



Kingborough

THE KINGBOROUGH INTERIM PLANNING SCHEME 2015

Fact Sheet No. 1

What is the Kingborough Interim Planning Scheme 2015?

The Kingborough Council is the Planning Authority for the Kingborough Municipal area. A Planning Authority operates under the *Land Use Planning and Approvals Act 1993* (The Act). The Act requires that a regulatory instrument, called a Planning Scheme, is developed under Part 3 of the Act and contains the rules and regulations that govern and guide new use and development at a local level.

The Kingborough Interim Planning Scheme 2015 (the Scheme) has been prepared in accordance with a State template based upon the requirements of Planning Directive 1 in response to the State Government's call for Planning Reform. The template has established the format of the Scheme to specify the layout which includes definitions, exemptions, administration, application requirements, zones and codes. The Kingborough Interim Planning Scheme 2015 supersedes the Kingborough Planning Scheme 2000 that has been in operation since July, 2004.

Under the Southern Regional Model Planning Scheme, all southern Council Planning Schemes comprise a level of consistency both through their structure and commonality in provisions, which assists in their interpretation in the same manner throughout the southern region. The Interim Schemes for the southern Region are a step towards the goal of a single Planning Scheme for Tasmania. The Kingborough Interim Planning Scheme 2015, similarly to other southern Planning Schemes, also includes local provisions that are particularly relevant to Kingborough.

Although the Scheme has been adopted as of 1 July 2015, there is still a legislative process of public consultation to be carried out. This process provides an opportunity for the public to make representations in relation to the Scheme and addresses the requirement for natural justice to form part of the making of a Scheme.

Transition arrangements for permit applications not resolved before the Interim Planning Scheme comes into operation are in place under section 30FA(3) of the *Land Use Planning and Approvals Act 1993*. The regulation ensures that planning applications lodged under the former Kingborough Planning Scheme 2000 will still be assessed against the KPS2000, irrespective of the Kingborough Interim Planning Scheme 2015 being in force at the time. Any applications lodged in accordance with section 43A of the Act for a Planning Scheme Amendment and associated permit under the Kingborough Planning Scheme 2000 however, will cease to have effect.

Understanding the structure of the Kingborough Interim Planning Scheme 2015?

All Interim Schemes in the southern Region of Tasmania comprise of the same layout in accordance with Planning Directive 1 prepared by the Tasmanian Planning Commission. The Kingborough Interim Planning Scheme 2015 is set out in six parts as follows:

Part A – Purpose and Objectives

This section establishes the context of the planning scheme. It outlines the principle objectives and purpose of the Scheme and identifies the strategies and accompanying plans and maps that also form part of the Scheme. It follows on that the standards set out in other parts of the Scheme (such as zone provisions and codes) will be consistent with these objectives.

Part B – Administration

This section provides a set of definitions of the terms used throughout the planning scheme. Any exemptions from requiring planning approval, including the nature and extent, are outlined in addition to the general terms under which the planning scheme will operate. Section 8 outlines the matters required to be included in an application and sets out in general terms how an application is to be assessed and determined. In particular, this section includes Table 8.2 – Use Classes, which defines the Use Class that a development or use falls under and establishes the pathway to which an application will be assessed under the Scheme.

Part C – Special Provisions

This section outlines several particular issues that are dealt with in a manner generally outside of the zone and code provisions as they apply across all Zones. It enables limited scope for alteration of uses that existed prior to the planning scheme introduction but would not be permissible under the new Scheme. It further enables limited adjustment to existing boundaries where no new lots are created. The section also provides guidance on matters related to the assessment of subdivisions, demolition, change of use of Heritage places and access across land in another zone, for example.

Part D – Zones

Part D provides 23 zones and a purpose and common framework for each. Each of the zone chapters (that are identified as colour coded zones on the scheme maps) are numbered individually in the Scheme and include the standards and provisions specific to each of those zones.

Each zone includes a Use Table that sets out the status of use classes for that particular Zone and any further qualifications relating to these uses. The uses are defined as 'No Permit Required', 'Permitted' or 'Discretionary'. Any use that is not included on the Table of Uses for the relevant zone is deemed Prohibited and cannot be approved. The zone chapter includes the standards required for development or use within the zone against which the application is assessed.

For more specific information on how a zone works, please refer to *Fact Sheet No. 3 – What is a Zone?*

Part E – Codes

This section provides 22 codes and a purpose, application statement and common framework for each. The codes deal with matters that are not specific to a single zone and may apply across all or any zone. Such matters, for example, include the requirements for carparking, access, stormwater management, on-site wastewater management, historic heritage and signage as part of a development/use etc. and also include a range of standards within codes relevant to land risk or environmental issues that apply across the municipality.

Some of the codes apply to all areas and specific issues within the Municipality, whilst others are clearly mapped on Overlay Maps and form part of the suite of Planning Scheme maps for Kingborough. Mapped areas are clearly confirmed as such in the “Application of this Code” section at the beginning of the code where applicable.

For more specific information on how a code works, please refer to *Fact Sheet No. 4 – What is a Code?*

Part F – Specific Area Plans

A Specific Area is defined on the Planning Scheme Zone Maps and identifies an area that has a particular or special character, or a master or development plan that requires an additional set of standards within the Scheme to ensure that development is in accordance with that plan or character. Each area within a Specific Area Plan is zoned with one or more of the standard template zones available under the Scheme, however, it will also have an overriding Specific Area Plan boundary defined to establish the extent of the Specific Area. The standards contained in a Specific Area Plan work in conjunction with the underlying zone and code standards, however, where there is conflict between the two, the specific area plan standards prevail.

There are currently four Specific Area Plans within the Kingborough Interim Planning Scheme 2015 for

- ❖ Wellington Park,
- ❖ Kingston Green,
- ❖ Margate Marina, and
- ❖ the Former Kingston High School Site.

For more specific information on how a specific area plan works, please refer to *Fact Sheet No. 5 – What is a Specific Area Plan?*

How does the Kingborough Interim Planning Scheme 2015 work?

The Kingborough Interim Planning Scheme 2015 is based on the format and general standards outlined in the mandatory template (PD1) that was issued by the Tasmanian Planning Commission. The largest extent of the new planning scheme is made up of mandatory standards that are common across the State and the southern region of Tasmania. Further opportunities were provided for Regional optional text and local text.

The local provisions are largely reflective of the standards contained in the previous Kingborough Planning Scheme 2000 and are also based on the strategic influence of the Kingborough Land Use Strategy. Community consultation during the implementation phase, both informal and formal, has also contributed to the development of the Kingborough Interim Planning Scheme 2015.

All of the Southern Interim Schemes will now function in exactly the same way. There is also a clear hierarchy between the relative components of the Scheme that determine which parts over-ride other parts in the event of apparent inconsistency between the provisions.

The hierarchy is listed as follows:

General Exemptions over-ride:	<ul style="list-style-type: none"> • Special Provisions • Zones • Codes • Specific Area Plans <p>In all circumstances</p>
Limited Exemptions over-ride:	<ul style="list-style-type: none"> • Special Provisions • Zones • Codes • Specific Area Plans <p>In limited, specified circumstances</p>
Special Provisions over-ride:	<ul style="list-style-type: none"> • Zones • Codes • Specific Area Plans
Specific Area Plans over-ride:	<ul style="list-style-type: none"> • Zones • Codes
Codes over-ride:	<ul style="list-style-type: none"> • Zones
Zones over-ride:	<ul style="list-style-type: none"> • Nothing

How to interpret the Kingborough Interim Planning Scheme 2015?

The basic steps to interpreting the Kingborough Interim Planning Scheme 2015 for the purpose of making application for a planning permit is set out in Fact Sheet 2 – “*How do I know if I need to apply for a planning permit?*”. Please refer to Fact Sheet 2 for more information.

Where can I find the Kingborough Interim Planning Scheme 2015?

Electronic versions of all Planning Schemes in Tasmania are being managed via a central Content Management System at a State level. The Planning Schemes, including the Kingborough Interim Planning Scheme 2015, are accessible at www.iplan.tas.gov.au. Follow the links to the Planning Schemes and it is possible to access any of these Schemes.

A PDF version of the Kingborough Interim Planning Scheme 2015 is also available on Council's website www.kingborough.tas.gov.au or alternatively, you may view a copy at the Council Chambers, 15 Channel Highway, Kingston.