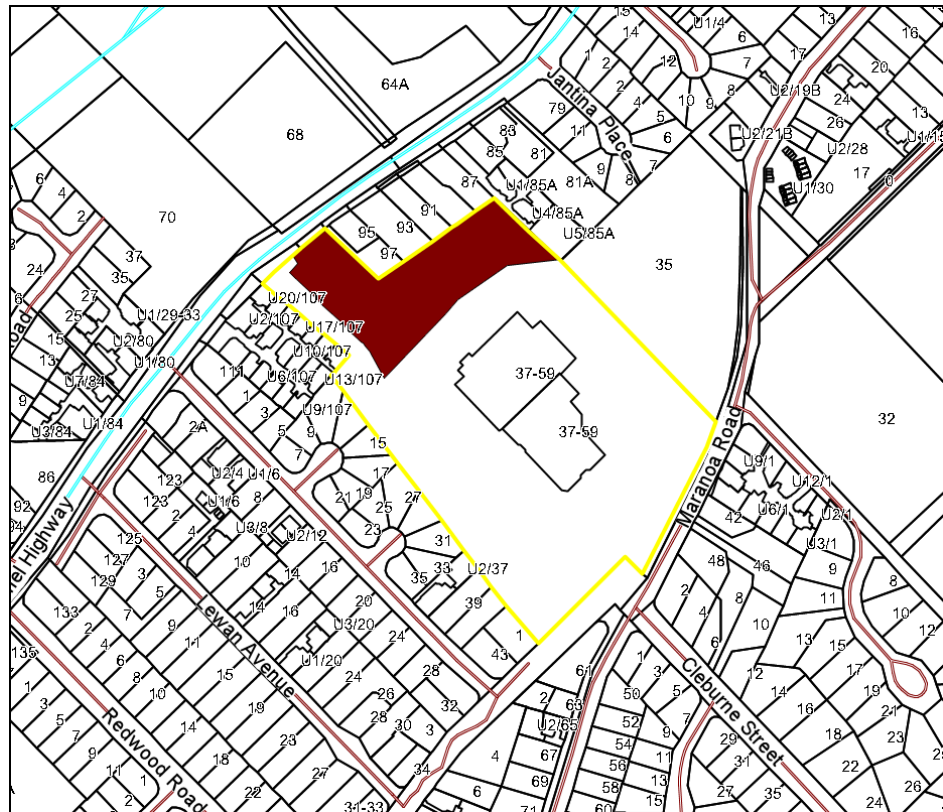
Upon a decision being made by the Planning Authority to initiate the amendment, the draft amendment is then forwarded to the Tasmanian Planning Commission for a final decision and in the meantime, publicly advertised for a period of 28 days. A report on any representations received will be tabled at a Planning Authority meeting at a later date as required under section 39 of the former provisions of the *Land Use Planning and Approvals Act 1993* and any recommendations in relation to the representations forwarded to the Tasmanian Planning Commission for final assessment.

## **2. THE PROPOSAL IN DETAIL**

### **2.1 The Proposal**

The proposal is an application to amend the *Kingborough Interim Planning Scheme 2015* (The Scheme) in accordance with section 33(1) of the *Land Use Planning and Approvals Act 1993*. The application is made by All Urban Planning Pty Ltd and is accompanied by a planning submission in support of the proposal.

The draft amendment seeks to rezone a portion of the site currently zoned General Business to Inner Residential (see figure 1). A secondary component to the draft amendment is to remove the Biodiversity Protection Area overlay from being applicable within the rezoned area. As a result of the type of development proposed in the Inner Residential zone upon approval of the draft amendment, the density would be increased to a point where it is unviable to retain any vegetation worthy of protection under the Biodiversity Code. It is therefore considered inappropriate to allow the Biodiversity Code to apply in this particular location.



**Figure 1: Proposal plan demonstrating the extent of the proposed Inner Residential zone shown in brown for the site outlined in yellow**

The draft amendment results in changes to the zone map and no amendment to the Ordinance itself. The area of land targeted for rezoning measures 11,603 sqm. The proposed zoning results in a consistent pattern to the Inner Residential zoned land adjacent to the site.

## 2.2 The Site

The subject land is known as 37-59 Maranoa Road, Kingston and is identified by Certificate of Title: Volume 126707, Folio 1 & 0. The site is a stratum development on a parcel of land which measures approximately 6.41 hectares in total (see figures 2 & 3 below) and contains the Kingston Town Shopping Centre. The building itself is divided into two sections under the strata – shown as flat 1 measuring 4735m<sup>2</sup> and flat 2, 3812m<sup>2</sup>. The remainder of the site is common ground.

The site is accessible via two separate locations - Channel Highway and Maranoa Road, Kingston. The roads within the site are constructed to a sealed standard typical of a shopping centre and are privately owned. The common area contains a large area of carparking and landscaping which consists predominantly of native vegetation and grassed areas.

The site is surrounded mainly by residential development and is zoned Inner Residential to the north/north-east and west of the site, General Residential to the south, with an area zoned Community Purpose to the east. Current zoning of the site is entirely as General Business under the KIPS 2015 (see figure 2).

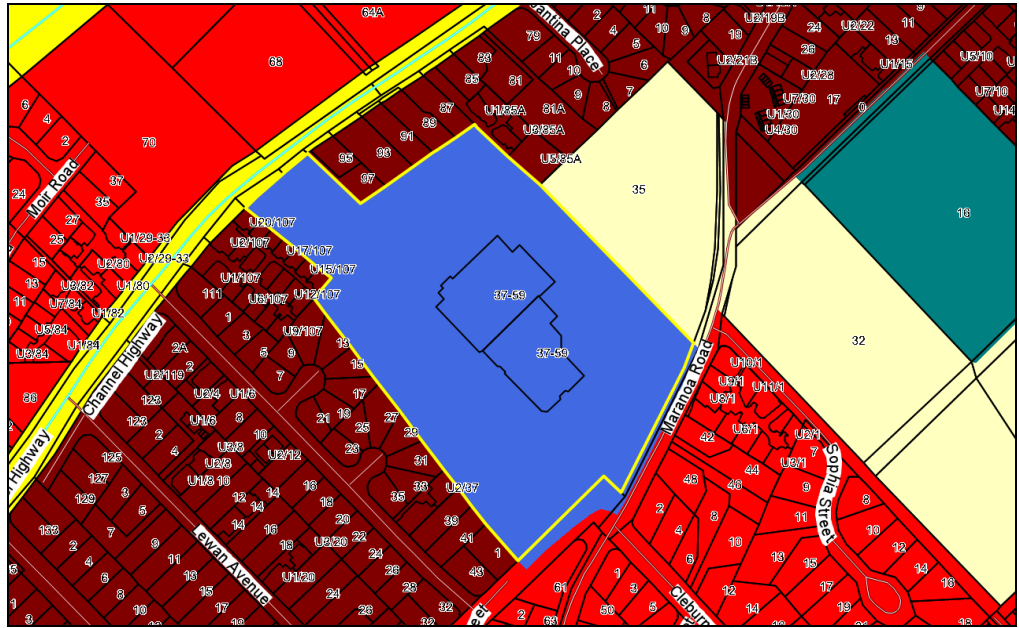


Figure 2: Zone map for the site outlined in yellow

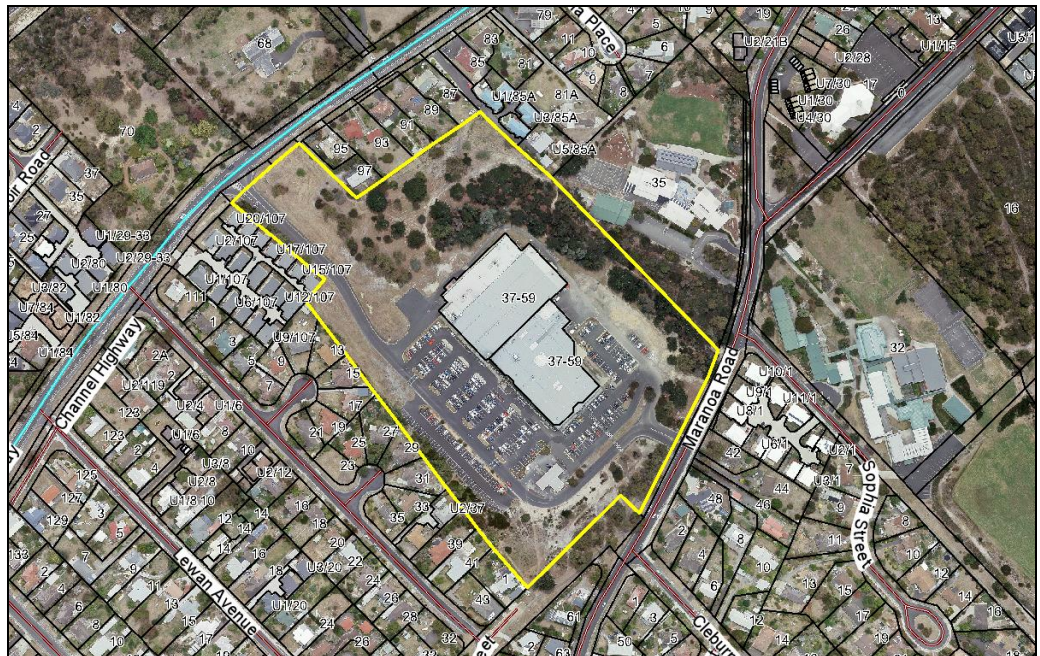


Figure 3: Aerial photo of the subject site

The site also contains small areas of remnant native vegetation, including black peppermint (*Eucalyptus amygdalina*) and white gum (*Eucalyptus viminalis*) trees, some of which are high conservation value (see figure 4). The site also contains extensive patches of thatch saw-sedge (*Gahnia radula*), which provides potential habitat for the threatened *Chaostola* skipper (see figure 5). This habitat is located across the site under both remnant native vegetation and pine trees. In a small area (approximately 500m<sup>2</sup>) the species composition and structure of the native vegetation meets the c of *Eucalyptus amygdalina* forest and woodland on sandstone (DAS), which is a threatened native vegetation community. As such, parts of the site contain biodiversity values of significance.





**Figure 4: remnant native vegetation on the site, including individual trees of high conservation value and a small area of threatened native vegetation**



**Figure 5: thatch saw-sedge (*Gahnia radula*), which provides potential habitat for the threatened *Chaostola* skipper**

### **2.3 Background to the application**

Council received the application for a draft amendment to the KIPS 2015 zone maps and Ordinance in November, 2017. The property was zoned a combination of Business & Civic and Residential under the former *Kingborough Planning Scheme 2000* (KPS 2000) (see figure 4). Interestingly,



the location of land previously zoned Residential generally correlates with the section of the site proposed to be rezoned to Inner Residential under the draft amendment. Translation from the KPS 2000 to the KIPS 2015 resulted in the property being zoned entirely General Business. It is therefore considered that significant weight should be given to the argument that the rezoning is consistent with former rights under the KPS 2000.

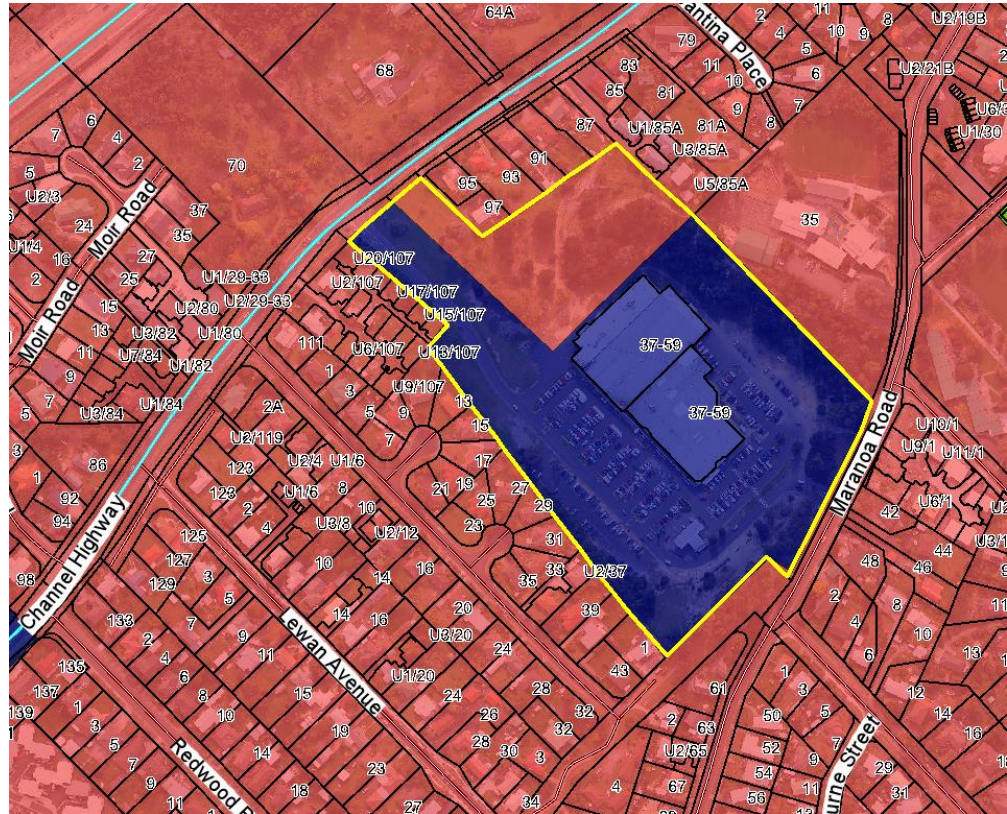


Figure 4: Former zone map from the Kingborough Planning Scheme 2000

Public consultation for the KIPS 2015 was held from 18 July, 2015 until 31 August, 2015. Section 33(5) of the Act requires the Planning Authority to give notice to the Commission where a planning scheme amendment application is submitted by a representor where a submission has been made under section 30I. During this period, no submission was made in relation to this property.

### 3. LEGISLATIVE REQUIREMENTS

#### 3.1 *Land Use Planning and Approvals Act 1993*

Amendments to the *Land Use Planning and Approvals Act 1993* (the Act) came into effect on 17 December 2015. Section 3(2)(b) of Schedule 6 of the Act provides for a planning scheme amendment application under the KIPS 2015 to be considered under the former provisions of the Act.

In accordance with s33(1) of the Act, a person may request a planning authority to amend a planning scheme administered by it. In accordance with s33(2B), *before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –*

- (a) *whether the requested amendment is consistent with the requirements of section 32; and*

- (ab) any representation made under s30I, and any statements in any report under section 30J as to the merit of the representation, that may be relevant to the amendment; and*
- (b) any advice referred to in section 65 of the Local Government Act 1993 received by it.*

Under s32(1), a draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision maker within the meaning of section 20(2A) –

- (a) .....*
- (b) .....*
- (c) .....*
- (d) .....*
- (e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- (ea) must not conflict with the requirements of section 30O; and*
- (f) must have regard to the impact the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

Section 33(2B)(ab) requires that any representations made under s30I and any statements in a report under s30J of LUPAA that may be relevant to the amendment application, must be considered. In this case, there were no such representations and therefore no response required from Council.

In accordance with s65 of the Local Government Act 1993, the Council must take into account the advice provided by a person with the necessary qualifications and experience necessary to give such advice. This report is prepared by such persons and provides the appropriate advice and recommendations.

The initiation requirements for the proposed scheme amendment are assessed in accordance with the requirements of s32 of the Act and the Planning Advisory Note 4 prepared by the Tasmanian Planning Commission.

#### **4. PLANNING DISCUSSION**

A planning submission was prepared by All Urban Planning Pty Ltd. The report provides strategic justification in support of the proposal which is discussed throughout this report.

The draft rezoning as proposed is considered to be consistent with the existing and adjoining land uses for this locality. The location has excellent access to the services provided by the central Kingston area. The site is considered to have limited potential for retail or commercial development on this portion of the subject land due to the slope of the land and the proximity to adjoining residential land uses.

Although no associated development application has been submitted with this proposal, the site is assessed for suitability to be developed for any use allowable under the Inner Residential Zone provisions. Intensification of the site for residential development has implications in relation to traffic given that access will be onto a privately owned road by the shopping centre and results in additional traffic at the intersection to Channel Highway. A Traffic Impact Statement prepared by Milan Prodanovic was submitted as part of the application to demonstrate that the

intersection was capable of managing the additional loading. This is discussed later in the report under the Engineering Evaluation.

Interestingly, as noted above, the area proposed to be zoned Inner Residential was previously zoned Residential under the KPS 2000. As such, the draft amendment could also be considered as correcting a translation issue between the KPS 2000 and the KPS 2015. This in itself could be considered as justification for the proposal.

The draft amendment also seeks to remove the Biodiversity Protection Area overlay from within the portion of the site to be zoned Inner Residential. There is merit in this approach as the zoning of the land to Inner Residential would mean that the zoning is fit for purpose as a site suited to higher density residential development and given the density of development as a result of the rezoning, there will be no opportunity to retain the majority of the vegetation. However, as discussed above, parts of the site do contain high and moderate priority biodiversity values currently protected under Code 10.0.

In the absence of the proposed amendment to remove the Biodiversity Protection Area overlay, any impact on these values would be offset as part of any development of the site. While future development of the site at a density consistent with Inner Residential zoning is supported, removal of the overlay from the site prior to approval of a subdivision or development application for the site precludes offsetting the loss of these values. Specifically, there would be no opportunity to offset the loss of a small area of threatened vegetation and potential *Chaostola skipper* habitat, which are high and moderate priorities respectively under Table E10.1.

Conversely, retaining the overlay on this part of the site does not limit development of the site. Rather it enables the loss of these values to be offset while still enabling development of the site at the desired densities. This approach to providing for development of sites and offsetting impacts is consistent with the application of the Code on other sites with equivalent values and is also consistent with Council's Biodiversity Offset Policy. If the Commission or the applicant is able to identify an alternative mechanism for achieving the offset through the rezoning process without requiring the overlay to be maintained, removal of the overlay is supported. In the absence of an alternative mechanism, removal of the overlay is problematic. The applicant has been advised of this issue and is giving the matter further consideration to see if an alternative option for offsetting while enabling removal of the Code overlay can be achieved. These issues can be further discussed and resolved as part of the advertising and hearing process following initiation and certification.

## **Site Constraints**

### **4.1 Bushfire risk**

The site is currently within 100m of an area of bush-fire prone vegetation greater than one hectare of vegetation and therefore could be considered bushfire prone. However, once the site is cleared and developed, the extent of vegetation within 100m will be less than 1 hectare and therefore the site will no longer be considered bush-fire prone. If the site is subdivided in stages, it is possible that part of the site could remain bush-fire prone. If this is the case, the Bushfire Prone Areas Code will apply and any bushfire risks will be assessed as part of the subdivision application.

### **4.2 Visual Impact**



The potential for visual impacts as a result of the rezoning means that there will eventually be more dwellings or units located on the site adjacent to Channel Highway. This would be in a manner that is similar to the existing residential development to the north-east and west. A large part of the subject site lies behind properties that directly abut Channel Highway in a similar manner. This will assist with reducing any visual impacts when viewed from Channel Highway.

As future development of the site is to be predominantly, if not all, residential development, there is no inconsistency with adjacent land use patterns. Accordingly, it is considered that any visual impact will be minimal when compared to existing land uses.

#### **4.3 Environmental Values**

Comments from Council's Environmental Planner have been integrated into the main report.

#### **4.4 Wastewater**

The site is capable of being serviced with full reticulated services. Upgrades to the sewer infrastructure may be required, however, this would be dealt with at the stage of development.

#### **4.5 Road networks, traffic management and drainage**

Council's Development Control officer provides the following comments in relation to roads and traffic issues:

##### **Traffic Management:**

The applicant has provided a Traffic Impact Assessment (TIA) in relation to the application. The TIA provides a preliminary analysis of the capacity of the road infrastructure to cater for the additional traffic likely to be generated by the intensification of use of the site. The proposal and future development will result in additional traffic accessing the site from the Channel Highway. As a result, a referral was made and comment was received from the Department of State Growth (DSG).

Vehicle access to the site is available from the Kingston Town Shopping Centre access road which in turn forms a T-intersection with the Channel Highway. The preliminary TIA provided an analysis of this intersection and any potential upgrades required due to an increase in traffic movements from rezoning and future development. The DSG expectation is that no new vehicle access points onto the Channel Highway be provided.

The result of the assessment confirmed that future development should not have a significant effect on the operation efficiency of this intersection without any changes or improvements for a significant period of time. The DSG commented that the department 'see no issues from a network management/traffic perspective for this area to be rezoned'.

##### **Stormwater Drainage:**

The site falls to the north to the Channel Highway. There is existing drainage infrastructure located at the Channel Highway. The site is also serviced by an existing drainage line located adjacent to the 85/87 Channel Highway boundary. A detailed analysis of these existing drainage systems will be required to be submitted as a requirement of future development application. This has the

potential to result in upgrades required to the existing infrastructure, however it is not necessary that this analysis be undertaken for the rezoning process.

#### 4.6 Codes

The following Codes contained within the KIPS 2015 are identified on the subject site as follows:

##### Biodiversity Code

As noted earlier in the report, the draft amendment also seeks to remove the Biodiversity Protection Area Overlay from within the area of the site proposed to be zoned Inner Residential. The ramifications of this are discussed more fully above within the Environmental Values assessment. A large portion of the overlay is contained within the area affected by the draft amendment. Providing a mechanism for offsetting the loss of priority biodiversity values can be secured, the removal of the overlay is supported. If an alternative mechanism cannot be secured, it is recommended that the overlay be retained until the site is subdivided and an appropriate offset secured.

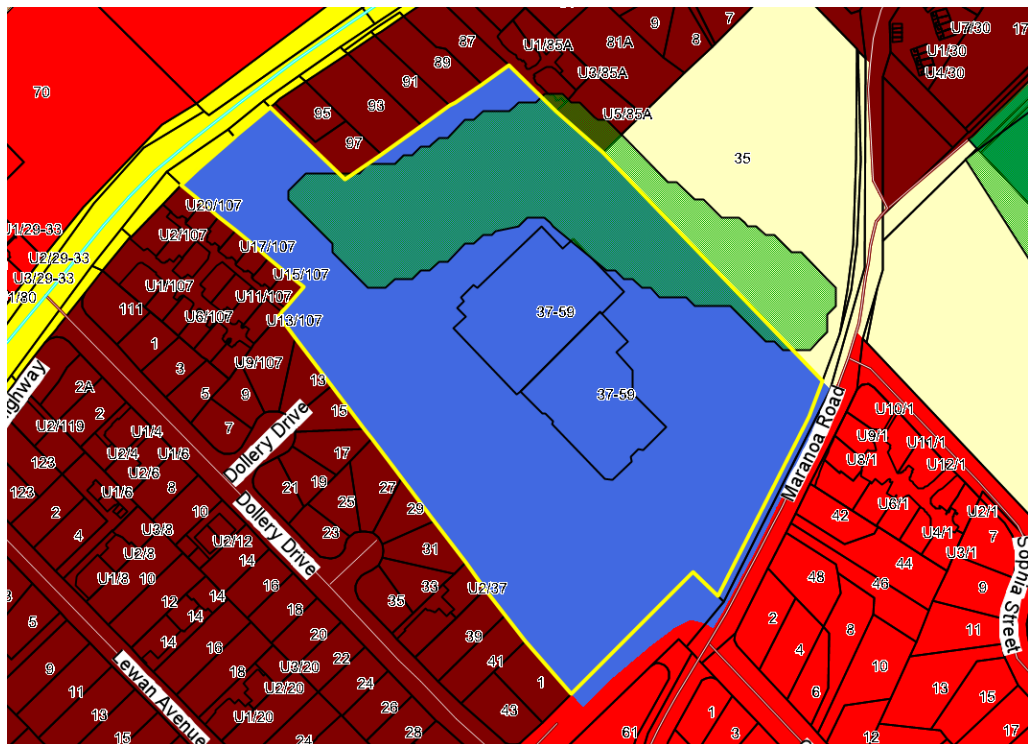


Figure 5: Extent of Biodiversity Protection Area Overlay shown in green

##### Landslide Code

A small portion of the area within the proposed Inner Residential zone is affected by the Landslide Hazard Overlay with a low risk factor. This will have minimal implications on future development of the site. Provisions are contained within the Code to manage development and any requirements are capable of being applied at the development/use application stage. The Landslide Hazard Area overlay affects a large area of land within the Kingborough Municipality in the same manner and is not seen to be an issue in this instance.

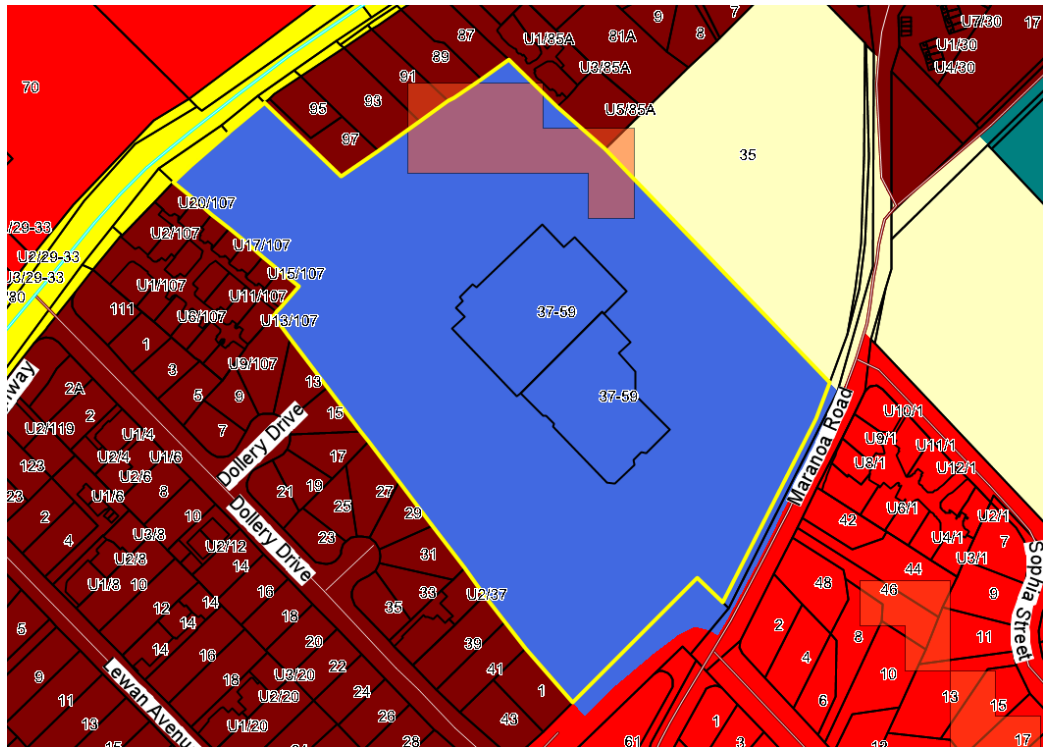


Figure 6: Extent of Landslide Hazard Area Overlay shown in orange in the northern corner

## 5. STRATEGIC DISCUSSION AND JUSTIFICATION

### 5.1 Existing situation under the General Business Zone - Kingborough Interim Planning Scheme 2015

*Assessment of the General Business zone purpose statements:*

- 21.1.11 *To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.*
- 21.1.1.2 *To ensure the major centres provide for a range of convenience and goods and services as well as some community services and facilities for the municipal area and surrounds.*
- 21.1.1.3 *To provide a focus for employment at the municipal level primarily in retailing, but complemented by a range of office based employment mainly in professional and personal services.*
- 21.1.1.4 *To facilitate residential use above ground floor level.*
- 21.1.1.5 *To ensure development is highly accessible by public transport, walking and cycling.*
- 21.1.1.2 *To ensure the rural service centres provide for the daily and weekly needs of the community.*
- 21.1.1.3 *To provide for a mix of retail and office based employment servicing the local area including a supermarket and a range of specialty shops.*
- 21.1.1.4 *To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.*

The range of zone purpose statements for the General Business Zone is provided to support retail and business uses as the priority, with some opportunity for residential uses of secondary importance. This is asserted through the desire for residential uses to be located above ground floor level.

Loss of a portion of the General Business zoned land would therefore need to demonstrate that the zone in question either does not reflect the best use of the land, or is superfluous. Accordingly, it is noted that the area of land proposed for rezoning is located immediately adjacent to residential dwellings. The site slopes upward away from the Channel Highway frontage at a gradient of approximately 1 in 5. Towards the rear of the area proposed for rezoning, the site reduces in steepness.

The gradient at the front of the site is not particularly suited to retail/business development due to the steepness and the difficulties that would result for future carparking and access that would service any new retail development. It is also noted that expansion of retail services within this locality is inconsistent with the retail hierarchy that encourages such expansion to the central Kingston area.

Further to these zone purpose statements, there is a Local Area Objective and Desired Future Character Statement contained within clauses 21.1.2 and 21.1.3 of the Scheme that are in place to guide development that supports the zone purpose statements listed above. This local area objective and desired future character statement sets out the values associated with this zone and identifies any accompanying strategies to assist future development proposals for Kingston as follows:

Local Area Objective	Implementation Strategy
<b>Kingston</b>	
(a) A number of general business areas that are outside of the main central Kingston area will provide a range of retail and other commercial functions.	(a) These areas should be developed so that they provide for enjoyable shopping experiences with a focus on convenience and easy access for private vehicles.

Desired Future Character Statement	Implementation Strategy
<b>Kingston</b>	
(a) Future development is to be consistent with a convenient shopping experience and should not adversely impact on surrounding or neighbouring uses.	(a) Development should accommodate a high quality of landscaping and design, be set back from external boundaries and be easily accessible.

The local area objective does not discourage expansion of general business areas outside of the central Kingston area however, the strategy to achieve the objective specifies enjoyable experience and easy access is a priority. There is a significant amount of land within the site boundaries that would remain zoned General Business and the rezoning is in a location not suited to retail expansion.

The desired future character statements is in place to ensure that surrounding uses are not adversely impacted by retail/business development. The location of the rezoning is in a location that would result in the potential for such impacts.



It is therefore recommended that the draft amendment does not result in a loss of general business zoned land that sets up conflict with the zone purpose statements of the zone.

## 5.2 Proposed situation under the Inner Residential Zone – Kingborough Interim Planning Scheme 2015

*Assessment of the Inner Residential zone purpose statements:*

- 11.1.1.1 *To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back and height.*
- 11.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 11.1.1.3 *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- 11.1.1.4 *To encourage residential development at higher densities in locations that offer good access to services and employment including activity centres and public open spaces.*

Further to these zone purpose statements, there is a Local Area Objective and Desired Future Character Statement contained within clauses 11.1.2 and 11.1.3 of the Scheme that are in place to guide development that supports the zone purpose statements listed above. This local area objective and desired future character statement sets out the values associated with this zone and identifies any accompanying strategies to assist future development proposals for Kingston as follows:

Local Area Objective	Implementation Strategy
<b>Kingston</b>	
(a) Land will be utilised for residential purposes to the maximum extent and in a manner that optimises high quality design and amenity outcomes.	(a) Infill opportunities will be taken up with larger lots being developed at higher residential densities.

Desired Future Character Statement	Implementation Strategy
<b>Kingston</b>	
(a) Increased inner urban residential living opportunities will be provided that enable residents to have improved access to local services and public facilities.	(a) Further subdivision and/or strata development will be encouraged within this zone in a manner that encourages high quality design outcomes in both the private and public realms.

The zone purpose statements for the Inner Residential zone are consistent with the draft amendment in that the location is adjacent to a bus route, within walking distance to the central Kingston area and within a location already characterised by higher density residential development. The proposal also

enables the local area objective and desired future character statement to be achieved.

### **5.3 Southern Tasmania Regional Land Use Strategy**

As noted in the planning submission accompanying the application, the area proposed for the rezoning falls within a defined area under the Southern Tasmania Regional Land Use Strategy (STRLUS) identified for densification. This is achieved through the zoning of Inner Residential.

A general thrust of the STRLUS is to ensure that infill development opportunity is provided to maximise on existing infrastructure and avoid the need for further urban sprawl. As such, the draft amendment meets the requirements of the STRLUS by ensuring that the projected dwelling yield for the municipality is capable of being achieved.

The STRLUS includes an activity centre hierarchy that guides retail development to within the central Kingston area which is considered a Principal Activity Centre. The Kingston Town site does not contribute to this retail hierarchy and doesn't really fit anywhere well within the Strategy. The shopping centre has a strong retail focus which is consistent with expectations for the central Kingston area. It is therefore considered that a rezoning away from the General Business zone has little implications on the retail hierarchy in the STRLUS.

### **5.4 Kingborough Land Use Strategy**

The Kingston Town commercial site has been identified within the Kingborough Land Use Strategy (KLUS) as a "key" site for future development opportunity. The shopping centre is fragmented from the central Kingston area. The KLUS explores a number of potential zones that would be suitable for the site, with the Inner Residential zone being a consideration. Whilst these zones were analysed, the KLUS defers to a position that the best zone for the site would be reflected from future proposed uses.

The KLUS however asserts that *"alternative zones can be considered in the future (such as Commercial, Urban Mixed Use or Inner Residential) and any such decision to rezone the land may be influenced by particular commercial opportunities for this particular property, new developments on other properties (eg within the CBD) or further strategic planning exercises"*.

Given the location of the proposed rezoning to Inner Residential and the extent of area affected, the proposal is considered to be consistent with adjoining land uses immediately surrounding the area. In addition to this, the portion of rezoning has little implications on the future use of the remainder of the site. As such, the draft amendment is considered to be consistent with the Kingborough Land Use Strategy.

## **6. STATUTORY ASSESSMENT**

The draft amendment is assessed against the provisions of s32 of the Act as follows.

### **6.1 Potential Land Use Conflicts**

The draft amendment results in the same zoning that exists to the north and south-west of the site. Future development will therefore be consistent with the surrounding land use patterns and eliminate any potential for conflict.

Sufficient area is provided between the shopping centre itself and the area proposed for rezoning to create an acceptable buffer. The proposed rezoning also ensures that incompatible land uses aren't able to be approved in this location, e.g. commercial uses within close proximity to residential uses.

## 6.2 Conflict with the requirements of section 300

Section 300 of the former provisions of the Act requires that an amendment to an interim planning scheme is as far as practicable, consistent with the STRLUS. Section 300 also sets a number of requirements relating to the insertion of a local provision and its relationship to a common provision. The proposed amendment is in relation to a local provision of the KIPS 2015. As discussed earlier in this report, the proposal is considered to be consistent with the Southern Tasmania Regional Land Use Strategy. No conflict with common provisions or other local provisions of the Scheme is evident. In consideration of the issues discussed under the STRLUS and KLUS, the proposal is considered to meet the requirements of s300 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

## 6.3 Impact on the Use and Development of the Region – s32(1)(f)

The Southern Tasmania Regional Land Use Strategy sets out a strategy to meet the ongoing housing demands for the Region. As discussed earlier in this report, the zoning of Inner Residential for the specified portion of the site is considered to be consistent with the housing density specified in the STRLUS for Kingston. The STRLUS and KLUS are both supportive of the proposed amendment as being a suitable site to facilitate infill high density residential development with access to appropriate services.

## 6.4 Consideration of the draft amendment against s33(2B)(ab)

The requirements of s33(2B)(ab) are set out earlier in this report under the section headed legislative requirements. The report establishes consistency with the requirements of s32 of the Act. In addition to this, any previous representations received during the formal public consultation period must be considered. In this case no submission was made during the public consultation period and therefore no assessment is required under this requirement of LUPAA.

## 7. **OBJECTIVES OF SCHEDULE 1 OF THE LAND USE PLANNING AND APPROVALS ACT 1993**

The following table assesses the draft amendment against the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993.

<b>Objectives of Schedule 1 of the <i>Land Use Planning and Approvals Act 1993</i></b>		
<b>Part 1 Objectives</b>		
<b>Objective</b>	<b>Summary of Proponent response</b>	<b>Comment</b>
(a) <i>to promote the sustainable development of natural and physical resources and the</i>	The amendment results in the efficient use of existing urban zoned land for medium density residential use and development within an Identified densification area under the STRLUS.	Agreed in relation to the proposed rezoning. There remains a potential issue with regards to offsetting impacts on natural

<i>maintenance of ecological processes and genetic diversity</i>		values on the site.  Providing an offset for these impacts can be secured, the objective is satisfactorily addressed.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The site is within an identified densification area. The KLUS identified that Inner Residential zoning would be an appropriate use for land surplus to the shopping centre. The proposal improves housing choice and supports affordability.	Agreed. The objective is satisfactorily addressed.
<i>(c) to encourage public involvement in resource management and planning</i>	Extensive consultation opportunities were provided during the process of implementation for the STRLUS and KLUS. Further opportunities will be provided through advertising of the amendment.	Agreed. The objective is satisfactorily addressed.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The proposal results in consolidated urban development that provides for increased services and enhanced liveability and will facilitate economic development outcomes.	Agreed. The objective is satisfactorily addressed.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	The proposal has been prepared in consultation with TasWater and Council which meets with this objective.	Agreed. The objective is satisfactorily addressed.
<b>Part 2 Objectives</b>		
<b>Objective</b>	<b>Proponent response</b>	<b>Comment</b>
<i>(a) to require sound strategic planning and co-ordinated action by State and Local Government</i>	The planning submission demonstrates the proposal is consistent with relevant land use strategies through its assessment and is also supported by TasWater.	Agreed. The objective is satisfactorily addressed.  There is an existing strategic framework in place under the STRLUS and KLUS through both the local and State government processes.
<i>(b) to establish a</i>	The proposal is highly consistent	Agreed.



<p><i>system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i></p>	<p>with the vision of the KLUS and implements the intended residential infill under the KIPS 2015.</p>	<p>The objective is satisfactorily addressed.</p>
<p>(c) <i>to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i></p>	<p>The limited loss of existing trees is justified given the broader environmental benefits that will be achieved as a result of the proposed urban consolidation.</p>	<p>Agreed. The objective is satisfactorily addressed. Sufficient evidence was provided to support removal of the biodiversity protection overlay from within the area to be zoned Inner Residential.</p>
<p>(d) <i>to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;</i></p>	<p>As discussed above, the proposal furthers strategic planning policies.</p>	<p>Agreed. The objective is satisfactorily addressed.</p>
<p>(e) <i>to provide for the consolidation of approvals for land use or development and related matters and to co-ordinate planning approvals with related approvals</i></p>	<p>The proposal does not conflict with this objective.</p>	<p>Agreed. The objective is satisfactorily addressed. The assessment takes into consideration the ability of the site to be developed according to the most appropriate zone.</p>
<p>(f) <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to</i></p>	<p>The proposal assists in the provision of diversity in housing stock within close proximity to surrounding services.</p>	<p>Agreed. The objective is satisfactorily addressed.</p>

<i>Tasmania</i>		
(g) <i>to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	There are no listed historic or cultural values on or near the site.	Agreed. The site is within an area highly modified by urban development.
(h) <i>to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i>	The proposal is supported by pre application advice from TasWater.	Agreed. The objective is satisfactorily addressed.
(i) <i>to provide a planning framework which fully considers land capability</i>	The site is suitable for the proposed future multiple dwelling use and development.	Agreed. The objective is satisfactorily addressed.

## 8. **OBJECTIVES OF SCHEDULE 1 OF THE LAND USE PLANNING AND APPROVALS ACT 1993**

State Policies are made under the *State Policies and Projects Act 1993*. As specified by section 13C of this Act, the Council is bound by State Policies and under section 13(1), if a Planning Scheme is inconsistent with a State Policy; the Planning Scheme is void to the extent of that inconsistency. The proposed draft amendment is assessed against the provisions of the relevant State Policies as follows:

### 8.1 **State Coastal Policy 1996**

The *State Coastal Policy 1996* is in place to ensure that use and development within 1km of the Coast is capable of having acceptable impacts on the management of the coastal area. In this case, the site is not located within 1km of the Coast and accordingly the Policy does not apply.

### 8.2 **State Policy on Water Quality Management 1997**

There are existing provisions contained within the KIPS 2015 that relate to issues associated with wastewater disposal and the protection of water quality that may result from future development as a result of the proposed amendment. Assessment of the proposal has identified that any future development of the site is capable of managing stormwater disposal adequately.

### 8.3 **State Policy on the Protection of Agricultural Land 2009**

Existing zoning of the land is General Business, with a small portion proposed to be zoned Inner Residential. As such, this Policy is not applicable to the application.

#### **8.4 National Environmental Protection Measures (NEPMs)**

There are no National Environmental Protection Measures relevant to the assessment of the draft amendment.

### **9. KINGBOROUGH COUNCIL STRATEGIC PLAN 2015-2025**

The Kingborough Council Strategic Plan 2015-2025 (the Plan) acknowledges *“the challenges within the current economic climate and expectations of continued population growth”* that Kingborough faces over the next 20 years. According to the Plan, *“Over the next 20 years, Kingborough is predicted to have the greatest increase in population compared to all other municipalities in Tasmania”*.

The Strategic Plan includes a number of Strategic Outcomes that are listed under six Key Priority Areas. One of the key priority areas is sustainable land use and infrastructure management. Of particular relevance to the proposed amendment is Strategic Outcome 2.1 which includes the following strategies:

*2.1.1 Ensure sound strategic land use planning and asset management provides the basis for sustainable future development and infrastructure investments.*

*2.1.2 Ensure the form and layout of settlement provides an attractive, convenient, safe and healthy living environment for future residents, workers and visitors.*

The proposal is considered to be consistent with these strategies.

### **10. ASSESSMENT OF DRAFT AMENDMENT AGAINST TASMANIAN PLANNING COMMISSION PLANNING ADVISORY NOTE 4**

Assessment of a draft amendment for initiation and certification must meet the criteria set out in the Planning Advisory notes prepared by the Tasmanian Planning Commission. Each of these criteria and the way in which this draft amendment meets them is addressed below.

#### **10.1 The draft amendment is clear and concise and will achieve its intended purpose**

The draft amendment is considered in detail in this report. It is considered that the draft amendment is clear and concise and will achieve a fair, orderly and sustainable outcome for the development of the site.

#### **10.2 The effect on the strategy, intent and all relevant objectives and provisions of the Planning Scheme and any necessary consequential amendments**

The proposed amendment is consistent with the strategy, intent and all relevant objectives and provisions of the *Kingborough Interim Planning Scheme 2015*.

The proposed zoning of Inner Residential will not require any consequential amendments. Suitability of the site to accommodate residential development has been assessed throughout this report and it is considered that sufficient justification has been demonstrated.

### **10.3 The effect on the status of use and development**

The proposed amendment allows for medium-high density residential development to a standard that is allowable under the KIPS 2015. It is considered that the provisions contained within the KIPS 2015 are sufficient to ensure that future infill development is integrated with the surrounding land uses.

### **10.4 The effect on any specific land and adjacent land**

The proposed rezoning has no detrimental impact on the shopping centre site itself. Sufficient area surrounding the shopping centre as a buffer will be required under the KIPS 2015 provisions for the General Business zone to ensure that amenity between future development is assured. Future residential development that would be possible as a result of the draft amendment being approved is consistent with existing adjoining land uses and is more favourable than commercial or retail development close to the existing dwellings.

## **11. CONCLUSION**

Overall the proposal to rezone a portion of the Kingston Town Shopping Centre site from General Business to Inner Residential is reasonable. Such a rezoning is not considered to have any detrimental impact on the functioning of the shopping centre itself and in many ways results in a more preferable outcome for consistency with adjoining land-uses. The opportunity for infill for residential purposes goes toward meeting the 50/50 greenfill versus infill target within the Southern Tasmania Regional Land Use Strategy.

The ability to utilise the portion of land for residential development in future has been explored throughout this report and the outcome is supportive of the draft amendment being initiated. As outlined earlier, there is also a reasonable argument to put forward regarding the translation process from the KPS 2000 to the KIPS 2015 where the previous zoning with predominantly Residential. It was due to the translation that the zoning changed to General Business.

As the proposal has been submitted and is governed by a legislative process, it is a requirement that a decision be made by Council as to whether the draft amendment should be initiated. As such, it is recommended that sufficient strategic justification exists in support of the proposed amendment. The Southern Tasmania Regional Land Use Strategy and the Kingborough Land Use Strategy have been considered in conjunction with this proposal and are supportive of such a zone amendment.

The application has been assessed taking all relevant issues into account and as a result of assessment of the draft amendment the proposal demonstrates consistency with the Kingborough Interim Planning Scheme 2015, the requirements of the *Land Use Planning and Approvals Act 1993* and the relevant State Policies. The proposal is therefore considered strategically sound.

Accordingly, the proposal is considered to be consistent with the objectives of the RMPS, the Kingborough Land Use Strategy (December 2013) and the planning principles, strategic directions and regional policies of the Southern Tasmania Regional Land Use Strategy 2010-2035. It is therefore recommended that the draft amendment to the Kingborough Interim Planning Scheme be initiated and certified.

## **12. RECOMMENDATION**

MOVED



## SECONDED

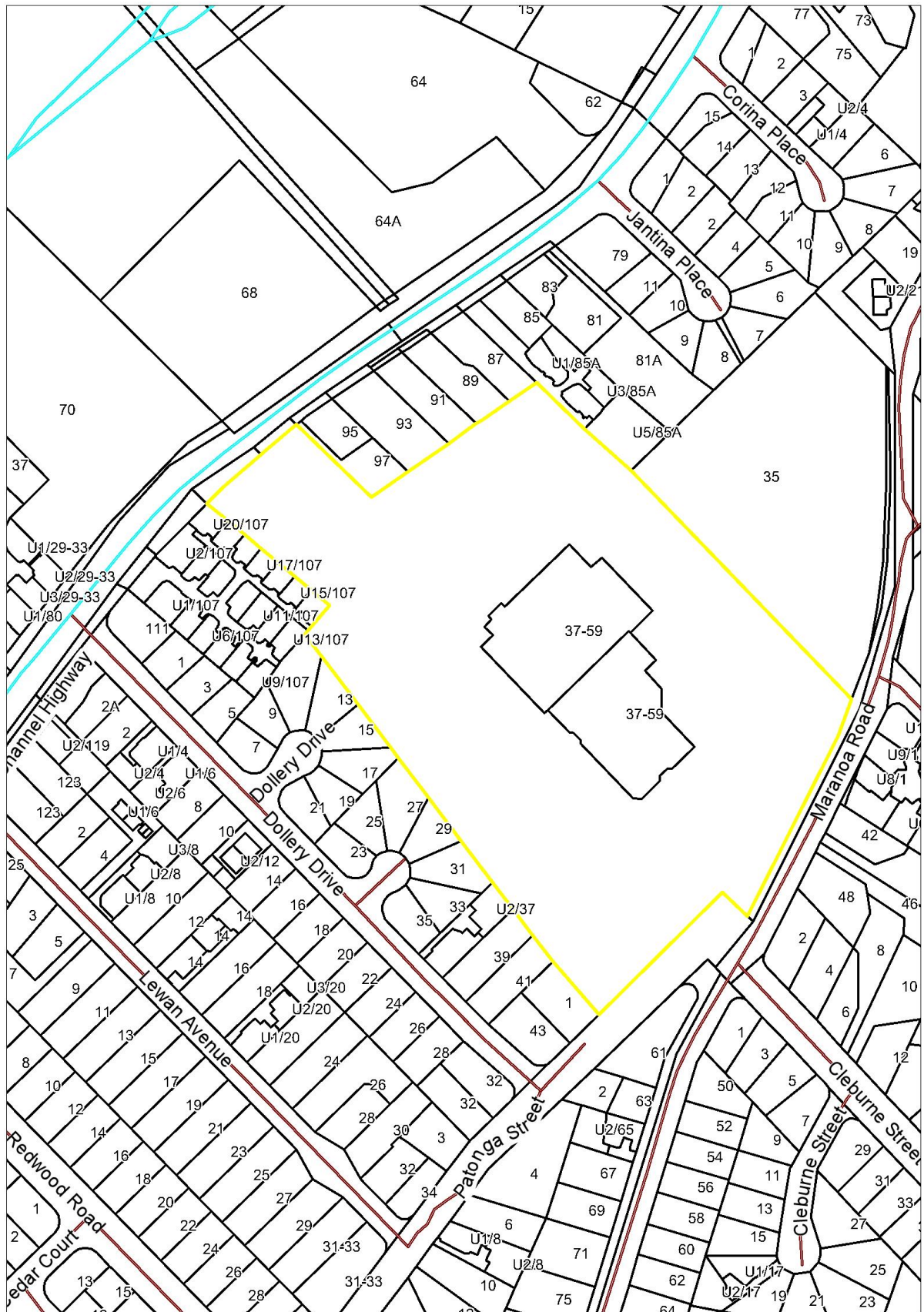
That the Planning Authority Committee resolves that the report of the Manager Development Services be received and that:

1. In accordance with section 34(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates draft amendment PSA-2018-1.
2. In accordance with section 35(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies draft amendment PSA-2018-1 as meeting the requirements of section 32 of the Act.
3. In accordance with section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forwards a copy of the sealed Instrument of Certification and the draft amendment to the Tasmanian Planning Commission.
4. In accordance with section 56S of the *Water and Sewer Industry Act 2008*, Council refers draft amendment PSA-2018-1 to TasWater.
5. In accordance with section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council publicly exhibits the draft amendment PSA-2018-1 for a period of 28 days.

Name	For	Against	Name	For	Against
Cr Atkinson			Cr Grace		
Cr Bastone			Cr Percey		
Cr Dr Bury			Cr Wass		
Cr Chatterton			Cr Winter		

### Attachments:

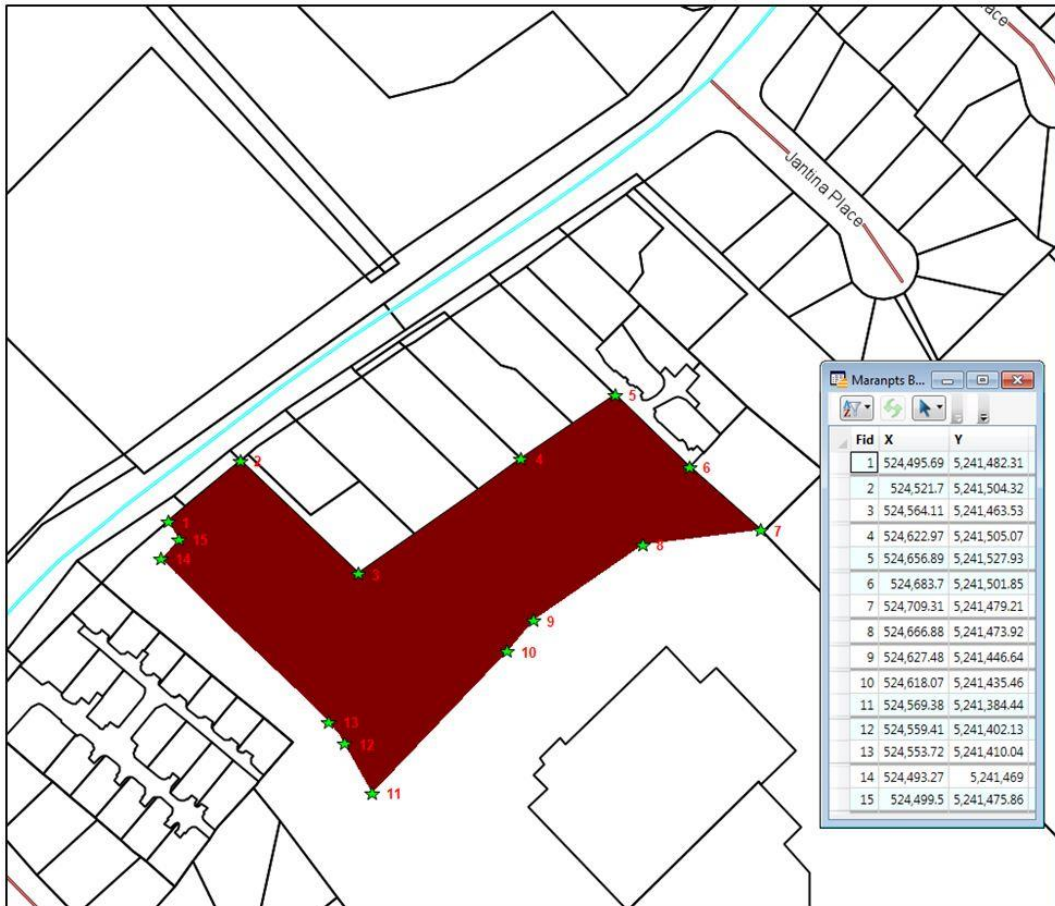
1. Location Plan (1)
2. Draft Amendment (1)



# KINGBOROUGH INTERIM PLANNING SCHEME 2015 DRAFT AMENDMENT PSA-2018-1

The Kingborough Interim Planning Scheme 2015 is amended as follows:

1. Rezone a portion of the land zoned General Business to Inner Residential at 37-59 Maranoa Road (CT 126707/0 & 1) as follows:



2. Remove the Biodiversity Protection Area Overlay from within the portion of land zoned Inner Residential.

The COMMON SEAL of the Kingborough Council is affixed below, pursuant to the Council's resolution of 26 February, 2018, in the presence of:-

..... Councillor

..... General Manager