

ATTACHMENT E6

Kingston Park SAP Council report
Kingborough draft Local Provisions Schedule

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FILE NO	PSA-2019-3
DATE	12 AUGUST 2019
OFFICER	DUSTIN MOORE – STRATEGIC PLANNER
ENDORSED BY	TASHA TYLER-MOORE – MANAGER DEVELOPMENT SERVICES

PSA-2019-3 – PLANNING SCHEME AMENDMENT – KINGBOROUGH INTERIM PLANNING SCHEME 2015 – AMENDMENT OF THE FORMER KINGSTON HIGH SCHOOL SITE SPECIFIC AREA PLAN

Application Number:	PSA-2019-3
Applicant:	Kingborough Council
Proposal in brief:	<p>The proposed amendment seeks to amend the Former Kingston High School Site Specific Area Plan by:</p> <ul style="list-style-type: none"> • renaming the Kingston High School Site Specific Area Plan to Kingston Park Specific Area Plan; • rezoning a portion of land from Urban Mixed Use Zone to Inner Residential Zone, Community Purpose Zone and Open Space Zone; • rezoning a portion of land from Central Business Zone to Inner Residential Zone and Urban Mixed Use Zone; • rezoning a portion of land from Open Space Zone to Urban Mixed Use Zone and Central Business Zone; • rezoning a portion of land from Community Purpose Zone to Open Space Zone, Urban Mixed Use Zone and Central Business Zone; • removing reference to the 'Development Plan by Beca, 2013'; • introduce planning provisions that aim to improve public amenity, housing diversity and environmental outcomes; • aligning planning provisions within the Kingston Park Specific Area Plan with the requirements of the new State Planning Provisions; and • amend any reference to the Former Kingston High School Site Specific Area Plan within the <i>Kingborough Interim Planning Scheme 2015</i> to reflect the proposed renaming of the specific area plan.

No. of Representations:	This report is pre-public exhibition, and therefore the proposed amendment has not been advertised yet. Draft amendments are advertised for a minimum period of 28 days for public comment following initiation by the Planning Authority.
Recommendation:	Initiate and certify the proposed amendment in accordance with section 11 of this report.

- Attachment A:** Kingston Park Specific Area Plan Review – PSA-2019-3
- Attachment B:** Summary of proposed changes to F3.0 Former Kingston High School Site Specific Area Plan – PSA-2019-3
- Attachment C:** simplified – draft Kingborough Interim Planning Scheme 2015: Kingston Park Specific Area Plan – PSA-2019-3
- Attachment D:** draft Kingborough Interim Planning Scheme 2015: Kingston Park Specific Area Plan – PSA-2019-3
- Attachment E:** Instrument of Certification – PSA-2019-3

1 PURPOSE

- 1.1 The purpose of this report is to consider a proposal to amend the *Kingborough Interim Planning Scheme 2015* (KIPS 2015) in accordance with section 34(1)(b) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- 1.2 The proposed amendment seeks to amend the Former Kingston High School Site Specific Area Plan.
- 1.3 The proposal will update the zoning and provisions to assist facilitate the development of the site in line with the updated vision of Kingston Park.

2 BACKGROUND

- 2.1 This report considers a proposed amendment to KIPS 2015 for the land at 'Kingston Park', 42 Channel Highway.
- 2.2 The assessment takes into account the following matters:
 - the ability of the subject land to facilitate development to a standard required by KIPS 2015;
 - environmental and landscape values;
 - strategic justification for the rezoning and amendment to provisions;
 - consistency with the Southern Tasmania Regional Land Use Strategy;
 - consistency with the Kingborough Land Use Strategy;
 - consistency with the Kingborough Council Strategic Plan 2015-2025; and
 - compliance with the requirements of the former provisions of LUPAA.
- 2.3 Listed above are the core issues assessed in order to determine whether the proposed amendment is strategically justified.
- 2.4 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 sufficient strategic justification for the proposed amendment.

The proposal

- 2.5 The proposal seeks to amend the entire Former Kingston High School Site Specific Area Plan. The proposal seeks to:
 - rename the Former Kingston High School Site Specific Area Plan to the Kingston Park Specific Area Plan;
 - rezone a portion of land from Urban Mixed Use Zone to Inner Residential Zone, Community Purpose Zone and Open Space Zone;

- rezone a portion of land from Central Business Zone to Inner Residential Zone and Urban Mixed Use Zone;
- rezone a portion of land from Open Space Zone to Urban Mixed Use Zone and Central Business Zone;
- rezone a portion of land from Community Purpose Zone to Open Space Zone, Urban Mixed Use Zone and Central Business Zone;
- remove reference to the 'Development Plan by Beca, 2013';
- introduce planning provisions that aim to improve public amenity, housing diversity and environmental outcomes; and
- align the planning provisions within the Kingston Park Specific Area Plan with the requirements of the State Planning Provisions.

2.6 As a matter of housekeeping, any reference to the Former Kingston High School Site Specific Area Plan within KIPS 2015 will require amending to reflect the proposed renaming.



Figure 1: Total land affected by this planning scheme amendment (portion of land identified in original application identified by dotted yellow boundary, and extent of the Former Kingston High School Site Specific Area Plan land identified by solid yellow boundary).

Site details

2.7 The subject land is a private landholding located northwest of the Kingston central area. The land comprises four land titles as follows:

Address	Certificate of Title	Area of land (approximate)
42 Channel Highway, Kingston	150744/1	8.55 ha
42 Channel Highway, Kingston	151686/2	2.46 ha
42 Channel Highway, Kingston	151686/1	0.15 ha
17 John Street, Kingston	154466/2	0.09 ha

2.8 The site area is approximately 11.2 hectares, which includes:

- approximately 1.4 hectares of land zoned Community Purpose Zone;
- approximately 1.7 hectares of land zoned Central Business Zone;
- approximately 3.5 hectares of land zoned Open Space Zone;
- approximately 4.6 hectares of land zoned Urban Mixed Use Zone.

2.9 The site is irregularly shaped, and has frontages to the Huon Highway and the Southern Outlet. The site also has access to the Channel Highway and John Street. The site also contains varied ground elevations.

2.10 Existing development consists of the new Kingborough Community Hub, the new Kingston Health Centre and a temporary public carpark. A walking track also exists which links the residential area to the northwest of the site on the other side of the Southern Outlet to the Kingston central area, following the Whitewater Creek and the Huon Highway.

Location

Context

2.11 The site is located on the northwest edge of the Kingston central area (see Figure 2). The surrounding land uses abutting the site include a mixture of residential, retail, minor professional, commercial land uses and the road network (i.e. the Southern Outlet and Huon Highway).



Figure 2: Site context (subject land boundary in yellow)

Surrounding development

NORTH WEST

2.12 To the immediate northwest is land zoned Utilities Zone (i.e. the Southern Outlet), and on the northern side of the Southern Outlet is land zone General Residential. Lots vary in size and dwellings are single and two-storey. There is also a strip of land to the northeast zoned Environmental Management Zone which follows the path of Whitewater Creek. The creek continues its path through the north of the site in an easterly direction towards the Browns River.

SOUTH EAST AND SOUTH

2.13 To the immediate southeast and south is a strip of land zoned Central Business which fronts the Channel Highway. The majority of the structures in this strip are businesses.

2.14 Further to the south is the existing retail and activity core of Kingston, the Kingston central area. The area plays a regionally significant role south of Hobart, with community services and a range of retail services available.

WEST

2.15 To the immediate west of the site is land zoned Utilities Zone which provides road links from the Southern Outlet to the Channel Highway and a small lot zoned Central Business Zone. This lot is expected to be developed in the future with a similar use as the development along this section of the Channel Highway.

Existing planning controls

2.16 KIPS 2015 contains the zoning and development standards for the site.

2.17 The site is zoned Central Business Zone, Urban Mixed Use Zone, Open Space Zone and Community Purpose Zone. The site is also subject to the Former Kingston High School Site Specific Area Plan (the Former Kingston High School Site SAP). The Former Kingston High School Site SAP provides more detailed provisions for use and development.

2.18 The existing zone boundaries were determined to coincide with the conceptual outline of the different types of future uses and development described in the original 'Development Plan by Beca, 2013' (the Beca Plan). It was envisaged that these zone boundaries would need to change in order to coincide with any final development proposal.

2.19 The Kingston Park Specific Area Plan Review, found at Attachment A, provides detailed information regarding the existing planning controls for the Former Kingston High School Site SAP.

2.20 Existing zoning can be seen at Figure 3.

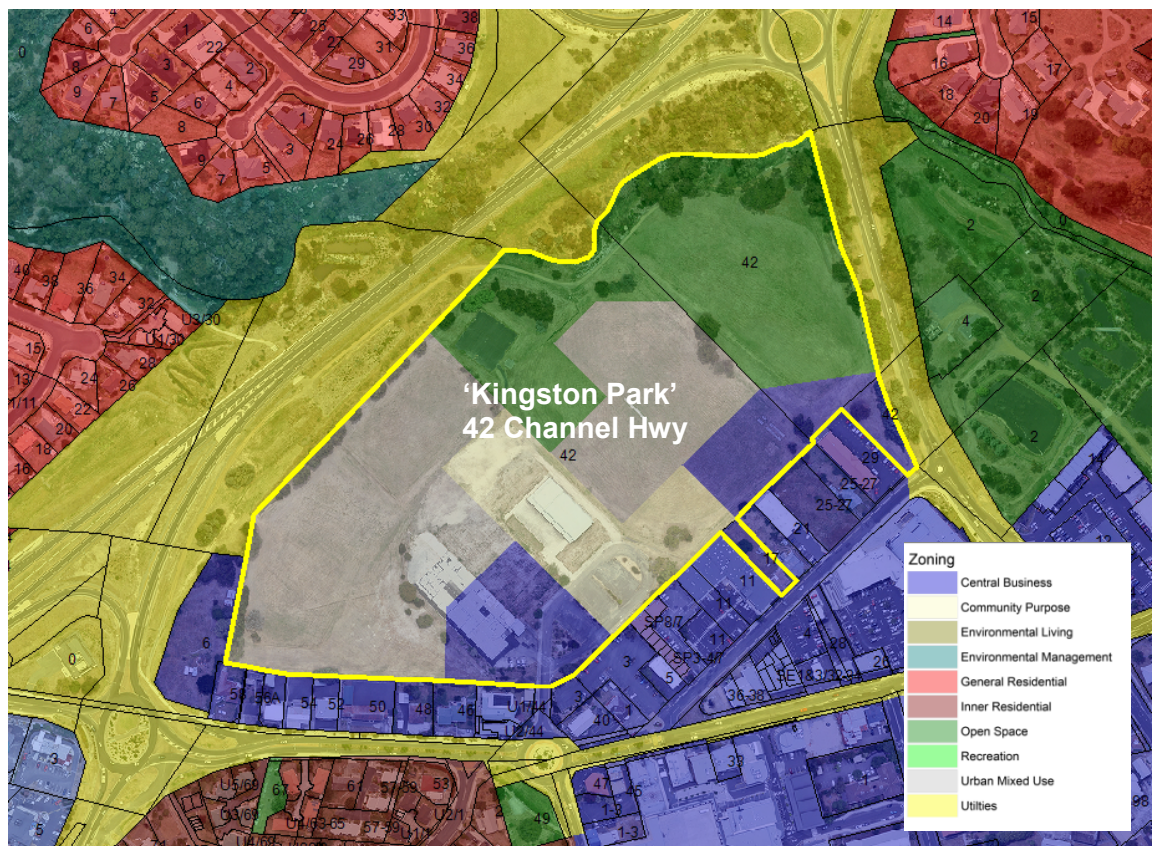


Figure 3: Zoning map, Kingborough Interim Planning Scheme 2015 (subject land boundary in yellow)

2.21 The site is affected by the following overlays:

- E1.0 Bushfire-Prone Areas Code;
- E10.0 Biodiversity Code; and

- E11.0 Waterway and Coastal Protection Code (see Figure 4).

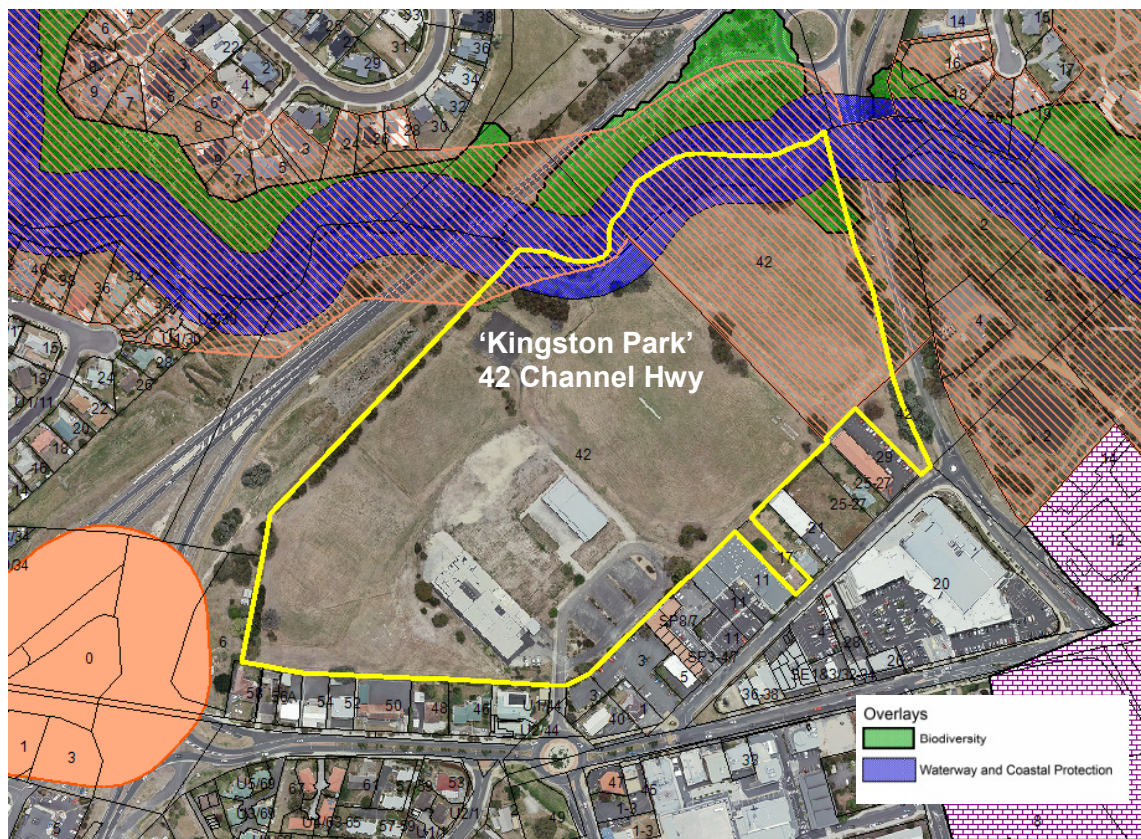


Figure 4: Overlays, Kingborough Interim Planning Scheme 2015 (subject land boundary in yellow)

2.22 These overlays and their effect on the site are discussed further below in section 4 of this report.

3 STATUTORY REQUIREMENTS

Land Use Planning and Approvals Act 1993

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

3.2 Pursuant to section 34(1)(b) of the former provisions of LUPAA, a planning authority, on its own motion, initiate an amendment of a planning scheme administered by it.

3.3 This report considers a proposed amendment to KIPS 2015.

3.4 Pursuant to section 33(2B) of the former provisions of LUPAA, *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.

3.5 The above initiation requirements for the proposed scheme amendment have been assessed and are detailed in section 5 of this report.

4 DISCUSSION

Existing planning scheme provisions

4.1 The subject land is zoned Central Business Zone, Urban Mixed Use Zone, Open Space Zone and Community Purpose Zone. The land is also subject to the Former Kingston High School Site SAP.

4.2 The Kingston Park Specific Area Plan Review, found at Attachment A, provides detailed information regarding the existing planning scheme provisions for the Former Kingston High School SAP.

4.3 In summary, the existing planning scheme provisions reflect the original vision set out in the 'Development Plan by Beca, 2013' (the Beca Plan). The Beca Plan was essentially a theoretical exercise that aimed to provide a balanced solution to meet future community and commercial expectations. Zone boundaries were determined to coincide with the conceptual outline of the different types of future uses and development described in the Beca Plan. It was always envisaged that these boundaries would need to change in future in order to coincide with any final development proposal.

Proposal

4.4 Council has decided to partner with the development company Traders in Purple (determined through an Expressions of Interest (EOI) process in 2018). This private developer is to develop most, if not all, of the parcels of land that Council designated in the Beca Plan for private development during the EOI process.

4.5 The Traders in Purple development proposal submitted through the EOI process is very similar to the Beca Plan, however some amendments to the zoning are necessary to realise the proposal.

4.6 This planning scheme amendment seeks to:

- rename the Former Kingston High School Site Specific Area Plan to the Kingston Park Specific Area Plan;
- rezone a portion of land from Urban Mixed Use Zone to Inner Residential Zone, Community Purpose Zone and Open Space Zone;
- rezone a portion of land from Central Business Zone to Inner Residential Zone and Urban Mixed Use Zone;

- rezone a portion of land from Open Space Zone to Urban Mixed Use Zone and Central Business Zone;
- rezone a portion of land from Community Purpose Zone to Open Space Zone, Urban Mixed Use Zone and Central Business Zone;
- remove reference to the 'Development Plan by Beca, 2013';
- introduce planning provisions that aim to improve public amenity, housing diversity and environmental outcomes;
- align the planning provisions within the Kingston Park Specific Area Plan with the requirements of the State Planning Provisions; and
- amend any reference to the Former Kingston High School Site Specific Area Plan within the *Kingborough Interim Planning Scheme 2015* to reflect the proposed renaming of the specific area plan.

4.7 The Kingston Park Specific Area Plan Review, found at Attachment A, provides detailed information about the proposed Kingston Park SAP and the process that has been undertaken to determine the changes. Importantly, it is noted that the proposed Kingston Park SAP found at Annexure 1 of Attachment A is structured differently to the proposed Kingston Park SAP at Attachments B and C. This is because the structure in Attachment A is based on the SAP templates for the forthcoming Tasmanian Planning Scheme, whereas the structure in Attachments B and C is based on the interim schemes. As this is an amendment to KIPS 2015, it is most appropriate to use the interim scheme structure.

4.8 For quick reference, Attachment B provides a summary of the proposed changes to the existing SAP.

4.9 In summary, the proposed Kingston Park SAP primarily aims to facilitate the future development of the site in line with a refined vision for the site. Specifically the Kingston Park SAP will accommodate the Traders in Purple development proposal (see Figure 5) and Council plans, such as the draft Kingston Park Open Space Master Plan (see Figure 6) through rezoning and removing reference to the Beca Plan. The proposed zoning can be seen at Figure 7.

4.10 Amending the entire SAP also provides an opportunity to introduce planning provisions which aim to improve public amenity, housing diversity and environmental outcomes for the site. These planning provisions are in line with the original Beca Plan, which specifically speaks to promoting development which *embraces sustainable design measures* (page 20 of the Beca Plan) and to creating an urban centre which is *truly sustainable and forward-looking* (page 3 of the Beca Plan).

4.11 The planning provisions within the proposed Kingston Park SAP have also been amended to align with the requirements of the State Planning Provisions, where possible and practicable.

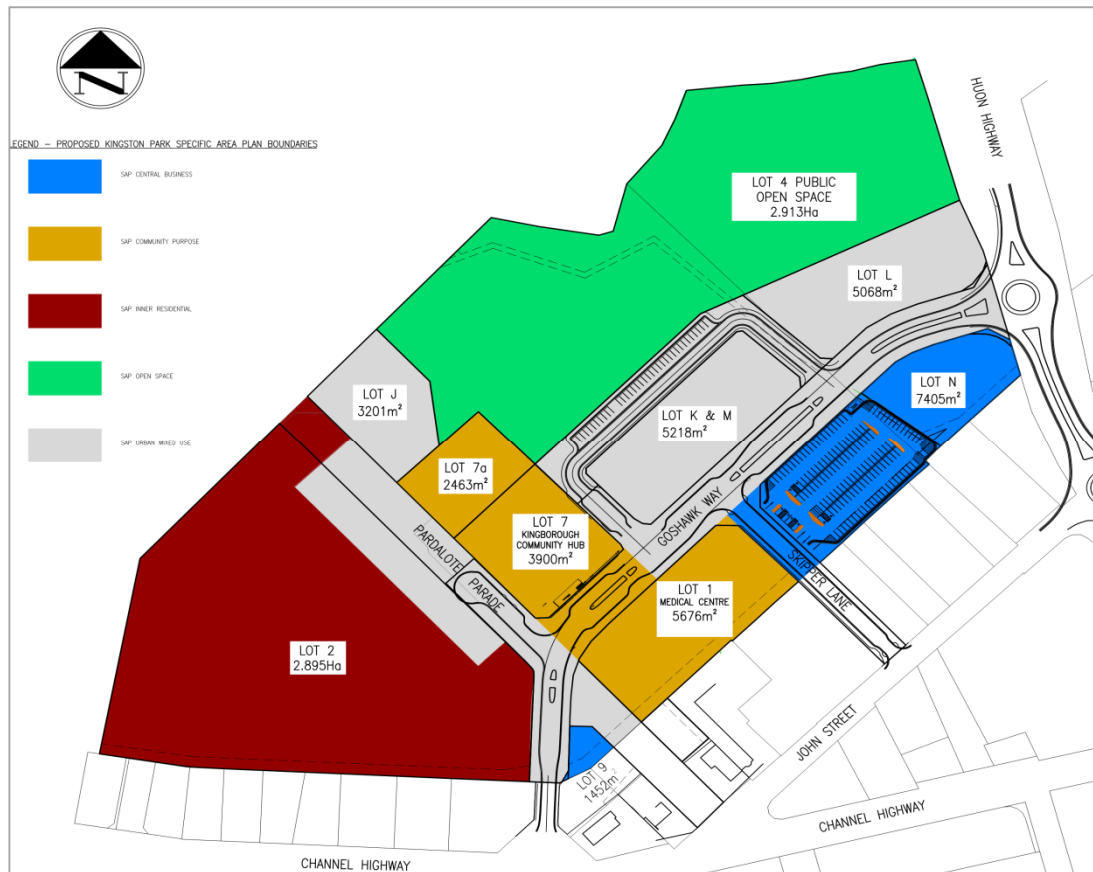


Figure 7: proposed rezoning which aligns with the Traders in Purple development proposal and future Council projects

Consideration of environmental impacts

4.12 The following describes the potential environmental impacts of the proposed amendment.

Codes

4.13 The relevant codes which affect the site are as follows:

- E1.0 Bushfire-Prone Areas Code;
- E10.0 Biodiversity Code; and
- E11.0 Waterway and Coastal Protection Code.

Environmental values

4.1 While the site is affected by E1.0 Bushfire-Prone Areas Code and E10.0 Biodiversity Code, the Traders in Purple development plan does not propose to develop land which is affected by the codes. Additionally, the area affected by the codes is proposed to be zoned Open Space.

4.2 With regard to the bushfire-prone areas, any future development application which seeks to develop land within the bushfire-prone areas overlay will be assessed against that code. It is considered that the proposed amendment does not increase the risk from bushfire.

- 4.3 The same can be said for the land which is affected by the biodiversity overlay as the bushfire-prone areas overlay. Therefore it is considered that the proposed amendment does not increase the risk to the biodiversity values of the land.
- 4.4 However, while the proposed amendment does not directly increase the risk to the biodiversity values located on the site, it does not specifically further the objectives. It should be noted that the planning system does not permit the planning provisions to require future development to actively enhance the biodiversity potential or values of a site.
- 4.5 In addition to the above, and relating to generic environmental values, planning provisions have been proposed that encourage multi-purpose sustainability measures for future developments within the site. Examples include ensuring commercial buildings are designed to enable a National Australian Built Environment Rating System (NABERS) Energy rating, specifically the base building component – more information about NABERS is below. This will reduce energy demand and subsequently reduce carbon emissions for the municipality.
- 4.6 Other planning provisions encourage green roofs to visually hide rooftop plant and mechanical equipment, reduce stormwater runoff, reduce energy demand through increased insulation and to increase habitat corridors.

National Australian Built Environment Rating System

- 4.7 NABERS is a rating tool that is well established in the Australian market. The NABERS scheme compares the actual operational performance of existing buildings and tenancies, relative to similar buildings. NABERS measures the energy efficiency, water usage, waste management and indoor environment quality. NABERS ratings are based on the previous 12 months of measured performance information. They use parameters such as hours-of-use and the area of the building, and are scaled 0 star (very poor performance) to 6 star (market leading performance), including half star increments.
- 4.8 An energy rating is the most popular type of NABERS ratings. For new Premium, Grade A and Grade B buildings, a 5.5 star NABERS Energy rating or higher is required, using Property of Council of Australia's Guide to Office Building Quality (2019) matrix.
- 4.9 Several Federal, State and industry programs and policies reference or require NABERS Energy ratings. These include:
- Commercial Building Disclosure Program (Federal)
 - National Green Leasing Policy (Federal)
 - Property Council of Australia's A Guide to Office Building Quality (industry).
- 4.10 The Commercial Building Disclosure Program (2010), administered by the Australian Government, mandates the disclosure of the NABERS Energy rating for commercial office space of 1,000 square metres or more. Prior to 1 July 2017, the mandatory disclosure threshold on commercial office space was 2,000 square metres. The Commercial Building Disclosure Program was

established under the *Building Energy Efficiency Disclosure Act 2010*. Disclosure of the NABERS Energy rating before sale or lease assists prospective buyers and tenants to make informed decisions regarding energy efficiency and greenhouse gas emissions data.

- 4.11 The proposed amendment aligns with the Commercial Building Disclosure Program's mandatory disclosure threshold of 1,000 square metres.
- 4.12 The National Green Leasing Policy (2012) establishes a framework for minimum green lease standards in government office accommodation. This Commonwealth policy facilitates environmentally beneficial practices and outcomes associated with the leasing of buildings, through the use of a Green Lease Schedule. The policy requires a minimum 4.5 star NABERS Energy rating for both government tenancies and government buildings over 2,000 square metres.
- 4.13 The Property Council of Australia's *A Guide to Office Building Quality* (2019) provides a design specification for new office buildings and a matrix for existing buildings for classifying office building quality. The Guide provides various tools for assessing office building quality in new and existing buildings.
- 4.14 The Guide references NABERS Energy ratings, and links NABERS Energy ratings with grades of buildings. For new Premium, Grade A and Grade B buildings a 5.5 star NABERS Energy rating or higher is required.

Coastal management

- 4.15 While the site is affected by E11.0 Waterway and Coastal Protection Code, the Traders in Purple development plan does not propose to develop land which is affected by the code. Additionally, the area affected by the code is proposed to be zoned Open Space.
- 4.16 Therefore it is considered that the proposed amendment does not increase the risk to sustainable water and/or coastal management.
- 4.17 However, while the proposed amendment does not increase the risk to sustainable water and/or coastal management, it should be noted that it does not specifically further the objectives of sustainable water and/or coastal management as per the Southern Tasmania Regional Land Use Strategy. Specifically, regional policy *WR 3 – Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provisions* seeks to ensure future development is future proofed in relation to sustainable water use.
- 4.18 Planning scheme mechanisms should be investigated at the local and state levels which encourage more water efficiency measures in future developments. Examples include requiring dual reticulation for future residential developments, especially multiunit developments.

Strategic alignment – Southern Tasmania Regional Land Use Strategy

- 4.19 The Southern Tasmania Regional Land Use Strategy (STRLUS) has been implemented to provide guidance and direction for future development and

use in the southern region. Section 30O of the former provisions of LUPAA requires that a proposed amendment must be consistent with the STRLUS.

4.20 The STRLUS contains a number of regional policies that are in place to support strategic directions for the southern region. Table 1 provides discussion on the most relevant regional policies and proposed amendments alignment with the policy.

Table 1: Relevant STRLUS regional policies

Regional policy	Comments
ROS 1 – Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.	<p>The proposed amendment seeks to amend KIPS 2015 to facilitate the development of Kingston Park in line with the renewed vision of both Council and the chosen developer, Traders in Purple.</p> <p>Through the amendment, in particular the rezoning and removal of reference to the 'Development Plan by Beca, 2013' Council will be able to progress the draft Kingston Park Open Space Master Plan. This master plan has been formulated specifically to ensure that the open space provided for in the future Kingston Park area meets the existing and future needs of the community.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
SI 1 – Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.	<p>See comments for ROS 1.</p> <p>The future open space will assist in providing high quality social and community facilities through the development of the proposed open space, in addition to the recently opened Kingborough Community Hub and the State Government's new health centre.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
PI 1 – Maximise the efficiency of existing physical infrastructure.	<p>The STRLUS recognises that greater efficiency is needed in the use of land and physical infrastructure for residential development through balancing the ratio of greenfield development to infill development.</p> <p>There are clear benefits of infill development, some including:</p> <ul style="list-style-type: none"> • more efficient use of physical and transport infrastructure; • reduced ecological footprint of urban development and reduction in loss of biodiversity; • better utilisation and revitalisation of other public infrastructure, including parks and open space; and • provision of a greater range of housing options to

	<p>suit the decreasing size of households and ageing population.</p> <p>The proposed amendment and associated site are situated within the Urban Growth Boundary identified by the STRLUS and located immediately adjacent to the Kingston central area. The proposed amendment will assist in consolidating higher density living within Kingston to a location which contains a more appropriate level of physical infrastructure than the surrounding General Residential Zone and Low Density Residential Zone.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
AC 1 – Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.	<p>See comments for ROS 1.</p> <p>The proposed zoning and proposed amendments to the provisions will consolidate future retail and commercial developments and uses to the future high street in Kingston Park. The refined vision for Kingston Park has now been market tested, and the proposed amendments will ensure the viability of the Kingston Park development without competing with the future retail and commercial development potential of the established Kingston central area.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
AC 2 – Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.	<p>Kingston is identified as a Principal Activity Centre in the STRLUS.</p> <p>As mentioned in the discussion for ROS 1, the proposed amendments will facilitate the development of Kingston Park. The vision for the Kingston Park development is that it will contribute to the stimulation and creation of a revitalised central business district in Kingston and lead to a viable self-sustaining community.</p> <p>Specifically, it is envisioned that the Kingston Park development will help create at least 600 new jobs in Kingston and inject more than \$80 million a year into the local economy, once completed.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
AC 3 – Evolve Activity Centres focussing on people and their amenity and giving the	<p>Consolidating the future retail and commercial component of Kingston Park along Goshawk Way as proposed in the refined vision and rezoning will allow for development to be delivered which is pedestrian</p>

highest priority to creation of pedestrian orientated environments.	<p>orientated and located within easy walking distance to the existing Kingston central area. The proposed amendments will facilitate this development and require active street frontages along the high street.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
SRD 1 – Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.	<p>See comments for AC 2.</p> <p>The amendments will facilitate the development of Kingston Park, which is within the Greater Hobart area. This development specifically aims to create a more compact development within Kingston.</p> <p>It is considered that the amendment is consistent with this regional policy.</p>
SRD 2 – Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.	<p>See comments for AC 2 and SRD 1.</p> <p>The amendments will facilitate the development of Kingston Park, which is envisioned to provide for greater housing choice within Kingston/Greater Hobart. The dwelling types to be delivered in Kingston Park vary in number of bedrooms and types of housing (e.g. detached, townhouse and apartment).</p> <p>It is considered that the amendment is consistent with this regional policy.</p> <p>It is noted that planning scheme mechanisms should be investigated at the local and state levels which ensure greater sustainability is achieved in future developments. Examples of sustainability initiatives include dual reticulation and reuse of greywater within developments and at a precinct scale, requiring NABERS Energy Commitment Agreements, and requiring greenroofs to reduce water runoff and energy usage.</p>

4.21 Considering the above, it is believed that the proposed amendment is aligned with the STRLUS.

Strategic alignment – Kingborough Land Use Strategy

4.22 The Kingborough Land Use Strategy (KLUS) has been prepared to examine the local needs and direction in more detail than the STRLUS is able to provide. In particular, KLUS identifies several land use principles which land use planning decisions should consider at the local level. The relevant principle and associated objective is discussed in relation to the proposed amendment below.

4.23 Additional to the below principle and objective, the KLUS describes the importance of the development potential of the former Kingston High School site as a mechanism for reinvigorating the Kingston central area. KLUS also notes that the implementation of the Kingston Park development will be ongoing and will evolve as progress is made over time, thus supporting the premise of this scheme amendment.

Integrated transport – reducing traffic and car dependency

4.24 The general objective identified at 4.2.3 *Integrated Transport* in KLUS is to encourage people to use alternative forms of transport wherever possible. This can be achieved through the design of new residential subdivisions and commercial developments.

4.25 The proposed rezoning and amendments to the planning provisions will assist in achieving a reduction in traffic and car dependency. This will partially be achieved through the rezoning and consolidation of the retail and commercial components of Kingston Park to along Goshawk Way. Additionally, the vision of the Kingston Park development as a stimulator of a revitalised central business district in Kingston will potentially reduce the need to travel in to Hobart for work. Additional employment opportunities and local services within Kingston which are envisioned to be delivered through the Kingston Park development will also assist in achieving this objective.

4.26 Considering the above, it is believed that the proposed amendment is aligned with the KLUS.

Strategic alignment – Kingborough Council Strategic Plan 2015-2025

4.27 The Kingborough Council Strategic Plan 2015-2025 (the Strategic 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 Strategic Plan, “Over the next 20 years, Kingborough is predicted to have the greatest increase in population compared to all other municipalities in Tasmania”.

4.28 The Strategic Plan includes a number of Strategic Outcomes that are listed under six Key Priority Areas. One of the key priority areas is Key Priority Area 2.0 *Sustainable land use and infrastructure management*. Of particular relevance to the proposed amendment is Strategic Outcome 2.0 which includes the below strategies.

Key Priority Area	2.0	Sustainable land use and infrastructure management
Strategic Outcome	2.0	Strategic plans provide the necessary guidance to manage future development and infrastructure needs
Strategy	2.1.1	Ensure sound strategic land use planning and asset management provides the basis for sustainable future development and infrastructure investments.
Strategy	2.1.3	Assess long term accommodation needs within the community and support housing diversity and choice.

4.29 The planning implications of Kingborough's population growth are that there is a strong demand for the supply of suitably zoned residential land. The proposed scheme amendment seeks to rezone appropriate land to Inner Residential Zone in light of a better understanding of medium and long term accommodation needs for the municipality, especially within Kingston. There is almost no available undeveloped land within the Inner Residential Zone within the municipality. Additionally, the proposed zoning and amendments to planning provisions will facilitate the development of Kingston Park, which is envisioned to provide for greater housing choice within Kingston/Greater Hobart. The dwelling types to be delivered in Kingston Park vary in number of bedrooms and types of housing (e.g. detached, townhouse and apartment).

4.30 It is therefore considered that the proposed amendment is consistent with the Strategic Plan.

5 STATUTORY ASSESSMENT

Section 32 of LUPAA

5.1 Pursuant to section 32(1) of the former provisions of LUPAA, *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.*

5.2 The proposed amendment is assessed against section 32(1) of the former provisions of LUPAA 1993 below.

Potential land use conflicts

5.3 Section 32(e) of the former provisions of LUPPA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas.

5.4 The proposed rezoning and site specific amendment to KIPS 2015 will facilitate the development of Kingston Park. As discussed, Kingston Park is to provide for a new health centre (already constructed), a new multi-purpose community hub (already constructed), a large area of public open space,

low/medium/high density dwellings, mixed use development, and retail/commercial offerings. These uses and developments will bring increased activity into the Kingston central area, making it a safer and more attractive place to live, visit and work. These uses will not be in conflict with surrounding uses.

5.5 Importantly, the proposed rezoning aims to complement, rather than compete, with the existing main retail area of the Kingston central area (e.g. Channel Court and Kingston Plaza).

5.6 Future potential development would be consistent with the surrounding land use pattern and would not create any potential for conflict with regards to zoning or land use.

5.7 It is therefore considered that the proposed amendment would not increase the potential for land use conflict and meets the requirement of section 30O of the former provisions of LUPAA

Section 30O

5.8 Section 32(ea) of the former provisions of LUPAA requires that planning scheme amendments must not conflict with the requirements of section 30O of the former provisions of LUPAA.

5.9 Section 30O of the former provisions of LUPAA requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy.

5.10 Strategic alignment with the Southern Tasmania Regional Land Use Strategy is addressed in section 4 of this report.

5.11 It is considered that the proposed amendment is consistent with the regional land use strategy and local land use strategy, and therefore meets the requirements of section 30O of the former provisions of LUPAA.

Impact on the use and development of the region

5.12 Section 32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that 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.

5.13 As discussed in section 4 of this report, the proposed amendment is aligned with many of the regional policies found within the STRLUS and thereby is expected to have a positive impact on the use and development of the region. Specifically, the vision for the Kingston Park development is that it will contribute to the stimulation and creation of a revitalised central business district in Kingston and lead to a viable self-sustaining community.

5.14 Additionally, as the expectation of the residential component is to provide greater housing choice within Kingston/Greater Hobart, it is further considered that future, potential development will have a positive impact on the region.

5.15 It is considered the proposed amendment meets the requirements of section 32(f) of the former provisions of LUPAA.

5.16 It is noted that additional hard and soft infrastructure will need to be planned for and delivered by the State Government in the future. Specifically, additional infrastructure which mitigates any potential regional impacts such as traffic, lack of educational facilities and health, that the increase in residential and commercial activity in Kingston may potentially create.

Sections 30I and 30J of LUPAA

5.17 Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered.

5.18 No representations were received during the exhibition of KIPS 2015 which are relevant to the proposed amendment, therefore sections 30I and 30J of the former provisions of LUPAA have been satisfied.

Section 65 Local Government Act 1993

5.19 Pursuant to section 65 of the *Local Government Act 1993*, Council must take into account the advice provided by a person with the necessary qualifications and experience necessary to give such advice.

5.20 This report is prepared by such persons and provides the appropriate advice and recommendations.

Objectives of Schedule 1 of the former provisions of LUPAA

5.21 The former provisions of LUPAA require that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA.

5.22 The objectives of the former provisions of LUPAA require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 objectives.

5.23 The following table assesses the proposed amendment against the objectives of Schedule 1 of the former provisions of LUPAA.

Objectives of Schedule 1 of the former provisions of the <i>Land Use Planning and Approvals Act 1993</i>	
Part 1 Objectives	
Objective	Comment
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	<p>The objective has been satisfactorily addressed in that the amendment will facilitate the development of Kingston Park, which is envisioned to increase land use efficiency within the Kingston central area. Kingston Park is expected to introduce a diversity of housing to Kingston, and encourage retail and commercial development.</p> <p>It is however noted that planning scheme mechanisms should be investigated at the local and state levels which ensure greater sustainability is achieved in future developments in order to satisfactorily address the entirety of the objective. Examples of sustainability initiatives include dual reticulation and reuse of greywater within developments and at a precinct scale, requiring NABERS Energy Commitment Agreements, and requiring greenroofs to reduce water runoff and energy usage.</p>
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	<p>The amendment promotes the objectives for the fair, orderly and sustainable development of land through allowing for the efficient use of existing urban zoned land for medium density residential use and development that will support the consolidation of the existing Kingston central area.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>
<i>(c) to encourage public involvement in resource management and planning</i>	<p>The objective have been satisfactorily addressed in that the amendment reflects both the extensive community consultation in the planning for Kingston Park and the recent EOI process which market tested the development potential of the site.</p> <p>Further public involvement will occur through the notification process of the amendment.</p>
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	<p>The proposed amendment specifically seeks to facilitate economic development within Kingston, with expected positive flow on effects to the rest of the municipality.</p> <p>The proposal represents consolidated urban development in a manner that provides for increased services and enhanced liveability.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>
<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>	<p>The planning and renewal of the former Kingston High School Site has been the focus of concerted collaborative efforts by the State and Council with significant community consultation. The proposed amendment will support the realisation of the vision for the site.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>
Part 2 Objectives	
Objective	Comment
<i>(a) to require sound strategic planning and co-ordinated action by State and Local Government</i>	<p>The proposed amendment seeks to facilitate the development of the former Kingston High School site. As discussed previously, the development to the land has progressed due to the direct co-ordination between State and Council.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>

<p><i>(b) to establish a 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>The proposed SAP specifically seeks to establish a system of planning instruments to assist with the development of the land.</p> <p>The proposed zones and provisions will support the objectives, policies and controls for use and development of the site. The amendment is consistent with the STRLUS and implementation of the intended residential infill and urban consolidation.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>
<p><i>(c) 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>As the amendment does not seek to amend any of the existing overlays which relate to the environmental values of the land, it is considered that the objective has been satisfactorily addressed.</p> <p>Additionally, the amendment promotes the sensible development of the land through allowing for the efficient use of existing urban zoned land for medium density residential use and additional commercial/retail development in the Kingston central area. Lastly, the land affected by the proposed residential and business zones does not have any mapped environmental values.</p> <p>It is however noted that planning scheme mechanisms should be investigated at the local and state levels which ensure greater sustainability is achieved in future developments. Examples of sustainability initiatives include dual reticulation and reuse of greywater within developments and at a precinct scale, requiring NABERS Energy Commitment Agreements, and requiring green roofs to reduce water runoff and energy usage.</p>
<p><i>(d) 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>The proposed amendment does not conflict with this objective in that it will reflect the existing use of the land and not alter the development potential or environmental values of the land as it is currently zoned.</p>
<p><i>(e) 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 proposed amendment will make for a more efficient planning process.</p> <p>Without amending the entire Former Kingston High School SAP to reflect the renewed, and market tested vision for Kingston Park, multiple section 43A applications will need to be submitted by both Traders in Purple and Council to undertaken future development which is in line with the refined vision.</p> <p>Future development includes Council-led projects, like the potential, future open spaces identified in the draft Kingston Park Open Space Master Plan, and developer-led projects like the development proposal by Traders in Purple. The Traders in Purpose development proposal has been in principle agreed upon by Council.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>
<p><i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i></p>	<p>The proposed amendments to the Former Kingston High School SAP will facilitate the development of Kingston Park. The vision for the Kingston Park development is that it will contribute to the stimulation and creation of a revitalised central business district and will lead to a viable self-sustaining community. This expected outcome will inherently provide for a pleasant, efficient and safe working, living and recreational environment for residents, workers and visitors.</p> <p>It is considered that the objective has been satisfactorily addressed.</p>

(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>	The proposal will not affect historic or cultural values. It is considered that the objective has been satisfactorily addressed.
(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 redevelopment of Kingston Park has been a known project for many years. The State Government is aware of the expected increase in population. The proposed amendment will provide further information and time to relevant agencies regarding the future required infrastructure. However it is noted that additional State and local government coordination will need to occur to ensure that an increase in both residents and workers into the area is met with an increase in public transport options, safe pedestrian streets, and an efficient road network.
(i) <i>to provide a planning framework which fully considers land capability</i>	The proposed SAP specifically seeks to provide a refined planning framework which fully considers the land capability of the former Kingston High School site. The site has been in planning for many years and previous community consultation has helped develop the original vision. Additionally, as there is now a refined vision for Kingston Park and the development potential has been market tested through the EO1 process, it is considered that the proposed amendment specifically considers the land's capability.

State Policies

5.24 The former provisions of LUPAA require that planning scheme amendments must be prepared in accordance with State Policies.

5.25 State Policies are made under the *State Policies and Projects Act 1993* (SPPA). As specified by section 13C of SPPA, 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 amendment is assessed against the provisions of the relevant State Policies as follows:

State Coastal Policy 1996

5.26 The *State Coastal Policy 1996* applies to the proposal in relation to the subject land as it is located within 1km of the coast. This policy seeks to protect natural and cultural values of the coastal zone, ensure the sustainable development of coastal areas and resources and share responsibility for integrated management of coastal areas and resources.

5.27 There are three main principles that guide Tasmania's *State Coastal Policy 1996*:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.

- Integrated management and protection of the coastal zone is a shared responsibility

5.28 As the subject land is further away than 1 kilometre the *State Coastal Policy 1996* does not apply to this amendment application.

State Policy on Water Quality Management 1997

5.29 There are provisions contained within specific codes under KIPS 2015 to mitigate any detrimental issues associated with wastewater disposal and the protection of water quality upon future subdivision.

5.30 The proposed amendment does not alter any provision which relates to or will have any impact on water quality.

5.31 It is considered there are sufficient provisions contained within KIPS 2015 to manage any detrimental impacts on water quality.

5.32 It is noted however, that planning scheme mechanisms should be investigated at the local and state levels which ensure greater water quality protection is achieved in future developments. Some examples of initiatives include dual reticulation and reuse of greywater within developments and at a precinct scale, requiring greenroofs and increased size requirements for non-permeable surfaces (i.e. deep soil) to reduce water runoff.

5.33 Notwithstanding, and considering the current restrictions in requiring more sustainability initiatives, it is considered that the proposed amendment is consistent with the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

5.34 The existing zoning of the subject land (i.e. Mixed Urban Use Zone, Central Business Zone, Community Purpose Zone and Open Space Zone) effectively acknowledges there is no agricultural potential for the site. It is therefore considered the proposed amendment does not have any implications under the *State Policy on the Protection of Agricultural Land 2009*.

National Environmental Protection Measures

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

6 FINANCE

6.1 Not initiating the planning scheme amendment may have future financial implications for Council. The proposed amendments will facilitate the Kingston Park development, which includes a large, public open space area Council staff are currently planning and project managing. The proposed amendment, in the form of amending the entire Former Kingston High School Site SAP, will allow for Council projects to occur more efficiently and not require multiple section 43A applications. Section 43A applications inherently take more time than standalone development applications due to the section 43A process requiring the planning scheme to be amended.

6.2 In summary, not initiating the planning scheme amendment may have future financial implications in the form of Council staff time and multiple planning scheme amendment fees.

7 ENVIRONMENT

7.1 The environmental implications are discussed in section 4 of this report.

8 PUBLIC CONSULTATION

8.1 If Council initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA. Section 38 of the former provisions of LUPAA requires that the proposal be advertised for a period of between 3 weeks and 2 months, as determined by the planning authority.

8.2 It is proposed to publicly exhibit the planning scheme amendment for a minimum period of 28 days with notification:

- (a) on the Kingborough Council website;
- (b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and
- (c) in writing to owners and occupiers for the property and adjoining properties.

8.3 A full package of exhibition material will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston. This packages will include:

- **Attachment A:** Kingston Park Specific Area Plan Review – PSA-2019-3;
- **Attachment B:** Summary of proposed changes to F3.0 Former Kingston High School Site Specific Area Plan – PSA-2019-3
- **Attachment C:** simplified – draft Kingborough Interim Planning Scheme 2015: Kingston Park Specific Area Plan – PSA-2019-3;
- **Attachment D:** draft Kingborough Interim Planning Scheme 2015: Kingston Park Specific Area Plan – PSA-2019-3; and
- **Attachment E:** Instrument of Certification – PSA-2019-3.

8.4 All attachments have been provided to Council as additional information to this report.

8.5 After exhibition, Council will review all submissions to the planning scheme amendment and report them to the Tasmanian Planning Commission. The report is to include the planning authority's views on the merit of each representation, whether the amendment should be modified and the impact of the representation on the amendment as a whole.

9 CRITICAL DATES / TIME FRAMES

- 9.1 If Council supports the amendment and initiates and certifies the amendment for public exhibition, it must advise the Commission within seven days.
- 9.2 Post-public exhibition, Council has 35 days from the close of the notification period to forward its report to the Commission. The Commission may grant an extension of time if requested.
- 9.3 The Commission must complete its consideration and decision process within three months of receiving Council's report on the representations, unless an extension of time has been agreed by the Minister.
- 9.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

10 CONCLUSION

- 10.1 The vision for the Kingston Park development is that it will contribute to the stimulation and creation of a revitalised central business district and will lead to a viable self-sustaining community.
- 10.2 In order for this vision to progress, the existing Former Kingston High School Site SAP must be amended to reflect the refined vision for the site.
- 10.3 Amending the entirety of the Former Kingston High School Site SAP will provide for a more consolidated and efficient approach to planning approvals for this site. Without amending the entire Former Kingston High School SAP to reflect the refined, and market tested vision for Kingston Park, multiple section 43A applications will need to be submitted by both Traders in Purple and Council to undertake future development which is in line with the vision for Kingston Park.
- 10.4 The above assessment demonstrates that the proposed amendment meets all statutory requirements and is a logical amendment which will facilitate the development of this important site.

11 RECOMMENDATION

MOVED
SECONDED

That Council resolves that the report of the Manager Development Services be received and that:

- (a) Pursuant to section 34(1)(b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council resolve to initiate Amendment PSA-2019-3 to the *Kingborough Interim Planning Scheme 2015*;
- (b) Pursuant to section 35(1)(a) and section 35(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certify that Amendment PSA-2019-3 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of

section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager to sign the Instrument of Certification;

- (c) Pursuant to section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the *Water and Sewer Industry Act 2008*, Council refers Amendment PSA-2019-3 to TasWater; and
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council place Amendment PSA-2019-3 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

Name	For	Against	Name	For	Against
Cr Atkinson			Cr Street		
Cr Bastone			Cr Wass		
Cr Fox			Cr Westwood		
Cr Grace			Cr Winter		
Cr Midgley			Cr Wriedt		