

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the
Kingborough Council will be held on
Monday, 12 October 2020 at 5.30pm

Kingborough Councillors 2018 - 2022



Mayor
Councillor Dean Winter



Deputy Mayor
Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass



Councillor Paula Wriedt

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 19 to be held on Monday, 12 October 2020 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Gary Arnold
GENERAL MANAGER

Tuesday, 6 October 2020

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Table of Contents

Item	Page No.
Open Session	
1 Audio Recording	1
2 Acknowledgement of Traditional Custodians	1
3 Attendees	1
4 Apologies	1
5 Confirmation of Minutes	1
6 Workshops held since Last Council Meeting	1
7 Declarations of Interest	2
8 Transfer of Agenda Items	2
9 Questions without Notice from the Public	2
10 Questions on Notice from the Public	2
10.1 Whitewater Park / Spring Farm	2
10.2 Dog Complaints	2
10.3 Closure of James Lane	3
11 Questions without Notice from Councillors	4
12 Questions on Notice from Councillors	5
12.1 COVID Safe Evacuation Centres	5
12.2 Villa Howden	5
13 Officers Reports to Planning Authority	6
13.1 Proposed amendment to the Kingborough Interim Planning Scheme 2015 – PSA-2019-3, Former Kingston High School Site Specific Area plan located at 'Kingston Park', 42 Channel Highway, Kingston	6
13.2 DA-2020-288 - Development Application for Dwelling at 31A Hinsby Road, Tarroona (CT 126472/2)	116
14 Notices of Motion	162
15 Petitions still being Actioned	162
16 Petitions Received in Last Period	162
17 Officers Reports to Council	163
17.1 Draft Bushfire Mitigation Measures Bill	163
17.2 Sealed Plan No. 171047 Affecting Land at 361 Redwood Road, Kingston	184
17.3 Waste and Recycling kerbside extension to Tinderbox	186
17.4 Acknowledgement of Traditional Owners Policy	189
17.5 Kingston Park Implementation Report October 2020	193
18 Confirmation of Items to be Dealt with in Closed Session	226

Table of Contents *(cont.)*

Item		Page No.
Appendix		
A	General Manager's Diary for the Period 1 September to 30 September 2020	229
B	Delegated Authority List for the Period 16 September to 29 September 2020	230
C	Current and Ongoing Minute Resolutions (Open Session)	232

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GUIDELINES FOR PUBLIC QUESTIONS

Section 31 of the *Local Government (Meeting Procedures) Regulations 2015*

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

Questions on Notice

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

Questions Without Notice

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 12 October 2020 at 5.30pm

1 AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

3 ATTENDEES

Councillors:

Mayor Councillor D Winter
Deputy Mayor Councillor J Westwood
Councillor S Bastone
Councillor G Cordover
Councillor F Fox
Councillor D Grace
Councillor A Midgley
Councillor C Street
Councillor S Wass
Councillor P Wriedt

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.18 held on 28 September 2020 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

No workshops have been held since the last Council meeting.

7 DECLARATIONS OF INTEREST

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 WHITEWATER PARK / SPRING FARM

Mr David Bain submitted the following question on notice:

I note that Whitewater Park / Spring Farm is referenced in the Play Space and Playground Strategy.

Can you advise if plans are in place for a playground on the open space council have acquired through the subdivisions?

With the developers advertising "plans to include a natural bush playground (in conjunction with the Kingborough Council) along with a walking track along the existing Whitewater Creek" is there an expectation that the developers will be assisting with this? Or is the "gifting" of POS to council as part of the subdivision the developers only requirement?

Officer's Response:

The Spring Farm developer has included an area of public open space within the subdivision that will be suitable for a future children's playground. This is no requirement on the developer to contribute to the cost of this playground. This will be something that Council will need to consider at some future time in accordance with the Play Space and Playground Strategy 2020.

Tony Ferrier, Deputy General Manager

10.2 DOG COMPLAINTS

Ms Qin Liu submitted the following question on notice:

In a written response to me dated 24 September 2020, Scott Basham wrote that approximately 45% of complaints under section 46 of the Dog Control Act 2000 for financial years 2018-2019 and 2019-2020 had substance. Of those complaints that were found to have substance, how many (i.e. what number):

1. *Were complaints that the dog had behaved in a manner that is injurious or dangerous to the health of any person (s46(3)(a) of the Dog Control Act 2000)?*
2. *Were complaints that the dog created a noise, by barking or otherwise, that persistently occurred or continued to such an extent that it unreasonably interfered with the peace, comfort or convenience of any person in any premises or public place (s46(3)(b) of the Dog Control Act 2000)?*
3. *Other than the complaint that I lodged, how many complainants have been told by your staff that without further information being provided by the complainant, their matter would be finalised without further investigation?*

Officer's Response:

There has not been sufficient time to undertake the research necessary to prepare a response to this question for inclusion in the Council Agenda. The question will therefore be answered directly and a copy provided to Councillors.

Daniel Smee, Executive Manager Governance & Community Services

10.3 CLOSURE OF JAMES LANE

Mr Jemery Day submitted the following question on notice:

1. *What actions have Council taken to ensure that all relevant permits were issued for the development work at 1B James Ave prior to commencement of work on this site?*
2. *Assuming all relevant permits were issued, what actions have been taken to ensure the initial development works, which appear to have commenced some weeks ago, are in compliance with these permits, given the current problems on this site, the resulting public safety hazard and the subsequent closure of James Lane?*
3. *When can the public expect James Lane to be re-opened in full?*
4. *Can information on both the reasons for the closure and the expected re-opening date be advertised on both the main Kingborough Council website (e.g. <https://www.kingborough.tas.gov.au/2020/08/temporary-closure-of-nierrina-creek-walking-track/w>) and on notices near the barriers closing off the lane, so that those who regularly use the lane (and those who are unable to access the Kingborough Council social media pages) have better information as to what to expect? Advertising this information only on Council related social media pages makes it difficult for many residents to find this information.*
5. *As a property owner with a boundary and private access to James Lane, I would like to be able to continue to use sections of the lane that are not affected by this safety issue. There are multiple property owners in a similar situation, who may wish to continue to use those sections of the laneway which are not affected by the safety issue to access either James Avenue or Ewing Avenue. Can the safe portions of both the upper and lower sections of James Lane be re-opened as soon as possible, to allow residents with private access to these sections of the lane to continue to use the parts of this public laneway which currently have no associated safety issues?*
6. *I notice that this development is occurring in a gully that was extensively damaged in the May 2018 flood event. Given that this area was recently ranked 5th in a list of hotspots for stormwater flood damage in the Kingborough Council area, will the suggested stormwater upgrades to James Avenue be moved up the priority list, and the impacts on the local stormwater system from this development and associated risks to nearby at-risk properties*

be adequately monitored and abated? I hope that issues seen at the nearby development site (52 Roslyn Avenue) are not repeated with this development.

Officer's Response:

- 1 When Council identified that the work had commenced at 1b James Avenue, Kingston Beach the standard administrative checks were conducted by Council to confirm whether the relevant statutory building and plumbing approvals were in place for the development. The checks identified that Planning, Building and Plumbing statutory approvals are in place for the development.
- 2 The initial priority of Council investigations was aimed at mitigating any risk to the public. This identified the need to immediately close the walkway. The next part of the Council investigation will look into the circumstances that gave rise to the need to close the walkway. It is common for such investigations to assess a development for compliance with the relevant condition's approval.
- 3 The expected date for reopening the walkway is the 26th of October 2020. Council will closely monitor the status of building work at 1b James Avenue and update the community if there is any change to this date.
- 4 The notification of the closure of the walkway has occurred on Council's website and signage has been erected on the access points to the laneway informing pedestrians of walkway closure.
- 5 Council has recently reopened the eastern and western segments of the walkway. However, the section of the walkway that adjoins 1b James Avenue, Kingston Beach remains closed to the public until the 26th of October 2020. The walkway cannot be used as a means of access between Ewing Avenue and James Avenue until the walkway is fully reopened.
- 6 The ranking of flooding hotspots in Kingborough Council's Stormwater System Management Plan was based on a preliminary assessment to provide an indication of where flooding hotspots are likely to occur within the municipality. Although Council do not have intentions to revise the outcome of this study continuously as development within the municipality occur, it is likely that the study will be updated every 5 years or so. Further to this, Council is in the process of collating all recommendations made from several recently finalised studies to establish a likely timeframe for when each recommendation can be progressed further. As part of the approved DA for the development at 1B Ewing Avenue, several stormwater management measures were required for the development to ensure that any potential adverse impacts on downstream properties as a result of the development is significantly mitigated and managed. Further to this, an on-site drainage and access maintenance plan to property owners on 1B Ewing Avenue was required as part of the DA. This plan will ensure ongoing maintenance and monitoring of the site such that the implemented stormwater management measures will operate as intended.

Andy D'Crus, Building and Plumbing Coordinator

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 COVID SAFE EVACUATION CENTRES

Cr Cordover submitted the following question on notice:

To stay COVID-safe at indoor gatherings, venues need to be spacious enough to allow for adequate social distancing and be prepared with extra hygiene measures. Periodically, natural disasters such as bushfires or floods require indoor evacuation centres to be rapidly set up within the municipality. In the event of a disaster requiring the use of indoor evacuation centres by large numbers of people, is there sufficient indoor evacuation space available in Kingborough to provide COVID-safe emergency evacuation facilities? Have emergency management preparations been updated since COVID-19 to account for the extra space and hygiene measures that might be required during an emergency?

Officer's Response:

Council's designated Emergency Evacuation facility is the Kingborough Sports Centre. Whilst the number of residents who may require the use of such a facility in an emergency event is impossible to predict, the size of this building provides scope to cater for significant numbers of evacuees, even with social distancing requirements in place. Council's Emergency Management staff have been working with the Department of State Health in relation to the additional safety requirements associated with operating a Emergency Evacuation Centre during the COVID-19 pandemic and have updated procedures accordingly.

Daniel Smee, Executive Manager Governance & Community Services

12.2 VILLA HOWDEN

Cr Winter submitted the following question on notice:

What is the status of the development permit at Villa Howden?

Officer's Response:

The planning permit that was issued to Villa Howden allows for an extension that accommodates 42 new guest rooms, plus dining area, bar and manager's accommodation. This permit was granted in November 2018 and an extension was applied for in July 2020. As provided for within the legislation, this two year extension was granted and the existing permit now expires on 6 November 2022.

Tony Ferrier, Deputy General Manager

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 – PSA-2019-3, FORMER KINGSTON HIGH SCHOOL SITE SPECIFIC AREA PLAN LOCATED AT 'KINGSTON PARK', 42 CHANNEL HIGHWAY, KINGSTON

File Number: PSA-2019-3

Author: Adriaan Stander, Strategic Planner

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Kingborough Council
Purpose:	The Tasmanian Planning Commission (TPC) has made alterations to the above-mentioned Planning Scheme Amendment that was originally certified by Council on 12 August 2019. As a result of the significant alterations made by the TPC, the planning scheme amendment had to be re-exhibited.
Representations:	The purpose of this report is to consider the representations that were received during the re-exhibition of the planning scheme amendment. Three representations were received during the second exhibition period.
Recommendation:	That Council notes the representations to PSA-2019-3 together with Council officer's responses and recommend to the Tasmanian Planning Commission to proceed with the finalisation of the proposed amendment.

1. BACKGROUND

- 1.1 Council resolved to initiate the draft amendment to the Former Kingston Park High School Site Specific Area Plan of the Kingborough Interim Planning Scheme 2015 (KIPS2015) at its Planning Authority meeting on 12 August 2019.
- 1.2 A further report was presented to Council, at its Planning Authority meeting of 13 January 2020. At this meeting Council considered eight (8) representations that were received during the public exhibition of the draft amendment between 21 August 2019 and 18 September 2019 and again between 20 November 2019 and 18 December 2019. The report suggested several changes to the proposed amendment to address the concerns raised by the representations and resolved the following:
 - (a) Council note the submissions against the proposal;
 - (b) Council note the recommendations submitted by representations;

- (c) *The Tasmanian Planning Commission be advised that modifications to draft amendment PSA-2019-3 is recommended as outlined in the report; and*
 - (d) *Pursuant to section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993, Council forward a copy of this report to the Tasmanian Planning Commission which satisfies the requirements of section 39 of the former provisions of the Land Use Planning and Approvals Act 1993.*
- 1.3 The TPC held a hearing on 14 May 2020 and decided to make significant alterations to the original certified instrument. A summary of the alterations made by the TPC is provided under section 3 of this report. The full set of alterations (in the form of a 'track change' document) is provided as Attachment 1.
- 1.4 Given the substantial nature of the changes, Council was instructed by the TPC to re-exhibit the revised certified instrument for 28 days in accordance with the provisions of section 41(1)(b) and section 38 of the *Land Use Planning and Approvals Act 1993* (LUPPAA). The revised amendment was placed on public exhibition from 29 August 2020 to 26 September 2020.
- 1.5 During the second exhibition period three (3) representations were received. A summary of the representations with Council officer's comments is provided under section 5 of this report.

2. THE PROPOSAL

- 2.1 The proposal (as altered and certified by the TPC) seeks to amend KIPS2015 as follows:
- a) Amend Clause 22.4.1 of KIPS2015 that restricts the height of buildings in the Central Business Zone adjacent to any residential zone. The current provisions restrict the height of buildings within 10m of any residential zone to 8.5m. The altered amendment seeks to increase this height restriction to 9.5m for properties along Summerleas Road and Channel Highway.
 - b) Delete Section F3.0 of KIPS2015 (the former Kingston High School Specific Area Plan) and replace with a new 'Kingston Park Specific Area Plan' (Kingston Park SAP). The proposed Kingston Park SAP provides a set of unique development controls for future development in the precinct, primarily leveraging on the development opportunities available because of the precinct's strategic location in central Kingston.
 - c) Rezone portions of land within Kingston Park SAP, from Urban Mixed Use Zone to Inner Residential Zone and Open Space Zone, from Central Business Zone to Inner Residential and Urban Mixed Use Zone, and from Open Space to Urban Mixed Use Zone, as shown in Figure 1:

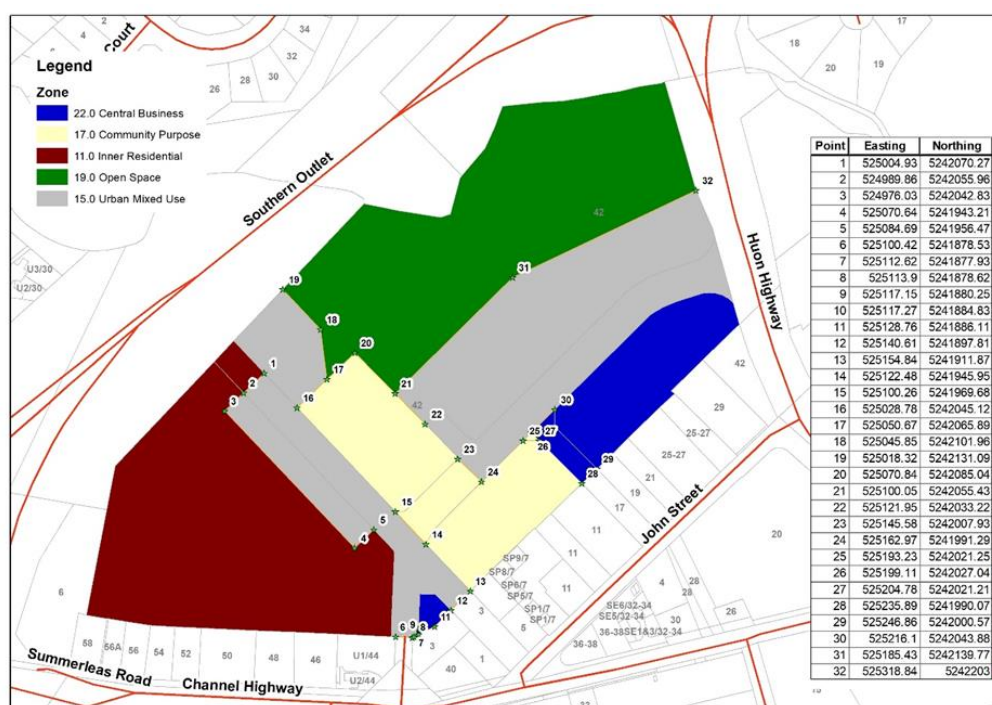


Figure 1. Proposed rezoning

- d) Amend the overlay map by renaming the title of the specific area plan to 'F3.0 Kingston Area Plan'.
- e) A copy of the revised certified instrument is provided as Attachment 2.

3. DISCUSSION

- 3.1 The TPC, in consideration of the hearing held on 14 May 2020, decided to make several alterations to the planning scheme amendment. The alterations include minor administrative changes as well as significant changes that will impact on how the precinct will be able to be developed in future. A summary of the key alterations made by the TPC with Council officer's comments is provided below.

Changes made by the TPC	Comment/response
<p>1. Height restriction applying to adjoining properties</p> <p>The height restriction applying to future buildings in the adjoining Central Business Zone (specifically those along Channel Highway and Summerleas Road) and within 10m of the proposed Inner Residential Zone is increased from 8.5m to 9.5m.</p>	<p>The proposed change is supported.</p> <p>It will not unreasonably impede on the development potential of land adjoining the Kingston Park SAP. A greater height than specified may be considered under the discretionary provisions provided by the planning scheme for those sites.</p>
<p>2. Design Principles</p> <p>The original certified instrument included reference to Apartment Design Guidelines available in other states. This is replaced with a set of specific design principles that will apply to future development in the Kingston Park SAP. The design principles are as follows:</p> <ul style="list-style-type: none"> (i) <i>Character – respond to and enhances the distinctive characteristics of the precinct contributing to visual interest and a sense of place;</i> (ii) <i>Landscape quality - landscape and buildings operate as an integrated and sustainable system;</i> (iii) <i>Functionality and build quality – meet the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit;</i> (iv) <i>Legibility - provide clear connections and easily identifiable elements to help people find their way around the precinct;</i> (v) <i>Sustainability - optimises the sustainability of the built environment;</i> (i) <i>Safety - optimise safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i> 	<p>The proposed change is supported.</p> <p>The design principles provided are similar to those found in the Apartment Design Guidelines of other states. It aims to provide flexible design options for future development, but in a manner that will encourage good design and quality urban outcomes for the precinct</p>
<p>3. Inner Residential Zone objectives</p> <p>A list of zoning objectives is provided for the Inner Residential Zone, as follows:</p> <p><i>Within the areas zoned Inner Residential, to promote the creation of a medium density community with:</i></p> <ul style="list-style-type: none"> (i) <i>a lot layout that encourages single dwellings on small lots with narrow frontages and access via rear laneways;</i> (ii) <i>a compact and visually interesting streetscape with articulation incorporated into front elevations and consistent frontage setbacks defining a strong building line along the road that provides ample room for larger canopy street trees;</i> 	<p>The proposed change is supported.</p> <p>The certified instrument as endorsed by Council did not include objectives for the Inner Residential Zone. The objectives provided are consistent with the development outcomes sought for the Inner Residential Zone.</p>

Changes made by the TPC		Comment/response
	<p>(iii) lots that have ample private open space at the rear or front of buildings with minimal side separation; and</p> <p>(iv) easy accessibility for pedestrians, a well landscaped streetscape and convenient public open spaces.</p>	
4.	<p>Limitation on the floor area of retail and hire uses</p> <p>The floor space restrictions applying to retail and hire uses in the precinct have been refined by the TPC. The provisions now limit the gross floor area of retail and hire uses in the precinct to 350sqm 'per tenancy'. Larger tenancies of up to 500sqm may be considered in the precinct under the discretionary provisions.</p>	<p>The proposed change is supported.</p> <p>The change provides clarity as the original provision had the potential to be misinterpreted as a blanket limitation on all retail use in the precinct. The provision aims to encourage retail (convenience and boutique style shopping) in the precinct, but in a manner that will not compete or compromise with other existing retail uses in the Kingston CBD. It will contribute and enhance the attractiveness of the Kingborough CBD which in turn will encourage the future investment and development that is consistent with the outcomes sought by the Activity Centre Policies of the Southern Tasmanian Regional Land Use Strategy 2010-2035.</p>
5.	<p>Height restriction to Central Business Zone in the Kingston Park SAP</p> <p>The building height restriction of the Central Business Zone within the Kingston Park SAP is increased from 18m to 20m.</p>	<p>This change is supported.</p> <p>It provides a future development outcome similar to what is currently available in the Central Business Zone outside the Kingston Park SAP.</p>
6.	<p>Housing diversity</p> <p>The original certified instrument included several provisions to promote housing diversity in the precinct. These provisions have been deleted.</p>	<p>The deletion of the housing diversity provisions is unfortunate; however, it is acknowledged that there are other ways future development in the precinct will achieve housing diversity.</p> <p>For example, the approved Site Development Plan for Kingston Park describes different types of dwellings across the precinct ranging from townhouses to apartments. There is a contract with Traders in Purple to include a range of different housing types. There is also a commercial imperative for the developer to respond to the market in a manner that ensures there are a range of dwelling types and sizes available.</p> <p>Approximately 400 new dwellings will be provided in the precinct. Of this the majority (approximately 300 dwellings) will be apartments. The rest will be a mix between town houses, small lot homes and aged care housing. The variety of housing in the precinct will be different than what is currently available in the rest of the Kingborough. The type of housing provided in the precinct alone will contribute to variety of housing in the municipality irrespective of any planning provisions.</p> <p>In terms of the requirement for accessible housing, the bulk of the residential development in the precinct is likely to be assessed against</p>

Changes made by the TPC		Comment/response
		the Tasmanian Apartment Development Code (a draft of which was circulated for comment in March 2020). The draft code requires universal design elements to be incorporated into larger apartment buildings.
7.	Streetscape design and landscaping The original certified instrument included provisions relating to streetscape design, amenity, and safety of public. It also had a set of landscape provisions. These provisions have been deleted.	The proposed changes are supported. The new urban design principles as incorporated into the instrument still provides appropriate flexibility and guidance to ensure quality urban outcomes for the precinct.
8.	Environmental considerations The original certified instrument included a set of environment provisions to protect existing vegetation within the Kingston SAP. These provisions have been deleted by the TPC.	It is unfortunate that the environmental provisions have been deleted. As part of the hearing proceedings, Council provided advice to the TPC that while some of the high conservation value trees along the western boundary of the precinct have been approved for removal as part of an existing development approval, there remain numerous high conservation value trees and other environmental values within the precinct. These are predominantly located within the proposed Open Space zoned portion of the site, but also occur on the Urban Mixed Use and Inner Residential zoned land. These trees and areas of native vegetation provide potential habitat for threatened species and development of Kingston Park should be designed to retain these values to the extent practicable. The existing provisions for environmental values and high conservation value trees high conservation under KIPS2015 will cease to exist once the Kingborough Local Planning Schedule (LPS) comes into effect. It is for this reason the environmental provisions have been proposed to be included in the Kingston Park SAP to be carried over to the LPS. Council may still choose to amend the Kingston SAP as part of the KIPS2015 conversion into the LPS.

4. STATUTORY REQUIREMENTS

- 4.1 Section 41 of the former provisions of LUPAA allows the Tasmanian Planning Commission to direct the Planning Authority to undertake modification or alteration of draft amendments.
- 4.2 Section 41B requires that if the draft amendment is to be amended to a substantial degree, the amendment is to be re-exhibited.

41B. Certification of altered draft amendments

- (1) *If a draft amendment has been altered to a substantial degree in accordance with section 41A, the Commission must, within 28 days of receipt of the altered draft amendment–*
 - (a) certify the altered draft amendment; and*
 - (b) by notice in writing to the planning authority, direct that it be publicly exhibited, as prescribed.*
- 4.3 The provisions under Section 38 of LUPAA applies to the re-exhibition of significant altered planning scheme amendments.
- 4.4 Section 39(2) of the former provisions of LUPAA requires a planning authority, within 35 days after the public exhibition period has closed, to forward the Commission a report containing:
 - (a) a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
 - (b) a statement of its opinion as to the merit of each such representation, including its views as to–*
 - (i) the need for modification of the draft amendment in the light of that representation; and*
 - (ii) the impact of that representation on the draft amendment as a whole; and*
 - (c) such recommendations in relation to the draft amendment as the authority considers necessary.*
- 4.5 The purpose of this reports is to consider the issues raised by the representations as per Section 39(2) of the LUPPAA.


5. PUBLIC CONSULTATION AND SUBMISSIONS RECEIVED


- 5.1 The draft amendment and associated development application were placed on public exhibition in accordance with Section 38 of the former provisions of LUPAA.
- 5.2 The draft amendment was exhibited for 28 days in accordance with the statutory requirements for 28 days from 29 August 2020 to 26 September 2020.
- 5.3 The exhibition/notification process included:


- advertisement in The Mercury on Saturday, 29 August 2020 and again on Wednesday, 2 September 2020.
 - exhibition in Council's administrative building;
 - exhibition on Council's website;
 - written notification to owners and occupants of land immediately adjoining and surrounding the subject site; and
 - referral to TasWater.
- 5.4 The Commission has been provided a copy of the above and with a list of those properties and individuals notified.
- 5.5 Three representation were received during the exhibition period. A summary of the issues raised by representations are provided below and includes Council officer's comments.

Public Copy

Representations received	Councillor Officer's Comments
<p>Issue 1:</p> <p>State Roads – Traffic and Noise</p> <p>The Department of State Growth (DSG) made a representation that raises concern with the higher density afforded by the proposed Inner Residential Zone and the capability to mitigate and noise levels. DSG is requesting a Noise Assessment report and Traffic Assessment Report (TIA).</p> <p>It is recommended that the noise assessment should not be based solely on modelling and should undertake on-site noise measurements to inform projections and modelling. It should address projected traffic growth findings provided in the TIA and it should also take into consideration noise associated with heavy vehicles.</p> <p>The representation states that it is unclear, for example, whether the acceptable solution or performance criteria can be achieved for <i>F3.6.2.1 Amenity Impacts of Non-Residential Uses</i> if background noise levels exceed the standards due to traffic noise. An assessment of on-site noise levels is required to determine the matter.</p> <p>DSG also raises concern with the removal of maximum building height limits as it may lead to increased numbers of private car movements with flow- on affects to the road network.</p> <p>DSG suggests that parking standards be applied to encourage public transport use and reduce congestion.</p>	<p>Similar traffic and noise issues were raised by DSG as part of the previous exhibition period and it was considered by Council at its Planning Authority meeting of 13 January 2020 and by the TPC at its hearing of 14 May 2020.</p> <p>A development permit (DA-2019-112) for 67 two storey dwellings is already in place for land that covers the proposed Inner Residential Zone. A Traffic Impact Assessment and Acoustics Report were submitted as part of the development application and Council's assessment concluded that all matters in relation to traffic and noise have been sufficiently addressed.</p> <p>It is acknowledged that the developer may choose to amend the existing development permit or lodge a new development application to take up the increased development opportunities afforded by the proposed new Inner Residential Zone, however it should be noted that the Inner Residential Zone land use provisions (Clause F3.7.3.1 Buildings setback and height), require a 50m setback from the Southern Outlet for which DSG is the roads authority.</p> <p>Buildings for sensitive uses closer to the Southern Outlet may be considered under the discretionary provisions, but subject to implementation of mitigations measures to reduce traffic noise. The performance criteria require recommendations from a suitably acoustic engineer or qualified person and written advice from the roads authority (DSG).</p> <p>Clause F3.3 of the Kingston Park SAP allows the planning authority to request information as part of a future development applications to determine compliance with development standards contained in the SAP i.e. demonstrate the likely impacts of as a result of noise levels and traffic.</p> <p>The suggestion in relation to revised parking standard is noted, however the parking provisions contained in the certified instrument aligns with the State Planning Provisions.</p>

Representations received	Councillor Officer's Comments
<p>Issue 2: Development potential of adjoining land</p> <p>Concern is raised that the proposed zoning change from Urban Mixed-Use Zone to Inner Residential Zone will result in a reduced development potential of adjacent land in the Central Business Zone off Channel Highway and Summerleas Road. The properties in question are depicted the Figure 3 below.</p>  <p>Figure 3 – Properties affected by proposed rezoning</p> <p>One of the representations recommends a buffer zone (Urban Mixed Use Zone) between the existing Central Business Zone and proposed Inner Residential Zone (as illustrated in Figure 4) which effectively would allow the properties in the Central Business Zone to be developed consistent with the current planning scheme provisions.</p>	<p>The representations are reiterations of a similar representations that were received during the previous exhibition period and considered by Council at its Planning Authority meeting of 13 January 2020 and by the TPC at its hearing of 14 May 2020. An extract of the Council report of 13 January 2020 that specifically addressed this issue, is provided as Attachment 3.</p> <p>The existing planning scheme provisions allow for a building height of 15m (and up to 20m under the discretionary provisions) in the Central Business Zone. Because of the proposed zoning change from Mixed Use Zone to Inner Residential Zone, a 10m wide height restriction of 9.5m is introduced to the rear of the properties in the Central Business that backs onto the Inner Residential Zone. The setback will also increase from 0m to 6m because of the zoning change.</p> <p>The proposed Urban Mixed-Use Zone buffer is not considered ideal and will not be reflective of the development outcomes sought for the Kingston Park SAP. However, there are other options available to address the concerns raised by the representations without making further changes to the proposed zones. They are provided below.</p> <p>Existing discretionary provisions available under the planning scheme:</p> <ul style="list-style-type: none"> a) Clause 22.4.1 P2 allows for an increased building height in consideration of the height of existing buildings on adjoining land. b) Clause 22.4.2 P2 allows for a reduced setback in consideration of overshadowing, overlooking/privacy, visual impact, aspect and slope. <p>A 6m wide service easement exists on the southern side of the proposed Inner Residential Zone that backs on the Central Business Zone properties. This will provide additional separation between future development in the Central Business Zone and proposed Inner Residential Zone. The TPC may consider a further amendment to Clause 22.4.1 and Clause 22.4.2 of KIPS2015 to increase the height restriction and reduce the setbacks for the properties to the south.</p>

Representations received	Councillor Officer's Comments
 <p>Figure 4 – Proposed Urban Mixed-Use Zone</p>	
<p>Issue 3: Solar access</p> <p>A concern is raised that the permitted 10m height for buildings in the proposed Inner Residential Zone will have an impact on solar access for development in the Central Business Zone to the south.</p>	<p>The proposed Inner Residential Zone covers land that is currently zoned Urban Mixed Use. The Urban Mix Use Zoning allows buildings of up to 10m (and 12m under the discretionary provisions). It could therefore be argued that the 10m height restriction for the proposed Inner Residential Zone as per the certified instrument is not different from the height restriction that currently applies to the land.</p> <p>It should also be noted that a two-staged development is proposed for the land that is proposed to be zoned Inner Residential Zone. Stage 1 is already approved (DA-2019-112) and the permit provides for 67 two storey dwellings which are well below the 10m height restriction (see Figure 3). Noting the difference in ground level (the properties on the southern side of the proposed Inner Residential Zone are elevated) and the setbacks provided by the master plan, it is considered that solar access impacts on adjoining will be avoided.</p>

Representations received	Councillor Officer's Comments
	<div data-bbox="1223 284 1971 970"></div> <p data-bbox="1305 986 1892 1021"><i>Figure 3- Approved Master Plan (DA-2019-112)</i></p>

6. FINANCE

- 6.1 The planning scheme amendment itself does not have any current or future financial implications for Council as the Planning Authority.

7. CRITICAL DATES

- 7.1 Council has 35 days from the close of the notification period (26 September 2020) to forward its s39 report to the Commission, unless the Commission grants an extension of time if requested.
- 7.3 Once the Commission has received the s39 report from Council, it may convene a hearing to assist its consideration of the draft amendment, the representations, and statements and any recommendations contained in Council's report.
- 7.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

8. RECOMMENDATION

That Council resolves that:

- a) Council notes the representation to PSA-2019-3 together with Council officer's responses; and
- b) Pursuant to section 39(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forward a copy of this report to the Tasmanian Planning Commission.

ATTACHMENTS

1. TPC alterations to planning scheme amendment PSA-2019-3
2. TPC certified instrument PSA-2019-3
3. Extract from Council's agenda report of 13 January 2020 PSA-2019-3

Kingborough Interim Planning Scheme 2015

Draft amendment AM 2019-03

1. At clause 22.4.1, modify A2 by inserting the text shown as underlined and deleting the text shown as strikethrough:

A2

Building height within 10m of a residential zone must be not more than 8.5m;

- (a) 8.5m; or
- (b) 9.5m if for 6 Summerleas Road (FR 130964 /1), 58 Channel Highway (FR 30067/2), 56A Channel Highway (FR 198046/1), 56 Channel Highway (FR 30067/3), 54 Channel Highway (FR 126454/4), 52 Channel Highway (FR 126454/5), 50 Channel Highway (FR 146799/1), 48 Channel Highway (FR 20911/3), 46 Channel Highway (FR 20911/2), or 44 Channel Highway (FR 140017/0, FR 140017/1, FR 140017/2).

2. Delete F3.0 Former Kingston High School Site Specific Area Plan, and replace with the following:

F3.0 Kingston Park Specific Area Plan

F3.1 Purpose of Specific Area Plan

F3.1.1 The purpose of this Specific Area Plan is:

- (a) To ensure that the use and development of the Kingston Park area takes advantage of its strategic location within central Kingston.
- (b) To create a dynamic and high-quality built environment that meets the long term needs of the community by:
 - (i) allowing for commercial activity supporting the growth of the Kingston central area;
 - (ii) establishing a hub for community-based facilities and services that will meet the long term needs of the community; and
 - (iii) providing opportunities for different forms of medium to high density residential use and development, broadening housing types available within the Kingston area.
- (c) To encourage activities that will stimulate more private investment throughout central Kingston.
- (d) To encourage high levels of connectivity with the established road network and surrounding open spaces network through new development that

PSA-2019-3

Kingston Park Specific Area Plan

creates local roads, laneways, shared-ways, through-site links and walkways.

- (e) To promote public spaces that support vibrant and strong street life, high levels of walkability as well as high quality landscaping through water sensitive urban design measures.
- (f) To achieve a diverse and high quality built form which is consistent with good design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and design, WA, and having regard to the following urban design principles including but not limited to:
 - (i) cCharacter – respond to and enhances the distinctive characteristics of the precinct contributing to visual interest and a sense of place;
 - (ii) lLandscape quality - landscape and buildings operate as an integrated and sustainable system;
 - (iii) fFunctionality and build quality – meet the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit;
 - (iv) lLegibility - provide clear connections and easily identifiable elements to help people find their way around the precinct;
 - (v) sSustainability - optimises the sustainability of the built environment;
 - (i) sSafety - optimise safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
 - ~~(ii)(vi)~~ To achieve a diverse and high quality built form which is consistent with good design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One.
- (g) To encourage passive surveillance and is consistent with crime prevention through environmental design principles.
- (h) Within the areas zoned Central Business, Urban Mixed Use and Community Purpose:
 - (i) to provide high levels of visual interest and to reduce wind tunnelling through façade articulation;
 - (ii) to encourage active uses and active frontages at ground level; and
 - (iii) to establish and reinforce a well-defined built edge to roads and public spaces.

PSA-2019-3

Kingston Park Specific Area Plan

- (i) Within the areas zoned Inner Residential, to promote the creation of a medium density community with:
- (i) a lot layout that encourages single dwellings on small lots with narrow frontages and access via rear laneways;
 - (ii) a compact and visually interesting streetscape with articulation incorporated into front elevations and consistent frontage setbacks defining a strong building line along the road that provides ample room for larger canopy street trees;
 - (iii) lots that have ample private open space at the rear or front of buildings with minimal side separation; and
 - (iv) easy accessibility for pedestrians, a well landscaped streetscape and convenient public open spaces.

F3.2 Application of Specific Area Plan

F3.2.1 The specific area plan applies to the area of land designated as Kingston Park Specific Area Plan on the Planning Scheme Maps and Figure F3.1. Normal Zone provisions apply unless otherwise stated within this Specific Area Plan.

F3.3 Definition of Terms

F3.3.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definitions
natural values	means landscape values, being skylines, ridgelines or exposed slopes, individual native trees with a diameter >25cm and priority vegetation;
high conservation value trees	means a tree that: <ul style="list-style-type: none"> (a) is a <i>Eucalyptus globulus</i> or <i>Eucalyptus ovata</i> tree with a diameter equal to or greater than 40cm at 1.4m from natural ground level; (b) is a <i>Eucalyptus viminalis</i> tree with a diameter equal to or greater than 25cm at 1.4m from natural ground level; (c) is a native tree located in either dry forest or a cleared setting with visible hollows and/or a diameter equal to or greater than 70cm at 1.4m from natural ground level;

PSA-2019-3

Kingston Park Specific Area Plan

	<p>(d) is a native tree located in wet forest with visible hollows and/or a diameter equal to or greater than 100cm at 1.4m from natural ground level;</p> <p>(e) is of a species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Biodiversity Conservation Act 1999</i> (Commonwealth); and/or;</p> <p>(f) provides potential or significant habitat for a threatened species listed in either of those acts.</p>
priority vegetation	<p>means native vegetation where any of the following apply:</p> <p>(a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i>;</p> <p>(b) is a threatened flora species;</p> <p>(c) it forms a significant habitat for a threatened fauna species; or</p> <p>(d) it has been identified as native vegetation of local importance.</p>
tree protection zone (TPZ)	<p>means the combined root area and crown area requiring protection and isolation from disturbance to ensure that the tree remains viable. The radius of the TPZ is calculated by multiplying the diameter of the tree at 1.4 m from natural ground level by 12.</p>

F3.4.3 Application Requirements

F3.4.3.1 In addition to any other application requirements, the planning authority may require any of the following information to determine compliance with development standards:

- (a) a site context and analysis plan;
- (b) photographs, drawings or photomontages necessary to demonstrate the impact of the proposed development on the character values of the wider area, including visual impact of the proposed development on views of kunyani/Mt Wellington and the surrounding vegetated hillsides from the Kingston central area;
- (c) a landscape plan;

PSA-2019-3

Kingston Park Specific Area Plan

- (d) the nature and the types of activities that will be carried out;
- (e) the likely impacts, if any, on adjoining land, including noise levels, traffic, hours of delivery and despatch of goods and materials and hours of operation;
- (f) demonstrated compliance with good urban design principles, ~~such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One;~~
- (g) information detailing how the development will contribute to the provision of public infrastructure on the site;
- (h) information detailing how the development will minimise a building's environmental impact.

F3.5.4 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
CENTRAL BUSINESS ZONED LAND	
(a) A high degree of ground level activity and integration should occur between land uses and pedestrian environments and this should be supported by attractive public spaces.	(a) Commercial and retail development should promote a strong integration with existing uses in central Kingston particularly those between the site and John Street.
(b) Building design should be interesting and attractive and promote an active and engaging interface with the adjoining street or pedestrian promenade.	(b) Design features should enhance the visual appeal of proposed developments. This could include iconic gateway developments on corners and a continuous 2-3 storey built form at the street level in between, with upper levels setback to reduce visual impact.
(c) Building design should seek to minimise a building's environmental impact.	(c) Building design should introduce lanes, shared ways or through-site links and narrow building frontages to limit the length and size of street blocks.
	(d) Applications for new developments containing office premises with a net lettable area of 1,000m ² or more should be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating

PSA-2019-3

Kingston Park Specific Area Plan

	<p>System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance tool.</p> <p>(e) <u>Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to:</u></p> <p>(i) <u>Any adopted plan or strategy of the Council;</u></p> <p>(ii) <u>Potential harvesting and re-use of runoff; and</u></p> <p>(iii) <u>Potential on-site infiltration, detention and treatment. Stormwater should be managed on-site as much as practical, and consider:</u></p> <p><u>Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to:</u></p> <p><u>Any adopted plan or strategy of the Council;</u></p> <p><u>Potential harvesting and re-use of runoff; and</u></p> <p><u>Potential on-site infiltration, detention and treatment harvesting roof run-off for internal use for toilet-flushing and clothes-washing;</u></p> <p><u>maximising the use of permeable surfaces at ground level to enable groundwater recharge, and minimising impervious areas;</u></p> <p><u>incorporating on-site infiltration and detention systems such as garden beds, rain gardens, tree pits, infiltration cells and detention tanks;</u></p> <p><u>minimising the potential for nutrient run-off through appropriate plant species and soil selection in landscaped areas.</u></p>
URBAN MIXED USE ZONED LAND	
<p>(a) Medium to high density residential development is to should occur within these precincts, especially above the ground level floor, together with a mix of</p>	<p>(a) Development should be designed so that it supports neighbourhood interaction, passive recreation and easy access for pedestrians. The incorporation of larger</p>

PSA-2019-3

Kingston Park Specific Area Plan

<p>other potential commercial uses, such as retail, small office and visitor accommodation.</p> <p>(b) Opportunities for community interaction should be encouraged by providing streetscapes that provide high public amenity and are well landscaped.</p> <p>(c) Optimize the benefits provided by public open space and available views.</p> <p>(d) Building design should seek to minimise a building's environmental impact.</p>	<p>canopy trees and other appropriate vegetation is to be encouraged.</p> <p>(b) Provide an active and engaging interface to public open space areas through building orientation, as well as activated ground level frontages to buildings.</p> <p>(c) Building design should introduce lanes, shared ways or through-site links and narrow building frontages to limit the length and size of street blocks.</p> <p>(d) Applications for new developments containing office premises with a net lettable area of 1,000m² or more should be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance tool.</p> <p>(e) <u>Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to:</u></p> <p><u>(i) any adopted plan or strategy of the Council;</u></p> <p><u>(ii) potential harvesting and re-use of runoff; and</u></p> <p><u>(iii) potential on-site infiltration, detention and treatment.</u> Stormwater should be managed on-site as much as practical, and consider:</p> <p>harvesting roof run-off for internal use for toilet flushing and clothes washing;</p> <p>maximising the use of permeable surfaces at ground level to enable groundwater recharge, and minimising impervious areas;</p> <p>incorporating on-site infiltration and detention systems such as garden beds;</p>
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PSA-2019-3

Kingston Park Specific Area Plan

	<p>rain gardens, tree pits, infiltration cells and detention tanks; minimising the potential for nutrient run off through appropriate plant species and soil selection in landscaped areas. Management of stormwater will further the <u>State Stormwater Strategy 2010</u> and will have regard to:</p> <ul style="list-style-type: none"> • <u>Any adopted plan or strategy of the Council;</u> • <u>Potential harvesting and re-use of runoff; and</u> • <u>Potential on-site infiltration, detention and treatment</u>
COMMUNITY PURPOSE ZONED LAND	
<p>(a) Provide for a range of complementary services and public facilities that meet the needs of the Kingborough community in relation to health, education, recreation, arts, culture and social inclusion.</p> <p>(b) Use and development should integrate closely with the streetscape and provide interesting, attractive and vibrant public spaces.</p> <p>(c) Provide a safe public environment that encourages pedestrian activity, passive surveillance, family activities and a high quality of public amenity.</p>	<p>(a) Encourage the use and development of land so that these services and facilities are provided and that built structures and landscaping is designed to a high standard and is easily accessible.</p> <p>(b) Building and public space design should provide for articulated setbacks, activated ground floor frontages, street furniture and artistic features, views and orientation to capture solar benefits.</p> <p>(c) Promote a mix of uses and development forms that provide interest, fun and enjoyment, and are enable high levels of activity to occur during the day and evening.</p>
OPEN SPACE ZONED LAND	
<p>(a) Future use and development should maximise the opportunities for the community to enjoy the public open space within this site.</p> <p>(b) The public open space will provide for a diverse range of passive and active recreational experiences, as well as functional event or performance areas able to be used for public entertainment.</p>	<p>(a) The public open space precinct is to be developed so that a variety of inter-connected, aesthetically pleasing and exciting landscaped spaces create a diverse public realm that will meet the needs of a variety of users and age groups.</p> <p>(b) The area is to feature a range of natural features, assist with stormwater management, contain landscaped</p>

PSA-2019-3

Kingston Park Specific Area Plan

<p>(c) The public open space will constitute the municipality's premier urban park and will provide complementary functions that encourage the continued development of central Kingston.</p>	<p>walkways and amphitheatres that respond to topographic features of the site, as well as featuring children's play and other activity spaces.</p> <p>(c) Kingston's further development opportunities will be enhanced as a result of space being available for public events, children's playgrounds, places to relax, park and ride, markets, opportunities to exercise, meet people and carry out other activities.</p>
<p>INNER RESIDENTIAL ZONED LAND</p>	
<p>(a) Medium to high density residential development is to occur within this site.</p> <p>(b) Opportunities for community interaction should be encouraged by providing streetscapes that provide high public amenity and are well landscaped.</p> <p>(c) Optimise the benefits provided by public open space and available views of kunyani/Mt Wellington and the surrounding vegetated hillsides.</p>	<p>(a) Promote development which provides small lots suitable for a range of housing types (such as town housing, low rise apartments, aged unit accommodation and home offices) within a pedestrian-friendly neighbourhood.</p> <p>(b) Development should be designed so that it supports neighbourhood interaction, passive recreation and easy access for pedestrians. The incorporation of larger canopy trees and other appropriate vegetation is to be encouraged.</p> <p>(c) Provide an active and engaging interface to public areas through building orientation, and differing dwelling façades.</p>

F3.6-5 Use Table

F3.65.1 Central Business Zoned Land

<p>No Permit Required</p>	
<p>Use Class</p>	<p>Qualification</p>
<p>Utilities</p>	<p>Only if minor utilities</p>
<p>Permitted</p>	

PSA-2019-3

Kingston Park Specific Area Plan

Use Class	Qualification
Business and professional services	
Community meeting and entertainment	
Food services	Except if a take away food premises with a drive through facility
General retail and hire	Except if an adult sex product shop or a supermarket
Hotel industry	Except if adult entertainment venue
Passive recreation	
Vehicle parking	
Visitor accommodation	Except if camping and caravan park or overnight camping area
Discretionary	
Use Class	Qualification
Educational and occasional care	
Residential	Only if located above ground floor
Research and development	
Sports and recreation	
Tourist operation	
Transport depot and distribution	Only <u>if</u> for public transport facilities
Utilities	Except if n No P ermit R required
Vehicle fuel sales and service	

PSA-2019-3

Kingston Park Specific Area Plan

Prohibited	
Use Class	Qualification
All other uses	

F3.65.2 Urban Mixed Use Zoned Land

No Permit Required	
Use Class	Qualification
Natural and c Cultural y Values m Management	
Passive recreation	
Utilities	Only if minor utilities located underground
Permitted	
Use Class	Qualification
Business and professional services	
Community meeting and entertainment	Only if for a public hall or neighbourhood centre
Food Services	
General retail and hire	Except if an adult sex product shop
Residential	Only if: (a) for a home-based business; (b) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and not listed as no permit required (c) F for assisted housing, residential support services, respite centre or retirement village.
Transport depot and distribution	Only if for public transport facilities

PSA-2019-3

Kingston Park Specific Area Plan

Visitor accommodation	Only if located above ground floor level (excluding pedestrian or vehicular access)
Utilities	Except if no permit required
Discretionary	
Use Class	Qualification
Community meeting and entertainment	Except if not permitted.
Educational and occasional care	Except if no permit required
Emergency services	
Food services	Except if permitted
General retail and hire	Except if permitted Except if an adult sex product shop
Hotel industry	If not for adult entertainment venue
Residential	Except if no permit required or permitted
Resource processing	Only if for food or beverage production
Service industry	Only if for a laundromat
Tourist operation	
Transport depot and distribution	Only if public transport facilities
Utilities	Except if no permit permitted Required
Vehicle parking	
Visitor accommodation	Except: (a) if Permitted; or (a)(b) Except if camping and caravan park or overnight camping area.
Prohibited	

PSA-2019-3

Kingston Park Specific Area Plan

Use Class	Qualification
All other uses	

F3.65.3 Community Purpose Zoned Land

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities located underground
Permitted	
Use Class	Qualification
Business and professional services	Only if for: (a) medical centre; (b) a community-based organisation; or (c) government offices
Community meeting and entertainment	
Educational and occasional care	
Emergency services	
Food services	
General retail and hire	Only if for community market
Hospital services	
Sports and recreation	
Tourist operation	Only if for a visitor centre

PSA-2019-3

Kingston Park Specific Area Plan

Utilities	Except if a No p Permit r Required
Discretionary	
Use Class	Qualification
Business and professional services	Except if P permitted
General retail and hire	Except: (a) if Permitted; or (a)(b) Except if for an adult sex product shop
Residential	Only if for residential aged care or respite centre or assisted housing
Tourist operation	Except if p Permitted
Transport depot and distribution	Only if for public transport facilities
Vehicle parking	
Prohibited	
Use Class	Qualification
All other uses	

F3.65.4 Open Space Zoned Land

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	Only if for minor utilities and-located underground
Permitted	

PSA-2019-3

Kingston Park Specific Area Plan

Use Class	Qualification
Community meeting and entertainment	
General retail and hire	Only <u>if</u> for community market
Utilities	Except if <u>n</u> No <u>p</u> Permit <u>r</u> Required
Discretionary	
Use Class	Qualification
Food services	Must have a floor area no greater than 60m ² and be related or complementary to a community meeting or entertainment facility
General retail and hire	Except where permitted, and only if related to a public activity within the Open Space
Sports and recreation	
Vehicle parking	Only if associated with an open space use or as part of a developed park and ride facility
Prohibited	
Use Class	Qualification
All other uses	

F3.65.5 Inner Residential Zoned Land

No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>
Natural and cultural values management	
Passive recreation	

PSA-2019-3

Kingston Park Specific Area Plan

Residential	Only if: (a) for a single dwelling; or (b) Only if for a home-based business with not more than 1 non-resident worker/employee, not more than 1 commercial vehicle and a floor area not more than 30m ²
Utilities	Only if for minor utilities
Permitted	
Use Class	Qualification
Residential	Except if No Permit Required. Only if for home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30m²
Discretionary	
Use Class	Qualification
Education and occasional care	Except: (a) if No Permit Required; or (a)(b) Only if for child care centre, day respite facility, employment training centre or kindergarten.
Emergency services	
Residential	Except if No Permit Required or Permitted
Sports and recreation	
Utilities	Except if no permit required
Visitor accommodation	
Prohibited	
Use Class	Qualification
All other uses	

PSA-2019-3

Kingston Park Specific Area Plan

F3.7-6 Use Standards

F3.76.1 Use Standards for Central Business Zoned Land and Urban Mixed Use Zoned Land

F3.76.1.1 Retail impact

<u>Objective:</u>	
<u>That retailGeneral Retail and Hire uses do not compromise or distort the functionality of the activity centre.</u>	
<u>Acceptable Solutions</u>	<u>Performance Criteria</u>
<u>The gross floor area for General rRetail and hHire uses must be not more than 350m² per tenancy.</u>	<u>General rRetail and Hire uses must be not more than 500m² per tenancy and not compromise or distort the functionality of the activity centre, having regard to:</u> <u>(a) The degree to which the proposed use improves and broadens the commercial or retail choice within the activity centre; and</u> <u>(b) Any relevant local area objective.</u>

F3.76.1.2 Non-Residential Use

<u>Objective:</u>	
<u>That non-residential uses do not cause unreasonable loss of amenity.</u>	
<u>Acceptable Solutions</u>	<u>Performance Criteria</u>
<u>Hours of operation of a non-residential use, ((except forexcluding office and administrative tasks) must be within the hours of:</u> <u>(a) 6.00am to 9.00pm Mondays to Saturdays inclusive; and</u> <u>(b) 9.00am to 7.00pm Sundays and Public Holidays;</u> <u>Except for non-residential uses that frontwith a frontage to Goshawk Way or Pardalote Parade where hours of operation must be within the hours of:</u>	<u>Hours of operation of a non-residential use must not havecause an unreasonable impact uponloss of residential amenity to the surrounding residential amenityarea, through commercial/retail vehicle movements, noise or other emissions that are unreasonable in their timing, duration of extent.</u>

PSA-2019-3

Kingston Park Specific Area Plan

<p><u>(a) 6.00am to 11.59pm Mondays to Saturdays inclusive; and</u></p> <p><u>(b) 8.00am to 10.00pm Sundays and Public Holidays; and</u></p> <p><u>(c) have no unreasonable impact upon the residential amenity.</u></p>	
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F3.7.1.1 Non-Residential Use

Objective:	
That non-residential use creates a vibrant active street life during the day and evening.	
Acceptable Solutions	Performance Criteria
A retail use must have a gross floor area not exceeding 350m ² .	The gross floor area must be no more than 500m ² and demonstrate that no impact on the viability of adjacent and similar retail uses will result.
Hours of operation (except for office and administrative tasks) must be within:	Hours of operation must not have an unreasonable impact upon the surrounding residential amenity through commercial/retail vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.
<p>(a) 6.00am to 9.00pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00am to 7.00pm Sundays and Public Holidays;</p> <p>Except for non-residential use that front Goshawk Way or Pardalote Parade where hours of operation must be within:</p> <p>(a) 6.00am to 11.59pm Mondays to Saturdays inclusive;</p> <p>(b) 8.00am to 10.00pm Sundays and Public Holidays; and</p> <p>(c) have no unreasonable impact upon the residential amenity.</p>	

PSA-2019-3

Kingston Park Specific Area Plan

F3.76.2 Use Standards for Open Space Zoned Land

F3.76.2.1 Amenity Impacts of Non-Residential Uses

Objective:	
To avoid That non-residential uses avoid the commercialisation and privatisation of open space intended for public use, and to ensure that non-residential use does not cause an unreasonable loss of impact on adjacent residential amenity.	
Acceptable Solutions	Performance Criteria
A1 No A acceptable S solution.	P1 Food S sservices and G general R rretail and H hire uses must complement and enhance the use of the land for open space by providing for facilities and services that primarily serve the needs of open space users.
A2 Hours of operation of a use on a site within 50 metres of the Urban Mixed Use Zone or Inner Residential Zone must be within the hours of : (a) 6.00am to 10.00pm Mondays to Saturdays inclusive; and (b) 8.00am to 9.00pm Sundays and Public Holidays.	P2 Hours of operation of a non-residential use must not have cause an unreasonable loss of impact upon the residential amenity of land in the Urban Mixed Use Zone or Inner Residential Zone, must through commercial/retail vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.
A3 Noise emissions measured at the boundary of the nearest residential use within the Urban Mixed Use Zone or Inner Residential Zone must not exceed the following: (a) 55 dB(A) (LAeq) between within the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between within the	P3 Noise emissions measured at the boundary of a Mixed Use Zone or Inner Residential Zone must not impact upon cause an unreasonable loss the of residential amenity of residential land use within the Urban Mixed Use Zone or Inner Residential Zone.

PSA-2019-3

Kingston Park Specific Area Plan

<p>hours of 7.00 pm and 7.00 am; except if otherwise permitted;</p> <p>(c) 65dB(A) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.</p>	
<p>A4</p> <p>Lighting must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.</p>	<p>P4</p> <p>No Pperformance Ccriteria.</p>

F3.8-7 Development Standards

F3.87.1 Development Standards for Central Business Zoned Land

F3.87.1.1 Building setbacks and height

<p>Objective:</p> <p>To ensure that buildings are constructed in a compact manner that is best suited to this central location within Kingston.</p>	
<p>Acceptable Solutions</p> <p>A1</p> <p>A bBuilding must have a setback from frontage must be that is:</p> <p>(a) bBetween 0-3m for frontages to Goshawk Way;</p> <p>(b) 1m from the frontage to Pardalote Parade; and.</p> <p>(c) 2m from any connecting road from John Street.</p>	<p>Performance Criteria</p> <p>P1</p> <p>A bBuilding must have a setback from frontage must be that is sufficient to enhance the streetscape, provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following:</p> <p>(a) mMaintain visual sight lines for safe pedestrian and traffic movement;</p>

PSA-2019-3

Kingston Park Specific Area Plan

	<p>(b) hHave sufficient site area and dimensions to accommodate development;</p> <p>(c) tTake into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality;</p> <p>(d) mMinimise overshadowing effects of new or majorly refurbished buildings on publicly accessible open space, including streets and areas for footway trading, between the hours of 9am to 3pm on 21 June;</p> <p>(e) —demonstrated consistency with good urban design qualities Be consistent with urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One</i> and any relevant Desired Future Character Statements; and</p> <p>(f) bBe not more than 3m from a road.</p>
<p>A2</p> <p>Building height must be not more than 48m<u>20m</u>.</p>	<p>P2</p> <p>Building height must be consistent with the desired streetscape, urban form and character as described in the purpose of this specific area plan, having regard to:</p> <p>(a) potential impacts upon the amenity of adjacent properties through overshadowing and reflectivity;</p> <p>(b) —demonstrated good urban design qualities good urban design principles, such as those found in</p>

PSA-2019-3

Kingston Park Specific Area Plan

	<p><i>The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One</i> and any relevant Desired Future Character Statements;</p> <p>(c) the topography of the site;</p> <p>(d) the bulk and form of the proposed buildings;</p> <p>(e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; <u>and</u></p> <p>(f) the purpose of the Specific Area Plan; <u>and</u></p> <p>(g) be no more than 25m.</p>
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F3.8.1.2 Building design – housing diversity

<p>Objective:</p> <p>To ensure that building design provides housing choice and supports equitable housing access.</p>							
Acceptable Solutions	Performance Criteria						
<p>A1</p> <p>Buildings with a residential component must contain a mix of apartments with variable bedroom numbers in accordance with the following rates:</p> <table> <tr> <td>Studio</td><td>5-10%</td></tr> <tr> <td>1-bedroom</td><td>10-30%</td></tr> <tr> <td>2-bedroom</td><td>40-75%</td></tr> </table>	Studio	5-10%	1-bedroom	10-30%	2-bedroom	40-75%	<p>P1</p> <p><u>Housing diversity must be provided for across the Specific Area Plan through variability in the number of bedrooms.</u></p> <p>No performance criteria.</p>
Studio	5-10%						
1-bedroom	10-30%						
2-bedroom	40-75%						

PSA-2019-3

Kingston Park Specific Area Plan

<p>3+ bedroom 10-100%</p>													
<p>A2</p> <p>Buildings with a residential component must provide for adaptable housing by satisfying all of the following:</p> <p>(a) Adaptable dwellings are to be designed as set out in the relevant Australian Standards;</p> <p>(b) Adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes;</p> <p>(c) Adaptable dwellings are to be provided in all new development in accordance with the following rates:</p> <table> <tr> <td>Total number of dwellings</td><td>Number of adaptable dwellings to be provided</td></tr> <tr> <td>Between 0 and 7</td><td>Nil</td></tr> <tr> <td>Between 8 and 14</td><td>1 dwelling</td></tr> <tr> <td>Between 15 and 21</td><td>2 dwellings</td></tr> <tr> <td>Between 22 and 29</td><td>3 dwellings</td></tr> <tr> <td>30 or more</td><td>15% of total dwellings</td></tr> </table>	Total number of dwellings	Number of adaptable dwellings to be provided	Between 0 and 7	Nil	Between 8 and 14	1 dwelling	Between 15 and 21	2 dwellings	Between 22 and 29	3 dwellings	30 or more	15% of total dwellings	<p>P2</p> <p>Principles for adaptable housing are to be adopted where practicable having regard to the type of housing proposed, the economic viability of adaptable housing solutions and the likely requirements of future occupants.</p> <p>No performance criteria.</p>
Total number of dwellings	Number of adaptable dwellings to be provided												
Between 0 and 7	Nil												
Between 8 and 14	1 dwelling												
Between 15 and 21	2 dwellings												
Between 22 and 29	3 dwellings												
30 or more	15% of total dwellings												

F3.8.1.3 Building design – streetscape

Objective:

PSA-2019-3

Kingston Park Specific Area Plan

To ensure that building design contributes positively to the streetscape and the amenity and safety of the public:	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design must contribute positively to the streetscape by satisfying all of the following:</p> <p>(a) address the frontage and any other public space, including an internal car park, by the orientation of windows and by public access at ground-floor level;</p> <p>(b) make a positive contribution to the activities of the streetscape by:</p> <p>(i) providing direct public access at the ground floor level;</p> <p>(ii) avoiding expanses of blank walls facing a road;</p> <p>(iii) introducing public art to the streetscape, such as murals;</p> <p>(c) minimise visual intrusiveness of roof-top service infrastructure, including service plants and lift structures, by integrating them into the roof design, with consideration of greenroofs where possible;</p> <p>(d) provide compatible footpaths with adjoining public footpaths;</p> <p>(e) screen outdoor storage, mechanical plant, and</p>	<p>P1</p> <p>No performance criteria. If (g) is not achievable then <u>Building design must contribute positively to the streetscape, having regard to the need for provision of awnings over the public footpath.</u></p>

PSA-2019-3

Kingston Park Specific Area Plan

<p>miscellaneous equipment from public view;</p> <p>(f) be consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements;</p> <p>(g) provide fixed awnings over the public footpath, if building fronts Goshawk Way or Pardalote Parade, that:</p> <p>(i) are along the full extent of the street frontage;</p> <p>(ii) wrap around the corner on corner buildings;</p> <p>(iii) recess lighting fixtures;</p> <p>(iv) conceal all wiring and conduits;</p> <p>(v) give minimum setback of 1.5m from the face of the kerb to accommodate street trees;</p>	
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F3.87.1.4-2 Passive surveillance

Objective:

To ensure that building design contributes positively to the amenity and safety of the public.

Acceptable Solutions

Performance Criteria

A1

P1

PSA-2019-3

Kingston Park Specific Area Plan

<p>Buildings <u>must be</u> designed to <u>must</u> provide for surveillance of public spaces, including the street, services and car parking by satisfying the following:</p> <ul style="list-style-type: none"> (a) locate windows to overlook the street and other public spaces; (b) design and locate main entrances to provide high visibility for users; (c) provide clear sight lines between a building and adjacent properties and public land; (d) locate external lighting to illuminate otherwise shaded or dark locations; (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; <u>and</u> (g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance. 	<p>No <u>P</u>erformance <u>C</u>riteria.</p>
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F3.8.1.5 Landscaping

Objective:	
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site:	
Acceptable Solutions	Performance Criteria

PSA-2019-3

Kingston Park Specific Area Plan

<p>A1</p> <p>Landscaping must be provided, unless the building has nil setback to frontage, to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) enhance the appearance of the development; (b) provide a range of plant height and forms to create diversity, interest and amenity, with an emphasis on local, indigenous species; (c) not create concealment or entrapment spaces; (d) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One</i> and any relevant Desired Future Character Statements. 	<p>P1</p> <p>No performance criteria.</p>
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F3.87.1.6-3 Private open space – residential for multiple dwellings

Objective:

To provide That multiple dwellings provide adequate private open space for the residents of multiple dwellings which is easily accessible from living areas of the dwelling and has access to direct sunlight.

Acceptable Solutions

Performance Criteria

A1

Multiple dwellings wholly above ground floor level must provide private open space for each dwelling that:

P1

Private open space for multiple dwellings wholly above ground floor level must:

- (a) be of a size and dimensions to accommodate outdoor

PSA-2019-3

Kingston Park Specific Area Plan

(a) includes one area as per the dimensions below:	recreational space and the operational needs, such as clothes drying and storage, to meet the projected requirements of the occupants of the dwelling taking into account:												
<table><tr><td>Dwelling type</td><td>Minimum area</td><td>Minimum depth</td></tr><tr><td>Studio & 1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling type	Minimum area	Minimum depth	Studio & 1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	(i) the useability and accessibility of the private open space; and
Dwelling type	Minimum area	Minimum depth											
Studio & 1 bedroom	8m ²	2m											
2 bedroom	10m ²	2m											
3+ bedroom	12m ²	2.4m											
(b) is directly accessible from and adjacent to, a habitable room (other than a bedroom);	(ii) the availability and accessibility of public open space or communal open space; and												
(c) does not contain services and fixtures, including but not limited to air-conditioner units and clothes drying, that are visible from the street;	(iii) the orientation of the lot to the street; and												
(d) does not have <u>has</u> a gradient <u>not</u> steeper than 1 in 10; and	(iv) the size and type of dwelling; and												
(e) is not used for vehicle access or parking.	(b) includes an <u>useable</u> area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and												
	(c) be located to take advantage of direct sunlight; and												
	(d) be clearly defined for private use.												

F3.87.1.7.4 Subdivision - lot size, area and frontage

<p>Objective:</p> <p>To provide for lots with appropriate area and dimensions to accommodate development consistent with the z<u>Zone</u> p<u>Purpose</u>.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p><u>Each lot, or a lot proposed in a plan of subdivision</u>The size of each lot must be have <u>an area</u> not less than 500m², except where</p>	<p>P1</p> <p>No P<u>performance</u> C<u>criteria</u>.</p>

PSA-2019-3

Kingston Park Specific Area Plan

the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.	
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space or public utilities. The frontage for each lot must behave a frontage not less than 20m except where the land is to be used for public open space or public utilities.</p>	<p>P2</p> <p>No Pperformance Criteria</p>

F3.8.1.8.5 Environmental Values

<p>Objective:</p>	
<p>To ensure that the design and location of buildings and works avoids, minimises, mitigates and offsets adverse environmental impacts.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>The location of buildings and works must comply with the following:</p> <ul style="list-style-type: none"> (a) be located within a building area, if shown on a sealed plan as approved under this planning scheme; (b) not encroach within the Tree Protection Zone of an individual native tree with a diameter >25cm; and (c) not require the clearing of any priority vegetation and/or high conservation value trees. 	<p>P1</p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> (a) be located and designed to avoid, minimise and mitigate impacts on natural values, having regard to: <ul style="list-style-type: none"> (i) the practical alternatives with respect to the location or design of the development; (ii) minimising and mitigating adverse impacts on natural values; and (b) Offset the loss of native and/or priority vegetation in accordance with Council's Biodiversity Offset Policy (Policy No. 6.10).

F3.8.2 Development Standards for Urban Mixed Use Zoned Land

F3.8.2.1 Building setbacks and height

PSA-2019-3

Kingston Park Specific Area Plan

Objective:	
To ensure That buildings are constructed in a compact manner that is best suited to this central location within Kingston.	
Acceptable Solutions	Performance Criteria
A1 A b Building must have a setback from a frontage of not less than must be : (a) b Between 0-3m for frontages to Goshawk Way; (b) 1m from the frontage to Pardalote Parade; and ; (c) 2m from any connecting road from Goshawk Way.	P1 A b Building must have a setback from frontage must be that is sufficient to enhance the streetscape, provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following: (a) maintain visual sight lines for safe pedestrian and traffic movement; (b) have sufficient site area and dimensions to accommodate development; (c) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality; (d) minimise overshadowing effects of new buildings on publicly accessible open space, including streets and areas for footway trading, between the hours of 9am to 3pm on 21 June; (e) demonstrated consistency with good urban design qualities be consistent good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One and any relevant Desired Future Character Statements; and

PSA-2019-3

Kingston Park Specific Area Plan

	(f) be not more than 3m from a road.
<p>A2</p> <p>Building height must be not more than 18 metres.</p>	<p>P2</p> <p>Building height must be compatibleconsistent with the desired streetscape, urban form and character as described in the purpose of this specific area plan, having regard to all of the following:</p> <p>(a) potential impacts upon the amenity of adjacent properties through overshadowing and reflectivity;</p> <p>(b) demonstrated good urban design qualities good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements;</p> <p>(c) the topography of the site;</p> <p>(d) the bulk and form of the proposed buildings;</p> <p>(e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; and</p> <p>(f) the purpose of the Specific Area Plan; and</p> <p>(g) be no more than 25m.</p>

~~F3.8.2.2 Building design—housing diversity~~

PSA-2019-3

Kingston Park Specific Area Plan

Objective:									
To ensure that building design provides housing choice and supports equitable housing access.									
Acceptable Solutions	Performance Criteria								
A1 Buildings with a residential component must contain a mix of apartments with variable bedroom numbers in accordance with the following rates: <table> <tr> <td>Studio</td><td>5–10%</td></tr> <tr> <td>1-bedroom</td><td>10–30%</td></tr> <tr> <td>2-bedroom</td><td>40–75%</td></tr> <tr> <td>3+ bedroom</td><td>10–100%</td></tr> </table>	Studio	5–10%	1-bedroom	10–30%	2-bedroom	40–75%	3+ bedroom	10–100%	P1 No performance criteria.
Studio	5–10%								
1-bedroom	10–30%								
2-bedroom	40–75%								
3+ bedroom	10–100%								
A2 Buildings with a residential component must provide for adaptable housing by satisfying all of the following: <ul style="list-style-type: none"> (a) adaptable dwellings are to be designed as set out in the relevant Australian Standards. (b) adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes. (c) adaptable dwellings are to be provided in all new development in accordance with the following rates: <table> <tr> <td>Total number of dwellings</td><td>Number of adaptable dwellings to be provided</td></tr> </table> 	Total number of dwellings	Number of adaptable dwellings to be provided	P2 No performance criteria.						
Total number of dwellings	Number of adaptable dwellings to be provided								

PSA-2019-3

Kingston Park Specific Area Plan

Between 0 and 7	Nil	
Between 8 and 14	1 dwelling	
Between 15 and 21	2 dwellings	
Between 22 and 29	3 dwellings	
30 or more	15% of total dwellings	
A3		P3
The design of ground and first floor residential units in a mixed use area or mixed use building are to be flexible with multiple configurations and finished floor to finished ceiling heights of at least 3.3m, or floor to floor height of 3.6m, to enable both residential and commercial/retail uses.		No performance criteria.

F3.8.2.3 Building design – streetscape

Objective:	
To ensure that building design contributes positively to the streetscape and the amenity and safety of the public.	
Acceptable Solutions	Performance Criteria
A4	P1
Building design must contribute positively to the streetscape by satisfying all of the following: (a) address the frontage and any other public space, including an internal car park, by the orientation of windows and by	<u>If (g) is not achievable then Building design must contribute positively to the streetscape, having regard to the need for provision of awnings over the public footpath.</u> No performance criteria.

PSA-2019-3

Kingston Park Specific Area Plan

<p>public access at ground floor level;</p> <p>(b) make a positive contribution to the activities of the streetscape by:</p> <p>(i) providing direct public access at the ground floor level;</p> <p>(ii) avoiding expanses of blank walls facing a road;</p> <p>(iii) introducing public art to the streetscape, such as murals;</p> <p>(c) minimise visual intrusiveness of roof-top service infrastructure, including service plants and lift structures, by integrating them into the roof design, with consideration of greenroofs where appropriate;</p> <p>(d) provide compatible footpaths with adjoining public footpaths;</p> <p>(e) screen outdoor storage, mechanical plant, and miscellaneous equipment from public view;</p> <p>(f) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design WA Stage One</i> and any relevant Desired Future Character Statements.;</p>	
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PSA-2019-3

Kingston Park Specific Area Plan

- (g) provide fixed awnings over the public footpath, if building fronts Goshawk Way or Pardalote Parade, that:
- (i) are along the full extent of the street frontage;
 - (ii) wrap around the corner on corner buildings;
 - (iii) recess lighting fixtures;
 - (iv) conceal all wiring and conduits
 - (v) give minimum setback of 1.5m from the face of the kerb to accommodate street trees;

F3.87.2.4.2 Passive surveillance

Objective:

To ensure that building design contributes positively to the amenity and safety of the public.

Acceptable Solutions

Performance Criteria

A1

P1

New buildings must be designed to provide for surveillance of public spaces, including the street, services and car parking, and must satisfy the following:

No performance criteria.

- (a) locate windows to overlook the street and other public spaces;
- (b) design and locate main entrances to provide high visibility for users;
- (c) provide clear sight lines between a building and

PSA-2019-3

Kingston Park Specific Area Plan

<p>adjacent properties and public land;</p> <p>(d) locate external lighting to illuminate otherwise shaded or dark locations;</p> <p>(e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p> <p>(f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; <u>and</u></p> <p>(g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance.</p>	
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F3.8.2.5 Landscaping

Objective:	
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Landscaping must be provided, unless the building has nil setback to frontage, to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and</p>	<p>P1</p> <p>No performance criteria.</p>

PSA-2019-3

Kingston Park Specific Area Plan

<p>amenity, with an emphasis on local, indigenous species;</p> <p>(c) not create concealment or entrapment spaces;</p> <p>(d) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design WA Stage One</i> and any relevant Desired Future Character Statements.</p>	
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F3.87.2.6-3 Frontage fences

Objective:

To ensure that the height and design of frontage fences enhances the streetscape and provides adequate privacy for residents, while still allowing the potential for mutual passive surveillance of between the road and the dwelling.

Acceptable Solutions

Performance Criteria

A1

The maximum height of fences for multiple dwellings and single dwellings at the ground floor on or within 4.5m-metres of a frontage must be 1.2m-metres.

P1

Fences must be designed to:

- (a) be not more than 1.6m-metres in height;
- (b) provide for security and privacy of residents while allowing potential for mutual passive surveillance of between the road and the dwelling;
- (c) take account of the prevailing height, design and character of neighbouring fences; and
- (d) provide a minimum 50% transparency above 1.2m metres, unless to attenuate

PSA-2019-3

Kingston Park Specific Area Plan

	<p>noise from high volume traffic for lots that have frontage to the Southern Outlet; and</p> <p>(e) demonstrated good urban design qualities be consistent with streetscape qualities and urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One</i>.</p>
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F3.87.2.7.4 Private open space – residential

Objective:

~~That To provide dwellings provide~~ adequate private open space for the residents of multiple dwellings and townhouses which is easily accessible from living areas of the dwelling and has access to direct sunlight.

Acceptable Solutions

Performance Criteria

A1

Multiple dwellings and townhouses located at ground level or on a podium or similar structure must provide private open space instead of a balcony that satisfies the following:

- (a) has an area of a minimum of 15m²;
- (b) has a minimum ~~depth~~ horizontal dimension of 3m;
- (c) is directly accessible from and adjacent to a habitable room (other than a bedroom);
- (d) ~~does not have~~ has a gradient not steeper than 1 in 10; and

P1

Private open space for multiple dwellings and townhouses at the ground floor must:

- (a) include an usable area that is capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and
- (b) be located to take advantage of direct sunlight.

PSA-2019-3

Kingston Park Specific Area Plan

<p>(e) is not used for vehicle access or parking.</p>													
<p>A2</p> <p>Multiple dwellings wholly above ground floor level must provide private open space for each dwelling that:</p> <p>(a) includes one area as per the dimensions below:</p> <table><tr><td>Dwelling type</td><td>Minimum area</td><td>Minimum depth</td></tr><tr><td>Studio & 1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table> <p>(b) is directly accessible from and adjacent to, a habitable room (other than a bedroom);</p> <p>(c) does not contain services and fixtures, including but not limited to air-conditioner units and clothes drying, that are visible from the street;</p> <p>(d) does not have<u>has</u> a gradient <u>not</u> steeper than 1 in 10; and</p> <p>(e) is not used for vehicle access or parking.</p>	Dwelling type	Minimum area	Minimum depth	Studio & 1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>P2</p> <p>Private open space for multiple dwellings wholly above ground floor level must:</p> <p>(a) be of a size and dimensions to accommodate outdoor recreational space and the operational needs, such as clothes drying and storage, to meet the projected requirements of the occupants of the dwelling taking into account:</p> <p>(i) the useability and accessibility of the private open space; and</p> <p>(ii) the availability and accessibility of public open space or communal open space; and</p> <p>(iii) the orientation of the lot to the street; and</p> <p>(iv) the size and type of dwelling; and</p> <p>(b) include an useable area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and</p> <p>(c) be located to take advantage of direct sunlight; and</p> <p>(d) be clearly defined for private use.</p>
Dwelling type	Minimum area	Minimum depth											
Studio & 1 bedroom	8m ²	2m											
2 bedroom	10m ²	2m											
3+ bedroom	12m ²	2.4m											

F3.87.2.8-5 Subdivision - lot size, area and frontage

Objective:

PSA-2019-3

Kingston Park Specific Area Plan

That each lot has an area and dimensions appropriate to accommodate development consistent with the z Zone P urpose.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must have an area The size of each lot must be not less than 500m ² , except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.	P1 No P erformance C riteria.
A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space or public utilities. The frontage for each lot must have a frontage be not less than 20m except where the land is to be used for public open space or public utilities.	P2 No P erformance C riteria

F3.8.2.9.6 Environmental Values

Objective: To ensure that the design and location of buildings and works avoids, minimises, mitigates and offsets adverse environmental impacts.	
Acceptable Solutions	Performance Criteria
A1 The location of buildings and works must comply with the following: (a) be located within a building area, if shown on a sealed plan as approved under this planning scheme; (b) not encroach within the Tree Protection Zone of an	P1 Buildings and works must: (a) be located and designed to avoid, minimise and mitigate impacts on natural values, having regard to: (i) the practical alternatives with respect to the location or design of the development; (ii) minimising and mitigating adverse impacts on natural values; and

PSA-2019-3

Kingston Park Specific Area Plan

individual native tree with a diameter >25cm; and:	(b) offset the loss of native and/or priority vegetation in accordance with Council's Biodiversity Offset Policy (Policy No. 6.10);
(c) not require the clearing of any priority vegetation:	

F3.87.3 Development Standards for Inner Residential Zoned Land

F3.8.3.1 Residential density for multiple dwellings

Objective:	
To provide for inner urban densities that:	
(a) increase the number and density of dwellings; and	
(b) provide a range of dwelling types and sizes appropriate to the location; and	
(c) encourage efficient utilisation of residential land and services in inner urban areas:	
Acceptable Solutions	Performance Criteria
A1	P1
Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² .	Site area per dwelling may be less than 200m ² if the development contributes to a range of dwelling types and sizes appropriate to the locality.

F3.87.3.12 Building setbacks and height

Objective:	
To ensure that buildings are constructed in a compact manner that is best suited to this central location within Kingston.	
Acceptable Solutions	Performance Criteria
A1	P1
Single and multiple dwelling must have a setback from a frontage that is must:	A dwelling must have a setback from a frontage must that is compatible with the area, having regard to:
(a) be a minimum of not less than 1.8m from the primary frontage, or, a maximum	(a) provides transitional space between the road and dwelling

PSA-2019-3

Kingston Park Specific Area Plan

<p>of not greater than 3m from the primary frontage if located on Goshawk Way or Pardalote Parade; and</p> <p>(b) provides s an articulation zone that allows up to 50% of the frontage to be set forward by up to 1.5m from the primary frontage.</p>	<p>allowing mutual passive surveillance; and</p> <p>(b) provides s measures to ensure that noise generated by traffic will not adversely impact on residential amenity; and</p> <p>(c) is not be more <u>greater</u> than 3.5m</p>
<p>A2</p> <p>All other buildings setback, other than dwellings, must satisfy the following:</p> <p>(a) be located 0m-metres from a frontage; and</p> <p>(b) provide an articulation zone that allows up to 50% of the frontage to be set back by up to 1.5m-metres; and</p>	<p>P2</p> <p>All other buildings setback, other than dwellings, must satisfy the following:</p> <p>(a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to topography or other physical constraints of the site; and</p> <p>(b) demonstrated consistency with good urban design qualities be consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.</p>
<p>A3</p> <p>A building for a sensitive use must have a setback from a frontage to the Southern Outlet of not less than 50m-metres.</p>	<p>P3</p> <p>A building for a sensitive use must have a setback from the Southern Outlet that is compatible with the streetscape and desired future character statements and protects the amenity of residents, having regard to all of the following:</p> <p>(a) the topography of the site;</p> <p>(b) the height bulk and form of existing and proposed buildings</p>

PSA-2019-3

Kingston Park Specific Area Plan

	<p>on the site and adjacent properties;</p> <p>(c) mitigation measures to reduce traffic noise impacts;</p> <p>(d) any recommendations from an acoustics engineer or other suitably qualified person;</p> <p>(e) any written advice received from the road authority;</p> <p>(f) <u>demonstrated good urban design qualities</u>good-urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One; and</p> <p>(g) any relevant Desired Future Character Statements.</p>
<p>A4</p> <p>Building height must be not more than 10 m <u>metres</u>.</p>	<p>P4</p> <p>Building height must be consistent with the desired streetscape, urban form and character, having regard to:</p> <p>(a) <u>demonstrated good urban design qualities</u>principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One and any relevant Desired Future Character Statements;</p> <p>(b) <u>any relevant Desired Future Character Statements;</u></p> <p>(cb) the topography of the site;)</p>

PSA-2019-3

Kingston Park Specific Area Plan

	(de the bulk and form of the) proposed buildings;
	(ed the apparent height when) viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides;
	(f) <u>overshadowing of adjoining dwellings and private open space; and</u>
	(ge the purpose of the <u>s</u> Specific) <u>a</u> Area <u>p</u> Plan.;
	(f) <u>be no more than 12m.</u>

F3.87.3.23 Site coverage and private open space

Objective:	
To provide for lots with appropriate area and dimensions to accommodate development consistent with the zone purpose.	
Acceptable Solutions	Performance Criteria
A1 Dwellings must have:	P1 Private open space for dwellings must:
(a) a site coverage of not more than 65% (excluding eaves up to 0.6m); and	(a) include an <u>usable</u> -area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and
(b) for multiple dwellings, a total area of private open space of not less than 45m ² associated with each dwelling.	(b) be located to take advantage of direct sunlight.
A2 A single and multiple dwelling must have an area of private open space that:	P21 Private open space for a single and multiple dwellings must:

PSA-2019-3

Kingston Park Specific Area Plan

<p>(a) is in one location and is at least-not less than 20m²; and</p> <p>(c) has a minimum width horizontal dimension of 3m; metres; and</p> <p>(d) is directly accessible from and adjacent to, a habitable room (other than a bedroom); and</p> <p>(e) does not have<u>has</u> a gradient not steeper than 1 in 10; and</p> <p>(f) is not used for vehicle access or parking.</p>	<p>(a) include an un-<u>usable</u> area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and</p> <p>(b) be located to take advantage of direct sunlight.</p>
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F3.87.3.34 Passive surveillance

Objective:	
To ensure- <u>T</u> hat building design contributes positively to public amenity and safety.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design<u>A building must be designed</u> to provide for surveillance of public spaces, including the street, services and car parking by satisfying all of the following:</p> <p>(a) locate windows to overlook the street, laneway and other public spaces;</p> <p>(b) design and locate main entrances on a street to provide high visibility for users;</p> <p>(c) provide clear sight lines between a building and adjacent properties and public land;</p>	<p>P1</p> <p>No pPerformance eCriteria.</p>

PSA-2019-3

Kingston Park Specific Area Plan

- (d) locate external lighting to illuminate otherwise shaded or dark locations; and
- (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces.

F3.87.3.45 Vehicular access and driveways

Objective:

~~To ensure that~~ road accesses and communal driveways provide safe and efficient access for all users, and do not unreasonably detract from the amenity of adjacent dwellings or streetscape.

Acceptable Solutions

Performance Criteria

A1

Accesses must comply with the following:

- (a) ~~!Lots~~ abutting a rear laneway must be accessed via the rear laneway with a width of ~~not less than 6m-metres~~ (refer to Figure 3.2); and
- (b) ~~!Lots~~ with a frontage width ~~of not greater than 8m-metres~~ but less than 15m-metres must locate their road access adjacent to the adjoining lot, to allow for a double crossover shared by two properties.

P1

~~Accesses must be located and designed to:~~

- (a) ~~c~~Comply with Figure F3.2 if for a lot abutting a rear laneway; and
- ~~(a)(b)~~ not have an unreasonable impact on the streetscape or amenity of adjoining land. No performance criteria.

A2

Communal driveways for villa units and townhouses must include a passing bay which:

- (a) is ~~a minimum 6 metres not less than 6m~~ long and 5.5m metres wide from the edge of

P2

An assessment must be provided prepared by a suitably qualified person that confirms that a communal driveway for villa units and townhouses is safe, efficient and convenient, that:

PSA-2019-3

Kingston Park Specific Area Plan

<p>the pavement if the communal driveway is a single lane, and:</p> <ul style="list-style-type: none"> (i) serves more than 5 car parking spaces; or (ii) is more than 30m metres long; or (iii) meets a road designed to carry more than 600 vehicles per day; and <p>(b) tapers to the width of the remaining communal driveway; and</p> <p>(c) is provided at intervals not greater than 30m metres.</p>	<ul style="list-style-type: none"> (a) avoids conflicts between users including vehicles, cyclists and pedestrians; and (b) is suitable for the type and volume of traffic likely to be generated; and (c) provides ease of access for all regular users.
<p>A3</p> <p>Dwellings with vehicular access via a communal driveway must be provided with on-site turning to enable vehicles to enter and exit a site in a forward direction.</p>	<p>P3</p> <p>An assessment prepared by a suitably qualified person must be provided that demonstrates vehicular access to and from villa units and townhouses via a communal driveway is safe, efficient and convenient that:</p> <ul style="list-style-type: none"> (a) avoids potential conflicts between users including vehicles, cyclists and pedestrians; and (b) avoids unreasonable interference with the flow of traffic on adjoining roads; and (c) is suitable for the type and volume of traffic likely to be generated; and (d) provides ease of access for all regular users.
<p>A4</p> <p>Communal driveways that serve 10 or more dwellings must have a separate pedestrian path with a minimum width of 1.2m metres.</p>	<p>P4</p> <p>For villa units and townhouses, an assessment prepared by a suitably qualified person must confirm that pedestrian access between roads and</p>

PSA-2019-3

Kingston Park Specific Area Plan

	individual dwellings is safe and avoids potential conflicts between pedestrians and vehicles.
--	---

F3.8.3.6 Landscaping – dwellings

Objective:	
To ensure that residential interfaces provide attractive landscaping treatments that complement the character of the surrounding streetscape.	
Acceptable Solutions	Performance Criteria
A1	P1
Landscaping must be provided to satisfy the following:	No performance criteria.
(a) enhance the appearance of the development; and	
(b) provide for passive surveillance; and	
(c) provide a range of plant height and forms to create diversity, interest and amenity; and	
(d) not create concealed entrapment spaces; and	
(e) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One</i> and any relevant Desired Future Character Statements.	

F3.87.3.7-65 Frontage fences

PSA-2019-3

Kingston Park Specific Area Plan

Objective:

~~To ensure that~~ the height and design of frontage fences enhance the streetscape and provide adequate privacy for residents, ~~while still and allowing for the potential for~~ mutual passive surveillance ~~of between~~ the road and ~~the~~ dwelling.

Acceptable Solutions

A1

The maximum height of fences on or within 4.5 ~~m-metres~~ of a frontage must be 1.2 ~~m~~ metres.

Performance Criteria

P1

Fences must be designed to:

- (a) be ~~not~~ more than 1.6 ~~m-metres~~ in height;
- (b) provide for security and privacy of residents while allowing ~~potential~~ for mutual passive surveillance ~~of between~~ the road ~~and the dwelling~~; and
- (c) take account of the prevailing height, design and character of neighbouring fences; ~~and~~
- (d) provide a minimum 50% transparency above 1.2 metres, unless to attenuate noise from high volume traffic; and
- (e) ~~demonstrated good urban design qualities be consistent with streetscape qualities and urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One.~~

F3.87.3.8-76 Siting and width of garages and carports for dwellings

Objective:

~~To ensure that~~ the location and size of garages or carports for dwellings do not dominate the façade of the dwelling or the streetscape; do not restrict mutual passive

PSA-2019-3

Kingston Park Specific Area Plan

surveillance of the road and dwelling; and provides for safe vehicular access to and from the site.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Multiple dwellings with a frontage of <u>8m metres</u> or greater must have a maximum total width of garage or carport openings facing the primary frontage of <u>not more than 6m metres</u> or half the width of the frontage, (whichever is the lesser), except for lots with a frontage width of less than <u>8m metres</u>, where no road access or garage facing the primary road frontage is permitted.</p>	<p>P1</p> <p>No <u>P</u>performance <u>C</u>riteria.</p>
<p>A2</p> <p>The siting and design of garages and carports for single and multiple dwellings must:</p> <ul style="list-style-type: none"> (a) not dominate the frontage of the lot through location and visual bulk; and (b) allow<u>retain potential for</u> mutual passive surveillance between the dwelling and road; and (c) provide for safe vehicular movements between the road and site; and (d) <u>demonstrated good urban design qualities</u>be consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements. 	<p>P2</p> <p>No <u>P</u>performance <u>C</u>riteria.</p>

PSA-2019-3

Kingston Park Specific Area Plan

F3.87.3.9-87 Residential Density for mMultiple dDwellings

Objective:	
To provide for inner urban densities that increase the density of dwellings and encourage the efficient utilisation of residential land and services in an inner urban area that is consistent with the purpose of this Specific Area Plan.	
Acceptable Solutions	Performance Criteria
A1	P1
Multiple dwelling development must have a density of no greater than 1 dwelling per 120m ² .	Dwelling density can be increased where it can be demonstrated that the development can accommodate: <ul style="list-style-type: none"> (a) the required amount of private open space per dwelling; and (b) a demonstrated ability to meet car parking requirements; and (c) there is negligible impact through overlooking or overshadowing both within and to adjacent sites.

F3.78.3.10-98 Subdivision - lot size, area and frontage

Objective:	
To provide for lots with appropriate area and dimensions to accommodate development consistent with the <u>z</u> Zone <u>p</u> Purpose.	
Acceptable Solutions	Performance Criteria
A1	P1
<u>Each lot, or a lot proposed in a plan of subdivision must have an area of not less than 150m²</u> The minimum lot size per single dwelling must be 150m².	No <u>P</u> performance <u>C</u> criteria.
A2	P2

PSA-2019-3

Kingston Park Specific Area Plan

~~Each lot, or a lot proposed on a plan of subdivision, must have a frontage for each lot must be not less than 6.5m-metres.~~

~~Each lot, or a lot proposed on a plan of subdivision, must be provided withThe a frontage of each lot must be that is sufficient to accommodate development consistent with the zZone pPurpose, having regard to good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.~~

F3.8.3.11-10 Environmental Values

Objective:

~~To ensure that the design and location of buildings and works avoids, minimises, mitigates and offsets adverse environmental impacts.~~

Acceptable Solutions

A1

~~The location of buildings and works must comply with the following:~~

- ~~(a) be located within a building area, if shown on a sealed plan as approved under this planning scheme;~~
- ~~(b) not encroach within the Tree Protection Zone of an individual native tree with a diameter >25cm; and.~~
- ~~(c) not require the clearing of any priority vegetation.~~

Performance Criteria

P1

- ~~(a) Be located and designed to avoid, minimise and mitigate impacts on natural values, having regard to:~~
 - ~~(i) the practical alternatives with respect to the location or design of the development;~~
 - ~~(ii) minimising and mitigating adverse impacts on natural values; and~~
- ~~(b) Offset the loss of native and/or priority vegetation in accordance with Council's Biodiversity Offset Policy (Policy No. 6.10).~~

F3.87.4 Development Standards for Community Purpose Zoned Land

F3.87.4.1 Building setbacks and height

PSA-2019-3

Kingston Park Specific Area Plan

Objective:	
To ensure that buildings are constructed in a compact manner that is best suited to this central location within Kingston	
Acceptable Solutions	Performance Criteria
A1	P1
<p>A bBuildings must have a setbacks from a frontages that are is sufficient to enhance the streetscape, provide adequate space for landscaping and vehicle access and have regard to the following:</p> <ul style="list-style-type: none"> (a) actively promote integration with adjacent pedestrian town promenade; (b) maintain visual sight lines for safe traffic and pedestrian movement; (c) must be predominantly glazed and avoid blank walls; (d) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality; (e) ensure residential uses at ground level do not face the frontage; and (f) be consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design-WA Stage One and any relevant Desired Future Character Statements. 	No P performance C riteria.
A2	P2

PSA-2019-3

Kingston Park Specific Area Plan

Building height must be not more than 10m metres.	<p>Building height must be no more than 15 metres and must satisfy the following:</p> <ul style="list-style-type: none"> (a) minimise impacts upon the amenity of adjacent properties through overshadowing and reflectivity; and (b) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design-WA Stage One</i> and any relevant Desired Future Character Statements; and (c) be no more than 15 metres.
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F3.8.4.2 Building design – streetscape

<p>Objective:</p> <p>To ensure that building design contributes positively to the streetscape and the amenity and safety of the public.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building design must contribute positively to the streetscape by satisfying the following:</p> <ul style="list-style-type: none"> (a) address the frontage and any other public space, including an internal car park, by the orientation of windows and by public access at ground-floor level; (b) make a positive contribution to the activities of the streetscape by: 	<p>P1</p> <p>No performance criteria.</p>

PSA-2019-3

Kingston Park Specific Area Plan

<p>(i) providing direct public access at the ground floor level;</p> <p>(ii) avoiding expanses of blank walls facing a road;</p> <p>(c) minimise visual intrusiveness of roof-top service infrastructure, including service plants and lift structures, by integrating them into the roof design, with consideration of greenroofs where appropriate;</p> <p>(d) provide compatible footpaths with adjoining public footpaths;</p> <p>(e) screen outdoor storage from public view; and</p> <p>(f) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design WA Stage One</i> and any relevant Desired Future Character Statements.</p>	
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F3.87.4.3-2 Passive surveillance

Objective:	
To ensure that building design contributes positively to the amenity and safety of the public.	
Acceptable Solutions	Performance Criteria
A1	P1

PSA-2019-3

Kingston Park Specific Area Plan

<p>Buildings <u>must be</u> designed <u>must to</u> provide for surveillance of public spaces, including the street, services and car parking by satisfying the following:</p> <ul style="list-style-type: none"> (a) locate windows to overlook the street and other public spaces; (b) design and locate main entrances to provide high visibility for users; (c) provide clear sight lines between a building and adjacent properties and public land; (d) locate external lighting to illuminate otherwise shaded or dark locations; (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; <u>and</u> (g) provide well lit car parking areas designed to make use of sight lines to benefit from passive surveillance. 	<p>No <u>P</u>erformance <u>C</u>riteria.</p>
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F3.8.4.4 Landscaping

Objective:	
To ensure that a safe and attractive landscaping treatment enhances the appearance of the site.	
Acceptable Solutions	Performance Criteria

PSA-2019-3

Kingston Park Specific Area Plan

A1	P1
Landscaping must be provided, unless the building has nil setback to frontage, to satisfy the following:	No performance criteria.
(a) enhance the appearance of the development;	
(b) provide a range of plant height and forms to create diversity, interest and amenity;	
(c) not create concealment or entrapment spaces;	
(d) be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design WA Stage One</i> and any relevant Desired Future Character Statements.	

F3.87.4.5-3 Subdivision - lot size, area and frontage design

Objective:

To provide for lots with appropriate area and dimensions to accommodate development consistent with the zZone pPurpose.

Acceptable Solutions

Performance Criteria

A1

P1

Each lot, or a lot proposed in a plan of subdivision, The size of each lot must have an area ~~be~~ not less than 120m², except where the land is to be used for public open space or public utilities then the size of any new lot

No Pperformance Ccriteria.

PSA-2019-3

Kingston Park Specific Area Plan

is to be designed to suit the proposed purpose and site characteristics.	
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space or public utilities. The frontage for each lot must be have a frontage not less than 5m metres except where the land is to be used for public open space or public utilities.</p>	<p>P2</p> <p>No Pperformance Ccriteria.</p>

F3.87.5 Development Standards for Open Space Zoned Land

F3.87.5.1 Building setbacks and height

Objective:	
To ensure t hat building location and height contributes positively to the streetscape.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A bBuildings must have setbacks from a frontage that areis:</p> <p>(a) not less than 20m-metres from the frontage with Goshawk Way and Huon Highway, and</p> <p>(b) not less than 5m-metres from the frontage with any other road, except for land used for car parking.</p>	<p>P1</p> <p>A bBuildings must have setbacks from frontages that areis sufficient to enhance the streetscape, provide adequate space for vehicle access, parking and landscaping, having regard to the following:</p> <p>(a) the site's area and dimensions;</p> <p>(b) the characteristics of the site, adjoining lots and the locality; and</p> <p>(c) demonstrated good urban design qualitiesbe consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design-WA Stage One</i> and any relevant Desired Future Character Statements.</p>
A2	P2

PSA-2019-3

Kingston Park Specific Area Plan

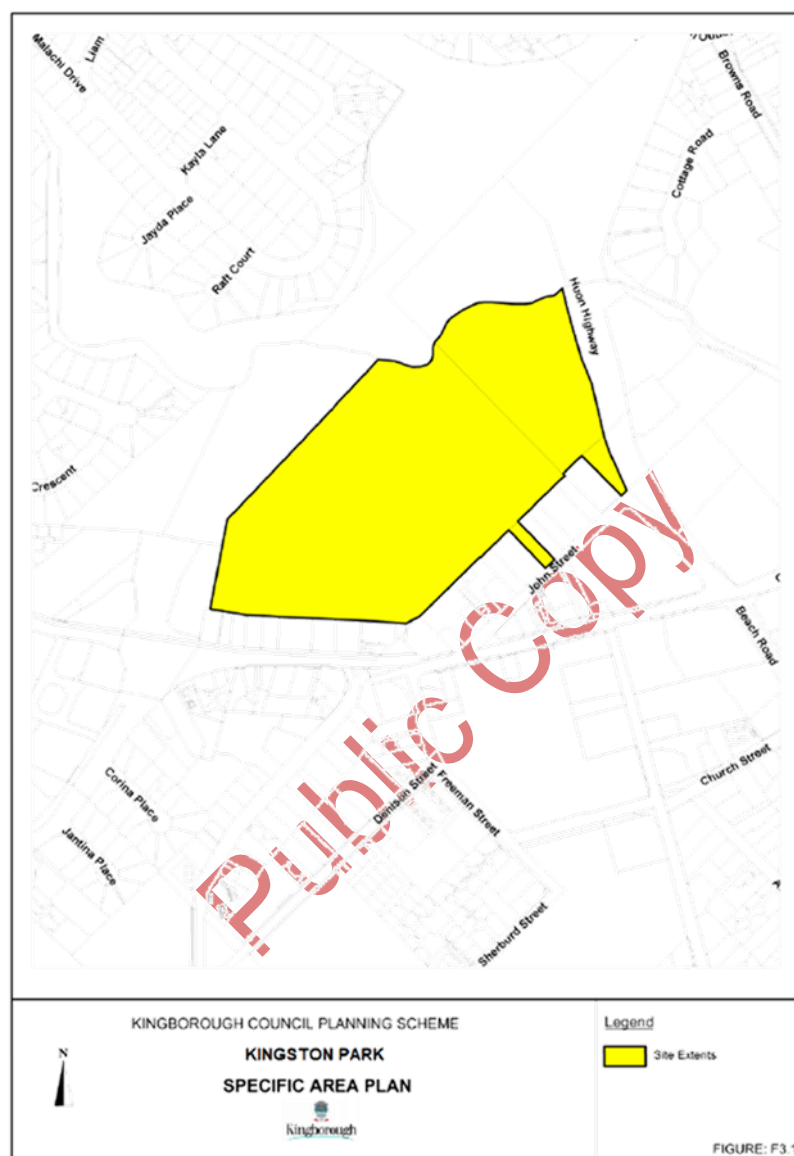
<p>Building height must be not more than 5m metres.</p>	<p>Building height must satisfy the following:</p> <ul style="list-style-type: none"> (a) contribute positively to the visual amenity of the area; (b) be compatible with the scale of nearby buildings or vegetation; (c) <u>demonstrated good urban design qualities</u>be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design-WA Stage One</i> and any Desired Future Character Statements provided for the area; and (d) be not more than 10m metres.
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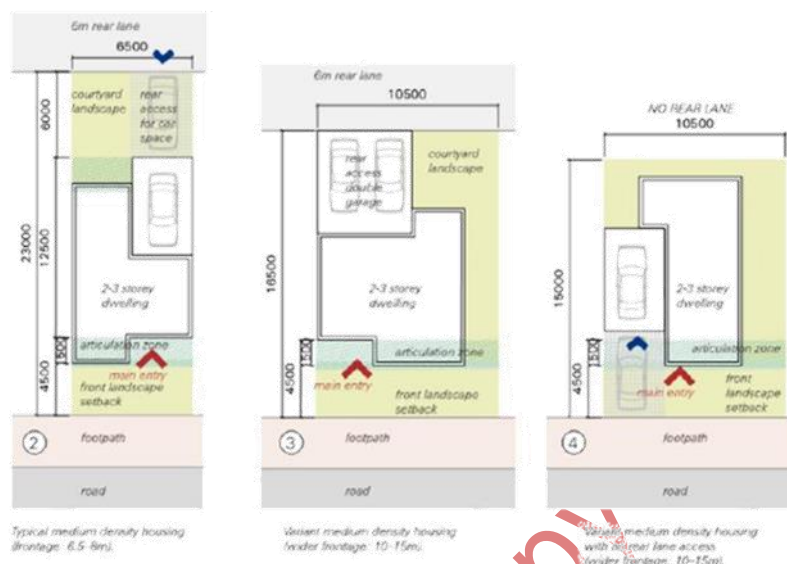
Figure F3.1 Kingston Park Specific Area Plan



PSA-2019-3

Kingston Park Specific Area Plan

Figure F3.2 Vehicular access and driveways



15.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
KINGSTON	
(a) The future development of Kingston Park should generate increased community activity and business interest within central Kingston.	(a) The development model for this site should be exciting, vibrant and futuristic. It should fit within an overall planning framework that provides for an integrated and coordinated mix of uses.

22.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
KINGSTON	
(a) Central Kingston should be further developed and improved so that it is a pleasant destination, and is characterised	(a) The redevelopment of significant land parcels (such as Kingston Park) and public streetscapes will be based on

PSA-2019-3

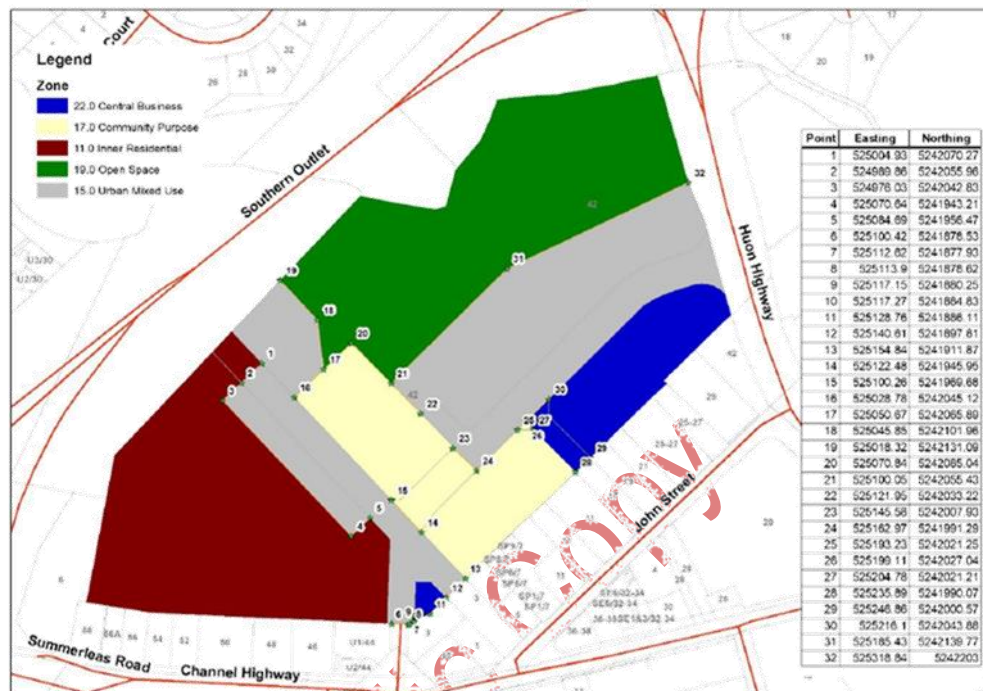
Kingston Park Specific Area Plan

by attractive public spaces and a modern urban design.	contemporary urban planning techniques that meet long term community needs.
(b) Central Kingston will be developed so that visitors are able to access the area and move about in a safe and efficient manner.	(b) Traffic modelling will be required to ensure efficient movement and physical infrastructure will be provided to best meet the needs of vehicles, cyclists and pedestrians.
(c) Car parking needs are to be met in a manner that allows for active streetscape functions, pedestrian safety and convenient locations.	(c) Car parking areas are not to face immediately onto streets within central Kingston and should be designed so that common areas are provided behind, under or above buildings facing the street.

Incorporated Documents

Incorporated Documents		
Document Title	Description	Date
Margate Marina Master Plan	prepared by Smartgrowth, Integrated Architecture & Urban Design	July, 2004
Wellington Park Management Plan 2013	published by Wellington Park Management Trust	December, 2013

3. Rezone portions of land within F3.0 Kingston Park Specific Area Plan, from Urban Mixed Use Zone to Inner Residential Zone and Open Space Zone, from Central Business Zone to Inner Residential and Urban Mixed Use Zone, and from Open Space to Urban Mixed Use Zone, as shown below:



4. Amend the overlay map by renaming the title of the specific area plan to 'F3.0 Kingston Park Specific Area Plan'.

TASMANIAN
PLANNING COMMISSION

Certified

Date: 25 August 2020



Kingborough

Kingborough Interim Planning Scheme 2015

Draft Amendment PSA-2019-3

1. At clause 22.4.1, modify A2 by inserting the text shown as underlined and deleting the text shown as strikethrough:

A2

Building height within 10m of a residential zone must be not more than ~~8.5m~~:

- (a) 8.5m; or
- (b) 9.5m if for 6 Summerleas Road (FR 130964 /1), 58 Channel Highway (FR 30067/2), 56A Channel Highway (FR 198046/1), 56 Channel Highway (FR 30067/3), 54 Channel Highway (FR 126454/4), 52 Channel Highway (FR 126454/5), 50 Channel Highway (FR 146799/1), 48 Channel Highway (FR 20911/3), 46 Channel Highway (FR 20911/2), or 44 Channel Highway (FR 140017/0, FR 140017/1, FR 140017/2).

2. Delete F3.0 Former Kingston High School Site Specific Area Plan, and replace with the following:

F3.0 Kingston Park Specific Area Plan

F3.1 Purpose of Specific Area Plan

F3.1.1 The purpose of this Specific Area Plan is:

- (a) To ensure that the use and development of the Kingston Park area takes advantage of its strategic location within central Kingston.
- (b) To create a dynamic and high-quality built environment that meets the long term needs of the community by:
 - (i) allowing for commercial activity supporting the growth of the Kingston central area;
 - (ii) establishing a hub for community-based facilities and services that will meet the long term needs of the community; and
 - (iii) providing opportunities for different forms of medium to high density residential use and development, broadening housing types available within the Kingston area.
- (c) To encourage activities that will stimulate more private investment throughout central Kingston.
- (d) To encourage high levels of connectivity with the established road network and surrounding open spaces network through new development that creates local roads, laneways, shared-ways, through-site links and walkways.
- (e) To promote public spaces that support vibrant and strong street life, high levels of walkability as well as high quality landscaping through water sensitive urban design measures.
- (f) To achieve a diverse and high quality built form which is consistent with good design principles, including but not limited to:
 - (i) character – respond to and enhances the distinctive characteristics of the precinct contributing to visual interest and a sense of place;
 - (ii) landscape quality - landscape and buildings operate as an integrated and sustainable system;
 - (iii) functionality and build quality – meet the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit;
 - (iv) legibility - provide clear connections and easily identifiable elements to help people find their way around the precinct;
 - (v) sustainability - optimises the sustainability of the built environment;
 - (vi) safety - optimise safety and security, minimising the risk of personal harm and supporting safe behaviour and use.
- (g) To encourage passive surveillance and is consistent with crime prevention through environmental design principles.
- (h) Within the areas zoned Central Business, Urban Mixed Use and Community Purpose:
 - (i) to provide high levels of visual interest and to reduce wind tunnelling through façade articulation;
 - (ii) to encourage active uses and active frontages at ground level; andto establish and reinforce a well-defined built edge to roads and public spaces.

- (i) Within the areas zoned Inner Residential, to promote the creation of a medium density community with:
 - (i) a lot layout that encourages single dwellings on small lots with narrow frontages and access via rear laneways;
 - (ii) a compact and visually interesting streetscape with articulation incorporated into front elevations and consistent frontage setbacks defining a strong building line along the road that provides ample room for larger canopy street trees;
 - (iii) lots that have ample private open space at the rear or front of buildings with minimal side separation; and
 - (iv) easy accessibility for pedestrians, a well landscaped streetscape and convenient public open spaces.

F3.2 Application of Specific Area Plan

F3.2.1 The specific area plan applies to the area of land designated as Kingston Park Specific Area Plan on the Planning Scheme Maps and Figure F3.1. Normal Zone provisions apply unless otherwise stated within this Specific Area Plan.

F3.3 Application Requirements

F3.3.1 In addition to any other application requirements, the planning authority may require any of the following information to determine compliance with development standards:

- (a) a site context and analysis plan;
- (b) photographs, drawings or photomontages necessary to demonstrate the impact of the proposed development on the character values of the wider area, including visual impact of the proposed development on views of kunyani/Mt Wellington and the surrounding vegetated hillsides from the Kingston central area;
- (c) a landscape plan;
- (d) the nature and the types of activities that will be carried out;
- (e) the likely impacts, if any, on adjoining land, including noise levels, traffic, hours of delivery and despatch of goods and materials and hours of operation;
- (f) demonstrated compliance with good urban design principles;
- (g) information detailing how the development will contribute to the provision of public infrastructure on the site;
- (h) information detailing how the development will minimise a building's environmental impact.

F3.4 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
CENTRAL BUSINESS ZONED LAND	
(a) A high degree of ground level activity and integration should occur between land uses and pedestrian environments and this should be supported by attractive public spaces.	(a) Commercial and retail development should promote a strong integration with existing uses in central Kingston particularly those between the site and John Street.
(b) Building design should be interesting and attractive and promote an active and engaging interface with the adjoining street or pedestrian promenade.	(b) Design features should enhance the visual appeal of proposed developments. This could include iconic gateway developments on corners and a continuous 2-3 storey built form

<p>(c) Building design should seek to minimise a building's environmental impact.</p>	<p>at the street level in between, with upper levels setback to reduce visual impact.</p> <p>(c) Building design should introduce lanes, shared ways or through-site links and narrow building frontages to limit the length and size of street blocks.</p> <p>(d) Applications for new developments containing office premises with a net lettable area of 1,000m² or more should be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance tool.</p> <p>(e) Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to:</p> <ul style="list-style-type: none"> (i) any adopted plan or strategy of the Council; (ii) potential harvesting and re-use of runoff; and (iii) potential on-site infiltration, detention and treatment.
<p>URBAN MIXED USE ZONED LAND</p>	
<p>(a) Medium to high density residential development should occur within these precincts, especially above the ground level floor, together with a mix of other potential commercial uses, such as retail, small office and visitor accommodation.</p> <p>(b) Opportunities for community interaction should be encouraged by providing streetscapes that provide high public amenity and are well landscaped.</p> <p>(c) Optimize the benefits provided by public open space and available views.</p> <p>(d) Building design should seek to minimise a building's environmental impact.</p>	<p>(a) Development should be designed so that it supports neighbourhood interaction, passive recreation and easy access for pedestrians. The incorporation of larger canopy trees and other appropriate vegetation is to be encouraged.</p> <p>(b) Provide an active and engaging interface to public open space areas through building orientation, as well as activated ground level frontages to buildings.</p> <p>(c) Building design should introduce lanes, shared ways or through-site links and narrow building frontages to limit the length and size of street blocks.</p> <p>(d) Applications for new developments containing office premises with a net lettable area of 1,000m² or more should be submitted with documentation confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance tool.</p>

	<p>(b) Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to:</p> <ul style="list-style-type: none"> (i) any adopted plan or strategy of the Council; (ii) potential harvesting and re-use of runoff; and (iii) potential on-site infiltration, detention and treatment.
COMMUNITY PURPOSE ZONED LAND	
<p>(a) Provide for a range of complementary services and public facilities that meet the needs of the Kingborough community in relation to health, education, recreation, arts, culture and social inclusion.</p> <p>(b) Use and development should integrate closely with the streetscape and provide interesting, attractive and vibrant public spaces.</p> <p>(c) Provide a safe public environment that encourages pedestrian activity, passive surveillance, family activities and a high quality of public amenity.</p>	<p>(a) Encourage the use and development of land so that these services and facilities are provided and that built structures and landscaping is designed to a high standard and is easily accessible.</p> <p>(b) Building and public space design should provide for articulated setbacks, activated ground floor frontages, street furniture and artistic features, views and orientation to capture solar benefits.</p> <p>(c) Promote a mix of uses and development forms that provide interest, fun and enjoyment, and enable high levels of activity to occur during the day and evening.</p>
OPEN SPACE ZONED LAND	
<p>(a) Future use and development should maximise the opportunities for the community to enjoy the public open space within this site.</p> <p>(b) The public open space will provide for a diverse range of passive and active recreational experiences, as well as functional event or performance areas able to be used for public entertainment.</p> <p>(c) The public open space will constitute the municipality's premier urban park and will provide complementary functions that encourage the continued development of central Kingston.</p>	<p>(a) The public open space precinct is to be developed so that a variety of inter-connected, aesthetically pleasing and exciting landscaped spaces create a diverse public realm that will meet the needs of a variety of users and age groups.</p> <p>(b) The area is to feature a range of natural features, assist with stormwater management, contain landscaped walkways and amphitheatres that respond to topographic features of the site, as well as featuring children's play and other activity spaces.</p> <p>(c) Kingston's further development opportunities will be enhanced as a result of space being available for public events, children's playgrounds, places to relax, park and ride, markets, opportunities to exercise, meet people and carry out other activities.</p>

INNER RESIDENTIAL ZONED LAND	
<p>(a) Medium to high density residential development is to occur within this site.</p> <p>(b) Opportunities for community interaction should be encouraged by providing streetscapes that provide high public amenity and are well landscaped.</p> <p>(c) Optimise the benefits provided by public open space and available views of kunyani/Mt Wellington and the surrounding vegetated hillsides.</p>	<p>(a) Promote development which provides small lots suitable for a range of housing types (such as town housing, low rise apartments, aged unit accommodation and home offices) within a pedestrian-friendly neighbourhood.</p> <p>(b) Development should be designed so that it supports neighbourhood interaction, passive recreation an easy access for pedestrians. The incorporation of larger canopy trees and other appropriate vegetation is to be encouraged.</p> <p>(c) Provide an active and engaging interface to public areas through building orientation, and differing dwelling façades.</p>

F3.5 Use Table

F3.5.1 Central Business Zoned Land

No Permit Required	
Use Class	Qualification
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Business and professional services	
Community meeting and entertainment	
Food services	Except if a take away food premises with a drive through facility
General retail and hire	Except if an adult sex product shop or a supermarket
Hotel industry	Except if adult entertainment venue
Passive recreation	
Vehicle parking	
Visitor accommodation	Except if camping and caravan park or overnight camping area
Discretionary	
Use Class	Qualification

Educational and occasional care	
Residential	Only if located above ground floor
Research and development	
Sports and recreation	
Tourist operation	
Transport depot and distribution	Only if for public transport facilities
Utilities	Except if No Permit Required
Vehicle fuel sales and service	
Prohibited	
Use Class	Qualification
All other uses	

F3.5.2 Urban Mixed Use Zoned Land

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Business and professional services	
Community meeting and entertainment	Only if for a public hall or neighbourhood centre
Food Services	
General retail and hire	Except if an adult sex product shop
Residential	Only if: (a) for a home-based business; (b) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and

	(c) for assisted housing, respite centre or retirement village.
Transport depot and distribution	Only if for public transport facilities
Visitor accommodation	Only if located above ground floor level (excluding pedestrian or vehicular access)
Discretionary	
Use Class	Qualification
Community meeting and entertainment	Except if Permitted.
Educational and occasional care	
Emergency services	
Hotel industry	If not for adult entertainment venue
Resource processing	Only if for food or beverage production
Service industry	Only if for a laundromat
Tourist operation	
Utilities	Except if No Permit Required
Vehicle parking	
Visitor accommodation	Except: (a) if Permitted; or (b) if camping and caravan park or overnight camping area.
Prohibited	
Use Class	Qualification
All other uses	

F3.5.3 Community Purpose Zoned Land

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities located underground

Permitted	
Use Class	Qualification
Business and professional services	Only if for: (a) medical centre; (b) a community-based organisation; or (c) government offices
Community meeting and entertainment	
Educational and occasional care	
Emergency services	
Food services	
General retail and hire	Only if for community market
Hospital services	
Sports and recreation	
Tourist operation	Only if for a visitor centre
Utilities	Except if No Permit Required
Discretionary	
Use Class	Qualification
Business and professional services	Except if Permitted
General retail and hire	Except: (a) if Permitted; or (b) if for an adult sex product shop
Residential	Only if for residential aged care or respite centre or assisted housing
Tourist operation	Except if Permitted
Transport depot and distribution	Only if for public transport facilities
Vehicle parking	

Prohibited	
Use Class	Qualification
All other uses	

F3.5.4 Open Space Zoned Land

No Permit Required	
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	Only if for minor utilities located underground
Permitted	
Use Class	Qualification
Community meeting and entertainment	
General retail and hire	Only if for community market
Utilities	Except if No Permit Required
Discretionary	
Use Class	Qualification
Food services	Must have a floor area no greater than 60m ² and be related or complementary to a community meeting or entertainment facility
General retail and hire	Except where permitted, and only if related to a public activity within the Open Space
Sports and recreation	
Vehicle parking	Only if associated with an open space use or as part of a developed park and ride facility
Prohibited	
Use Class	Qualification
All other uses	

F3.5.5 Inner Residential Zoned Land

No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>
Natural and cultural values management	
Passive recreation	
Residential	Only if: (a) for a single dwelling; or (b) for a home-based business with not more than 1 non-resident worker/employee, not more than 1 commercial vehicle and a floor area not more than 30m ²
Utilities	Only if for minor utilities
Permitted	
Use Class	Qualification
Residential	Except if No Permit Required.
Discretionary	
Use Class	Qualification
Education and occasional care	Except: (a) if No Permit Required; or (b) if for child care centre, day respite facility, employment training centre or kindergarten.
Emergency services	
Sports and recreation	
Utilities	Except if no permit required
Visitor accommodation	
Prohibited	
Use Class	Qualification
All other uses	

F3.6 Use Standards

F3.6.1 Use Standards for Central Business Zoned Land and Urban Mixed Use Zoned Land

F3.6.1.1 Retail impact

Objective:	
That General retail and hire uses do not compromise or distort the functionality of the activity centre.	
Acceptable Solutions	Performance Criteria
The gross floor area for General retail and hire uses must be not more than 350m ² per tenancy.	General retail and hire uses must be not more than 500m ² per tenancy and not compromise or distort the functionality of the activity centre, having regard to: (a) the degree to which the proposed use improves and broadens the commercial or retail choice within the activity centre; and (b) any relevant local area objective.

F3.6.1.2 Non-Residential Use

Objective:	
That non-residential uses do not cause unreasonable loss of amenity.	
Acceptable Solutions	Performance Criteria
Hours of operation of a non-residential use, (excluding office and administrative tasks) must be within the hours of: (a) 6.00am to 9.00pm Mondays to Saturdays inclusive; and (b) 9.00am to 7.00pm Sundays and Public Holidays; Except for non-residential uses with a frontage to Goshawk Way or Pardalote Parade where hours of operation must be within the hours of: (a) 6.00am to 11.59pm Mondays to Saturdays inclusive; and (b) 8.00am to 10.00pm Sundays and Public Holidays.	Hours of operation of a non-residential use must not cause an unreasonable loss of residential amenity to the surrounding area, through commercial/retail vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

F3.6.2 Use Standards for Open Space Zoned Land

F3.6.2.1 Amenity Impacts of Non-Residential Uses

Objective:	
That non-residential uses avoid the commercialisation and privatisation of open space intended for public use, and do not cause an unreasonable loss of adjacent residential amenity.	
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 Food services and General retail and hire uses must complement and enhance the use of the land for open space by providing for facilities and services that primarily serve the needs of open space users.
A2 Hours of operation of a use on a site within 50 metres of the Urban Mixed Use Zone or Inner Residential Zone must be within the hours of: (a) 6.00am to 10.00pm Mondays to Saturdays inclusive; and (b) 8.00am to 9.00pm Sundays and Public Holidays.	P2 Hours of operation of a non-residential use must not cause an unreasonable loss of residential amenity of land in the Urban Mixed Use Zone or Inner Residential Zone through commercial/retail vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.
A3 Noise emissions measured at the boundary of the nearest residential use within the Urban Mixed Use Zone or Inner Residential Zone must not exceed the following: (a) 55 dB(A) (LAeq) within the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, within the hours of 7.00 pm and 7.00 am; except if otherwise permitted; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	P3 Noise emissions measured at the boundary of a Mixed Use Zone or Inner Residential Zone must not cause an unreasonable loss of residential amenity within the Urban Mixed Use Zone or Inner Residential Zone.

A4 Lighting must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	P4 No Performance Criteria.
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F3.7 Development Standards

F3.7.1 Development Standards for Central Business Zoned Land

F3.7.1.1 Building setbacks and height

Objective:	
That buildings are constructed in a compact manner that is best suited to this central location within Kingston.	
Acceptable Solutions	Performance Criteria
A1 A building must have a setback from frontage that is: (a) between 0-3m for frontages to Goshawk Way; (b) 1m from the frontage to Pardalote Parade; and (c) 2m from any connecting road from John Street.	P1 A building must have a setback from frontage that is sufficient to enhance the streetscape, provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following: (a) maintain visual sight lines for safe pedestrian and traffic movement; (b) have sufficient site area and dimensions to accommodate development; (c) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality; (d) minimise overshadowing effects of new or majorly refurbished buildings on publicly accessible open space, including streets and areas for footway trading, between the hours of 9am to 3pm on 21 June; (e) demonstrate consistency with good urban design qualities and any relevant Desired Future Character Statements; and (f) be not more than 3m from a road.
A2 Building height must be not more than 20m.	P2 Building height must be consistent with the desired streetscape, urban form and character as described in the purpose of this specific area plan, having regard to: (a) potential impacts upon the amenity of adjacent properties through overshadowing and reflectivity;

	<ul style="list-style-type: none"> (b) demonstrated good urban design qualities and any relevant Desired Future Character Statements; (c) the topography of the site; (d) the bulk and form of the proposed buildings; (e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; and (f) the purpose of the Specific Area Plan.
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F3.7.1.2 Passive surveillance

Objective:	
That building design contributes positively to the amenity and safety of the public.	
Acceptable Solutions	Performance Criteria
A1 Buildings must be designed to provide for surveillance of public spaces, including the street, services and car parking by satisfying the following: <ul style="list-style-type: none"> (a) locate windows to overlook the street and other public spaces; (b) design and locate main entrances to provide high visibility for users; (c) provide clear sight lines between a building and adjacent properties and public land; (d) locate external lighting to illuminate otherwise shaded or dark locations; (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; and (g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance. 	P1 No Performance Criteria.

F3.7.1.3 Private open space for multiple dwellings

Objective:									
That multiple dwellings provide adequate private open space which is easily accessible from living areas of the dwelling and has access to direct sunlight.									
Acceptable Solutions	Performance Criteria								
A1	P1								
<p>(a) Multiple dwellings wholly above ground floor level must provide private open space for each dwelling that:</p> <p>(b) includes one area as per the dimensions below:</p> <table> <tr> <td>Minimum area</td><td>Minimum depth</td></tr> <tr> <td>8m²</td><td>2m</td></tr> <tr> <td>10m²</td><td>2m</td></tr> <tr> <td>12m²</td><td>2.4m</td></tr> </table> <p>(c) is directly accessible from and adjacent to, a habitable room (other than a bedroom);</p> <p>(d) does not contain services and fixtures, including but not limited to air-conditioner units and clothes drying, that are visible from the street;</p> <p>(e) has a gradient not steeper than 1 in 10; and</p> <p>(f) is not used for vehicle access or parking.</p>	Minimum area	Minimum depth	8m ²	2m	10m ²	2m	12m ²	2.4m	<p>Private open space for multiple dwellings wholly above ground floor level must:</p> <p>(a) be of a size and dimensions to accommodate outdoor recreational space and the operational needs, such as clothes drying and storage, to meet the projected requirements of the occupants of the dwelling taking into account:</p> <p>(i) the useability and accessibility of the private open space;</p> <p>(ii) the availability and accessibility of public open space or communal open space;</p> <p>(iii) the orientation of the lot to the street; and</p> <p>(iv) the size and type of dwelling; and</p> <p>(b) includes an area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play;</p> <p>(c) be located to take advantage of direct sunlight; and</p> <p>(d) be clearly defined for private use.</p>
Minimum area	Minimum depth								
8m ²	2m								
10m ²	2m								
12m ²	2.4m								

F3.7.1.4 Subdivision - lot size, area and frontage

Objective:	
To provide for lots with appropriate area and dimensions to accommodate development consistent with the zone purpose.	
Acceptable Solutions	Performance Criteria
A1	P1
Each lot, or a lot proposed in a plan of subdivision must have an area not less than 500m ² , except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.	No Performance Criteria.

A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space or public utilities, must have a frontage not less than 20m.	P2 No Performance Criteria
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F3.7.2 Development Standards for Urban Mixed Use Zoned Land

F3.7.2.1 Building setbacks and height

Objective:	
That buildings are constructed in a compact manner that is best suited to this central location within Kingston.	
Acceptable Solutions	Performance Criteria
A1 A building must have a setback from a frontage of not less than: (a) between 0-3m for frontages to Goshawk Way; (b) 1m from the frontage to Pardalote Parade; and (c) 2m from any connecting road from Goshawk Way.	P1 A building must have a setback from frontage that is sufficient to enhance the streetscape, provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following: (a) maintain visual sight lines for safe pedestrian and traffic movement; (b) have sufficient site area and dimensions to accommodate development; (c) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality; (d) minimise overshadowing effects of new buildings on publicly accessible open space, including streets and areas for footway trading, between the hours of 9am to 3pm on 21 June; (e) demonstrate consistency with good urban design qualities and any relevant Desired Future Character Statements; and (f) be not more than 3m from a road.
A2 Building height must be not more than 18 m.	P2 Building height must be compatible with the desired streetscape, urban form and character as described in the purpose of this specific area plan, having regard to: (a) potential impacts upon the amenity of adjacent properties through overshadowing and reflectivity;

	<ul style="list-style-type: none"> (b) demonstrated good urban design qualities and any relevant Desired Future Character Statements; (c) the topography of the site; (d) the bulk and form of the proposed buildings; (e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; and (f) the purpose of the Specific Area Plan.
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F3.7.2.2 Passive surveillance

Objective:	
That building design contributes positively to the amenity and safety of the public.	
Acceptable Solutions	Performance Criteria
A1 New buildings must be designed to provide for surveillance of public spaces, including the street, services and car parking, and must satisfy the following: <ul style="list-style-type: none"> (a) locate windows to overlook the street and other public spaces; (b) design and locate main entrances to provide high visibility for users; (c) provide clear sight lines between a building and adjacent properties and public land; (d) locate external lighting to illuminate otherwise shaded or dark locations; (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; and (g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance. 	P1 No Performance Criteria.

F3.7.2.3 Frontage fences

Objective:	
That the height and design of frontage fences enhances the streetscape and provides adequate privacy for residents, and allows the potential for mutual passive surveillance between the road and the dwelling.	
Acceptable Solutions	Performance Criteria
A1 The maximum height of fences for multiple dwellings and single dwellings at the ground floor on or within 4.5m of a frontage must be 1.2m.	P1 Fences must be designed to: <ul style="list-style-type: none"> (a) be not more than 1.6m in height; (b) provide for security and privacy of residents while allowing potential for mutual passive surveillance between the road and the dwelling; (c) take account of the prevailing height, design and character of neighbouring fences; and (d) provide a minimum 50% transparency above 1.2m, unless to attenuate noise from high volume traffic for lots that have frontage to the Southern Outlet; and (e) demonstrate good urban design qualities.

F3.7.2.4 Private open space – residential

Objective:	
That dwellings provide adequate private open space for the residents of multiple dwellings and townhouses which is easily accessible from living areas of the dwelling and has access to direct sunlight.	
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings and townhouses located at ground level or on a podium or similar structure must provide private open space instead of a balcony that satisfies the following: <ul style="list-style-type: none"> (a) has an area of a minimum of 15m²; (b) has a minimum horizontal dimension of 3m; (c) is directly accessible from and adjacent to, a habitable room (other than a bedroom); (d) has a gradient not steeper than 1 in 10; and (e) is not used for vehicle access or parking. 	P1 Private open space for multiple dwellings and townhouses at the ground floor must: <ul style="list-style-type: none"> (a) include an area that is capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and (b) be located to take advantage of direct sunlight.

A2	P2												
Multiple dwellings wholly above ground floor level must provide private open space for each dwelling that:	Private open space for multiple dwellings wholly above ground floor level must:												
(a) includes one area as per the dimensions below:	(a) be of a size and dimensions to accommodate outdoor recreational space and the operational needs, such as clothes drying and storage, to meet the projected requirements of the occupants of the dwelling taking into account:												
<table><tr><td>Dwelling type</td><td>Minimum area</td><td>Minimum depth</td></tr><tr><td>Studio & 1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling type	Minimum area	Minimum depth	Studio & 1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	(i) the useability and accessibility of the private open space;
Dwelling type	Minimum area	Minimum depth											
Studio & 1 bedroom	8m ²	2m											
2 bedroom	10m ²	2m											
3+ bedroom	12m ²	2.4m											
(b) is directly accessible from and adjacent to, a habitable room (other than a bedroom);	(ii) the availability and accessibility of public open space or communal open space;												
(c) does not contain services and fixtures, including but not limited to air-conditioner units and clothes drying, that are visible from the street;	(iii) the orientation of the lot to the street; and												
(d) has a gradient not steeper than 1 in 10; and	(iv) the size and type of dwelling; and												
(e) is not used for vehicle access or parking.	(b) include an area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play;												
	(c) be located to take advantage of direct sunlight; and												
	(d) be clearly defined for private use.												

F3.7.2.5 Subdivision - lot size, area and frontage

<p>Objective:</p> <p>That each lot has an area and dimensions appropriate to accommodate development consistent with the zone purpose.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have an area not less than 500m², except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.</p>	<p>P1</p> <p>No Performance Criteria.</p>
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space or public utilities, must have a frontage not less than 20m.</p>	<p>P2</p> <p>No Performance Criteria</p>

F3.7.3 Development Standards for Inner Residential Zoned Land

F3.7.3.1 Building setbacks and height

Objective:	
That buildings are constructed in a compact manner that is best suited to this central location within Kingston.	
Acceptable Solutions	Performance Criteria
A1 A dwelling must have a setback from a frontage that is: <ul style="list-style-type: none"> (a) not less than 1.8m from the primary frontage, or not greater than 3m from the primary frontage if located on Goshawk Way or Pardalote Parade; and (b) provides an articulation zone that allows up to 50% of the frontage to be set forward by up to 1.5m from the primary frontage. 	P1 A dwelling must have a setback from a frontage that is compatible with the area, having regard to: <ul style="list-style-type: none"> (a) provides transitional space between the road and dwelling allowing mutual passive surveillance; (b) provides measures to ensure that noise generated by traffic will not adversely impact on residential amenity and (c) is not greater than 3.5m.
A2 All other buildings setback, other than dwellings, must satisfy the following: <ul style="list-style-type: none"> (a) be located 0m from a frontage; and (b) provide an articulation zone that allows up to 50% of the frontage to be set back by up to 1.5m. 	P2 All other buildings setback, other than dwellings, must satisfy the following: <ul style="list-style-type: none"> (a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to topography or other physical constraints of the site; and (b) demonstrate consistency with good urban design qualities and any relevant Desired Future Character Statements.
A3 A building for a sensitive use must have a setback from a frontage to the Southern Outlet of not less than 50m.	P3 A building for a sensitive use must have a setback from the Southern Outlet that is compatible with the streetscape and desired future character statements and protects the amenity of residents, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the height bulk and form of existing and proposed buildings on the site and adjacent properties; (c) mitigation measures to reduce traffic noise impacts; (d) any recommendations from an acoustics engineer or other suitably qualified person;

	<ul style="list-style-type: none"> (e) any written advice received from the road authority; (f) demonstrated good urban design qualities; and (g) any relevant Desired Future Character Statements.
A4 Building height must be not more than 10m.	P4 Building height must be consistent with the desired streetscape, urban form and character, having regard to: <ul style="list-style-type: none"> (a) demonstrated good urban design qualities (b) any relevant Desired Future Character Statements; (c) the topography of the site; (d) the bulk and form of the proposed buildings; (e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; (f) overshadowing of adjoining dwellings and private open space; and (g) the purpose of the specific area plan.

F3.7.3.2 Site coverage and private open space

Objective: To provide for lots with appropriate area and dimensions to accommodate development consistent with the zone purpose.	
Acceptable Solutions	Performance Criteria
A1 Dwellings must have: <ul style="list-style-type: none"> (a) a site coverage of not more than 65% (excluding eaves up to 0.6m); and (b) for multiple dwellings, a total area of private open space of not less than 45m² associated with each dwelling. 	P1 Private open space for dwellings must: <ul style="list-style-type: none"> (a) include an area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and (b) be located to take advantage of direct sunlight.
A2 A single and multiple dwelling must have an area of private open space that: <ul style="list-style-type: none"> (a) is in one location and is not less than 20m²; and 	P2 Private open space for a single and multiple dwellings must: <ul style="list-style-type: none"> (a) include an area capable of serving as an extension of the dwelling for relaxation,

(b) has a minimum horizontal dimension of 3m;	dining, entertaining and children's play; and
(c) is directly accessible from and adjacent to, a habitable room (other than a bedroom);	(b) be located to take advantage of direct sunlight.
(d) has a gradient not steeper than 1 in 10; and	
(e) is not used for vehicle access or parking.	

F3.7.3.3 Passive surveillance

Objective:	
That building design contributes positively to public amenity and safety.	
Acceptable Solutions	Performance Criteria
A1 A building must be designed to provide for surveillance of public spaces, including the street, services and car parking by satisfying all of the following: (a) locate windows to overlook the street, laneway and other public spaces; (b) design and locate main entrances on a street to provide high visibility for users; (c) provide clear sight lines between a building and adjacent properties and public land; (d) locate external lighting to illuminate otherwise shaded or dark locations; and (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces.	P1 No Performance Criteria.

F3.7.3.4 Vehicular access and driveways

Objective:	
That road accesses and communal driveways provide safe and efficient access for all users, and do not unreasonably detract from the amenity of adjacent dwellings or streetscape.	
Acceptable Solutions	Performance Criteria
A1 Accesses must comply with the following: (a) lots abutting a rear laneway must be accessed via the rear laneway with a width of not less than 6m (refer to Figure 3.2); and (b) lots with a frontage not greater than 8m but less than 15m must locate their road access	P1 Accesses must be located and designed to: (a) comply with Figure F3.2 if for a lot abutting a rear laneway; and (b) not have an unreasonable impact on the streetscape or amenity of adjoining land.

<p>adjacent to the adjoining lot, to allow for a double crossover shared by two properties.</p>	
<p>A2</p> <p>Communal driveways for villa units and townhouses must include a passing bay which:</p> <ul style="list-style-type: none"> (a) is not less than 6m long and 5.5m wide from the edge of the pavement if the communal driveway is a single lane, and: <ul style="list-style-type: none"> (i) serves more than 5 car parking spaces; or (ii) is more than 30m long; or (iii) meets a road designed to carry more than 600 vehicles per day; and (b) tapers to the width of the remaining communal driveway; and (c) is provided at intervals not greater than 30m. 	<p>P2</p> <p>An assessment must be provided prepared by a suitably qualified person that confirms that a communal driveway for villa units and townhouses is safe, efficient and convenient, that:</p> <ul style="list-style-type: none"> (a) avoids conflicts between users including vehicles, cyclists and pedestrians; (b) is suitable for the type and volume of traffic likely to be generated; and (c) provides ease of access for all regular users.
<p>A3</p> <p>Dwellings with vehicular access via a communal driveway must be provided with on-site turning to enable vehicles to enter and exit a site in a forward direction.</p>	<p>P3</p> <p>An assessment prepared by a suitably qualified person must be provided that demonstrates vehicular access to and from villa units and townhouses via a communal driveway is safe, efficient and convenient that:</p> <ul style="list-style-type: none"> (a) avoids potential conflicts between users including vehicles, cyclists and pedestrians; and (b) avoids unreasonable interference with the flow of traffic on adjoining roads; (c) is suitable for the type and volume of traffic likely to be generated; and (d) provides ease of access for all regular users.
<p>A4</p> <p>Communal driveways that serve 10 or more dwellings must have a separate pedestrian path with a minimum width of 1.2m.</p>	<p>P4</p> <p>For villa units and townhouses, an assessment prepared by a suitably qualified person must confirm that pedestrian access between roads and individual dwellings is safe and avoids potential conflicts between pedestrians and vehicles.</p>

F3.7.3.5 Frontage fences

Objective:	
That the height and design of frontage fences enhance the streetscape and provides adequate privacy for residents, and allows the potential for mutual passive surveillance between the road and the dwelling.	
Acceptable Solutions	Performance Criteria
A1 The maximum height of fences on or within 4.5m of a frontage must be 1.2m.	P1 Fences must be designed to: (a) be not more than 1.6m in height; (b) provide for security and privacy of residents while allowing potential for mutual passive surveillance between the road and the dwelling; and (c) take account of the prevailing height, design and character of neighbouring fences; (d) provide a minimum 50% transparency above 1.2 metres, unless to attenuate noise from high volume traffic; and (e) demonstrate good urban design qualities.

F3.7.3.6 Siting and width of garages and carports for dwellings

Objective:	
That the location and size of garages or carports for dwellings do not dominate the façade of the dwelling or the streetscape; do not restrict mutual passive surveillance of the road and dwelling; and provide for safe vehicular access to and from the site.	
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings with a frontage of 8m or greater must have a maximum total width of garage or carport openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser), except for lots with a frontage width of less than 8m, where no road access or garage facing the primary road frontage is permitted.	P1 No Performance Criteria.
A2 The siting and design of garages and carports for single and multiple dwellings must: (a) not dominate the frontage of the lot through location and visual bulk;	P2 No Performance Criteria.

(b) allow potential for mutual passive surveillance between the dwelling and road;	
(c) provide for safe vehicular movements between the road and site; and	
(d) demonstrate good urban design qualities.	

F3.7.3.7 Residential Density for multiple dwellings

Objective:	
To provide for inner urban densities that increase the density of dwellings and encourage the efficient utilisation of residential land and services in an inner urban area that is consistent with the purpose of this Specific Area Plan.	
Acceptable Solutions	Performance Criteria
A1 Multiple dwelling development must have a density of no greater than 1 dwelling per 120m ² .	P1 Dwelling density can be increased where it can be demonstrated that the development can accommodate: (a) the required amount of private open space per dwelling; (b) a demonstrated ability to meet car parking requirements; and (c) there is negligible impact through overlooking or overshadowing both within and to adjacent sites.

F3.7.3.8 Subdivision - lot size, area and frontage

Objective:	
To provide for lots with appropriate area and dimensions to accommodate development consistent with the zone purpose.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision must have an area of not less than 150m ² .	P1 No Performance Criteria.
A2 Each lot, or a lot proposed on a plan of subdivision, must have a frontage not less than 6.5m.	P2 Each lot, or a lot proposed on a plan of subdivision, must be provided with a frontage that is sufficient to accommodate development consistent with the zone purpose, having regard to good urban design

principles and any relevant Desired Future Character Statements.

F3.7.4 Development Standards for Community Purpose Zoned Land

F3.7.4.1 Building setbacks and height

Objective:	
That buildings are constructed in a compact manner that is best suited to this central location within Kingston	
Acceptable Solutions	Performance Criteria
A1 A building must have a setback from a frontage that is sufficient to enhance the streetscape, provide adequate space for landscaping and vehicle access and have regard to the following: <ul style="list-style-type: none"> (a) actively promote integration with adjacent pedestrian town promenade; (b) maintain visual sight lines for safe traffic and pedestrian movement; (c) must be predominantly glazed and avoid blank walls; (d) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality; (e) ensure residential uses at ground level do not face the frontage; and (f) be consistent with good urban design principles and any relevant Desired Future Character Statements. 	P1 No Performance Criteria.
A2 Building height must be not more than 10m.	P2 Building height must satisfy the following: <ul style="list-style-type: none"> (a) minimise impacts upon the amenity of adjacent properties through overshadowing and reflectivity; and (b) be consistent with good urban design principles.

F3.7.4.2 Passive surveillance

Objective:	
That building design contributes positively to the amenity and safety of the public.	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Buildings must be designed to provide for surveillance of public spaces, including the street, services and car parking by satisfying the following:</p> <ul style="list-style-type: none"> (a) locate windows to overlook the street and other public spaces; (b) design and locate main entrances to provide high visibility for users; (c) provide clear sight lines between a building and adjacent properties and public land; (d) locate external lighting to illuminate otherwise shaded or dark locations; (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; and (g) provide well lit car parking areas designed to make use of sight lines to benefit from passive surveillance. 	<p>P1</p> <p>No Performance Criteria.</p>
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F3.7.4.3 Subdivision - lot design

<p>Objective:</p> <p>To provide for lots with appropriate area and dimensions to accommodate development consistent with the zone purpose.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have an area not less than 120m², except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.</p>	<p>P1</p> <p>No Performance Criteria.</p>
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space or public utilities, must have a frontage not less than 5m.</p>	<p>P2</p> <p>No Performance Criteria.</p>

F3.7.5 Development Standards for Open Space Zoned Land

F3.7.5.1 Building setbacks and height

Objective:	
That building location and height contributes positively to the streetscape.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A building must have setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) not less than 20m from the frontage with Goshawk Way and Huon Highway, and (b) not less than 5m from the frontage with any other road, except for land used for car parking. 	<p>P1</p> <p>A building must have setbacks from frontages that is sufficient to enhance the streetscape, provide adequate space for vehicle access, parking and landscaping, having regard to:</p> <ul style="list-style-type: none"> (a) the site's area and dimensions; (b) the characteristics of the site, adjoining lots and the locality; and (c) demonstrated good urban design qualities.
<p>A2</p> <p>Building height must be not more than 5m.</p>	<p>P2</p> <p>Building height must satisfy the following:</p> <ul style="list-style-type: none"> (a) contribute positively to the visual amenity of the area; (b) be compatible with the scale of nearby buildings or vegetation; (c) demonstrate good urban design qualities; and (d) be not more than 10m.

Figure F3.1 Kingston Park Specific Area Plan

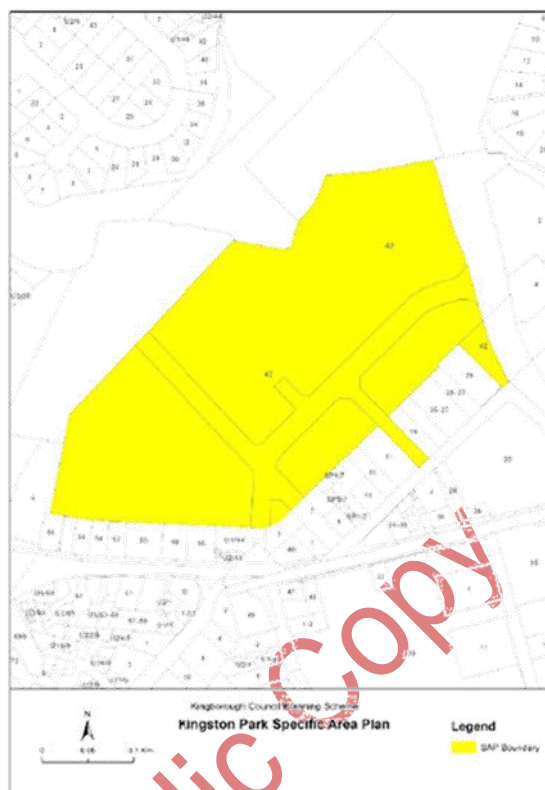
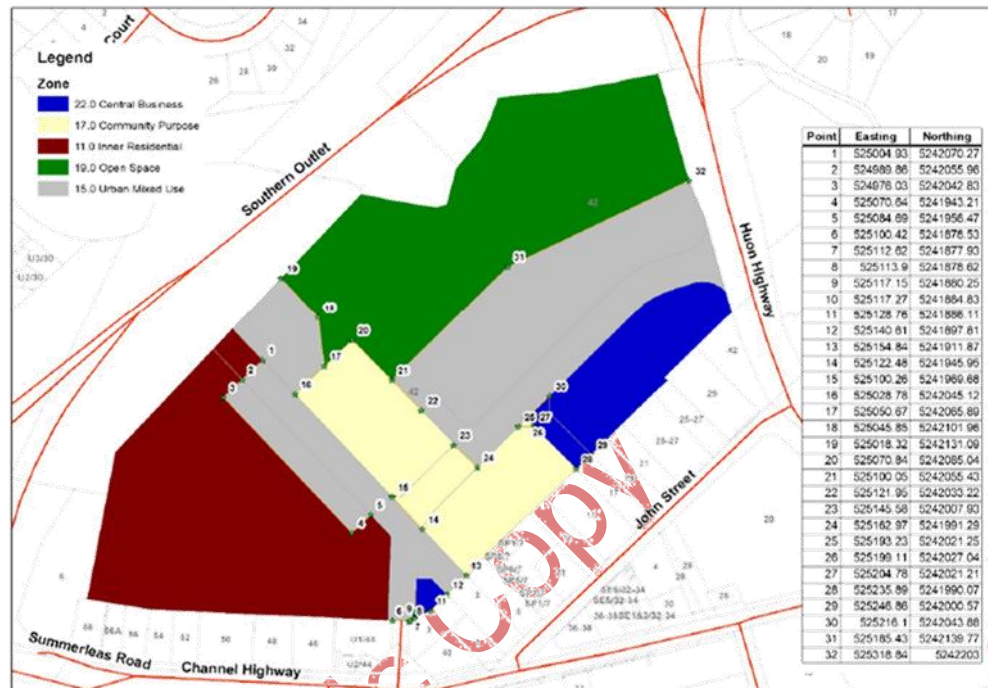


Figure F3.2 Vehicular access and driveways



3. Rezone portions of land within F3.0 Kingston Park Specific Area Plan, from Urban Mixed Use Zone to Inner Residential Zone and Open Space Zone, from Central Business Zone to Inner Residential and Urban Mixed Use Zone, and from Open Space to Urban Mixed Use Zone, as shown below:



4. Amend the overlay map by renaming the title of the specific area plan to 'F3.0 Kingston Park Specific Area Plan'.

Attachment 3 – Extract from Council’s Report of 13 January 2020.

16	<p>Oppose Inner Residential Zone – additional provisions imposed on adjoining land</p> <p>Further comments:</p> <p>Concern that the new area of Inner Residential Zone will restrict use and development of existing land in the Central Business Zone (CBZ) located to the south of the site along the Channel Highway. This is due to use and development Standards in the CBZ that apply at the boundary with residential areas.</p> <p>Specific issues raised include:</p> <ol style="list-style-type: none"> (1) That the economic effects of the rezoning on adjoining land has not been considered. (2) Use Standards designed to protect residential amenity regarding noise, hours and external lighting that do not apply if the adjoining land is retained as Urban Mixed Use. (3) Development Standards with respect to lower height, increased setback, external colours and landscaping that do not apply if the adjoining land is retained as Urban Mixed Use. These provisions may preclude north-facing windows in redeveloped CBZ buildings due to the need to avoid overlooking. The new rear setback may create entrapment spaces contrary to the passive surveillance provisions of the planning scheme. <p>These issues are raised in three representations.</p>	<p>The Standards that are raised exist outside the site and the Amendment. The only possible response to the representation that is feasible in the current process is to not proceed with the new area of Inner Residential Zone. Given that a permit is now in place for the Inner Residential Zone, as approved by Council in December 2019, the zoning of the area may be of lesser strategic importance.</p> <p>It is an accepted planning response that zone boundary issues between commercial and residential use are managed by constraining the scarcer commercial land.</p> <p>Residential development adjoining commercial land has a different form and level of amenity. Outlook and solar access may, for instance, be less important than centrality and convenience. Residential design can also respond to existing or potential commercial structures. Thus, the logic of constraining commercial land may not always hold.</p> <p><i>Use</i></p> <p>Each Use Standard has a discretionary pathway in KIPS and the SPPs, and the provisions are unlikely to have a significant effect on future use or development. Given the small-scale of the approved residential permit adjoining and the provision of private open space (determined largely by the 6m TasWater easement directly north of the CBZ), there is a potential for loss of amenity and the use standards should be retained.</p> <p><i>Height</i></p> <p>The CBZ in KIPS 2015 provides an Acceptable Solution for height of 15m, reducing to 8.5m where within 10m of a residential zone. The Performance Criteria for height within 10m of a residential zone focuses on compatibility with the height of existing buildings in the residential zone. The Performance</p>	No modification
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NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
		<p>Criteria for height otherwise considers the compatibility with nearby buildings. Thus, lower buildings will exist where the CBZ adjoins a residential zone.</p> <p>In the SPPs, a similar approach is maintained. However, the Performance Criteria for height within 10m of a residential zone requires consideration of a broader range of issues than KIPS 2015. In this, the focus is on consistency with all adjoining buildings and not just those in the residential zone. There is also consideration of residential amenity having regard to overshadowing, overlooking and visual impact of scale, bulk or proportions.</p> <p>The CBZ is south of the Inner Residential Zone. There is no potential for overshadowing. The recently approved residential development within the proposed Inner Residential Zone faces the CBZ with a single storey form, extensive private open space and a large setback. Commercial development could overlook this development and could cause significant visual impact through building scale and bulk. These issues are considered in the Performance Criteria for height and for setback.</p> <p>Separation is achieved due to a 6m wide TasWater easement along the southern boundary of the Inner Residential Zone.</p> <p>Thus, the representors perspective that height in the CBZ should not be limited is of merit. The two possible solutions are (1) not proceeding with the Inner Residential Zone or (2) a separate site specific amendment that varies the CBZ. Option 1 requires a policy change which, although feasible, is not recommended. Option 2 is a separate process.</p> <p><i>Setback</i></p> <p>Currently, the CBZ properties have no setback requirement. However, KIPS 2015 provides a setback to a residential zone of 6m of half the wall height, whichever is the greatest. The same provision is maintained in the SPPs. Performance Criteria will consider overlooking and visual bulk.</p> <p>Once the LPS is approved, the current 3m Channel Highway setback will no longer apply and buildings will be encouraged at the frontage, potentially leading to car parking at the rear.</p> <p>The rezoning will restrict development in the CBZ relative to the current situation.</p>	

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
		<p>However, the setback provisions that will apply are not considered unreasonable.</p> <p><i>Materials and landscaping</i></p> <p>KIPS 2015 includes design standards that require walls facing residential land to use colours with a light reflectance value of no greater than 40% to which there is no Performance Criteria. This provision is not maintained in the SPPs.</p> <p>KIPS 2015 requires landscaping along a residential boundary with a Performance Criteria. This provision is not maintained in the SPPs.</p> <p>Given these provisions will not apply to the LPS, their effect is temporary and minor.</p>	

Public Copy

13.2 DA-2020-288 - DEVELOPMENT APPLICATION FOR DWELLING AT 31A HINSBY ROAD, TAROONA (CT 126472/2)

File Number: DA-2020-288
Author: Timothy Donovan, Senior Planning Officer
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Mr P A Chapman and Mrs C J Chapman
Owner:	Mr P A Chapman and Mrs C J Chapman
Subject Site:	31A Hinsby Road, Taroona (CT 126472/2)
Proposal:	Single Dwelling
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Low Density Residential (Area C)
Codes:	E3.0 Landslide (low) E6.0 Parking and Access E7.0 Stormwater Management
Use Class/Category:	Single Residential
Discretions:	Clause 12.4.2 - Setbacks and Building Envelopes (A1, A2, A3) Clause 12.4.3 - Site Coverage and Private Open Space (A1, A2) Clause 12.4.4 - Sunlight and overshadowing (A1) Clause 12.4.5 - Width of Openings for Garage and Carports(A1) Clause 12.4.6 - Privacy (A1)
Public Notification:	Public advertising was undertaken between 25 July 2020 and 7 August 2020 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
Representations:	25 submissions were received with 20 opposed to and 5 in support of the application. The submissions opposed were in relation to: <ul style="list-style-type: none"> - the Local Area Objectives for Taroona - the Desired Future Statement for Taroona - Setbacks and Building Envelope - Site coverage and private open space - Sunlight and overshadowing - Width of openings for garages and carports - Privacy - Development Standards for Subdivision and Lot Size
Recommendation:	Refusal

1. PROPOSAL

1.1 Description of Proposal

The application is for the construction of a single dwelling of 44.8m² on Lot 2 at 31A Hinsby Road Taroona. Lot 2 has an area of 48.1m². The dwelling is two storeys with an overall height of 5.2m. There is a roof terrace provided as a private open space for the occupants with a 1m high railing around its perimeter and a privacy screen over the back half of 1.7m in height.

The dwelling has zero setback to the east (front) and south boundaries and 200mm setback from the north boundary and 150mm setback from the west boundary.

The ground floor of the dwelling contains the dwelling entrance, a single car garage, internal bin storage and a combined laundry and bathroom which is accessed through the garage. The first floor provides a studio room that contains an open plan single room accommodating a bed, dining/ seating area and a kitchen. Internal stairs lead from the ground floor to the roof which contains a terrace over its entire area.

The ground floor walls are to be rendered brick in a beige colour. The front ground floor façade has a garage door and a front door. There are no other openings or windows on the other three ground floor facades. The first floor is to have cladding (boards) in a biscuit/beige colour. There is a large window on the front façade, a small vertical window in the south facade and a long narrow window in the north façade.

It is noted the in response to the issues raised by the representators the applicant has provided additional plans and information to Council e.g. overshadowing, overlooking, car parking, etc. Where relevant this additional information has been included in the assessment of the proposal.



Figure 1 - Front elevation of proposed dwelling

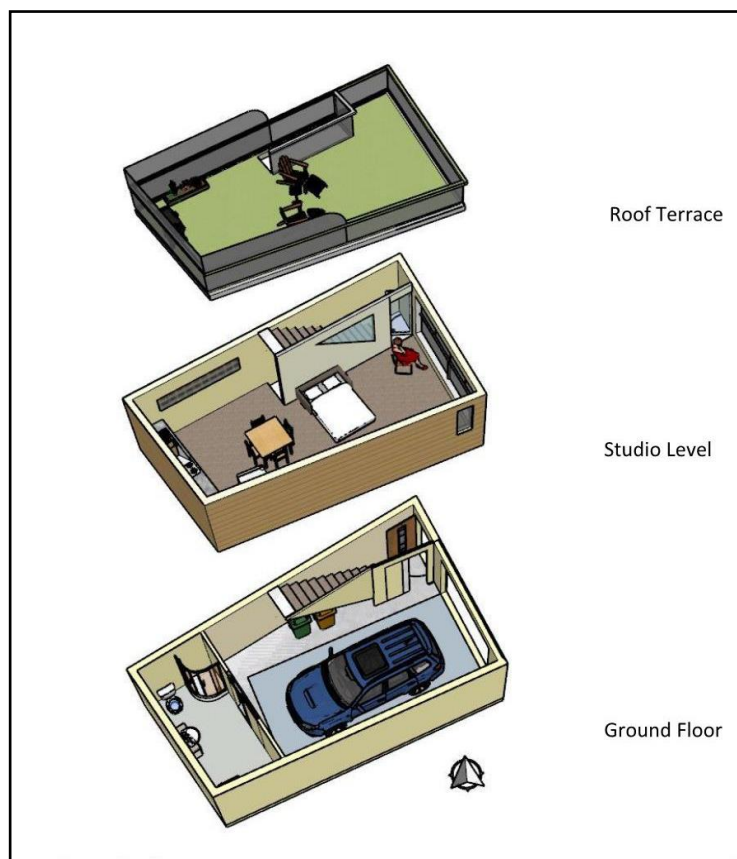


Figure 2 – Floor plans of proposed dwelling.



Figure 3 - Sketch of roof terrace on proposed dwelling

1.2 Description of Site

The site is identified as 31A Hinsby Road but is located between 25 and 29 Hinsby Road. The site is very small with an area of 48.1m² with a maximum length of 9.61m and maximum width of 5.99m.

The site is level, cleared and unencumbered and partly enclosed with a timber paling fence.

Adjacent to the south boundary of the site is a lot with a double-storey dwelling setback approximately 2.5m from the shared boundary and approximately 4m from the front boundary. The north boundary faces an area of trees and vegetation on the adjoining lot which contains a dwelling at the rear and setback approximately 30m from the frontage.

The surrounding area contains predominantly single dwellings of a variety of architectural styles consistent with the period immediately post WWII. The blocks are mostly consistent in size and houses are typically single storey and modest in size and clad in painted weatherboard. Front gardens and front setbacks are typically generous and often have no or low fencing in keeping with the architectural style and period of the houses.

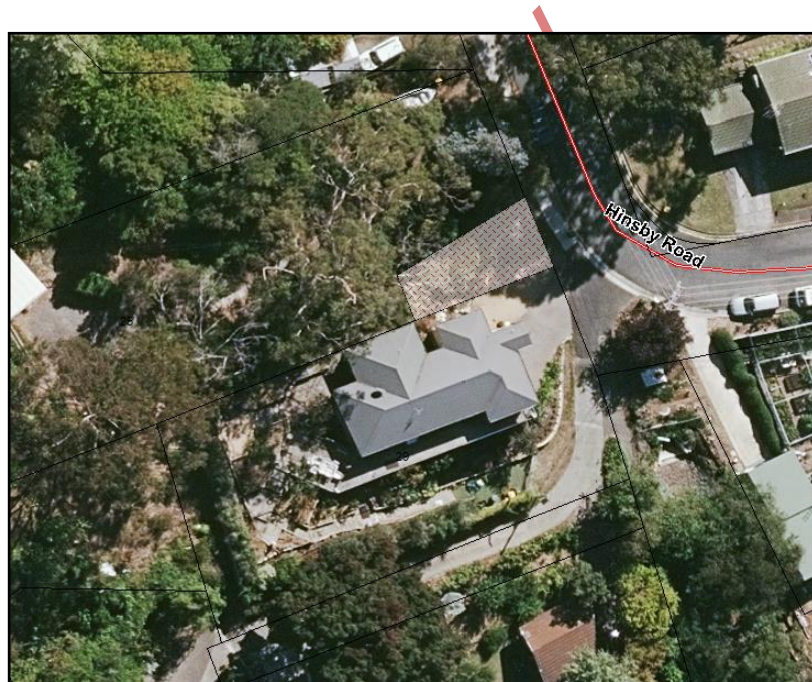


Figure 4 – Aerial photo of 31A Hinsby Road Taroona.



Figure 5 - Photo of 30A Hinsby Road, Taroona

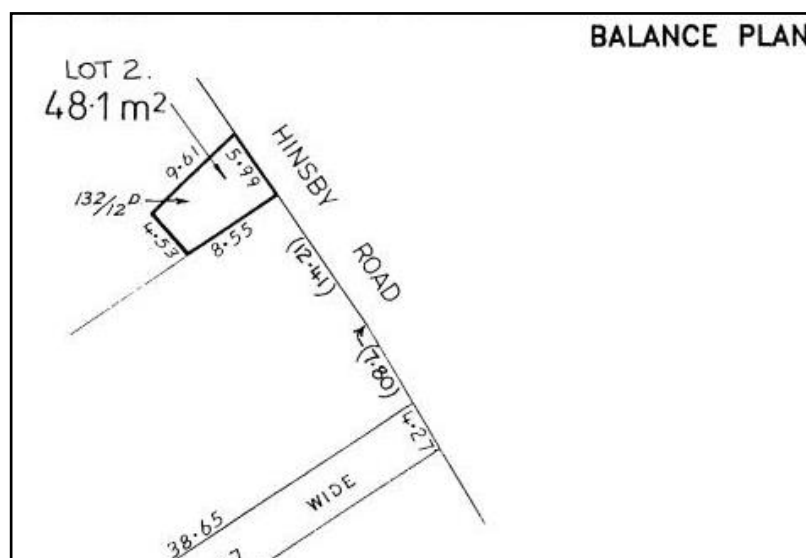


Figure 6 - Extract from title plan P126472 showing Lot 2

1.3 Background

Council records indicate that the subject Lot 2 (P126472) was associated with Lot 1 (P126472) to the south on Hinsby Road. Lot 1 is also identified as 31A Hinsby Road Taroona and it has the same Property ID number as Lot 2. Lot 1 has an area of 997m² and contains a single dwelling constructed in 1953. Access to Lot 1 is obtained along a roadway of 4.12m which is shown on the title plan.

Due to the configuration and slope of Lot 1 an area of land of 48.1m² to function as a garage was created between 25 and 29 Hinsby Road with frontage to Hinsby Road. Lot 2 was indicated on the earlier title plan showing Lot 1 being SP 1587 (dated 27 May 1963) and fully described and included on the Title Plan P126472/2 dated 12 November 1996. Lot 2 is not adhered to Lot 1.

The Survey Notes dated 17 September 2003 indicated that a structure ("v.b.garage") was on Lot 2 however the lot is currently cleared. A search of Council records has not revealed any further information on the lot.

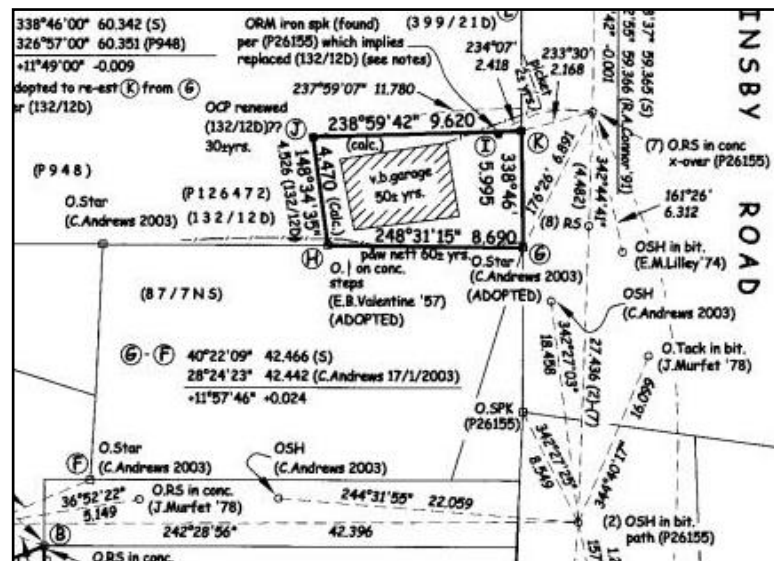


Figure 7 – Extract from Surveyors Notes dated 17 September 2003

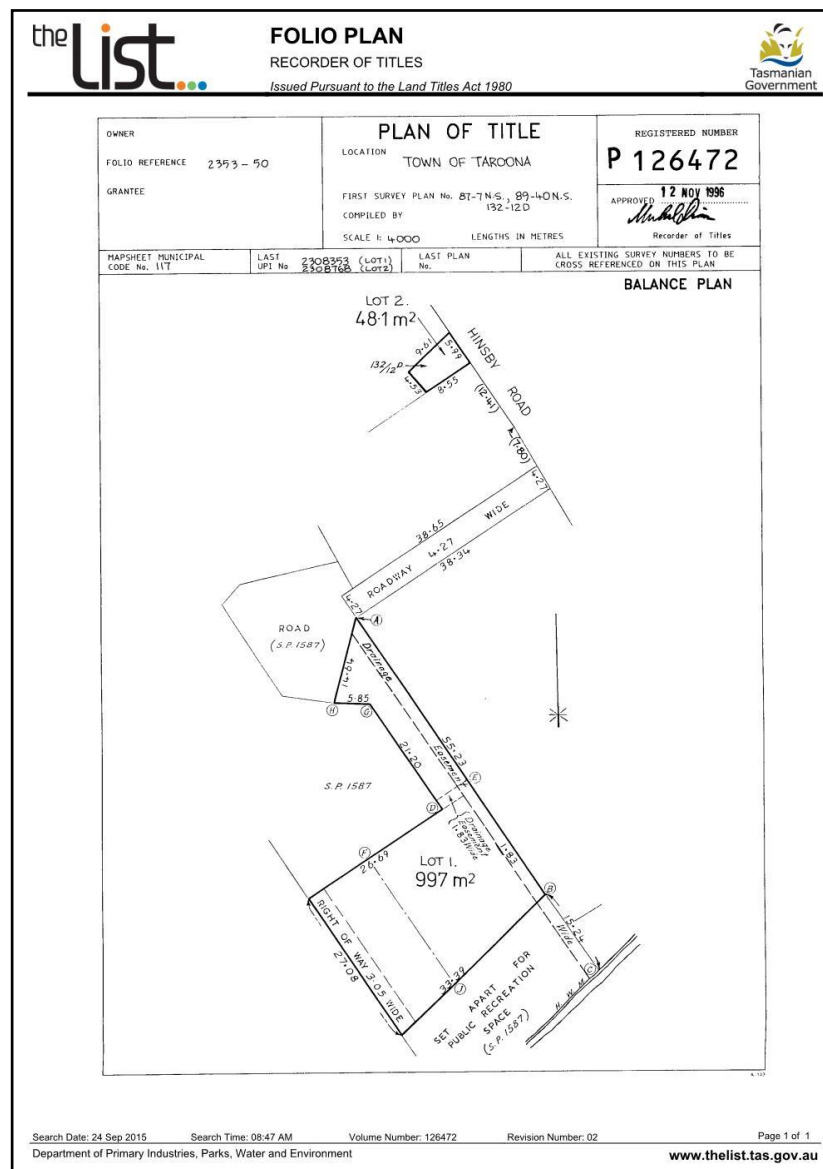


Figure 8 - Certificate of Title CT 126472 Folio 2 Plan P126472



Figure 9 – Aerial photo highlighting Lot 1 and Lot 2 (31A Hinsby Road, Taroom) – Property ID 5715822

Following advertising, the applicant provided additional information and informal plans to try and address the concerns raised by Council planners and the representors. Council's planning officer did not feel that the suggested changes went far enough to address the concerns, so the plans were not formally substituted by the applicant. Therefore, the assessment is based upon the plans that were advertised.

2. ASSESSMENT

2.1 State Policies and Act Objectives

The provisions of the Planning Scheme, including the zone and code overlays derive from the State Policies and the approval of the Scheme by the Planning Minister is on the basis it is compliant with those policies. On that basis a separate assessment against those policies is not required.

The proposal is consistent with the outcomes of the State Policies, including those of the Coastal Policy.

The proposal is not consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* as it conflicts with the Local Area Objectives for Taroom in the Low Density Residential Zone, and fails to satisfy the Performance Criteria for a number of development standards of the *Kingborough Interim Planning Scheme 2015*. Further discussion on these matters is provided in the report below.

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Low Density Residential zone

The relevant zone purpose statement of the Low Density Residential zone is :

- 12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.

Clause 12.1.2 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	The relative low residential density of Tarooma will be maintained and any significant change to higher densities is to be avoided	(a)	Infill development should only be encouraged on sites convenient to urban facilities and services
(b)	Areas within Tarooma that are zoned Low Density Residential are to be developed so that both visual landscape and natural environmental values are protected.	(b)	Existing larger lot sizes are to be retained in order that there is sufficient land to accommodate substantial vegetation on site and provide for the desired landscape and natural amenity with only minimal expansion of the existing urban footprint permitted
Desired Future Character Statements		Implementation Strategy	
(a)	Tarooma is to continue to be a seaside suburb mainly containing single detached dwellings with established landscaped gardens.	(a)	Multi-unit housing is to be discouraged other than in the vicinity of the Tarooma shopping centre.
(b)	The existing neighbourhood character that is associated with the area's landscape and environmental values should be protected	(b)	The visual amenity of hillsides and skylines is retained by providing for larger lots that are able to retain sufficient native vegetation. Native vegetation is to be protected along the coastline and alongside gullies and watercourses. In some cases these areas also provide a buffer or transition between more closely settled urban areas and other areas with high natural values.

The proposal does not comply with the above-mentioned statements and objectives as follows:

- The proposed dwelling creates a development with a high density (one dwelling per 48m²) whereas the Low Density Residential Area C is designed to achieve significantly lower densities (e.g. lots to have a minimum lot size of 1000m²).
- The visual landscape in Hinsby Road and the area generally is not protected as the subject site is not able to accommodate any garden and landscaping which is characteristic of the area. Furthermore the proposal introduces built form on the street frontage which does not allow for landscaping to soften its built form.

- The lack of landscaping and a front garden detracts from the desired future character of the area.

2.3 Statutory Planning

The use is categorised as Residential (Single Dwelling) under the Scheme which is a No Permit Required use in the Low Density Residential zone. Whilst the application is classified as a No Permit Required use, it relies on Performance Criteria to comply with the Scheme provisions, and is therefore discretionary.

Council's assessment of this proposal should also consider the issues raised in the representations, the outcomes of any relevant State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

2.4 Use and Development Standards

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

Low Density Residential Zone

Clause 12.4.2 Setbacks and building envelope (A1)

Acceptable Solution
<p>A1- Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <ol style="list-style-type: none"> if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or if the frontage is not a primary frontage, at least 3m, or if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Performance Criteria P1
<p>P1- A dwelling must:</p> <ol style="list-style-type: none"> be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and have regard to streetscape qualities or assist the integration of new development into the streetscape.
Proposal
<p>The proposal does not comply with A1. The required frontage is 4.5m and proposed dwelling is located on the front boundary with 0.0m setback.</p>

The applicant submits that the dwelling complies to Performance Criteria P1 in that:

- the proposed dwelling is compatible with the physical constraints of the site; and
- the proposed dwelling has been designed to complement the streetscape qualities e.g. 29 Hinsby Road and other dwellings in Hinsby Road that are close to the street.

The proposed variation cannot be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- It is not compatible with the relationship of existing buildings to the road in terms of setback. The street and adjacent areas in Taroona contain predominantly single dwellings setback from the street with front gardens. The site does not have any slope constraints requiring a setback on the street frontage.
- The small physical size of the site at 48.1m² however, with a frontage of 5.99m and a depth of 9.61m, is a considerable constraint in relation to being able to erect a complying and practicable dwelling. Provision of a 4.5m front setback provides a very small building area on the site with a depth of a maximum 5.1m. This area needs to be considered further in relation to the side and rear setbacks which are considered below in the report.
- It does not have regard to the streetscape qualities in Hinsby Road and does not assist the integration of new development into the streetscape. The presence of a 5.2m high building on the frontage with the same height walls extending down both side boundaries projects a sizable building element into the streetscape. The streetscape is composed of a range of elements including:
 - Houses are typically single storey.
 - Front gardens and front setbacks that are typically generous and often have no, or low fencing in keeping with the architectural style and period of the house. Houses that are close to the street still have a low fence and front garden or landscaping.
 - Front fences are typically absent altogether or low timber railing fences or dwarf concrete or brick fences.
- Very few properties in the street have visible outbuildings and are further characterised by an absence of free standing garage or carport structures forward of the building line. Of the 32 properties in Hinsby Road with frontages to the street (excluding internal lots) there are four properties with a garage, carport or outbuilding located on or near the front boundary and these are all single storey structures. Of the 26 properties in the adjacent Jenkins Street there are two.
- The number of dwellings that are on or within 4.5m of the front boundary in Hinsby Road is approximately seven (based on aerial photo analysis). Some of these are due to slope or other physical constraints. The majority also have some setback and landscaping in the frontage area.



Figure 10 - Aerial view of Hinsby Road and Jenkins St, Kingston

**Low Density Residential Zone
Clause 12.4.2 Setbacks and building envelope (A2)**

Acceptable Solution

A2 - A garage or carport must have a setback from a frontage of at least:

- a) 5.5 m, or alternatively 1m behind the façade of the dwelling; or
- b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or
- c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.

Performance Criteria

P2 - The setback of a garage or carport from a frontage must:

- a) provide separation from the frontage that complements or enhances the existing streetscape, taking into account the specific constraints and topography of the site; and
- b) allow for passive surveillance between the dwelling and the street.

Proposal

The proposal does not comply with the required setback of at least 5.5 m in A1(a). It is located on the front boundary with a 0.0m setback. There is a portion of the dwelling gross floor area located above the garage and this allows the garage to be 1m back from the dwelling frontage. This is not the case with the garage being on the frontage and the garage door being setback 0.5m from the front of the dwelling.

The applicant submits that the dwelling complies to Performance Criteria P2 in that:

- a) taking into account the specific constraints of the site the garage is integral to the dwelling and the frontage complements the streetscape; and
- b) the garage allows for passive surveillance between the dwelling and the street.

The proposed garage does not comply to the extent that there is no separation from the frontage that complements or enhances the existing streetscape however the specific constraints of the site, i.e. the small area and dimensions, in reality means that there is no alternative in relation to the location of a garage. The garage shares the same frontage as the dwelling façade which is possible under A2(b) as a portion of the dwelling gross floor area is located above the garage. However the dwellings front facade does not comply with the required setbacks in Cl.12.4.2 - A1.

The design of the garage and the front façade does not provide any opportunities for passive surveillance between the dwelling and the street except at times when the garage door is open. This is likely to be limited to times when a vehicle is entering or leaving the property for security reasons. However the other features in the front façade, being the front door and the large first floor window, combine to provide passive surveillance over the street.

Low Density Residential Zone Clause 12.4.2 Setbacks and building envelope (A3)

Acceptable Solution
<p>A3 - A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and (b) only have a setback within 1.5m of a side boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).
Performance Criteria
<p>P3 - The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling on an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Proposal

The proposal does not comply to A1(a) in relation to the required building envelope. The front, side and rear setbacks and the height of the building on the primary frontage, side and rear boundaries are all outside the building envelope. While the height of the building at 5.2m to the roof is under the maximum 8.5m a significant portion of the first floor and the roof is outside a line projected at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary.

The applicant submits that the dwelling complies to Performance Criteria P3 in that:

- a) there will be no reduction in sunlight to a habitable room of the adjacent dwelling on 29 Hinsby Road;
- b) there will be no overshadowing of the private open space of dwellings on the adjacent lots;
- c) there are no adjoining vacant lots;
- d) it is anticipated that there will be no unreasonable loss of amenity by visual impacts of the dwelling. The applicant advises that a carport is being planned on 29 Hinsby Road adjacent to the common side boundary which in his view will effectively obscure the view of the dwellings ground floor from the south. There are established trees on the property at 25 Hinsby Road which effectively obscure the entire dwelling from the north. The scale and proportions of the western wall with the topography of the adjoining land should provide a small and reasonable loss of visual amenity.
- e) the separation between the dwellings on the adjoining lots will be compatible with that prevailing in the surrounding Taroom area.



Figure 11 - Building Envelope (in red) for the primary frontage

In relation to P3(a)(i) overshadowing of the adjacent dwelling the shadow diagrams submitted by the applicant indicate that overshadowing will occur between the hours of 9.00am and 3.00pm on 21 June. The majority of the overshadowing occurs between 9.00am to 12.00pm.

The applicant submits that P3 is complied with as:

- the windows facing the boundary are not in habitable rooms.
- There is partial filtered shadows through the proposed privacy screening on the roof terrace of the proposed dwelling.
- There is no overshadowing of the stairway passage windows at 29 Hinsby Road.
- There is partial shadowing of windows but these are usually covered with a blind on the upper two panes.
- Shading from a typical complying house built on the adjacent land (i.e. 25 Hinsby Road) would have a significantly greater impact and impact on habitable windows.
- The habitable rooms at 29 Hinsby Road have expansive views and glass doors overlooking the Derwent River to the south east and the private open space to the south west.



Figure 12 - Shadow Diagrams by the applicant for winter solstice 9am, 12pm, 3.00pm (21 June)

In relation to the Performance Criteria P3(a) the proposal companies to (i), (ii), and (iii) as:

- (i) there is no reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot that results in any unreasonable loss of amenity.
- (ii) there is no overshadowing of the private open space of a dwelling on an adjoining lot; or
- (iii) there is no adjoining vacant lot

The dwelling at 29 Hinsby Road has been designed with windows in the stairwell to capture sunlight and to allow daylight into the interior of the double-storey dwelling. However, the Performance Criteria is specific in relation to the impact on habitable rooms and not other areas and rooms.

The proposed variation is not supported pursuant to Performance Criteria P3(a)(iv) and P3(b) of the Zone. The objectives of this Development Standard seeks to control the siting and scale of dwellings to achieve a number of outcomes. The proposed dwelling does not meet the objectives as there is not:

- A reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage. The adjacent dwellings are set back from the frontage and provide front areas for a range of uses including open space, gardens, and on ground parking.
- Provision of a consistency in the apparent scale, bulk, massing and proportion of the dwelling. The provision of a building occupying nearly 100% of its site with zero setbacks and displaying two storey walls with higher roof elements will create visual impacts on the adjacent properties and from the street causes an unreasonable loss of amenity.

The development standards all work to achieving the objectives of the Tarooma area and collectively they do not provide for a double-storey dwelling build over nearly 100% of a site with zero setbacks. The intent of the development standards is to maintain the existing neighbourhood character and visual landscape and seek development that achieves the desired future character of the area.

Low Density Residential Zone

Clause 12.4.3 Site coverage and private open space (A1)

Acceptable Solution
<p>A1 - Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 25% (excluding eaves up to 0.6m); and (b) a site area of which at least 25% of the site area is free from impervious surfaces; (c) for multiple dwellings, a total area of private open space of not less than 60 m2 associated with each dwelling.
Performance Criteria
<p>P1 - Dwellings must have:</p> <ul style="list-style-type: none"> a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:

- (i) outdoor recreational space consistent with the projected requirements of the occupants; and
- (ii) operational needs, such as clothes drying and storage
- (b) have reasonable space for the planting of gardens and landscaping
- (c) not be out of character with the pattern of development in the surrounding area; and
- (d) not result in an unreasonable loss of natural or landscape values.

Proposal

The proposal does not comply with A1(a) in that the site coverage is 92%.
The proposal does not comply with A1(b) in that only 8% of the site is free from impervious surfaces.

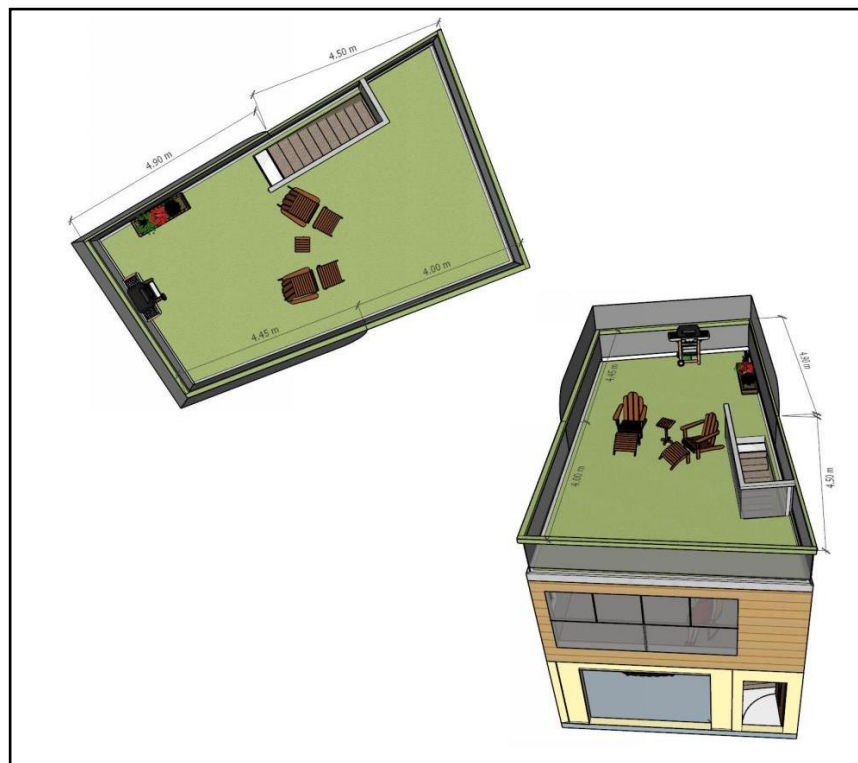


Figure 13 – Proposed private open space on the roof terrace

The applicant submits that the dwelling complies to P1 in that:

- The dwellings roof terrace is designed to be a private open space and is directionally proportional to the site coverage. With the area of the private open space being over 38m² it is approximately 80% of the site area and appropriate for the size of the dwelling.
- The roof terrace can accommodate the projected requirements of the occupants.
- The lot is adjacent to the pedestrian access track to Hinsby Beach which the occupants would frequent for additional recreation.

- The area of the roof terrace can accommodate operational needs for clothes drying and storage.
- There is room for planter boxes and raised garden beds and the Tarooma Neighbourhood Garden is nearby.
- The lot size is unique in the surrounding area and the design of the dwelling is in character with the diverse patterns of development in the Tarooma area.
- Being on a cleared lot there is no unreasonable loss of natural or landscape values.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The private open space is solely contained on the roof of the dwelling and does not provide outdoor recreational space consistent with the projected requirements of the occupants of a single dwelling and does not meet the operational needs of a dwelling. The reliance of a roof top terrace, at the exclusion of any other open space, is not consistent with the provisions and intent of the Planning Scheme for a single dwelling on a low density residential lot and is more in keeping with a multiple dwelling in higher density zones.
- There is not a reasonable space for the planting of gardens and landscaping. While there is area for planter boxes, pot plants etc the Planning Scheme seeks to have gardens and landscaping planted on site in keeping with the objectives and desired future character of the area and maintaining natural and landscape values.
- The creation of a roof top area for private open space, with no other areas on the site being provided for landscaping and a garden, is not in keeping and is out of character with the pattern of development in the surrounding area. This is predominantly one of low density housing on lots with substantial vegetation on site and providing desired landscape and natural amenity, with typically generous front gardens and front setbacks with often have no, or low fencing in keeping with the architectural style and period of the houses. Very few properties have visible outbuildings and are further characterised by an absence of free standing garage or carport structures forward of the building line.
- The reliance on external open space and recreation areas such as beaches and parks is not a valid criteria in demonstrating compliance with the requirements of the Planning Scheme for 'private open space'. Such areas by definition are not private but public. Likewise the use of community gardens does not demonstrate compliance with the performance criteria for on-site private open space.

Low Density Residential Zone

Clause 12.4.3 Site coverage and private open space (A2)

Acceptable Solution
<p>A2 - A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least</p> <p>(i) 24m²; or</p>

<p>(ii) 12m², if the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>
Performance Criteria
<p>P2 - A dwelling must have private open space that:</p> <p>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:</p> <p>(i) conveniently located in relation to a living area of the dwelling; and</p> <p>(ii) orientated to take advantage of sunlight.</p>
Proposal
<p>The proposal complies with A2(a) and (b) with an area of 36m² and minimum dimensions of 3.5m.</p> <p>The proposal does not comply with A2(c) in that it is not directly accessible from a habitable room (other than a bedroom).</p> <p>The proposal complies with A2(d), (c), (f) and (g).</p>

The applicant submits that the dwelling complies to P2 in that:

- The private open space on the roof top terrace serves as an extension of the dwelling for outdoor relaxation, dining entertaining and children's play. It is conveniently located in relation to the living area, being accessible by the stairway and is oriented to take advantage of sunlight.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons

- Private open space is not usually provided solely on a roof terrace for single dwellings. The proposed roof terrace is of a size (38m²) that can serve as an extension of the dwelling however such roof top gardens/open spaces are a feature that usually occurs on a range of higher density dwelling types – e.g. apartments, town houses etc.
- It can be considered that the roof is not conveniently located in relation to a living area of the dwelling (i.e. the first floor) as it is accessed from the dwellings "studio" room by internal stairs. .

Low Density Residential Zone
Clause 12.4.4 Sunlight and overshadowing (A1)

Acceptable Solution
A1- A dwelling must have at least one habitable room (other than a bedroom) window that faces between 30 degrees west of north and 30 degrees east of north (see diagram 12.4.4A).
Performance Criteria
P1 - A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
Proposal
The proposal does not comply with A1 in that the north wall is more than 30 degrees west of north. It is acknowledged that this marginally over being 30.87 degrees west of north. The proposal does not comply in relation to reliance on the 'studio' room receiving sunlight from the north wall window. The studio room includes the bedroom for the dwelling.

The applicant submits that the dwelling complies with P1 in that:

- The north wall is fire rated and has a section of glass blocks to allow sunlight into the western side of the studio. The east wall of the studio has a large window (4m x 1.8m) and the studio wall near the stairwell has a glass section to allow light in.

It is considered that the proposed dwelling complies to the performance criteria to the extent that dwelling it is sited and designed so as to allow sunlight to enter. However the criteria requires this to be to a habitable room (other than a bedroom). There is only one room on the first floor and it contains a bedroom. This room is described as a "studio" room by the applicant as it also contains a lounge area and kitchen. This arrangement is more like a motel room or a self-contained apartment.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- There is no separate habitable room (other than a bedroom) that receives sunlight. The use of a multi purpose studio room is not considered to comply to the requirements of the Planning Scheme for single dwellings in the Low Density Residential Zone. The Acceptable Solution A1 seeks to provide for sunlight in habitable rooms other than bedrooms to ensure there is adequate sunlight provided to the inhabitants. A studio room, being multi-functional, is similar to the type of rooms provided in motels and short stay rental accommodation.

Low Density Residential Zone
Clause 12.4.5 Width of openings for garages and carports (A1)

Acceptable Solution
A1 - A garage or carport within 12m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage not exceeding 6m or half the width of the frontage (whichever is the lesser).

Performance Criteria

P1-A garage or carport must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

Proposal

The proposal does not comply to A1 in that the width of the garage is 3.0m and it is required to be no more than half the width of the frontage i.e. 2.99m. It is acknowledged that this is only marginally over.

The applicant submits that the garage is approximately half the frontage, is balanced horizontally with the aperture of the front door and vertically with the large studio window. Further for aesthetics the garage wall is set back 0.5m each side of the opening.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The location and size of the garage door and associated driveway garage dominates the street frontage and occupies approximately 50% of the frontage.

The Acceptable Solution is designed for consideration with standard lots which under the Low Density Residential (Area C) Zone may be a minimum size of 1000m² and a frontage of 30m. A garage or carport would then have a maximum width of 6m and not dominate a streetscape. It is acknowledged that in light of the size of the lot and the small frontage that the garage door is the minimum size it can be to comply for access. Also, there are no alternatives to size and location if a parking space is to be provided on the lot.

**Low Density Residential Zone
Clause 12.4.6 Privacy (A1)**

Acceptable Solution

A1 - A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

- side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary;
- rear boundary, unless the balcony, deck, roof terrace, parking space or carport has a setback of at least 4m from the rear boundary;

Performance Criteria

P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- a dwelling on an adjoining lot or its private open space; or
- another dwelling on the same site or its private open space; or
- an adjoining vacant residential lot.

Proposal

The proposal does not comply with A1 as there is a roof terrace more than 1m above natural ground level and a privacy screen has only been provided for part of the roof terrace.

The applicant has proposed a privacy screen 1.7m high over the back half of the roof terrace – it is across the west side and extends 4.9m down the north side and 4.45m down the south side. The balance of the terrace has a translucent balustrade 1.0m high. In relation to the two adjacent properties the applicant submits:

- The dwelling at 25 Hinsby Road is distant from the proposed dwelling.
- The dwelling at 29 Hinsby Road does not include a habitable room or private open space within 9m of the boundary.

The applicant has also considered an alternative design to the roof terrace to address the performance criteria. This would replace the 1.7m privacy screen with a gabled roofed walled enclosure of similar dimensions over the back half of the roof. The total height of the building would be extended to 8.2m. The applicant contends that such a structure is in keeping with the character of Taroona and increase the amenity of the dwelling and protect the enclosed stairwell.



Figure 14 - Alternative designs by the applicant for the roof terrace private open space area and façade.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The roof terrace is not fully screened or contain design elements that prevent overlooking and overlooking is not minimised. A1 states that a dwelling on an adjoining lot should not be overlooked. The acceptable solution does not provide exceptions based on the type of rooms or the distance from a boundary.
- The dwelling at 25 Hinsby Road is located at the rear of the lot some 44m from the frontage and the lot is also vegetated include several tall trees. It is not considered that overlooking is of concern. However there is direct overlooking of the dwelling at 29 Hinsby Road which has a number of rooms and windows facing the subject site.

A privacy screen could be conditioned to be provided around the roof terrace. This would prevent overlooking but would add to the height and bulk of the building and also increase overshadowing. The applicants alternative gable roofed walled enclosure does not change the overlooking and significantly adds to the height and bulk of the building and overshadowing.

Low Density Residential Zone

Clause 12.4.6 Privacy (A2)

Acceptable Solution
<p>A2 - A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of at least 3m from a side boundary (ii) is to have a setback of at least 4m from a rear boundary <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.
Performance Criteria
<p>P2 - A window or glazed door, to a habitable room of a dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling; and (c) an adjoining vacant residential lot.
Proposal
<p>The proposal does not comply with A1(a) as there is a floor level more than 1m above natural ground level and the windows are not screened or setback the required distances from the side boundaries.</p> <p>The proposal complies with A1(b) in relation to the south wall window as it is offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling.</p>

The applicant submits that there are no direct views from the window at the first floor level in the south wall to a habitable room in the adjacent dwelling at 29 Hinsby Road. The window has been included to capture the view of the public path to Hinsby Beach.

The proposal complies with A1(b) in relation to the south wall window as it is offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of the dwelling at 29 Hinsby Road. The offset to the façade facing the proposed dwelling is more than 1.5m from the edge of the first floor south wall window and the closest room is not a habitable room.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 25 July 2020 to 7 August 2020). A total of 25 representations were received during the public exhibition period with 20 opposed and 5 in favour of the proposed development. A number of the submissions opposed to the development were of a pro-forma nature with identical or similar grounds.

The following issues were raised by the submitters opposed to the application:

2.5.1 The aspirations of the Tarooma Local Area Objectives (cl.12.1.2) challenge the community in relation to the application, and the spirit and direction of the Interim Planning Scheme for low density development means that this minimal area lot should not be considered for development.

This issue is discussed in detail in sections 2.2 and 2.4 of this report. Due to the extent of non-compliance with the acceptable solutions and performance criteria in the Planning Scheme it is considered that the proposed development conflicts with the Local Area Objectives for Tarooma.

2.5.2 The aspirations of the Desired Future Character Statement for Tarooma (cl.12.1.3) challenge the community in relation to the application, and the spirit and direction of the Interim Planning Scheme for low density development means that this minimal area lot should not be considered for development.

This issue is discussed in detail in sections 2.2 and 2.4 of this report. Due to the extent of non-compliance with the acceptable solutions and performance criteria in the Planning Scheme it is considered that the proposed development conflicts with the Desired Future Character Statement for Tarooma.

The proposed development does not protect the visual landscape and natural environmental values of Tarooma. The design and impact of the proposed dwelling is not in keeping with the Desired Future Character.

2.5.3 The proposal for a dwelling over a garage cannot be considered to have achieved “consistent separation” between dwellings on adjacent sites and a dwelling and its frontage.

This issue is discussed in detail in sections 2.4 of this report. Compliance with the Objectives for Development Standard cl12.4.2-Setbacks and building envelope- is determined by compliance with the acceptable solutions and performance criteria.

2.5.4 The proposed building in excess of 6m in height and close to 6m wide does not fulfil the objective to provide consistent bulk, massing and proportion in relation to neighbouring dwellings

This issue is discussed in detail in sections 2.4 of this report.

2.5.5 Proposing a building 6m high on the north boundary of a neighbouring dwelling allows for the casting of a shadow of approximately 13m, at midday in winter and over 2m in summer. During winter a shadow would be cast up to 3m up a wall placed 6.5m from the proposed building. The construction of this proposed building would reduce enjoyment of the

front open space and front and side windows of the adjoining dwelling during the coldest months of the year in Hobart

This issue is discussed in detail in sections 2.4 of this report.

- 2.5.6 A building on the street alignment within a residential area where all of the dwellings are free standing cottages that are set back from the street alignment does not conform with maintaining neighbourhood character and adds nothing to the natural environment . The application does not address any matter in relation to the natural environment nor to addressing issues of sustainability.**

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling does not maintain maintaining neighbourhood character. An application in the Low Density Residential Zone is not required to address the natural environment or sustainability. There are no Overlays on the site requiring this.

- 2.5.7 The proposal provides no argument for compatibility with any existing dwelling in the immediate vicinity and cannot make claims to be considered as a suitable solution in the planning framework.**

This issue is discussed in detail in sections 2.4 of this report.

- 2.5.8 The proposal looks like “visitor accommodation” under the guides of a “dwelling” which will result in complaints from neighbours**

This is not a valid issue and the application must be assessed on its merits under the Planning Scheme. Any unlawful use in the future is a matter for compliance action.

- 2.5.9 Approval of the application will create a precedent for in-fill which is not appropriate in the Low Density Residential Zone**

The Planning Scheme Taroona Objectives encourage infill development on vacant lots provided they are convenient to urban facilities and services. They are required to comply to the Development Standards for Buildings and Works.

- 2.5.10 CI 12.4.2 Setbacks and building envelope, A1(a) and (b) are not complied with as the building has a zero setback from the frontage and has a zero setback from the side and rear boundaries.**

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling does not comply with the development standards and does not provide consistency in the apparent scale, bulk, massing and proportion of dwellings nor maintain the neighbourhood character.

- 2.5.11 CI 12.4.2 Setbacks and building envelope, A2 is not complied with as the garage is located on the ground floor of the building and is directly off the street – i.e. there is no setback from the frontage.**

This issue is discussed in detail in sections 2.4 of this report. The garage does not provide separation from the frontage that complements or enhances the existing streetscape,. However the specific constraints of the site – i.e. being only 48.1m² - provide no alternative other than to place the garage in the location is in. The suitability of the garage depends on consideration of the dwellings zero setback from the primary frontage under cl 12.4.2.A1.

- 2.5.12 CI 12.4.2 Setbacks and building envelope, A3 is not complied with as the dwelling covers the entire site and has two floors with a roof top outdoor area. The walls on all boundaries are 5.2m high. There is exceedance of the building envelope on all boundaries. The side setbacks are not complied with. The building is only allowed to be within 1.5m of side boundaries if the length of the dwelling does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). The length of the side boundaries are 9.63m and 8.55m therefore the building may only be 3.21m and 2.85m respectively. The proposed dimensions are the full length of the side boundaries.**

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling has an unreasonable loss on amenity through the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot.

- 2.5.13 CI 12.4.3 Site coverage and private open space, A2, is not complied with as the site cover is effectively 100%. The roof terrace is of a reasonable size but is restricted in its use. It is not suitable or designed for natural landscaping. The screening does not comply with the requirements. Exposed clothes drying should not be tolerated.**

The private open space area is on the roof above the first floor of the dwelling and accessed by internal stairs. The first floor contains a combined kitchen, bedroom and living room.

Being on the roof the open space area has a 360 degree exposure and is on the same zero frontage as the dwelling.

This issue is discussed in detail in sections 2.4 of this report. The proposed private open space on the roof terrace is considered to not comply with the requirements of the Planning Scheme for a single dwelling on a Low Density Residential lot.

- 2.5.14 CI 12.4.4 Sunlight and overshadowing is not complied with as there is only one room (a combined kitchen/bedroom/living room) in the building on the first floor with windows.**

This issue is discussed in detail in sections 2.4 of this report. There is no separate habitable room (other than a bedroom) that receives sunlight. The use of a multi-purpose studio room is not considered to comply to the requirements of the Planning Scheme for single dwellings in the Low Density Residential Zone. A studio room, being multi-functional, is similar to the type of rooms provided in motels and short stay rental accommodation.

- 2.5.15 CI 12.4.5 Width of openings for garages and carports is not complied with as the garage must have a total width of openings facing the primary frontage not exceeding 6m or half the width of the frontage (whichever is the lesser). The frontage is only 5.99m resulting in a requirement of 2.99m. The width of the garage door is a dominant element of the primary frontage. This does not satisfy A1 or P1. There is no provision for electricity supply and meter box, nor a letterbox**

This issue is discussed in detail in sections 2.4 of this report. The Acceptable Solution is designed for consideration with standard lots which under the Low Density Residential (Area C) Zone may be a minimum size of 1000m² and a

frontage of 30m. A garage or carport would then have a maximum width of 6m and not dominate a streetscape. It is acknowledged that in light of the size of the lot and the small frontage that the garage door is the minimum size it can be to comply for access. Also there are no alternatives to size and location if a parking space is to be provided on the lot.

2.5.16 CI 12.4.6 Privacy objectives (“To provide reasonable opportunity for privacy for dwellings”) are not met. If the 1.7m screen was extended full length of the southern edge of the roof terrace this creates unacceptable increase in overshadowing of neighbouring prime open space. The height of the roof terrace has significant impact on privacy of adjacent property and dwelling which has been designed to maximise capture of natural light into the core of the living spaces on the first and second floors. Windows have been installed to facilitate transfer of natural light and heat on the western side of the property. The large stairway window at the front (north) of neighbouring property provides light to the larger living room. Natural vegetation provides filtered shading but the proposal with provide a complete barrier to natural light and heat .

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling complies to A2(b).

2.5.17 CI 12.4.7 Frontage fences is not complied with as the dwelling has zero frontage and the front boundary contains the 5.2m front wall of the building.

There is no requirement in the Planning Scheme to provide a front fence. If one is proposed then it must comply to the development standards. The dwelling setback is considered under other development standards in this report.

2.5.18 CI 12.5.1 Development Standards for Subdivision are not complied with as:

- The lot does not have adequate area for a dwelling.
- The lot was originally subdivided as a garage for access to 31A Hinsby Road.
- The lot is too small for any other use except a vehicle garage or carport.
- The lot is below the minimum lot size in the Interim KPS 2015 of 400/450m².

Thus is not a valid ground as the development application is not for subdivision and is for an existing lot.

The following issues were raised by the representors in support of the application:

- General statement of support for the project.
- Will not impact on anyone’s view.
- Will add to the street appeal and enhance the streetscape. The dwelling will enhance the 1960’s character of the Taroona suburb.

- Subject site has been empty with weeds and rubbish until the recent owners cleaned it up.
- A micro house is a unique and positive 21st Century concept.
- There is no effect on traffic flow which is limited to a few cars a day except for summertime.

These issues are included in the discussions on the various Development Standards discussed in detail in section 2.4 of this report. Of the items that were raised in support of the proposal, impacts on views, weeds and rubbish and uniqueness of microhouse are not elements that the planning scheme allows consideration of.

3. CONCLUSION

The proposal for a dwelling on the subject site has proved problematic due to the small size of the lot being only 48.1m². This has created a range of non-compliances with the development standards for dwellings within the Low Density Residential Zone. While it appears that the lot was originally created to provide car parking for another lot it now exists as a separate title but does not mean that development of a dwelling is as of right.

In seeking to design a viable and complying dwelling the applicant has been innovative in addressing the needs of future occupants of the dwelling. However the impacts of the proposed dwelling on the adjacent properties and its non-compliance to a number of performance criteria are substantial and significant.

The proposed development does not protect the visual landscape and natural environmental values of Tarooma. The design and impact of the proposed dwelling is not in keeping with the Desired Future Character. The proposed dwelling does not provide consistency in the apparent scale, bulk, massing and proportion of dwellings nor maintain the neighbourhood character and natural landscape.

The proposal fails to satisfy the requirements of the objectives for the Low Density Residential Zone (Area C), Clause 12.4.2 - Setbacks and building envelope, Clause 12.4.3 - Site coverage and private open space, Clause 12.4.4 - Sunlight and overshadowing, Clause 12.4.5 – Width of openings for garages and carports, and Clause 12.4.6 – Privacy of the *Kingborough Interim Planning Scheme 2015*.

It is therefore recommended that the proposed development for a single dwelling at 31A Hinsby Road Tarooma be refused.

4. RECOMMENDATION

That the Planning Authority resolves that the development application dwelling at 31A Hinsby Road, Tarooma (CT 126472/2) for Mr P A Chapman and Mrs C J Chapman be refused for the following reasons:

1. The proposal is inconsistent with the Desired Future Character Statements of the Low Density Residential Zone (Area C) for Tarooma of the *Kingborough Interim Planning Scheme 2015*.

The proposal does not comply with the Desired Future Character Statements (Cl.12.1.3) that require that the low residential density of Tarooma will be maintained and visual landscape and natural environmental values are protected. Due to the size of the lot and the size and height of the proposed dwelling the visual landscape in Hinsby Road and the area generally is not protected, the lack of landscaping and a

front garden detracts from the desired future character of the area, and the development creates a lot with a high density (1 dwelling per 48m²).

2. The proposal fails to demonstrate compliance with Clause 12.4.2 Setbacks and Building Envelope, Performance Criteria (P1)(a) and (b) of the *Kingborough Interim Planning Scheme 2015* as the building has a zero frontage and is not compatible with the relationship of existing buildings in the road, does not have regard to streetscape qualities, and does not assist in the integration of new development into the streetscape.

The proposed dwelling is located with zero setback on the front boundary (4.5m required). The proposed dwelling is not compatible with the relationship of existing buildings to the road in terms of setback. The street and adjacent areas in Taroona contain predominantly single dwellings setback from the street with front gardens.

3. The proposal fails to demonstrate compliance with Clause 12.4.2 Setbacks and Building Envelope, Performance Criteria (P3) of the *Kingborough Interim Planning Scheme 2015* in relation to the required building envelope as the proposed double-storey dwelling occupies over 93% of the site and has zero setbacks on two boundaries.

The front, side and rear setbacks and the height of the building on the primary frontage, side and rear boundaries are all outside the building envelope. While the height of the building at 5.2m to the roof is under the maximum 8.5m a significant portion of the first floor and the roof is outside a line projected at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary.

The proposed dwelling does not comply as it does not provide a reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage. The adjacent dwellings are set back from the frontage and provide front areas for a range of uses including open space, gardens, and on ground parking.

The proposed dwelling does not comply as it does not provide a consistency in the apparent scale, bulk, massing and proportion of the dwelling. The provision of a building occupying over 93% of its site with zero setbacks and displaying two storey walls with higher roof elements will create visual impacts on the adjacent properties and from the street causes an unreasonable loss of amenity.

4. The proposal fails to demonstrate compliance with Clause 12.4.3 Site Coverage and Private Open Space (P1) and (P2) of the *Kingborough Interim Planning Scheme 2015* in that the private open space area for the proposed dwelling is not directly accessible from the living area, does not have reasonable space for the planting of gardens and landscaping and is out of character with the pattern of development in the surrounding area.

The private open space is solely contained on the roof of the dwelling, is not directly accessible from the living area and does not provide outdoor recreational space consistent with the projected requirements of the occupants of a single dwelling and does not meet the operational needs of a dwelling. The reliance of a roof top terrace, at the exclusion of any other open space, is not consistent with the provisions and intent of the Planning Scheme for a single dwelling on a low density residential lot

There is not a reasonable space for the planting of gardens and landscaping. While there is area for planter boxes, pot plants etc the Planning Scheme seeks to have

gardens and landscaping planted on site in keeping with the objectives and desired future character of the area and maintaining natural and landscape values.

The creation of a roof top area for private open space, with no other areas on the site being provided for landscaping and a garden, is not in keeping and is out of character with the pattern of development in the surrounding area.

5. The proposal fails to demonstrate compliance with Clause 12.4.4 Sunlight and Overshadowing, Performance Criteria (P1) of the *Kingborough Interim Planning Scheme 2015* in relation to being sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

There is no separate habitable room (other than a bedroom) that receives sunlight. The use of a multi purpose studio room is not considered to comply to the requirements of the Planning Scheme for single dwellings in the Low Density Residential Zone. The Acceptable Solution A1 requires the provision of sunlight in habitable rooms other than bedrooms to ensure there is adequate sunlight provided to the inhabitants.

6. The proposal fails to demonstrate compliance with Clause 12.4.6 Privacy, Performance Criteria (P1) of the *Kingborough Interim Planning Scheme 2015* as there is a roof terrace more than 1m above natural ground level and a privacy screen has only been provided for part of the roof terrace. The roof terrace is not fully screened or contain design elements that prevent overlooking and overlooking is not minimised. There is direct overlooking of the dwelling at 29 Hinsby Road which has a number of rooms and windows facing the proposed dwelling.

ATTACHMENTS

1. **Proposal plans**
2. **Assessment checklist**
3. **Locality Plan**

APPLICATION FOR PLANNING APPROVAL

APPLICATION NO: DA-2020-288

NAME OF APPLICANT: Mr P A Chapman and Mrs C J Chapman

PROPOSAL: Dwelling

LOCATION: 31A Hinsby Road, Taroona (CT 126472/2)



Any representation must be lodged in writing with the General Manager, Locked Bag 1, Kingston 7050 or by email to kc@kingborough.tas.gov.au by 7 August 2020.

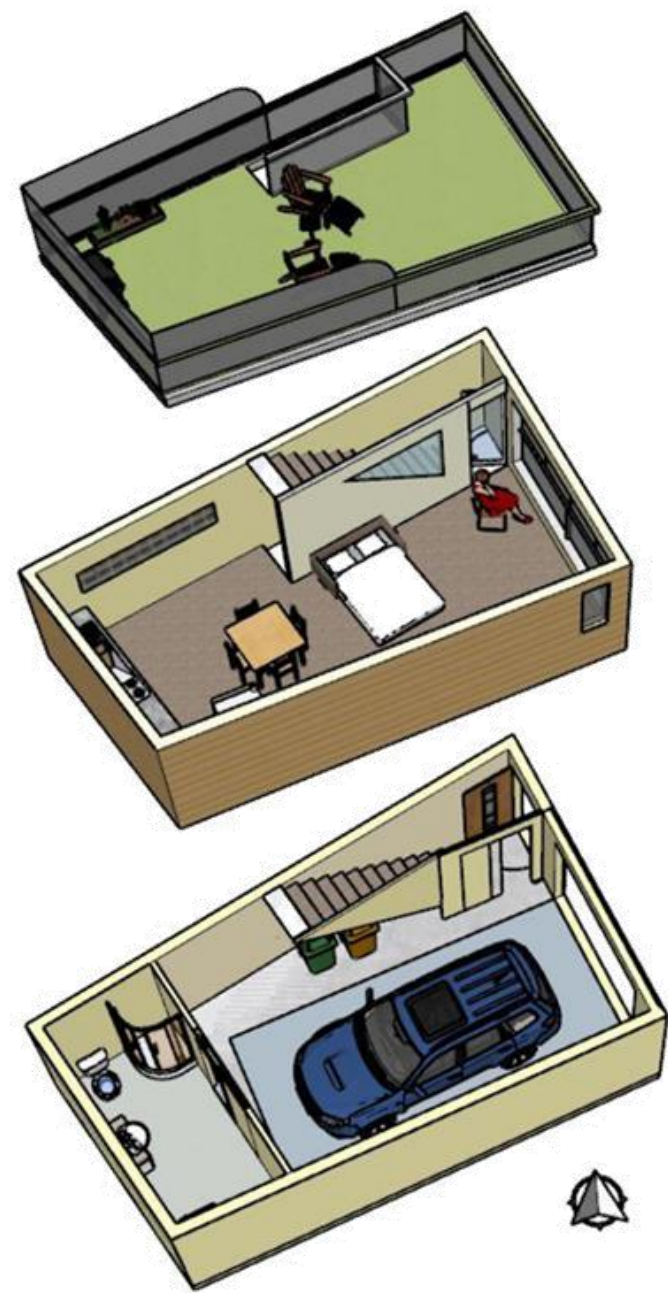


DEVELOPMENT APPLICATION

<u>Application Number:</u>	DA-2020-288
<u>Proposed Development:</u>	Dwelling
<u>Location:</u>	31A Hinsby Road, Tarooma (CT 126472/2)
<u>Applicant:</u>	Mr P A Chapman and Mrs C J Chapman
<u>Responsible Planning Officer:</u>	Timothy Donovan
<u>Associated Documents:</u> The following information regarding the application is available at Council offices: <ul style="list-style-type: none">• Application form• Certificate of Title• Planning Submissions• Shadow Analysis	

Proposed Dwelling

Lot 2 31A Hinsby Road, Tarooma, 7053



Roof Terrace

Studio Level

Ground Floor



Road Frontage

Dwelling to be constructed to relavent codes and standards

Development Application: DA-2020-288
Plan Reference no.: P3
Date Received: 20-07-2020
Date placed on Public Exhibition: 25-07-2020



Proposed Dwelling


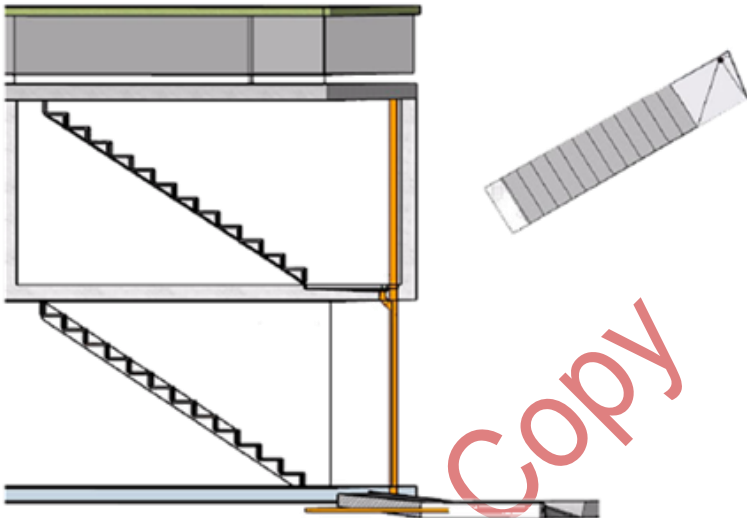
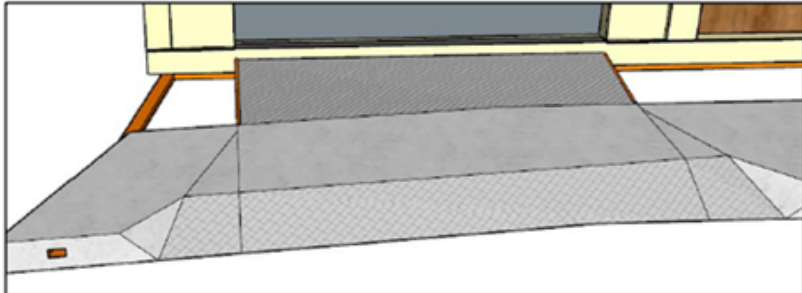
Lot 2 31A Hinsby Road, Taroom, 7053.

Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
 Date placed on Public Exhibition: 25-07-2020

Page 2 of 3

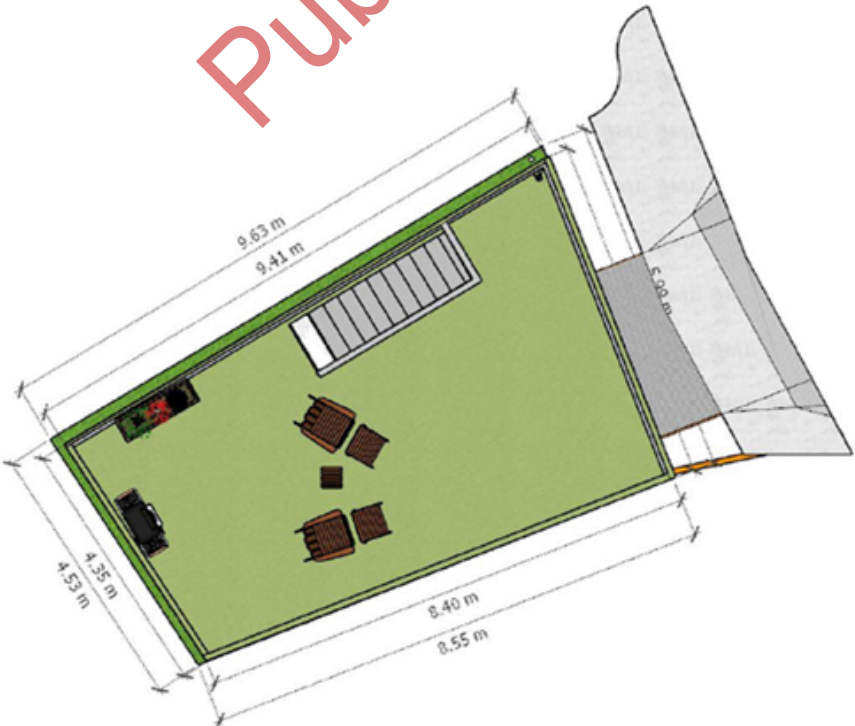
Stormwater Drainage

Impervious Surfaces

<p>Roof Deck Area ≈ 42.0m²</p>  <p>Perimeter channel draining to downpipe. Roof Deck appropriately inclined or cambered.</p>	<p>Stairwell to Roof Deck Area ≈ 4.1m²</p>  <p>A waterproof backing plate on the stair stringers, with waterproof joins to the stairwell walls, drains water to the sump below the lower landing.</p>	<p>Crossover Area ≈ 3.0m²</p>  <p>Crossover formed with lip on each side to drain to kerb.</p>
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Subsoil Drainage.

Subsoil drainage is accommodated within the NW and SW boundary.

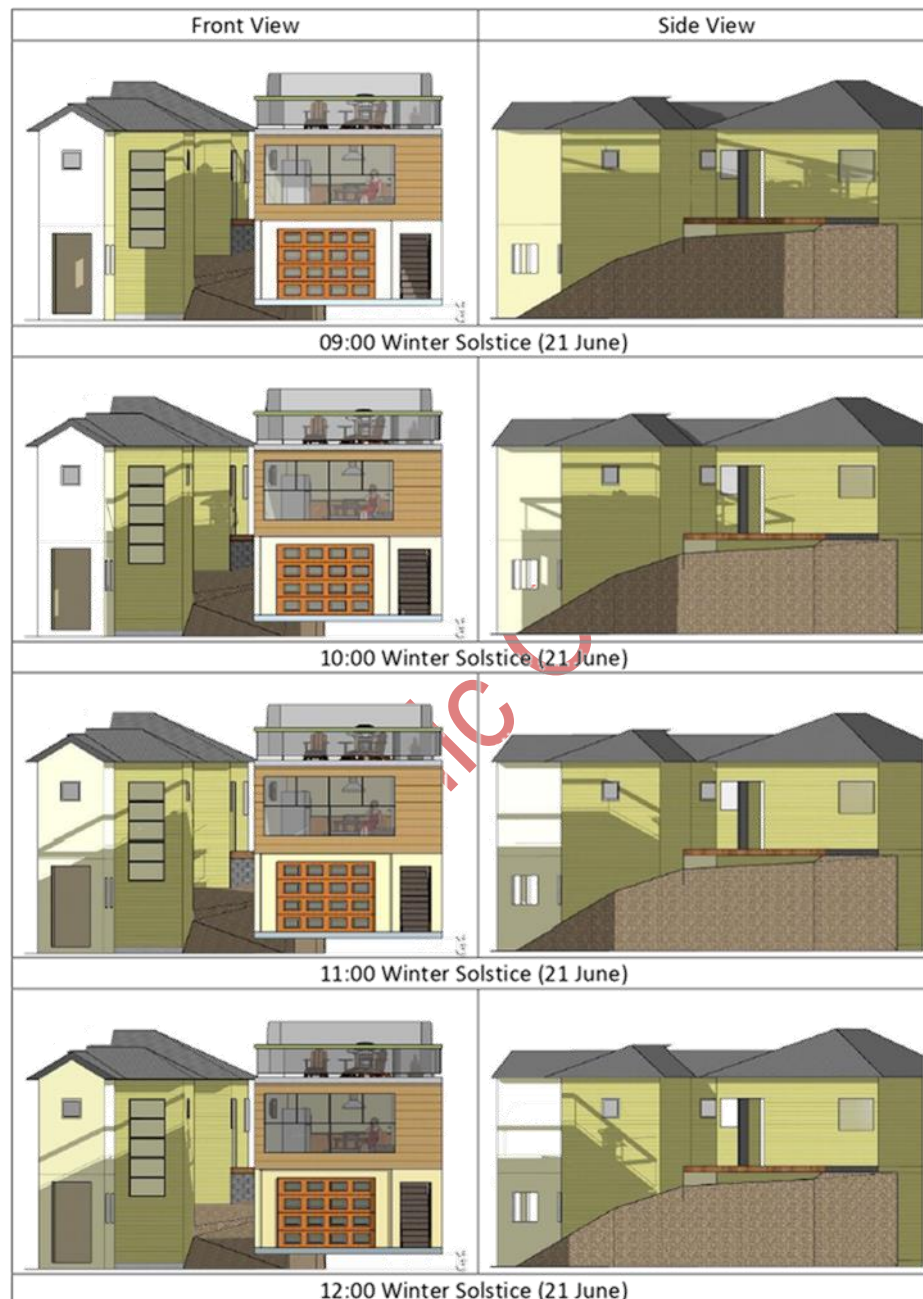


Lot 2 31A Hinsby Road, Taroona, 7053.

Development Application: DA-2020-288
Plan Reference no.: P3
Date Received: 20-07-2020
Date placed on Public Exhibition: 25-07-2020

Proposed Dwelling

The Shadow Analysis below has been made with Sketchup, encompassing the Winter Solstice at hourly intervals between the hours of 09:00 and 15:00. The images below shows the overshadowing on the impacted areas of the adjacent property at 29 Hinsby Road.



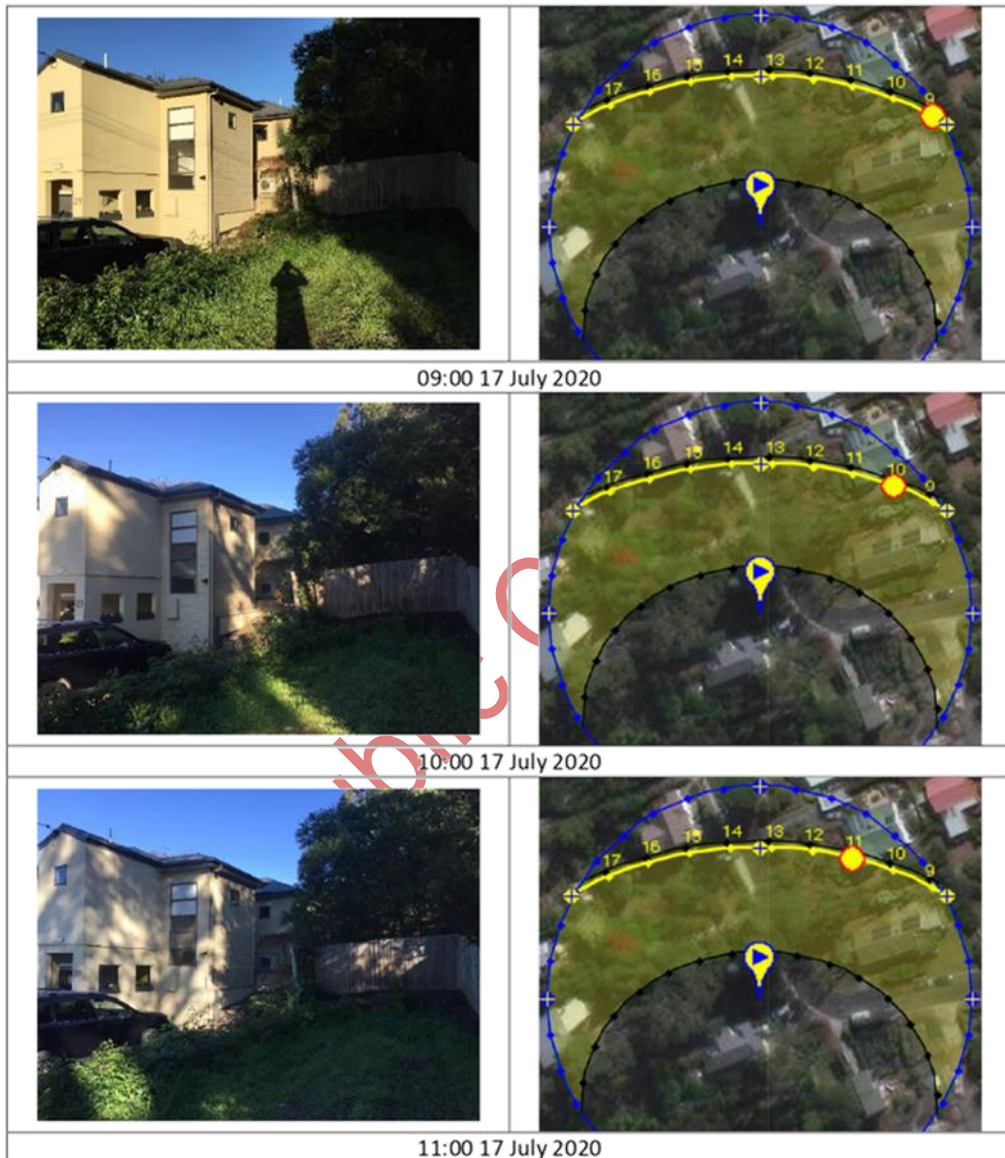
Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
 Date placed on Public Exhibition: 25-07-2020



These Sketchup images have been constructed without reference to the shadow implications of the topography and surrounding vegetation.

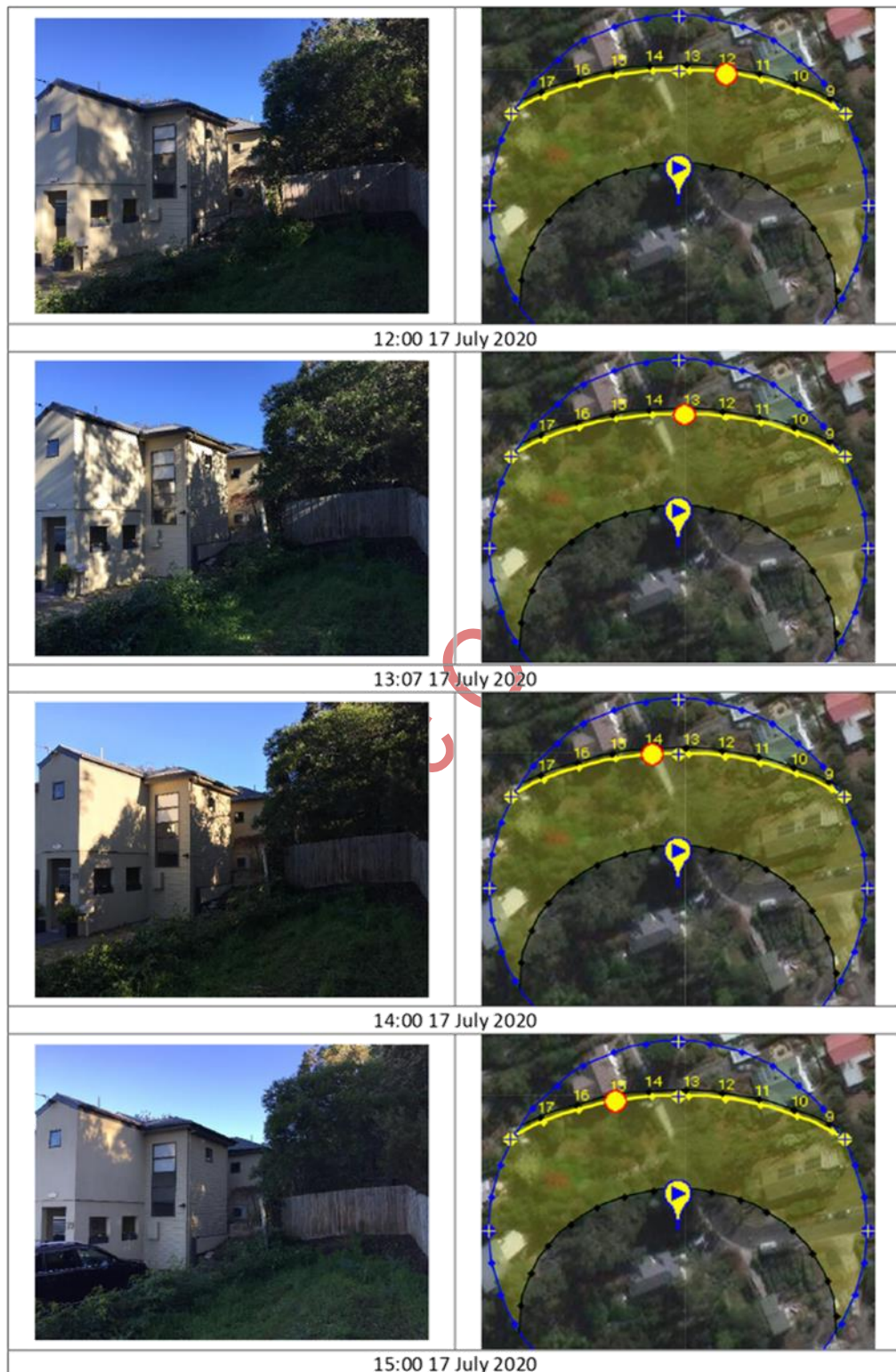
Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
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The shadowing of the surrounding vegetation on the adjoining dwelling can be assessed by the series of photographs taken on 17 July 2020. Whilst not during the Winter Solstice, it can be seen from the Sun Path diagram (in which the Sun's path for that day is shown in yellow), that the Sun was 2½° higher and there is no appreciable difference from its shading.



Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
 Date placed on Public Exhibition: 25-07-2020

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Shadow Analysis

Proposed Dwelling - Lot 2, 31A Hinsby Road, Taroom.

Page 5 of 7

Performance Criteria related to Overshadowing

12.4.2 Setbacks and building envelope

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (c) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
- (d) maintain the neighbourhood character and natural landscape.

P3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
 Date placed on Public Exhibition: 25-07-2020

The preceding analyses of overshadowing from the proposed development onto the dwelling and private open space of the adjoining lot at 29 Hinsby Road suggests there will be no unreasonable loss of amenity.

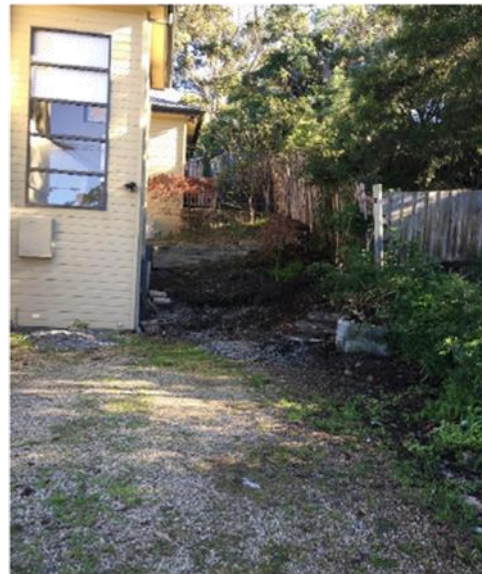
Specifically:

P3 (a) (i) There will be no reduction in sunlight to a habitable room. The rooms on which the proposed dwelling's shadow is cast are the laundry, stairwell and bathroom. The proposed dwelling's morning winter shadow over parts of the north east face of the stairwell is partial and soon obscured by the shadow from nearby trees.



P3 (a) (ii) There will be no overshadowing from the proposed dwelling of the private open space of the dwelling of the adjoining lot. The private open space of the dwelling of the adjoining lot is positioned on the other side of the dwelling.

P3 (a) (iii) There will be no overshadowing of an adjoining vacant lot as the adjoining lots are not vacant.



Paul & Cate Chapman

20 July 2020

Public Copy

Development Application: DA-2020-288
Plan Reference no.: P3
Date Received: 20-07-2020
Date placed on Public Exhibition: 25-07-2020

ASSESSMENT CHECKLIST

ZONE PROVISIONS

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Use class: Single Residential					
Setbacks and Building Envelope (Cl.12.4.2)	<ul style="list-style-type: none"> A1 setback from frontage 		✓		A1 – does not comply – Required frontage setback is 4.5m and proposed dwelling is located on the front boundary with 0.0m setback.
	<ul style="list-style-type: none"> A2 setback from frontage for carport/garage 		✓		<p>A2 – does not comply - a garage or carport must have a setback from a frontage of at least 5.5m, or alternatively 1m behind the façade of the dwelling, or the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport.</p> <p>The garage has a 0.0m setback and is integrated into the dwelling on the ground floor and there is a portion of the dwelling located above the garage. The garage does not comply pending the assessment of the dwelling setback under the Performance Criteria P1.</p>
	<ul style="list-style-type: none"> A3 containment within the building envelope 		✓		<p>A3 – does not comply - the proposed dwelling is built with zero setbacks on the east (front) and south boundary and only 200mm and 150mm on north and west boundaries respectively. The required setbacks from the front and rear boundaries are 4.5m and 4.0m respectively.</p> <p>The height of the building on the two side boundaries exceeds the 3m building envelope requirement being 5.2m. The proposed privacy screen on the roof terrace increases the perceived height of the side and rear boundary walls by 1.7m to a total height of 6.9m.</p>

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
				The side boundary setback requirements only allow a setback within 1.5m of the side boundary for a length of 3.21m on the north side boundary (9.63m) and 2.85m on the south side boundary (8.55m). The building is entirely within the 1.5m setback.
	• A4 Impact on trees	✓		A4 - complies – The lot is completed cleared.
Site coverage and private open space (Cl.12.4.3)	• A1 (a) site coverage 25%		✓	A1(a) -does not comply - The proposed dwelling has a site coverage of 93.3%.
	• A1(b) pervious surfaces 25%		✓	A1(b) – does not comply - there is only 6.7% of the site area free from impervious surfaces.
	• A2 - Area of POS: (a) Area (b) Minimum dimension (c) Directly accessible & adjacent to habitable room (d) Location/orientation (e) Location/frontage (f) Gradient (g) Vehicle access/parking		✓	A2 (a) Complies. The roof terrace has a total area of 39m ² of which 27m ² complies as POS. (b) Complies with minimum dimension of 3.2m. (c) Does not comply - The POS on the roof is accessed from the first floor room via the internal stairs. The first floor room is a combined bedroom, dining room and kitchen. (d) Complies - the POS occupies most of the roof (e) Complies - (f) Complies - the POS is located on the roof (g) Complies - the POS is located on the roof
Sunlight and overshadowing (Cl. 12.4.4)	• A1 – location of habitable rooms (north)		✓	A1 – does not comply - the north wall is more than 30 degrees west of north. It is acknowledged that this marginally over being 30.87 degrees west of north. The proposal does not comply in relation to reliance on the 'studio'

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
					room receiving sunlight from the north wall window. The studio room includes the bedroom for the dwelling.
	<ul style="list-style-type: none"> A2 – location of multiple dwelling to the north of a habitable room of another dwelling on the same site 			✓	NA
	<ul style="list-style-type: none"> A3 - location of multiple dwelling to the north of a private open space of another dwelling on the same site 			✓	NA
Width of openings for garages and carports (Cl. 12.4.5)	<ul style="list-style-type: none"> A1 - width of garage openings 		✓		A1 – does not comply - the width of the garage is 3.0m and it is required to be no more than half the width of the frontage i.e. 2.99m. It is acknowledged that this is only marginally over
Privacy (Cl. 12.4.6)	<ul style="list-style-type: none"> A1 – setbacks for balconies, decks, roof terrace, parking spaces and carports 		✓		A1 – does not comply - the roof terrace has a permanently fixed screen to a height of 1.7 m above the finished roof level that covers the back half of the roof. The balance of the roof area is not screened and overlooking of both adjoining properties occurs.
	<ul style="list-style-type: none"> A2 - <ul style="list-style-type: none"> (a) setbacks ; or (b) separation and offsets for windows of habitable rooms. 	✓			A2 - (a) Does not comply – however (b) Complies- windows on first floor are offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling.
Frontage Fences (Cl. 12.4.7)	<ul style="list-style-type: none"> A1 – maximum height of fences 	✓			A1 – complies - There is no front fence. [Note is made that there is no front fence due to the dwelling being constructed on the front boundary. The front façade extends across the entire frontage and is 5.2m in height.]

CODE PROVISIONS

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
E3.0 Landslide Code					
E3.4 Use or Development Exempt from this Code.	The following use or development is exempt from this Code: (a) ... (b) ... (c) buildings within a Low Landslide Hazard Area;...	✓			The site is located within the Low Landslide Hazard Area and is exempt
E6.0 Parking and Access Code					
Use standards – number of car parking spaces (Cl.E6.6.1)	<ul style="list-style-type: none">A1 - Number of on-site car parking spaces complies with table	✓			A1 – complies The dwelling requires 1 car parking space in accordance with Table E6.1 Number of Car Parking Spaces.
Number of vehicular accesses (Cl.E6.7.1)	<ul style="list-style-type: none">A1 – Number of vehicle access points complies	✓			A1 - complies – There is one vehicle access point.
Design of vehicular accesses (Cl.E6.7.2)	<ul style="list-style-type: none">A1 - Design of vehicle access points complies	✓			A1 - Complies – Condition of approval required to comply with designed and constructed to comply with: section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.
Vehicular Passing Areas Along an Access (Cl.E6.7.3)	<ul style="list-style-type: none">A1 - Vehicular passing areas along an access.			✓	A1 – NA
On-Site Turning (CL.6.7.4)	<ul style="list-style-type: none">A1 - On-site turning must be provided to exit a site in a forward direction, except if it serves no more than two dwelling units	✓			A1 – Complies – there is 1 dwelling unit.
Layout of Parking Areas (CL.6.7.5)	<ul style="list-style-type: none">A1 - layout in compliance with Australian Standard.	✓			A1 – complies – to be built to Australian Standard.

Surface Treatment of Parking Areas (CL.6.7.6)	<ul style="list-style-type: none"> A1 - Parking spaces and vehicle circulation roadways provided 	✓			A1 – complies - paved or treated with a durable all-weather pavement
Lighting of Parking Areas (CL.6.7.7)	<ul style="list-style-type: none"> A1 - Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting 	✓			A1 – complies - there is 1 dwelling unit with 1 car parking space.
Landscaping of Parking Areas (CL.6.7.8)	<ul style="list-style-type: none"> Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed 	✓			A1 – complies - there is 1 dwelling unit with 1 car parking space
Access to a road (CL.6.7.14)	<ul style="list-style-type: none"> A1 - – Access to a road complies with road authority requirements 	✓			A1 - Complies – Condition of approval required to comply with Council standards.
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (CL.E7.7.1)	<ul style="list-style-type: none"> A1 - Disposal of stormwater to public infrastructure 	✓			A1 - Complies – Stormwater is to be to the existing public stormwater infrastructure
	<ul style="list-style-type: none"> A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles 			✓	A2 - NA
	<ul style="list-style-type: none"> A3 – Design of minor stormwater drainage system 			✓	A3 - NA
	<ul style="list-style-type: none"> A4 – Design of major stormwater drainage system 			✓	A4 - NA

Note: All other codes were reviewed and are not applicable to the proposed use/development.

Attachment C: Locality Plan



Public C

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumes at

14 NOTICES OF MOTION

At the time the Agenda was compiled there were no Notices of Motion received.

15 PETITIONS STILL BEING ACTIONED

The petition headed 'Unisex Bathrooms for Schools and Public Facilities' will be tabled at a future Council meeting.

16 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

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17 OFFICERS REPORTS TO COUNCIL

17.1 DRAFT BUSHFIRE MITIGATION MEASURES BILL

File Number: 13.49

Author: Scott Basham, Manager Compliance & Community Development

Authoriser: Daniel Smee, Executive Manager Governance & Community Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected community.
Strategic Outcome: 1.3 A resilient community with the capacity to flourish.

1. PURPOSE

- 1.1 The purpose of this report is to advise Councillors that submissions into the *Draft Bushfire Mitigation Measures Bill 2020* (the Bill) are invited and close on 23 October 2020.

2. BACKGROUND

- 2.1 The Tasmanian Government is proposing to introduce a new legislative framework to support bushfire mitigation in Tasmania. This legislative framework will be in the form of a Bushfire Mitigation Measures Bill.
- 2.2 Section 6 of the Bill states; *It is the duty of a public authority to take bushfire mitigation measures, having regard to any relevant guidelines and any BMP, to mitigate the risk of the occurrence of bushfires on, and to minimise the danger of the spread of a bushfire on or from any land vested in or under its control or management, or any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.*
- 2.3 Submissions to the Department of Premier and Cabinet on the Bill are open until 23 October 2020.

3. STATUTORY REQUIREMENTS

- 3.1 The *Local Government Act 1993* (the Act) specifies that one of Council's functions is to provide for the health, safety and welfare of the community. Part 12, Division 6 of the Act allows Council to take action, via the means of abatement, when satisfied that a fire risk is, or is likely to exist.
- 3.2 Statutory bushfire mitigation is also primarily undertaken/assessed within the parameters of the *Land Use Planning and Approval Act 1993* (at times of development) and the *Fire Services Act 1979*.
- 3.3 The Bill identifies a *local council* as a *public authority*.

4. DISCUSSION

- 4.1 The Tasmanian Government acknowledge that it is not possible to eliminate bushfires, however the Bill will seek to "*Reinforce the duty of public and private land*

owners and occupiers to proactively manage bushfire risks on land they own or control, provide for the establishment of a Bushfire Mitigation Measures (BMM) Panel, Streamline the Bushfire Mitigation Plan (BMP) approval process and Consolidate the framework for bushfire hazard reduction notices”.

- 4.2 Council Officers have reviewed the released Explanatory Paper, Fact Sheet and the Bill. On review a response is considered warranted.
- 4.3 A copy of the Explanatory Paper is attached as Annexure one to this report.
- 4.4 A copy of the Fact Sheet is attached as Annexure two to this report.
- 4.5 The Local Government Association of Tasmania (LGAT) has advised that due to the nature of the Bill LGAT proposes to make a sectoral response to the Bill and is seeking comments on the Bill by 19 October 2020.
- 4.6 The Bill will make it clear that landowners and occupiers have a duty to take practical steps to proactively manage bushfire risks on land they own or control. The new legislative framework aims to make it easier for landowners/occupiers to undertake bushfire mitigation activities within existing developments or on vacant land.

Part 3 – Bushfire Mitigation Measures Panel

- 4.7 The Bill aims to create a “one-stop” approval process where landowners or occupiers can submit for approval a Bushfire Mitigation Plan (BMP) to a newly established Bushfire Mitigation Measures Panel (BMM Panel).
- 4.8 The BMM Panel will be made up of:
 - the Secretary of the Department of Police, Fire and Emergency Services (or their delegate);
 - the Secretary of the Department of Premier and Cabinet (or their delegate);
 - the Director of the Environment Protection Authority;
 - a representative nominated by the Local Government Association; and
 - an expert nominated by the Minister.
- 4.9 It is suggested that the following matters in relation to the Bushfire Mitigation Measures Panel require further consideration:
 - the lack of a legal representative on the BMM Panel given it will have an appeals role;
 - omission of any statutory timelines for determination of the BMM Panel deliberations; and
 - apparent need for increased resourcing within the Tasmanian Fire Service (TFS) to review and provide advice regarding Bushfire Mitigation Plans.

Additional matters requiring consideration

- 4.10 It is suggested that the following key matters also require further consideration:

- the legality of Section 16: The ability of the BMM Panel to approve BMPs and mitigation measures which override all other state legislation;
- integration of the Bill with other legislation; and
- resourcing implications for landowners (including Council).

5. FINANCE

- 5.1 There are potentially significant financial implications associated with this matter as Council may be required to undertake additional and extensive hazard reduction measures.

6. ENVIRONMENT

- 6.1 Section 14 of the Bill titled **Factors to be considered by the BMM Panel** says; *the BMM Panel must not approve a BMP in respect of any land unless it is satisfied that the land is in a bushfire-prone area, that works to be carried out in accordance with the BMP are solely for the mitigation of the risk of bushfires and not for any other purpose such as agricultural burning or the clearing of vegetation, that it is in the public interest, that the BMP is in accordance with any relevant guidelines and that the BMP has been endorsed under section 13 (endorsed by the Chief Officer, appointed under the Fire Services Act 1979).*
- 6.2 Section 16(1) of the Bill states; *if the BMM Panel approves a BMP in respect of land, bushfire mitigation measures may be undertaken on that land in accordance with the BMP despite any requirement under an Act for a licence, approval, permit, consent or other authorisation for the work and despite any covenant or other restriction.*
- 6.3 Section 16(3) of the Bill states; *where a licence, approval, permit, consent or other authorisation or a covenant or other restriction is inconsistent with an approved BMP, the approved BMP prevails to the extent of the inconsistency.*
- 6.4 On first review of the Bill it appears that any environmental assessment within the approvals process of a Bushfire Mitigation Plan is mute. Additionally, section 16(3) specifies that the approved Bushfire Mitigation Plan prevails to the extent of the inconsistency where a licence, approval, permit, consent, covenant etc. is applicable.
- 6.5 In summary, Section 16 of the Bill requires the BMM Panel to make determinations about whether the proposed risk abatement in the BMP will override all other state legislation including LUPPA, Threatened Species Act, Aboriginal Heritage Act, etc.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Bill and associated documents is advertised at http://www.dpac.tas.gov.au/divisions/osem/bushfire_mitigation_measures_bill

8. RISK

- 8.1 If the Bill proceeds as currently written the potential exists for the character of the Kingborough municipality to be changed forever. The Bill has the potential (through mandating vegetation removal/modification on a landscape scale) to change the character of the municipality, resulting in the loss of natural, cultural and scenic values.

- 8.2 The Bill lacks any information detailing how the stated objectives of the Act in relation to mitigating the risk of bushfires whilst balancing natural and cultural heritage values can or will be met.
- 8.3 If Council, via LGAT, fails to provide a submission local government views on the potential impacts of the Bill may not be sufficiently addressed.
- 8.4 If Council is not adequately resourced to undertake additional bushfire risk mitigation activities associated in accordance with obligations under the Bushfire Mitigation Measures Bill it may be exposed to greater liability.

9. CONCLUSION

- 9.1 The Tasmanian Government is proposing to introduce a new legislative framework to support bushfire mitigation in bushfire prone areas of Tasmania.
- 9.2 Council Officers have reviewed the released Explanatory Paper, Fact Sheet and the Bill. On review a response is considered warranted.
- 9.3 It is proposed that a submission in relation to the draft Bushfire Mitigation Bill be provided to LGAT to inform their sectoral response to the Bill.

10. RECOMMENDATION

That Council resolve to provide LGAT with a submission to inform the LGAT sectoral response to the Bill.

ATTACHMENTS

- 1. Explanatory Paper
- 2. Fact Sheet

Bushfire Mitigation Measures Draft Exposure Bill

Explanatory Paper



Office of Security and Emergency Management
Department of Premier and Cabinet



TABLE OF CONTENTS

Bushfire Mitigation Measures Bill.....	5
How to Make a Submission	5
Use of Submissions.....	5
Summary	6
Consultation Process	6
Background.....	6
Overview	7
What will the Bill do?.....	7
Frequently asked questions	12
Appendix I	15
Submission Template	15

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BUSHFIRE MITIGATION MEASURES BILL

The Tasmanian Government is committed to protecting life and property from the potentially devastating impacts of bushfire. The measures we take to manage the risks of bushfire are important to all Tasmanians. This is why we want the community and other stakeholders to have their say about the Tasmanian Government's new draft Bushfire Mitigation Measures Bill.

How to Make a Submission

You can find the submission template at Appendix I. The template is also available on the Department of Premier and Cabinet's website. The Government seeks feedback on the main elements the Bill. You do not have to answer all the questions in the template when making your submission for your views to be considered as part of the consultation process. If you want, you can also write an email or a letter explaining your views.

Submissions can be made on any aspect of the Draft Exposure Bill by either:

- Completing the Submission Template on the Department of Premier and Cabinet's website:
www.dpac.tas.gov.au/bmmb

- Writing to the Project Team

Email: bushfiremitigation@dpac.tas.gov.au

Post: Office of Security and Emergency Management
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions close on 23 October 2020.

Please provide your name and contact details with your submission. If you are providing a confidential submission, please clearly state this.

Submissions should address issues that are relevant to what the Government is trying to achieve with the draft Bill. Any offensive or defamatory material will not be published.

Queries on the lodgement of submissions can be made by contacting the Project Team at bushfiremitigation@dpac.tas.gov.au

Use of Submissions

All submissions will be taken into account in finalising the draft Bushfire Mitigation Measures Bill. Unless stated as confidential, submissions will be treated as public information and will be published on the Department of Premier and Cabinet's website as soon as reasonably practical after the closing date for submissions. No personal information other than an individual's name or the organisation making a submission will be published.

SUMMARY

Australia is experiencing more extreme fire weather events. The prevailing scientific evidence tells us that bushfire seasons are starting earlier and lasting longer. Recent bushfire events – both in Tasmania and on mainland Australia – have shown us the increasing scale and severity of the bushfire threat.

Bushfires can result in the loss of life and the destruction of homes and property. They also have devastating impacts to wildlife and our natural environment. The social and economic impact of recent bushfires is significant, and ongoing.

It is not possible to eliminate bushfires. They are, and will continue to be, a part of Tasmania's natural landscape. However, measures can and should be put in place to reduce the impact of these fires. In Tasmania, there are already a range of measures in place to support bushfire prevention and preparedness. For example, the Government's Fuel Reduction Program has reduced Tasmania's bushfire risk. However, as the duration of our bushfire season extends, the window in which activities such as fuel reduction burns can take place narrows. This makes it crucial for governments, and the broader community, to consider and adopt new and flexible approaches to managing bushfire risk.

The Bushfire Mitigation Measures Bill will introduce a new legislative framework for bushfire mitigation in Tasmania. The Bill will ensure that there is clear accountability for landowners and occupiers. The Bill aims to proactively manage and mitigate risks to better protect human life, property and natural and cultural heritage values from the ravages of devastating bushfire.

Consultation Process

By releasing the Draft Exposure Bill, the Government wants to consult with the community on the proposed framework, and is committed to listening to and incorporating stakeholder feedback.

The purpose of the Bill is to set up a new, overarching framework for managing and mitigating bushfire risk. The Government understands that it will need to work with all stakeholders – including the scientific and subject area experts – to develop the necessary supporting detail.

The Government also recognises that there are likely to be technical issues with the overarching framework that need to be resolved before the Bill is introduced to the Parliament. The Government is committed to working through the issues so that we deliver a best-practice, contemporary bushfire mitigation framework for Tasmania.

Background

Bushfire mitigation typically involves:

- **Fuel reduction** – clearing, slashing, mowing, or burning to remove fine fuels only (i.e. not large trees); or
- **Fuel breaks** – mechanical clearing or modification of vegetation to reduce overall fuel loads that might be available to a fire.

A range of Tasmanian laws already deal with land management, pollution and maintenance of natural and cultural heritage as they relate to proposed bushfire mitigation works. For new developments, bushfire risks are largely dealt with under existing planning and building laws. The Tasmanian Planning Scheme establishes a Bushfire-Prone Areas Code to ensure that use and development is appropriately designed, located, serviced and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfire. The Building

Regulations also contain certain requirements for works in a bushfire-prone area. New developments must be considered against these requirements and bushfire protections measures installed as part of the development. The required protection measures are detailed within a certified plan called a Bushfire Hazard Management Plan, which forms part of the Planning or Building Permit.

For existing developments or undeveloped vacant land, the authorisation process for bushfire mitigation activities can be much more complex. The current approval process can be lengthy and, as a result, may deter or delay landowners and occupiers from taking steps to reduce bushfire risks on their land. Reforms under the Bushfire Mitigation Measures Bill aim to address this issue by creating a streamlined approval process for bushfire mitigation activities. In this way, the Bill is intended to complement Tasmania's existing planning and building laws.

Under the *Fire Service Act 1979* the State Fire Commission has the power to issue notices to:

- require occupiers of land to remove fire hazards;
- require local councils to deal with fire dangers as if they were a nuisance under the *Local Government Act 1993*; and
- require the formation of necessary firebreaks (local councils also have this power).

The Bushfire Mitigation Measures Bill will provide a consolidated legislative framework for the issue of bushfire hazard reduction notices requiring the removal or mitigation of bushfire risks (including the establishment of fuel breaks).

OVERVIEW

The Bushfire Mitigation Measures Bill (the Bill) will establish a new legislative framework to support the proactive management of bushfire risks. The Bill:

- reinforces the duty of public authorities and private landowners/occupiers to appropriately manage bushfire risks; and
- introduces new streamlined processes to better support public authorities and private landowners/occupiers to manage bushfire risks.

What will the Bill do?

1. Reinforce the duty of public and private land owners/occupiers to mitigate bushfire risks

Bushfire mitigation measures are those that aim to:

- prevent bushfires;
- minimise the spread of bushfires; and
- protect life and property from bushfires.

The *Fire Service Act 1979* already enables the State Fire Commission to issue notices where it considers that steps need to be taken to mitigate bushfire risks. These might require an occupier to remove a fire danger or provide for the construction of a firebreak. However, legislation does not currently include an obligation on landowners or occupiers to actively manage bushfire risks.

The Bill will make it clear that landowners or occupiers have a duty to take practical steps, at their own cost, to proactively manage bushfire risks on land they own or control. It will also allow for clear guidelines to be developed to give more detail about what this duty means and how it may be assessed. This guidance

will be contained in Statutory Guidelines, which will be issued by the relevant Minister, and subject to Parliamentary scrutiny.

2. Streamline Bushfire Mitigation Plan approval processes

The Bill will also make it easier for landowners/occupiers to meet their obligation to mitigate bushfire risks.

The Bill creates a 'one-stop' approval process where landowners or occupiers can submit for approval a Bushfire Mitigation Plan (BMP) to a newly established Bushfire Mitigation Measures Panel (BMM Panel). Statutory Guidelines will provide guidance about the planning and development of BMPs and matters to be considered in this process. Any BMP must be endorsed by the Tasmania Fire Service (TFS) before it is submitted to the Panel. If the BMM Panel approves the BMP, then this will enable the measures detailed in the BMP to be undertaken, despite any other statutory approval process. The Bill outlines matters that the BMM Panel will need to consider before approving a BMP with the Statutory Guidelines able to give further guidance about how environmental and cultural heritage values of land are to be considered.

The BMM Panel's endorsement of a BMP removes the potential for multiple, lengthy, and complex assessment and approval processes that may otherwise be required. It also provides certainty and reduces the risk that performing appropriate bushfire mitigation could inadvertently result in a breach of other legislation. Relevant legislation that may be exempted by the BMM Panel's endorsement of a BMP include:

- *Forest Practices Act 1985;*
- *Threatened Species Protection Act 1995;*
- *Land Use Planning and Approvals Act 1993;*
- *National Parks and Reserves Management Act 2002;*
- *Wellington Park Act 1993;*
- *Weed Management Act 1999;*
- *Nature Conservation Act 2002;*
- *Environmental Management and Pollution Control Act 1994;*
- *Aboriginal Heritage Act 1975;*
- *Historic Cultural Heritage Act 1995;* and
- *Crown Lands Act 1976.*

In order to obtain an exemption, bushfire mitigation measures would need to be undertaken in accordance with the terms of the BMP and any conditions of the BMM Panel.

The BMM Panel's endorsement of a BMP will have effect for a maximum of five years, although the Panel may impose a shorter time period as a condition of its endorsement.

There may be bushfire mitigation measures detailed under a BMP that do not presently require additional permits or approvals; for example, undertaking hand-clearing or mowing. In those circumstances, approval from the BMM Panel would not be necessary as that would impose an additional barrier on land owners and occupiers that does not currently exist.

3. Allow for the establishment of a Bushfire Mitigation Measures (BMM) Panel

The BMM Panel will comprise:

- the Secretary of the Department of Police, Fire and Emergency Services (or their delegate);
- the Secretary of the Department of Premier and Cabinet (or their delegate);
- the Director of the Environment Protection Authority;
- a representative nominated by the Local Government Association of Tasmania (LGAT); and
- an expert member appointed by the Minister.

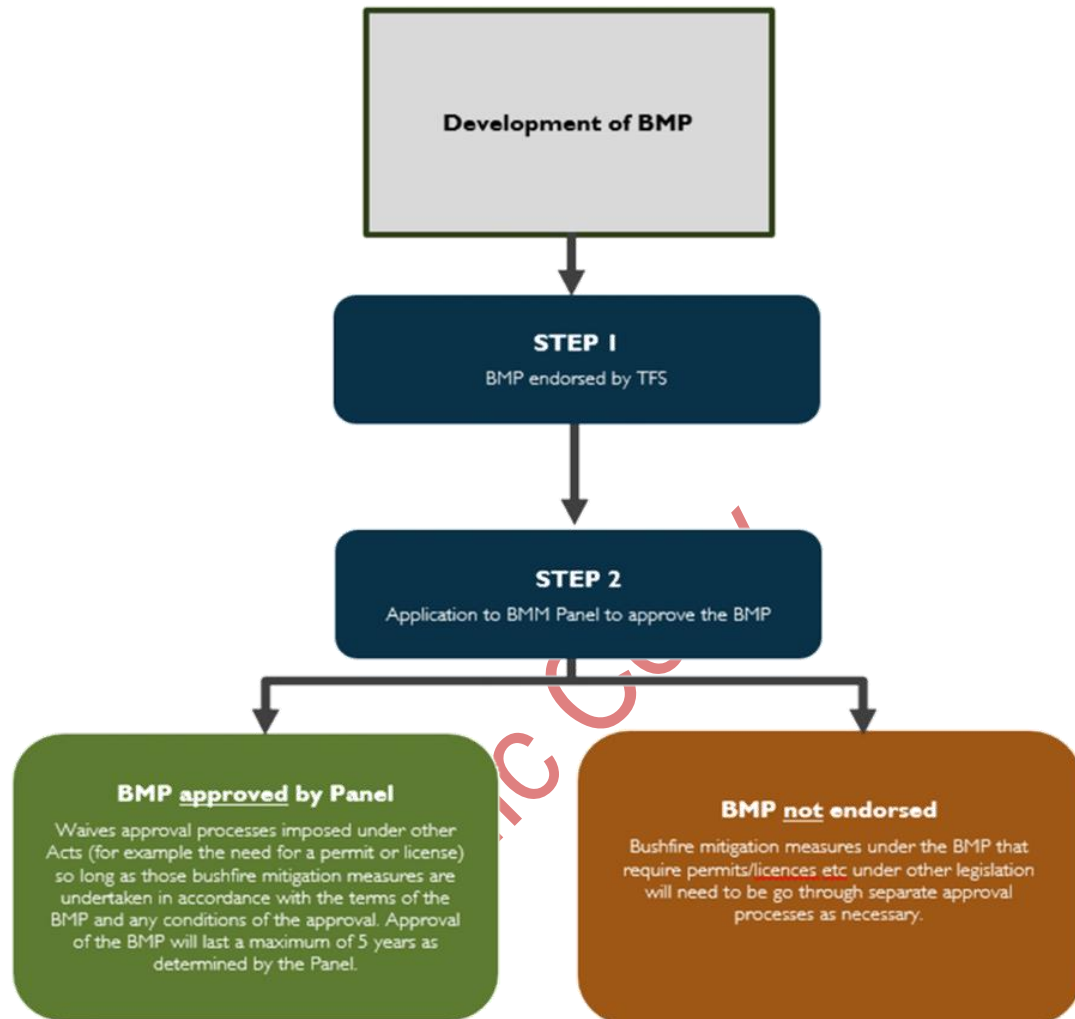
The BMM Panel's representation allows a range of perspectives to be considered. The membership separates TFS's role in supporting the development of BMPs and the approval of the technical specifications of a BMP and the BMM Panel's role to assess whether a BMP should have an exemption from other approval processes under relevant Tasmanian Acts.

To assist it making its determination, the BMM Panel will be able to request expert advice as it considers appropriate. The Panel needs to be satisfied that the purpose of the proposed measures are intended for bushfire mitigation and not for other purposes such as clearing for agricultural purposes. The Bill provides high-level principles for the BMM Panel to assess and allows for the development of Statutory Guidelines outlining other criteria a BMP must meet. Those Statutory Guidelines may, for example, include details relating to the development and content of a BMP. Statutory Guidelines made by the Minister are tabled in both Houses of Parliament, providing flexibility, accountability and transparency.

Where the BMM Panel does not endorse a BMP, the bushfire mitigation measures detailed in a BMP may still be performed, however this would be subject to obtaining any approvals under applicable legislation.

The process for the BMM Panel's endorsement of a BMP is detailed at Figure 1.1.

Figure 1.1 – Bushfire Mitigation Plan Endorsement



4. Consolidate the framework for bushfire hazard reduction notices

The Bill also makes clear that there may be implications for landowners or occupiers who do not appropriately discharge their duties in relation to bushfire mitigation. Similar to the *Fire Service Act 1979*, the Bushfire Mitigation Measures Bill enables a bushfire hazard reduction notice to be issued to an occupier of land requiring the reduction of bushfire dangers and removal of bushfire hazards. The Chief Officer of TFS or local council will also be able to give notice requiring the creation of a fuelbreak as it considers necessary or desirable to arrest the spread of bushfires or facilitate the suppression of bushfires. Where a notice is not complied with within the time specified, TFS will be able to undertake those steps detailed in the notice, with costs recoverable against the occupier.

The Bill will also facilitate the prompt resolution of disputes relating to bushfire hazard reduction notices. Under the *Fire Service Act 1979*, there is no defined appeal pathway for notices relating to fire hazards. Practically, this means that the only option for appeal is via judicial review. An application for the review of a notice for the formation of a firebreak must be made to the Magistrates Court (Administrative Appeals Division). If a notice is subject to review, this can shorten the window of opportunity for a firebreak to be established if the notice is upheld. This can hinder works being carried out if a change in conditions do not allow for the firebreak to be established.

Notices issued under the Bushfire Mitigation Measures Bill will be subject to appeal mechanisms provided for within the Bill. If an occupier wishes to object to a notice, they will first need to raise their concerns with the Chief Officer of TFS. If the issue cannot be resolved, the occupier will be able to appeal via the BMM Panel. The Bill sets out clear timeframes for the appeal process to facilitate the speedy resolution of disputes and to enable appropriate bushfire mitigation to be undertaken in a timely manner.

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FREQUENTLY ASKED QUESTIONS

How will the Bill impact my existing Bushfire Hazard Management Plan (BHMP)?

The Bushfire Mitigation Measures Bill does not affect existing Bushfire Hazard Management Plans (BHMPs) that have been completed as part of a new development or use of land for building or planning purposes. Landowners or occupiers with an existing BHMP should not have to do anything further than those things set out in their BHMP.

Can I develop my own Bushfire Mitigation Plan (BMP)?

Yes, you may develop your own BMP if you wish. The proposed bushfire mitigation measures will need to comply with any standards relating to specifications or technical requirements that the Chief Officer of TFS may issue. The Bill provides flexibility in relation to the form and content of a BMP although Statutory Guidelines may detail certain matters to be included in a BMP. TFS will be available to support private landowners and occupiers to develop BMPs as required.

BMPs will need to be approved by the Chief Officer before being submitted to the Bushfire Mitigation Measures Panel for endorsement to ensure that the bushfire mitigation measures meet the required technical standards.

Can my neighbour and I develop a BMP jointly?

Yes, the Bill enables neighbours to work together to develop a joint BMP for neighbouring land.

When will I be able to submit my BMP for approval?

The Bill aims to establish a framework to improve Bushfire Mitigation in Tasmania. Once in place, the Government will work with key stakeholders to finalise the plan for implementation. It is envisaged that private land owners/occupiers will be able to submit their BMP to the BMM Panel within six months of the Bill's passage through Parliament, to enable bushfire mitigation activities to occur before the 2021-22 Bushfire Season.

When will Statutory Guidelines be developed?

Statutory Guidelines will be developed in consultation with the State Fire Commission and other relevant stakeholders. Guidelines will be available prior to the commencement of relevant provisions of the Bushfire Mitigation Measures Act. The Bill requires the Statutory Guidelines to be tabled in both Houses of Parliament, meaning that they will be subject to Parliamentary scrutiny.

Will I need a BMP to undertake fuel reduction on my land?

No, a BMP may not always be required. Bushfire mitigation measures that do not currently require permits or approvals will not be affected by this Bill. Permits may, however, apply for certain works and landowners and occupiers should obtain advice on this.

Having a BMP endorsed by the BMM Panel will also provide landowners and occupiers with certainty that they may carry out endorsed bushfire mitigation measures without risk that it may inadvertently result in a breach of approval processes under other relevant Tasmanian laws.

A BMP also serves as a useful planning tool to assist landowners and managers to strategically assess and mitigate bushfire risks.

Do all BMPs need to be approved by the Bushfire Mitigation Measures Panel?

No. The ability to seek the BMM Panel's approval of a BMP is available for landowners or occupiers that may be affected by other Tasmanian legislation, to allow approved bushfire mitigation measures to be exempt from approval requirements under other legislation. This process is designed to provide a more streamlined and faster approval pathway and remove uncertainty and risk to individuals undertaking bushfire mitigation.

To obtain an exemption under the Tasmanian Planning Scheme State Planning Provisions, a BMP will need to be endorsed by TFS.

Shouldn't the BMM Panel include a member from the Tasmania Fire Service?

The BMM Panel will sit at arm's length from TFS. TFS will retain its role in supporting the development of BMPs. Under the Bill, BMPs will need to be approved by TFS before being submitted to the BMM Panel. The Panel will have a broad power to request additional information or expert advice from TFS (or any other body) in assessing a BMP application.

How will the Bill protect the environment?

Bushfires can have a devastating impact on our natural environment. The Bill aims to proactively manage and mitigate bushfire risks to better protect human life and property as well as natural and cultural heritage values.

In approving a BMP, the BMM Panel will need to be satisfied that the purpose of the proposed measures are intended for bushfire risk mitigation and not for other, unrelated purposes such as clearing for agricultural purposes. The Director of the Environment Protection Authority is a member of the Panel.

The Bill also allows for the development of Statutory Guidelines. These Guidelines will support the Panel in making decisions that are consistent with objective of the Bill to facilitate the mitigation of bushfire risk whilst balancing natural and cultural heritage values.

What if the terms of my occupation of land limit or prevent me from undertaking certain bushfire mitigation?

Some occupiers of land may have agreements that limit their ability to undertake bushfire mitigation activities. Likewise, occupiers with limited rights of occupation may not have rights to undertake certain works on land.

While the Bill confirms that it is the duty of occupiers to take practical steps to mitigate bushfire risks, Statutory Guidelines may provide guidance on how the duty would be assessed in these types of scenarios.

The Bill does not provide any offence where an occupier fails to meet the duty to mitigate bushfire risks unless it results in the creation of a bushfire danger. This approach aligns with the existing position under the *Fire Service Act* and there is no change to the current framework in this regard.

Where occupiers are served with a bushfire hazard reduction notice under the Bill but are unable to comply with the terms of a notice due to any limitations on their rights of occupation, occupiers will have the right to appeal a notice.

What about the *Fire Service Act* and the *Review of the Fire Service Act*?

The Government is separately undertaking a Review of the Fire Service Act with details of the Review available here: www.fire.tas.gov.au/Show?pageId=colFireServiceActReview

The Fire Service Act will continue to apply but with the Bushfire Mitigation Measures Bill designed to complement the Fire Service Act by providing a consolidated framework for bushfire mitigation.

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APPENDIX I

Submission Template

Personal Details	
Name	
Company/Organisation (if applicable)	
Email/postal address	
Feedback on Draft Exposure Bill – please provide comments in each section (as applicable)	
Landowner/occupier duties and obligations under the Bill (Part 2 of the Bill)	
Bushfire Mitigation Plans (Part 4)	

Bushfire Mitigation Measures Panel (Part 3 & Schedule 1)	
Notice provisions (Part 5)	
General Comments (including on Part 6)	

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FACT SHEET

Bushfire Mitigation Measures Bill 2020

The Tasmanian Government is committed to protecting life and property from the potentially devastating impacts of bushfire. To enhance Tasmania's bushfire preparedness, the Government is proposing to introduce a new legislative framework to support bushfire mitigation in Tasmania.

Summary

It is not possible to eliminate bushfires. However, measures can and should be put in place to reduce the impact of fires. The Bushfire Mitigation Measures Bill will introduce a new legislative framework for bushfire mitigation in Tasmania.

The Bill will ensure that there is clear accountability for landowners and occupiers in regards to bushfire mitigation. The Bill aims to proactively manage and mitigate risks to better protect human life, property and natural and cultural heritage values from the ravages of devastating bushfire.

What will the Bill do?

Reinforce the duty of public and private land owners/occupiers to mitigate bushfire risks

The Bushfire Mitigation Measures Bill will make it clear that landowners and occupiers have a duty to take practical steps to proactively manage bushfire risks on land they own or control.

Streamline Bushfire Mitigation Plan (BMP) approval processes

For new developments, bushfire risks are largely dealt with under existing planning and building laws. However, for existing developments or vacant land, the authorisation process for bushfire mitigation activities can be much more complex. These processes may deter or delay landowners and occupiers from taking steps to mitigate bushfire risks on their land. To combat this, the Bill creates a 'one-stop' approval process where landowners or occupiers can submit for approval a Bushfire Mitigation Plan (BMP) to a newly established Bushfire Mitigation Measures Panel (BMM Panel).

The new legislative framework aims to make it easier for landowners/occupiers to undertake bushfire mitigation activities within existing developments or on vacant land.

Allow for the establishment of a Bushfire Mitigation Measures (BMM) Panel

The BMM Panel will be made up of:

- the Secretary of the Department of Police, Fire and Emergency Services (or their delegate);
- the Secretary of the Department of Premier and Cabinet (or their delegate);
- the Director of the Environment Protection Authority;
- a representative nominated by the Local Government Association of Tasmania (LGAT); and
- an expert member appointed by the Minister.

The BMM Panel's representation allows a range of perspectives to be considered as part of the new BMP approval process. The Panel will also be able to request expert advice to assist it to assess an application. The Panel will need to be satisfied that proposed measures are intended for bushfire mitigation and not for other purposes such as clearing for agricultural purposes.

Consolidate the framework for bushfire hazard reduction notices

The Bill makes clear that there may be implications for landowners and occupiers who do not appropriately discharge their duties in relation to bushfire mitigation. The Bushfire Mitigation Measures Bill will provide the Tasmania Fire Service with the power to issue a bushfire hazard reduction notice to an occupier of land requiring the reduction of bushfire dangers and removal of bushfire hazards.

The Bill will also facilitate the prompt resolution of disputes relating to bushfire hazard reduction notices.

Further Information

You can read more about the Bill on the Department of Premier and Cabinet's website at www.dpac.tas.gov.au/bmmb. Here you will find a copy of the Bill and an Explanatory Paper.

Have your Say

The measures we take to manage the risks of bushfire are important to all Tasmanians. This is why we want the community and other stakeholders to have their say about the Tasmanian Government's new draft Bushfire Mitigation Measures Bill.

Submissions can be made on any aspect of the Draft Exposure Bill by visiting the Department of Premier and Cabinet's website at www.dpac.tas.gov.au/bmmb or by writing to the Project Team:

Email: bushfiremitigation@dpac.tas.gov.au

Post: Office of Security and Emergency Management
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions close on 23 October 2020.

Please note, unless stated as confidential, submissions will be treated as public information. Any offensive or defamatory material will not be published.

Department of Premier and Cabinet
Office of Emergency and Security Management

17.2 SEALED PLAN NO. 171047 AFFECTING LAND AT 361 REDWOOD ROAD, KINGSTON

File Number: SPA-2018-11

Author: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth.

1. PURPOSE

1.1 The purpose of this report is to respond to a request for a statement of reasons for a recent Council decision.

2. BACKGROUND

2.1 Council at its meeting on 24 August 2020 received a report regarding a petition to amend Sealed Plan No. 171047 affecting land at 361 Redwood Road, Kingston.

2.2 Council resolved that the request to amend Sealed Plan No. 171047 by deleting the covenants in relation to Lot 96 be refused (Minute C487/16-2020 refers).

3. STATUTORY REQUIREMENTS

3.1 Subject to S30 of the Judicial Review Act 2000 a statement of reasons for refusal must be provided within 28 days after receiving the request.

4. DISCUSSION

4.1 Council is in receipt of a request for a statement of reasons for the decision to refuse to amend Sealed Plan No. 171047 at its Council meeting held on 24 August 2020.

4.2 In moving that the request be refused the mover, Cr Street noted that:

- the sealed plan is relatively new.
- some owners in the plan have objected to the removal.

5. FINANCE

5.1 There are no financial implications in relation to this matter.

6. ENVIRONMENT

6.1 There are no environmental issues associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 The statement of reasons will be provided to the applicant's legal representative.

8. RISK

- 8.1 Provision of a statement of reasons will address identified risk.

9. CONCLUSION

- 9.1 Ms Naomi Billet, Principal Billet legal has submitted a request for a statement of reasons on behalf of the applicant and it is appropriate that Council provide that statement.
- 9.2 In moving that the request be refused Cr Street noted that the sealed plan is relatively new and some owners in the plan have objected.
- 9.3 It is suggested that Council provide a statement of reasons noting those reasons outlined by Cr Street.

10. RECOMMENDATION

That Council resolve to provide the following statement of reasons for refusing to amend Sealed Plan No. 101047 by deleting the covenants in relation to Lot 96 because:

1. The Sealed Plan was only recently registered;
2. There has been no substantial change to the nature or use of the area of and surrounding the Sealed Plan since it's registration;
3. There is at least one registered proprietor that benefits from the covenants in the Sealed Plan objecting to the amendment.
4. In these circumstances the amendment should be rejected.

ATTACHMENTS

Nil

17.3 WASTE AND RECYCLING KERBSIDE EXTENSION TO TINDERBOX

File Number: 24.103

Author: David Reeve, Executive Manager Engineering Services

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.3 Council is able to demonstrate strong environmental stewardship and leadership.

1. PURPOSE

- 1.1 The purpose of this report is to consider two separate petitions requesting Council to extend the kerbside collection service to the Tinderbox area.

2. BACKGROUND

- 2.1 Two petitions have been received by Council independent to each other requesting an extension of the kerbside waste and recycling collection service to Tinderbox.
- 2.2 The first petition closed on 6 September 2020 and received 6 signatories of support, the second petition closed on 30 September 2020 and received 0 signatories of support.

3. STATUTORY REQUIREMENTS

- 3.1 The petitions received meets the requirement of Section 57 of the Local Government Act 1993 and Council is therefore required to determine any action to be taken in respect to the subject of the petition.

4. DISCUSSION

- 4.1 Council's usual approach with extending the waste and recycling collection service is to determine whether:
 - the service is contiguous with our current serviced area i.e. can be delivered economically;
 - the service contractor can service the area i.e. are the roads wide enough with suitable turning facilities to allow a collection service to be undertaken safely; and
 - there is majority community support for the extension.
- 4.2 The proposed extension area is adjacent to a currently serviced area and it is likely that the contractor would be able to provide a service to the area if required.
- 4.3 There are 197 tenements in the Tinderbox area and normally the above would be a trigger to survey this group to ascertain community willingness to adopt the Council managed service. However, the low interest shown by two concurrent surveys

suggests that there is limited interest for access to the Council waste and recycling service in Tinderbox.

- 4.4 It is worthwhile noting that a private contractor does service this area currently and therefore not extending the Council collection service is unlikely to significantly affect the service the community is afforded.

5. FINANCE

- 5.1 There is no cost to Council if the collection service is not extended.
- 5.2 If Council decided to extend the service, the costs of the Council's kerbside waste and recycling services would be recovered by service charges and factored into Council's annual budget.

6. ENVIRONMENT

- 6.1 There are the following environmental benefits associated with expanding the kerbside collection service:
- Reduced greenhouse emissions;
 - Improved recycling rates and diversion of product to landfill; and
 - Discouraging illegal littering.

7. COMMUNICATION AND CONSULTATION

- 7.1 No further consultation is recommended with the wider Tinderbox community, however the petitioners will be advised of the Council decision.

8. RISK

- 8.1 The risk of negative feedback from the community associated with the recommended action is low as few expressed an interest through the recent petitions of an extension occurring.
- 8.2 There is a risk that surveying the local Tinderbox community as regards a waste and recycling collection may engender negative comments about the need for this.

9. CONCLUSION

- 9.1 The extension of a waste and recycling service to the Tinderbox area is possible but based on the results of two recent petitions is unlikely to be desired by the Tinderbox community.
- 9.2 Apart from the recent petitions Council has not previously been lobbied for an extension of the waste and recycling service in this area.
- 9.3 Undertaking community surveys do take time and resources and need to be considered carefully based on a suitable trigger. The results of the petitions do not provide this trigger.
- 9.4 If community sentiment were to change in the future, it would be possible to revisit this matter.

10. RECOMMENDATION

That Council resolve to take no further action as to an extension of the garbage and recycling service to the Tinderbox area and that the organisers of the petitions requests such be advised accordingly.

ATTACHMENTS

Nil

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17.4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS POLICY

File Number: 12.210

Author: Daniel Smee, Executive Manager Governance & Community Services

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.2 A community that has a well-developed sense of natural and cultural heritage.

1. PURPOSE

1.1 The purpose of this report is to review Council's policy in regard to the acknowledgement of Traditional Owners.

2. BACKGROUND

2.1 Council's Acknowledgement of Traditional Owners Policy (1.12) was developed in 2016 and is due for review.

3. STATUTORY REQUIREMENTS

3.1 There are no statutory requirements relating to this matter.

4. DISCUSSION

4.1 The objective of the policy is to ensure that the Traditional Owners of the land in Kingborough are acknowledged at Council meetings, events and functions through the conducting of an Acknowledgement of Country.

4.2 Whilst this is an appropriate objective, it is considered that this commitment is best embedded within a Reconciliation Action Plan rather than a specific policy.

4.3 Acknowledgement of Traditional Custodians is a standing item on the Agenda for Council Meetings and is included within the standard operating procedures for events and functions.

4.4 In light of the above, it is considered that the most appropriate way forward is to incorporate the policy objectives within the forthcoming Kingborough Reconciliation Action Plan.

5. FINANCE

5.1 There are no financial implications associated with this matter.

6. ENVIRONMENT

6.1 There are no environmental issues relating to this policy.

7. COMMUNICATION AND CONSULTATION

- 7.1 Council's Communications and Engagement Advisor has been consulted in relation to this matter.

8. RISK

- 8.1 No risks to Council are identified in relation to this matter as the commitments outlined within the current policy will be strengthened through

9. CONCLUSION

- 9.1 A review of Council's Acknowledgement of Traditional Owners Policy has been undertaken as scheduled.
- 9.2 It is considered that the intent of the policy is best communicated through a Reconciliation Action Plan rather than a policy document.

10. RECOMMENDATION

That Council's Acknowledgement of Traditional Owners Policy be incorporated within the forthcoming development of a Kingborough Reconciliation Action Plan.

ATTACHMENTS

1. Existing Policy - Acknowledgement of Traditional Owners

Public Copy



Policy No: 1.12 Minute No: C516/23-16
 Approved by Council: November 2016 ECM File No: 12.210
 Next Review Date: November 020 Version: 2.0
 Responsible Officer: Executive Manager Governance & Community Services

Acknowledgement of Traditional Owners Policy

POLICY STATEMENT	1.1 Council acknowledges that the traditional owners of the land within Kingborough are the Muwinina people (western side of Derwent River and Channel) and the Nununi people (Bruny Island) and that it is appropriate that for Council meetings, functions and events Council pays respect to the Traditional Owners.
DEFINITIONS	<p>2.1 <u>Welcome to Country</u> A Welcome to Country ceremony is performed by Aboriginal Traditional Owners for people visiting their country.</p> <p>2.2 <u>Acknowledgement of Country</u> An Acknowledgement of Country recognises that Kingborough has a strong and proud Tasmanian Aboriginal history. It pays respect to the Traditional Owners.</p> <p>2.3 <u>Significant function or event</u> A Council conducted or sponsored function or event that has a focus on, or significance for, Tasmanian Aboriginal people, a Council conducted or sponsored function or event of regional significance, a Council conducted or sponsored State conference conducted within Kingborough.</p>
OBJECTIVE	<p>3.1 The objective is to ensure that the Traditional Owners of the land in Kingborough are acknowledged at Council meetings, events and functions through the conducting of an Acknowledgement of Country.</p> <p>3.2 For significant functions or events within Kingborough it is appropriate that a Welcome to Country be undertaken where possible.</p>
SCOPE	4.1 The Acknowledgement of Traditional Owners Policy applies to all Council meetings, Council sponsored functions and events within Kingborough.
PROCEDURE (POLICY DETAIL)	<p>5.1 <u>Welcome to Country</u> For the conducting of a significant function or event, advice shall be sought from the State Government's Office of Aboriginal Affairs to obtain the relevant protocols and advice as to the appropriate Elder who may conduct the Welcome to Country. Council shall meet the cost of conducting a Welcome to Country.</p> <p>5.2 <u>Acknowledgement of Country</u> For Council meetings, prior to the commencement of meetings, the Chairperson shall undertake an Acknowledgement of Country. For Council sponsored functions and events, the Master of Ceremonies shall undertake an Acknowledgement of Traditional Owners as first part of the proceedings. The following wording or similar is recommended when undertaking an Acknowledgement of Country within Kingborough (excluding Bruny Island): <i>I would like to pay respect to the traditional and original owners of this land the Muwinina (mu wee nee nah) people, to pay respect to those that have passed before us and to acknowledge today's Tasmanian Aboriginal community who are custodians of this land.</i></p>

	<p>The following wording shall be used when undertaken an Acknowledgement of Country on Bruny Island:</p> <p><i>I would like to pay respect to the traditional and original owners of this land the Nununi (nu nu nee) people, to pay respect to those that have passed before us and to acknowledge today's Tasmanian Aboriginal community who are custodians of this land.</i></p>
COMMUNICATION	<p>6.1 Kingborough Councillors</p> <p>6.2 Kingborough Council Staff</p> <p>6.3 Members of the public</p>
RELATED DOCUMENTS	<p>7.1 Council Meeting Procedures Policy 1.5</p>

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17.5 KINGSTON PARK IMPLEMENTATION REPORT OCTOBER 2020

Author: Tony Ferrier, Deputy General Manager

Authoriser: Gary Arnold, General Manager



**KINGSTON PARK
IMPLEMENTATION REPORT
October 2020**



This report is regularly updated and released for public information

1. INTRODUCTION

This report has been prepared as a quarterly update on the progress of the Kingston Park project. It is Council's way of regularly reporting to the Kingborough community. Such reports have been produced since August 2017.

Although this project has been underway for several years, it was not until early 2018, that significant construction commenced on the site. It is important that a reporting mechanism such as this explains what this construction entails and what will happen in the future. It is also important that the financial status of the project is described – bearing in mind that, although large up-front costs are necessary to provide the initial public infrastructure, these are more than outweighed by the subsequent direct and indirect economic and social benefits for Kingborough.

Council is providing this report every three months for general public information. Within it there is a description of the background to the project (2) – as there will always be many people who are not aware as to why it is so critically important for Kingborough. The subsequent sections describe the main construction projects (3) that are being managed by Council – these currently are the Community Hub, Goshawk Way road, Pardalote Parade (road and pedestrian corridor) and the Public Open Space (including a large children's playground). Following this there is a section on the land release strategy (4) for the site – how land is to be subdivided and developed over time. There is then a financial report (5) consisting of the expenditure to date, the amount of project borrowings and future short-term expenditure. The section on communications (6) reports on the latest news about the project and how this has been or will be more broadly communicated and the final section deals with project governance (7) and administration.

The main updates each quarter will be made to sections (3), (5) and (6). It is these sections that should be focused on by those who have been regularly reading these reports and following the project's ongoing progress. An Appendix to this report also includes a timeline that briefly summarises what has been achieved to date.

Council is interested in obtaining any comments or thoughts about the project. There is an opportunity to do this by emailing the Kingston Park Project Team at: kingstonpark@kingborough.tas.gov.au There will of course be many good ideas that could be incorporated within the project as people become more informed and enthusiastic about it. The detailed aspects of the Kingston Park Development Plan continue to evolve and it is important that everyone has an open mind to future opportunities.

2. PROJECT BACKGROUND

Kingston Park is the former Kingston High School site and is located immediately to the north of the Kingston Central Business District. The redevelopment of this site constitutes the most important development opportunity within Kingston and how it is developed will be critical in determining the future viability of the whole Kingston CBD. It is the most critical single project for the economic future of the Kingborough municipality. The subject land is shown in the figure below.



Figure 1 – Site Boundaries

The future development of the 11.3ha Kingston Park site can only be considered within the context of this CBD. Its primary objective is to encourage and complement the future sustainable development of the whole of central Kingston and Kingborough more generally. A great deal more private and public investment will occur within Kingston if the whole central area is progressively developed in a cohesive and attractive manner.

Development that occurs on the site will provide local recreational and cultural attractions and fill gaps in the services that the local community needs. If Kingston is to be the main commercial centre south of Hobart, then this will depend on how this Kingston Park site is developed. It has been often stated that this is a once in a lifetime opportunity for Kingborough, in that its development will really improve the public amenity and facilities within central Kingston. It is a truly unique development opportunity and care must be taken to obtain the optimum result.

Kingborough has, for the last 20 to 30 years, had a greater increase in population than any other municipality in Tasmania and this is expected to continue to grow at a similar rate in the next few decades. Kingborough's close proximity to Hobart, the availability of suitable land, good transport routes and the area's inherent natural attractions as a coastal municipality have all been major drawcards for new residents. However, 60% of all Kingborough's employed people travel north to Hobart or beyond to work. There should be many more local services and employment opportunities to reduce this daily traffic out of Kingborough – making it more convenient for local residents and reducing travel times and congestion in Hobart. It is within this context that building a strong, sustainable CBD is so important.

A Development Plan for the Kingston Park site was prepared during 2012-2013 (a copy is on Council's website) and it described the proposed development that is to occur on the site. It contains an urban design framework that enables new forms of development and the planned delivery of infrastructure to support that development. There is to be a mix of commercial and residential uses, together with public open space and community and cultural facilities. About one-third of the site's area is utilised by each of these generic land uses – that is, one third is to be sold for residential or commercial use, one third is retained for public open space and one third is for community uses and public infrastructure.

Although a great deal has occurred since that Development Plan was prepared, it still forms the basis for most of the current and future site development that is occurring.

For Council, this project also needs to be economically feasible. The brief for the original Development Plan required that a proposal be developed that addressed local land use needs, was well designed and broke-even financially. This is a stand-alone project that is not being implemented at the expense of other scheduled public infrastructure projects in the municipality. Land is to be sold (for purposes that will further activate the CBD) so that there is revenue to pay for the public and community facilities that are to be provided on the same site.

The urban design provides for a vehicular 'boulevard' (Goshawk Way) that passes through the site – from the former school's entrance through to a new junction with Beach Road. A pedestrianised 'promenade' (Pardalote Parade) extends from Channel Court, through the

existing Council parking area on John Street, past the new Kingston Health Centre and Community Hub through to the walkway under the Southern Outlet. Figure 2 below provides an overview of what is proposed. Apart from a few detailed design changes, this layout is essentially still consistent with what was proposed in the original Development Plan.



Figure 2 – Site Development Plan

Council has previously commissioned independent economic assessments of this project and they have determined that the project will make a significant contribution to the Kingborough economy. The economic benefits of the project were found to be during both the construction phase and on an ongoing basis within Kingborough. During construction, many jobs will be created – then determined to be about 67 jobs per year over a 10-year construction period (worth almost \$80M per annum) – and \$90M worth of development will occur on site (generating \$205M worth of multiplier impacts). The eventual redevelopment of the site will generate well in excess of 600 new jobs and increase the ongoing retail expenditure by about \$3.7M per annum within Kingston.

It is worth noting that these figures were determined in 2015, and the current Project Development Agreement (with the contracted private developer) predicts that about three times as much future development will in fact occur on this site, with commensurate increases in

economic benefits. It is envisaged that a more up to date independent economic assessment (or cost-benefit study) will be commissioned in the near future.

While these economic benefits are significant, there will also be a stimulation of additional investment on other nearby private properties within central Kingston. An early investment by Council will build local confidence – and there is some recent evidence that this is in fact occurring. It is also worth noting that there will be future increased rate revenue benefits from this project for Council, within both the Kingston Park site and central Kingston more generally. Some of this additional revenue to Council will need to cover the future costs associated with the ongoing management and maintenance of the playground, parklands, streetscape and maintaining the Community Hub facility. It is proposed that the project (including the private development on site) will be fully completed within about 10 years.

The economic benefits for Kingston are complemented and enhanced by the many social and community benefits that this proposed site development will provide. The future growth in demand for services is inevitable (as a consequence of an increasing population) and this project is primarily about preparing the Kingborough community for this growth. Future generations will judge us on how well we have taken the opportunity to utilise this land to develop a truly sustainable and viable central business district.

The social benefits of the project include the availability of a new and expanded Kingston Health Centre; a new multi-purpose Community Hub facility that will provide spaces for a variety of community and cultural activities (the future “heart” of central Kingston); a large area of public open space with a children’s playground and other landscaped features and spaces for outdoor events; the inclusion of higher density residential areas that will bring increased activity into central Kingston, making it a safer and more attractive place to visit; and the potential for commercial entertainment and more things to do that encourage social interaction and community well-being.

A high quality of urban design is also an important component of this project. It is intended that Kingston Park will be a showpiece and an example for other private developments throughout the municipality. It will provide attractions that are creative and innovative to generate increased visitor levels and community pride – and so help to sustain the long-term future of central Kingston and the Kingborough municipality.

3. PROJECT DEVELOPMENT COMPONENTS

3.1 Goshawk Way

Goshawk Way is to be the main through road within Kingston Park and will provide the main vehicular access to all the main parts of the site. Its first stage of construction has initiated the site development and enabled the inclusion of the Community Hub and the State Government's Kingston Health Centre (both now constructed) – and will then facilitate the further subdivision and development of the rest of the site. An important aspect of this road construction is that the main reticulated services and other related infrastructure are being provided to facilitate the overall redevelopment – such as stormwater, water, sewerage, power and telecommunications.

This through road provides an additional traffic option that will assist in taking the pressure off other roads such as John Street and the Channel Highway. This will have an impact on the final design and upgrade of that part of the Channel Highway between John and Hutchins streets. Its relationship with these other roads is shown in Figure 3 below.

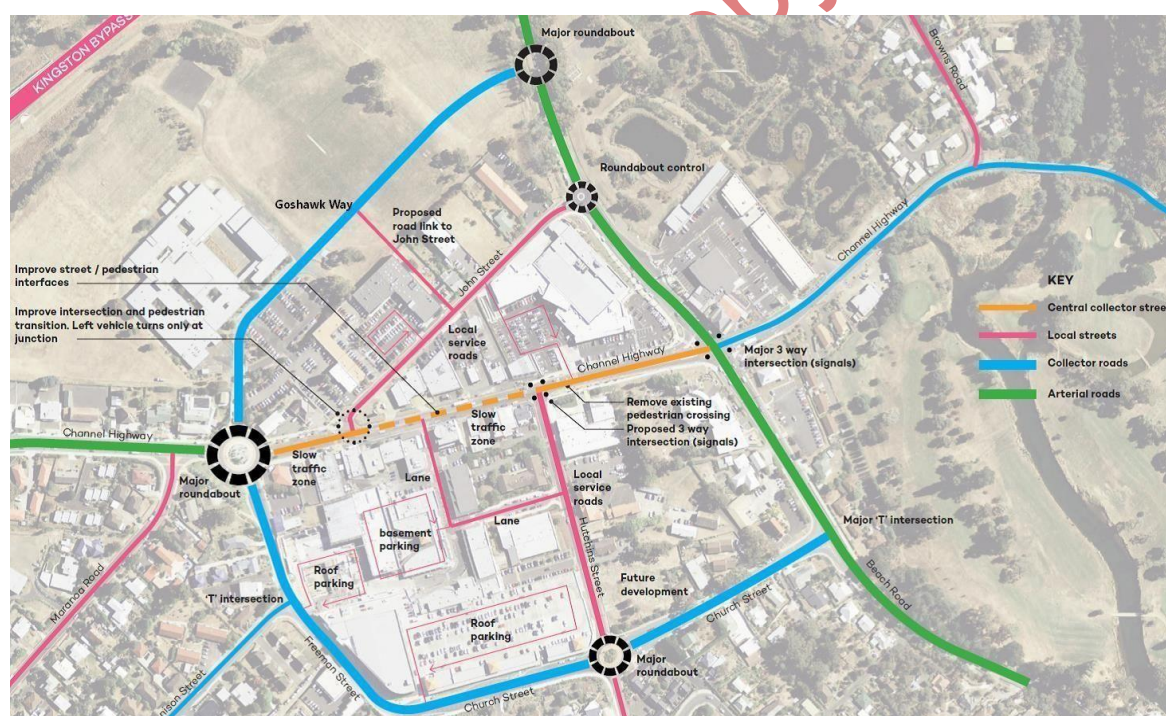


Figure 3 – Future traffic management within central Kingston

It should be noted that decisions are yet to be made regarding some of the detailed proposals shown in this figure. Council commissioned GHD consultants to undertake a major traffic study of the central Kingston area (completed in 2019). Traffic impacts across the whole of the CBD (and beyond) were considered and recommendations made for the necessary road and junction upgrades to ensure efficient traffic flow and public safety. This has informed the design of roadworks around the periphery of Kingston Park and a future works program for road upgrades

across the whole CBD. Council is now also obtaining further traffic modelling advice in late 2020 that will assist in upgrading a number of road intersections within the CBD (improving traffic flow and making them safer for pedestrians). Further consideration from a pedestrian perspective has also been provided within the Kingston Place Strategy 2020-2050 prepared by Place Score consultants.

The completed construction of the first stage of Goshawk Way is consistent with the alignment shown within the original Site Development Plan. It involved the construction of the road from the Freeman Street roundabout through to just beyond the northern corner of the Health Centre site, as well as the link road through to John Street (Skipper Lane). This provides the necessary access to adjoining properties, facilitating their future development. The road was widened by a few metres to accommodate some roadside parking and wider footpaths. Goshawk Way will extend through to the Huon Highway where a new roundabout will be constructed. Figure 4 below shows the extent of the proposed roadworks (together with draft Channel Highway and John Street upgrades – the latter having been completed at the beginning of 2020).



Figure 4 – Road construction within Kingston Park and proposed upgrade of Channel Highway

The second stage of construction is proposed to be carried out within the next year or two and will involve the completion of Goshawk Way through to, and including, the new Huon Highway roundabout (the Huon Highway commences just after the John Street roundabout on Beach Road). The aerial photograph below shows the current situation on site.



Figure 5 – Site in February 2020 (Goshawk Way will connect to Huon Highway in foreground)

3.2 Community Hub

The Community Hub provides for a variety of community uses and will encourage increased social interaction in Kingston. It will be complemented by the adjoining landscaped areas, public open space and children's playground. Following the completion of an architectural design competition, March Studio Architects were appointed project architects. A detailed design of the facility was then completed and a planning permit issued.

In 2017 Council was successful in obtaining a grant of \$2.8M for the construction of the Community Hub under the Australian Government's Building Better Regions Fund and this grant was more than matched by Council funds. Tenders were called for its construction and a contract awarded to Hutchinson Builders. Construction commenced in early April 2018 and was completed in March 2019 with a formal opening occurring at that time.

During 2019, Council transitioned the Hub to its full capacity and reviewed the future operational requirements that are needed to ensure the facility is fully operational.



Figure 6 – Community Hub front entrance

The following is a description of what the Community Hub includes. Upon entering the proposed building, there is an internal corridor that takes the visitor past a **reception area (with Council staff there during normal business hours)** and a future **tourism kiosk** will provide information about tourism and local community activities and attractions. **Public amenities and storage** within such a facility are obviously essential and their locations are indicated in the floor plan in Figure 7 below.

The **multi-purpose hall** provides a larger indoor space to be hired or generally used for displays, presentations, performances, workshops, exhibitions etc. The **town square** is the break-out public space from the multi-purpose hall – separated by a large door that is lowered from the ceiling and to which a cinema screen is attached. It is an area where other functions can be held – either in conjunction with the hall or separately. The design provides for all-abilities access, good acoustics, the incorporation of audio technology, power for community events, free Wi-Fi, solar water heating and security.

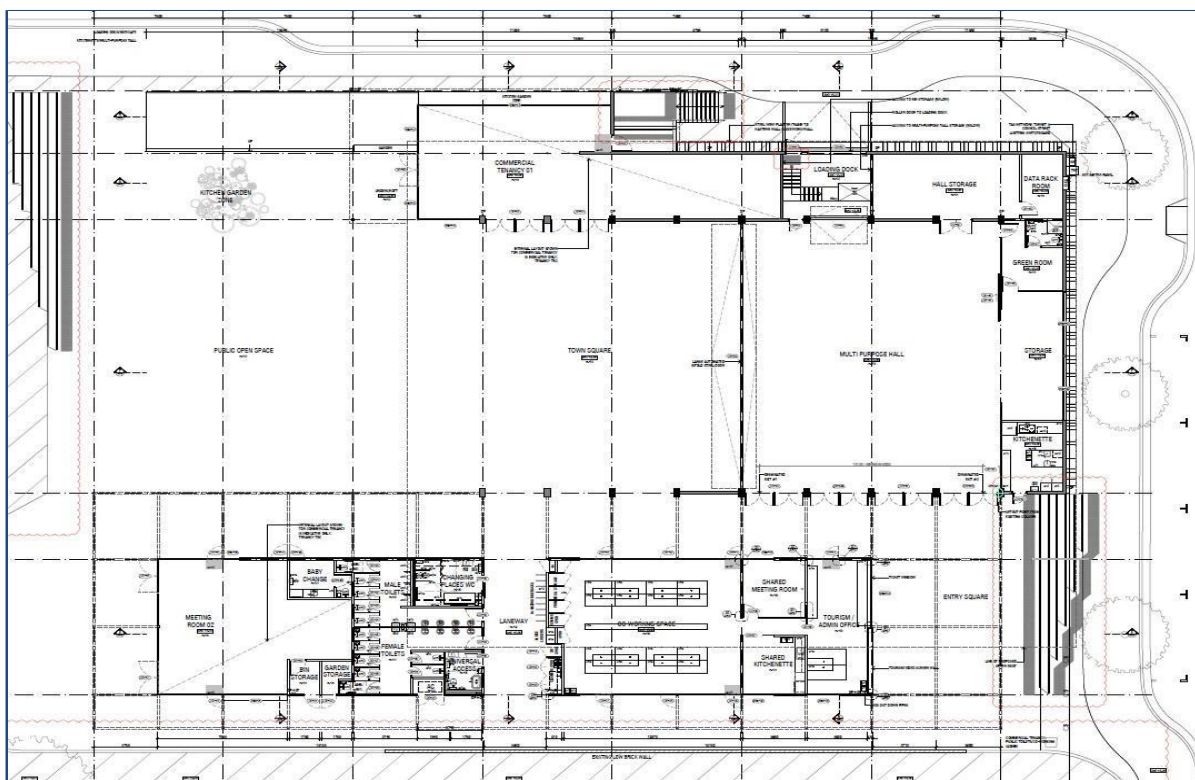


Figure 7 – Community Hub floor plan

A **café** will be located alongside the town square and this will be leased out by Council. Before a tenant is sourced for this purpose, the Kingston Park private developers (Traders in Purple) have leased this area as their sales office for a short term – including a small public coffee bar. At the conclusion of the tenancy agreement with Traders in Purple, a lessee for the café will be obtained and it will be fully fitted out for commercial use.

There is a room that was provided as a designated **co-working space** with individual workstations for people to work, study or meet with colleagues, plus a larger **meeting room** that is now available for community use and for hire. The use of this room as a co-working space, post the COVID-19 pandemic, will be reviewed and it may well be more suitable as a meeting room for local groups, training or small conferences. There is the capacity to add future modules and features to the building, plus there is a good connection to the **adjoining public open spaces** – particularly in relation to a future kitchen garden, children's playground and outdoor spaces for community events.

Public activities within the Hub were put on hold in March 2020 as a consequence of the COVID – 19 pandemic. Over the past few months, rectification work has occurred at the Community Hub and the affected areas have been closed to the general public. Some of the large concrete slabs are being replaced. The work commenced in June and will continue through to about mid-October. The work is being entirely done at the contractor's cost. After this period and subject to any social distancing restrictions, Council plans to resume full community access and usage of the Hub. This will then prepare the way for the much-anticipated completion of the adjoining children's playground by early 2021.

Figure 8 Photos below are courtesy of Alex Beem



3.3 Pardalote Parade

Pardalote Parade is the main pedestrian spine that connects the Channel Court retail precinct with Kingston Park. It then continues through the centre of the site to the pedestrian underpass at the Southern Outlet. It links the Kingston Health Centre, Community Hub and recreational areas to nearby residential and commercial precincts.

Pardalote Parade has two distinctly different sections. The first stage, which is south and east of Goshawk Way, is for pedestrians only and passes through the existing John Street car parking area (part of which will be retained for public parking). The second stage is to the north and will provide vehicular access (and wide footpaths) to the playground and the medium density residential areas in Kingston Park's south western corner. Part of this latter section has been constructed to facilitate access to the Community Hub. **The remaining part will be constructed as part of the adjoining private residential development.**

Council has commissioned the landscape architecture consultants Playstreet, to design the pedestrian component and **an earlier version of this is shown in Figure 10 below. A more detailed design is awaiting the redesign of the Channel Highway and John Street intersection – so as to ensure there is a consistent interface. It is envisaged that construction of this pedestrian section of Pardalote Parade will commence by about the end of 2021.** Part of this land is being sold to the John Street Medical Centre to cater for the future parking needs of that business.

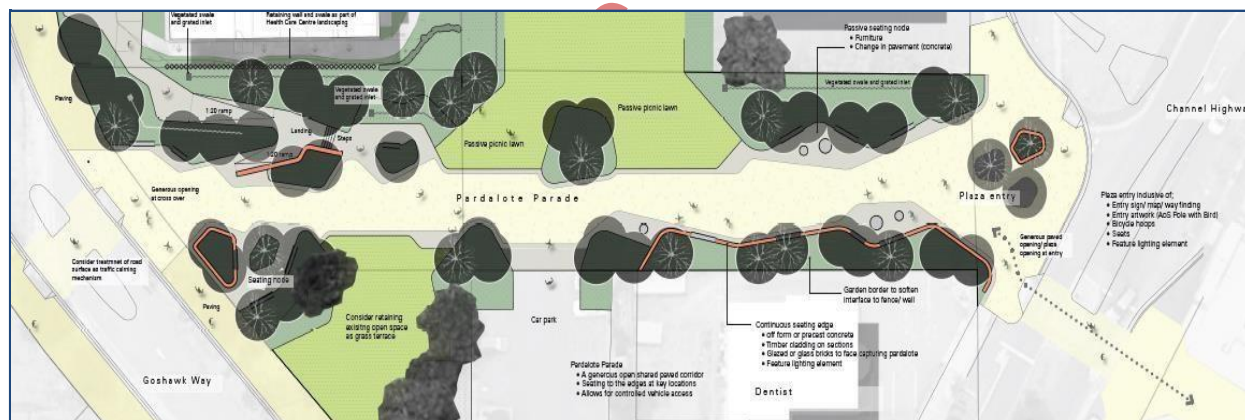


Figure 10 – Pardalote Parade (conceptual framework by Playstreet)

Pardalote Parade will be constructed to a high quality with spaces for resting, outdoor eating, vegetation, public art and shelter. Its design will need to be sensitively considered to encourage the activation of adjoining developments. Specific consideration will be given to safe pedestrian and bicycle access along the whole length of Pardalote Parade.

3.4 Public Open Space

The design of the public open space area is an important stage in the future development of the overall site. The original Site Development Plan provided a basic description of what would be provided and Playstreet have prepared a more detailed design – see Figure 11 below.



Figure 11 – Public Open Space concept design by Playstreet

The original Site Development Plan provided a basic description of what would be provided and this has been used as the starting point for the current design. The Playstreet design work commenced at the end of 2018 and the main design components were completed by late 2019. The consultants conducted an extensive public engagement program as part of this process and Council subsequently consulted further (during June 2019) on how the construction might be financed. Strong public support for both the proposed design and the taking out of interest-free loans was obtained.

The broader public open space area will include a wide range of recreational components in addition to the children's playground – such as other scattered play features, BBQ shelters, spaces for public events and performances, pedestrian and bike trails (the bike trails will be around the perimeter of the playground), grassed areas for general play, water features, scattered seats and benches, trees for shade and gardens for aesthetic appeal, natural areas, sculptures and other examples of public art, and quiet rest areas. Designated parking is to be provided in certain locations and on adjoining roadsides.



Figures 12a & 12b – Playground concept design images by Playstreet

Figure 13 below shows the construction stages for the public open space. In the first instance, area 1 will be constructed so that the whole playground is able to be delivered by early 2021. The adjoining road and parking area (area 3) is also to be constructed by this time. This parking will include more than 30 spaces on either side of the access road, with a temporary cul-de-sac at the northern end.

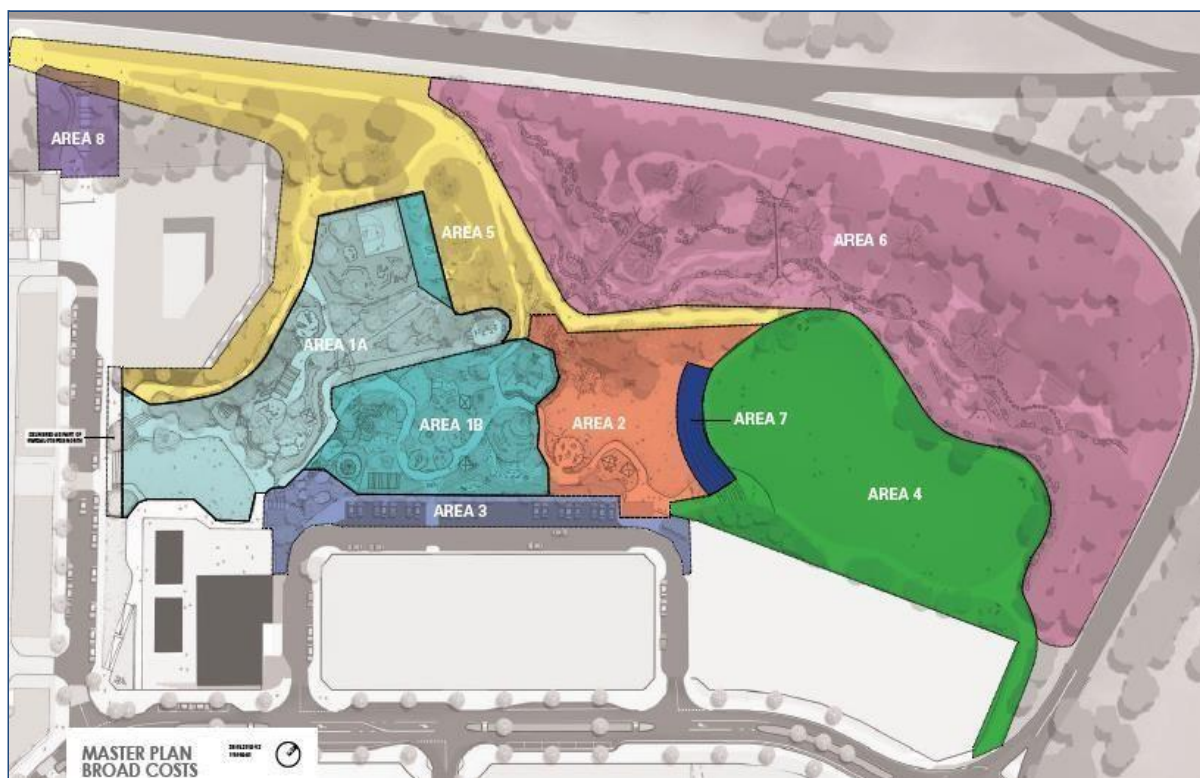


Figure 13 – Stages of public open space construction (concept design by Playstreet)

For many people, Kingston Park will be best known for the recreational attractions it offers and the spaces for community events and family gatherings. The future exciting and unique nature-based playground will be located immediately to the west and north of the Community Hub – encouraging creative and inventive play for all children (see Figures 14a & 14b on the next page). Construction of the playground commenced in February 2020 and has progressed reasonably well under the circumstances. The images at Figure 14a and 14b show the progress made by September 2020.

The playground was originally going to be opened by the end of 2020, however it has been impacted by COVID border restrictions. The unique play sculptures being created by Agency of Sculpture have been delayed due to the lockdown situation in Victoria. Although the sculptures are nearly finished, they are unable to be delivered and installed due to the border closures and associated quarantine requirements.

Once the playground is completed, Kingston park will become a much more popular destination – particularly for families with small children. This will also help in activating the Community Hub and improving the viability of its component parts. This will be a significant milestone for the Kingston Park project and prepare it for the next stages of development.



Figures 14a & 14b – Construction as at September 2020

3.5 Public Parking

Public parking is currently provided within Kingston Park. This is on a temporary basis while construction is occurring, although it is not expected that such free all-day public parking will be provided within the eventual development. Council is not obliged to provide expensive public land for people to park their cars all day at no cost within a CBD. It is a very inefficient use of land, particularly when the lost opportunities for alternative uses are considered. As the whole community is subsidising a benefit being gained by a few individuals, a user-pays system is ultimately the only fair option. It is proposed that an appropriate regime for all-day public parking within the CBD will be implemented once sufficient alternative park-and-ride facilities are available elsewhere.

The previous temporary parking area (on the school's old concrete slab) has been replaced by a new parking area just north of Skipper Lane – as from late February 2020. The former parking area is to be developed as part of a new residential precinct (stages 1 and 2) within Kingston Park. The new parking facility will have a life of about 5 years before this land too is developed. It will be replaced by additional on-street public parking and additional spaces within a private multi-storey parking facility.

New public parking areas will be provided to meet the internal needs of Kingston Park. In a general sense, it is proposed that there be a total of 150 spaces within Kingston Park – 80 of which are required for the Community Hub (its planning permit requires 77), about 30 spaces for the users of the public open space and 40 spaces made available to replace that lost from the existing John Street car park. Private developments will need to provide parking for their own needs.

It is acknowledged that, with the further development of the CBD, the demand for all-day parking will increase. This has been witnessed in recent years by the rapid take-up of the temporary parking that was provided within Kingston Park. It will however still be important not to duplicate the recent experience where community expectations have been raised by providing what is an excessive amount of all-day parking within the CBD. This discourages a change in behaviour with people travelling by car into the centre of Kingston rather than using other travel alternatives or parking on the fringes.

It is particularly important that there are good bus services (both into Kingston and Hobart), in order that people will choose to catch the bus rather than drive their car. This is particularly the case for those people that work in Kingston, who will in future find it increasingly difficult to find a convenient all-day parking space. Good bus services into Kingston enable residents to shop and visit other services, as well as reducing traffic and parking needs more easily. A new bus interchange is to be constructed as part of the Channel Highway upgrade. A convenient and good quality bus service will be an important part in ensuring a sustainable and viable CBD.

More Hobart commuters should also be catching the bus closer to their residences – but this will require more frequent bus services within suburban areas. Those commuters that currently park at Kingston Park may in future need to utilise park-and-ride facilities dispersed around the greater

Kingston area (such as at the Huntingfield roundabout with express routes into Hobart). Council is working closely with the Department of State Growth in facilitating these changes and this is being done in conjunction with a range of other initiatives associated with the Hobart City Deal and funding allocated to the Kingston Congestion Package.

During 2019 Council commissioned GHD consultants to prepare a Parking Plan for central Kingston to identify the actual parking needs, future works programs and as a basis for assessing future development applications that generate the need for additional parking. It builds on the previous work done in 2016 when a Central Kingston Parking Strategy was prepared (copies of both the Parking Strategy and Parking Plan are on Council's website).

4. LAND DISPOSAL

The future development of land within Kingston Park for private residential and commercial purposes is based on a Land Release Strategy that ensures revenue is obtained to pay for the public infrastructure and facilities that Council must provide. The future disposal of land will essentially stay true to the original Site Development Plan – acknowledging that it will need to be adapted to take advantage of favourable development opportunities. It was important that the land release process is attractive for potential investors, while also meeting other needs such as preventing land banking and meeting community expectations.

In 2017, the consultancy firm NAVIRE was appointed as Council's Principal Property Advisor. A Land Release Strategy was subsequently prepared and this was supported by detailed financial modelling that forecasted all the project's costs and revenue. The complexities of such urban renewal as this are acknowledged – "it is full of challenges and takes time – time that typically traverses political and property market cycles".

Council does have an opportunity to effectively create a new market for a higher density of residential development within Kingston Park. This is the most viable financial option for Council (based on local market analysis) and will also help in reinvigorating central Kingston. New residents will be attracted by being so close to the CBD and the services on offer (health centre, community hub, cafes, public open space, playground etc).

Council's guiding principles for urban renewal at Kingston Park are:

- (1) Developing a shared vision
- (2) Delivering supportive infrastructure
- (3) Facilitating seed/catalyst projects
- (4) Having land control
- (5) Managing market conditions

These principles are embedded within the Kingston Park project – by way of providing the essential public infrastructure and some early catalyst developments (eg Community Hub, Health Centre, playground) – rather than relying on future private developers to do this. This was an early decision of Council and was supported by expert property advice.

The Land Release Strategy produced by NAVIRE provided the necessary blueprint for Council to follow in staging the sale of land within Kingston Park. It strikes an appropriate balance between low risk/low return options, compared to high risk/high return options. It is based on a 'post pre-sales' approach, where land is only sold after both a planning permit for the proposed development and pre-sale commitments are obtained. This should enable the land to be sold for a higher amount (increasing revenue to Council), without imposing unacceptable risks. To achieve this, it was necessary for Council (with the assistance of NAVIRE) to convince prospective developers of the value and unique opportunity that Kingston Park represents.

The land parcels that were identified as being potentially suitable for private development (in accordance with the original Site Development Plan) are shown in Figure 15 below.

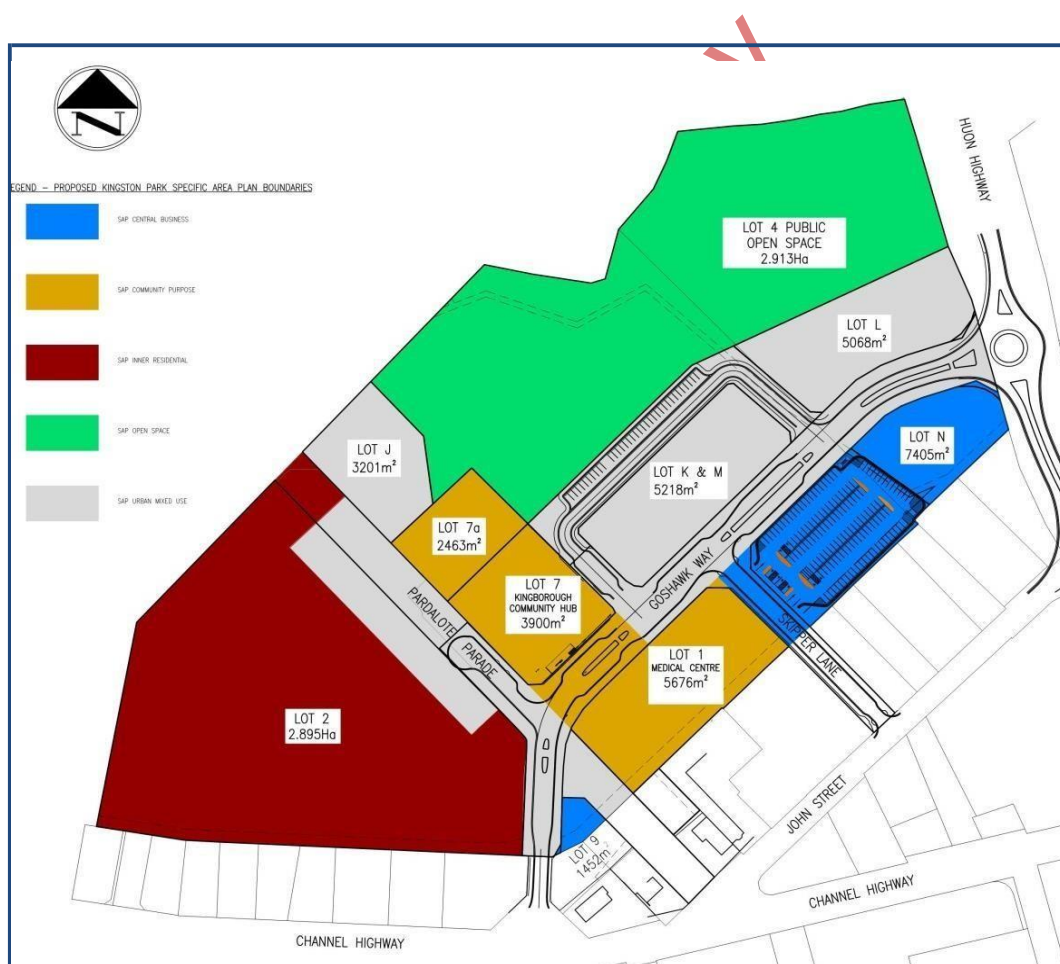


Figure 15 – Shown in red, grey and blue are parcels of land potentially available for private development

An Expression of Interest package was released in March 2018 and responses obtained from potential developers in May 2018. This provided an indication of the level of interest that exists and informed Council of the type of development that is most viable and for which the highest return can be obtained. The potential developers were then shortlisted and were provided with a 'Request for Proposal' brief. More detailed submissions were received in August 2018, after which a preferred developer was selected and a Project Delivery Agreement negotiated (and signed by both parties).

In November 2018, it was announced that Traders in Purple would be the developer for the entire site (except for lots 1, 4, 7 & 7a) shown in Figure 15 above). Traders in Purple have completed 60 projects in the Sutherland, Illawarra and Moreton Bay regions over nearly 40 years. They have also purchased and are developing two major properties in northern Tasmania.

Their proposed development is shown by the early concept diagrams in Figure 16 below. It consists of a mix of residential types (small lots, townhouses and apartments), retail, other commercial uses, cinema and parking.

The southern precinct is to be developed as the first stage and is to consist of 80 townhouse style residences within a strata development that will also contain a small local community club facility (proposed to ultimately contain a pool, kiosk and function space). The subsequent stages will include residential townhouses and apartments (lot J) and apartment blocks with ground floor commercial and internal private parking (lots K and M). The later stages include the commercial components (lot N) and additional apartment blocks (lot L).



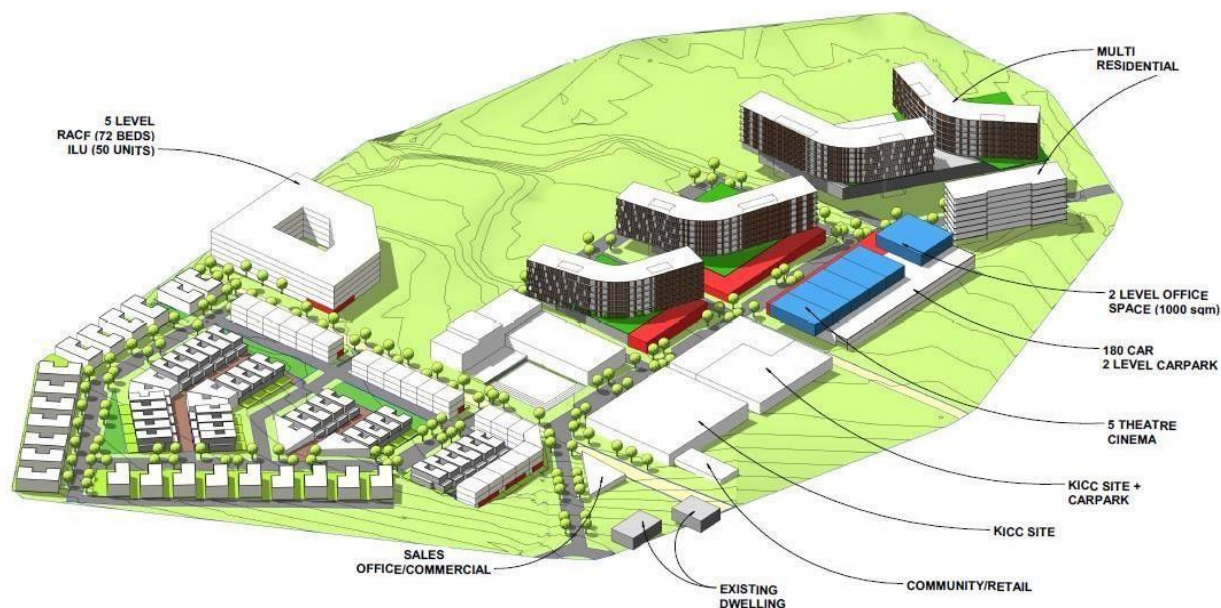
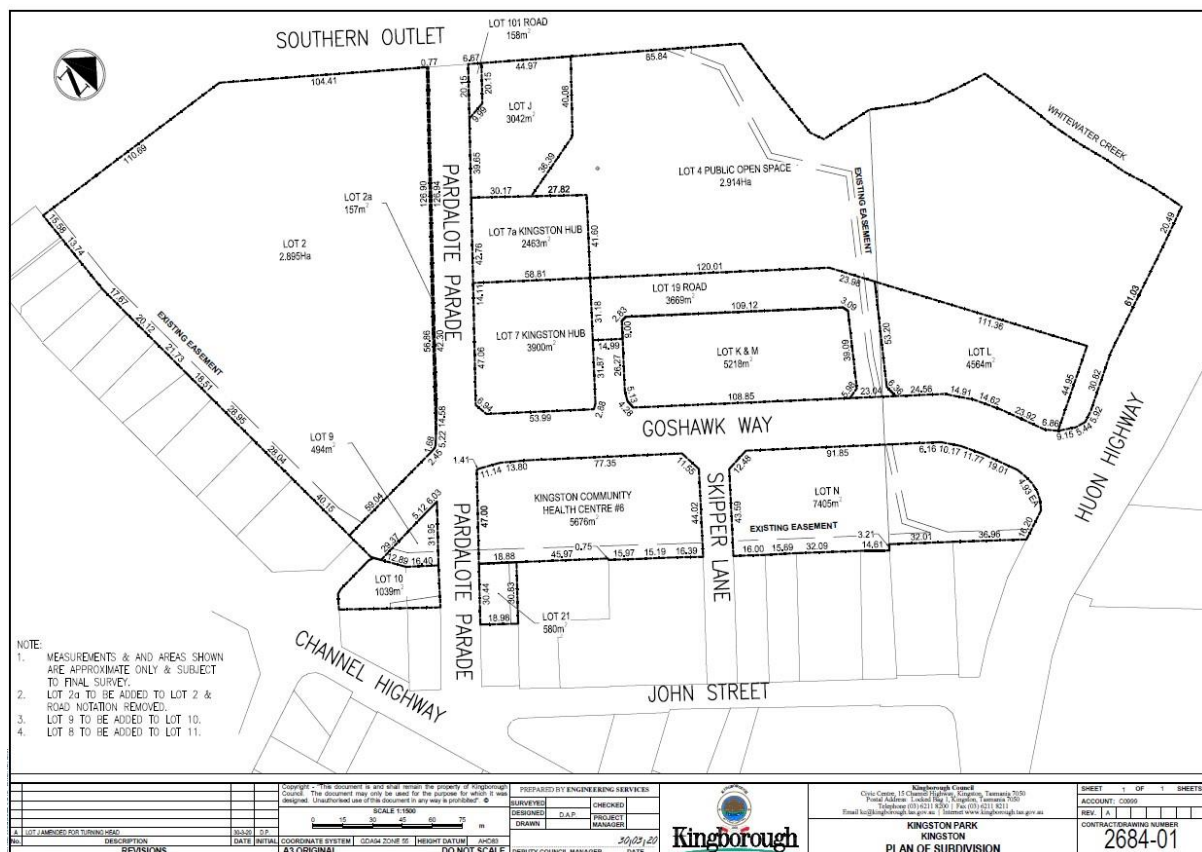


Figure 16 – Proposed Traders in Purple site development (early concepts)

The residential components provide for a total of almost 400 dwellings. The whole project is anticipated to be implemented over a period of about 8-10 years and will evolve and change slightly over time. The future commercial development aims to maximise employment opportunities (eg office development) and to provide for local entertainment attractions.

It is also important that the planning scheme requirements for Kingston Park align with the proposed development of the site. The current planning scheme includes specific provisions that facilitate the implementation of the Development Plan, as well as reducing developer risk and community uncertainty. This existing Specific Area Plan (SAP) within the planning scheme has been reviewed and a final draft prepared so that an updated version can be included within the planning scheme (following the normal statutory assessment and approval process). **This new SAP has been advertised and a number of representations are currently being considered by both Council and the Tasmanian Planning Commission.** It was necessary to amend the scheme (by way of the new SAP) to ensure that future property boundaries align accurately with Zone boundaries. The proposed subdivision of the whole site is shown in Figure 17 below.



In future years, there will inevitably be risks associated with any normal market driven process. Market conditions will fluctuate over time and this will require a degree of flexibility and for Council (and Traders in Purple) to take the best opportunities as they arise. There is a risk that unexpected issues will get raised and proposals put forward that will test Council's resolve. However there is also a good possibility that the private components are more successful and popular than expected and Council is able to achieve outcomes and land prices that are beyond what is currently anticipated (the contract with the developer guarantees a minimum price for the purchases of the respective land parcels).

This private development that is to occur within Kingston Park is particularly critical in revitalising the central Kingston area and addressing the need for additional community services and employment opportunities within the municipality.

5. FINANCIAL MANAGEMENT

5.1 Financial Situation

Council is closely monitoring all the financial affairs relating to this project. All actual costs are attributed to the project – including project management, internal loan repayments and staff time/costs. Council now has more information on the revenue expectations now that a Project Delivery agreement has been signed with the contracted developer. This will become even clearer once the project evolves further and private development stages are delivered.

A series of financial scenarios based on many different assumptions has been developed. Council has chosen the most likely and most advantageous scenario as being the basis for moving forward. This took into account:

- the economic and market reality over the long term;
- catalyst project and infrastructure delivery timing;
- Council's peak debt (borrowing facility) capacity;
- Council's final net financial position; and
- the proposed land uses described in the Development Plan (accommodating some relatively minor changes).

This chosen scenario is being constantly updated as further expenditure occurs and tender information becomes available. The current (and initial) expectation is that the final net result, by the end of the project (say, by about 2028), is that Council is likely to incur a financial loss of about \$5M. Such a loss however needs to be seen in the context of it having provided for the revitalisation of the Kingston CBD, a new Community Hub facility, a major playground, extensively landscaped public open space and increased rate revenue for Council over the longer term.

As noted above, the project expenditure also includes the amount of staff time and other related project costs (including an interest charge for internal borrowings) on top of the actual construction costs for each component. Additional income is expected from the future land sales and this is to be received from the end of 2019 onwards.

The following table indicates the project expenditure and income that has been incurred to date (up until 31 August 2020) – all figures in \$'000's.

PROJECT COMPONENTS	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	TOTAL
EXPENDITURE										
Site Planning	290	73	37	32						432
Land Purchase		144						1,324		1,468
Site Preparation		47	1,076	85	60					1,268
Comm Hub Design				39	170	184	29			422
Comm Hub Const'n						1,579	6,074	137	13	7,804
Comm Hub Equipment							218	19	2	238
Parking Strategy				41	5		41	2		89
Parking Construction								385	6	391
CBD Road Design				113	64	46				223
Goshawk Way Const'n					12	1,529	1,438	30		3,009
Stormwater								3	12	15
POS & PP Design						19	218	219	16	473
POS Items/Const'n							429	1,240	191	1,861
Land Disposal					57	132	109	37	22	358
Governance/Admin			9	8	6	39	118	158	24	364
TOTAL	290	264	1,132	328	374	3,529	8,676	3,563	280	18,434
INCOME										
Govt Grants	220					219	2,301	280		3,020
DHHS contribution					377			288		665
NET COST	70	264	1,132	328	(3)	3,310	6,375	3,283	280	14,749
Internal interest	2	11	47	54	54	162	129	50	10	563
PROJECT COST										
Borrowings						2,700	6,100	2,900		11,700
CURRENT COST										3,567

Most of the costs to date can be attributed to the construction of the Community Hub and Goshawk Way, the demolition of the old school buildings and the land purchase from the Crown (which was finalised in 2019). The cost to construct the Community Hub has exceeded expectations. This was mainly due to the challenges of the architectural design and the

subsequent contractual variations that resulted, together with external assessments of these variation requests.

Now that the land is owned by Council, it will be further subdivided into lots that are to be retained and sold. The original land value was significantly reduced to account for the fact that the land will be developed in accordance with the Development Plan – that is, almost half of the total area would be developed for public or community based purposes (compared to what might have been the case if the land had been sold to a private developer with no obligations to provide such community facilities). An initial subdivision application has been lodged over the Council owned property and is currently under assessment.

5.2 Borrowings

Up until June 2018, all borrowings for the project have been internal loans – against Council's existing cash reserves. These loans (plus interest) will be repaid by the project to Council. Since then, expenditure has reached a point where external loans are required to fund the project.

Council has an approval from Treasury to borrow \$10M as part of the Local Government Loan Council Allocation. Council has now borrowed \$2.8M (of this \$10M) to help fund the construction of the Community Hub. This matched the grant from the Australian Government (under the Building Better Regions Fund) for the same amount.

As well as this, the State Government will provide an additional interest free loan of \$6M (which will need to be repaid within 5 years). This is being provided under the State Government's accelerated local government capital program (ALGCP) and is on the basis that a number of construction projects are brought forward – these being the Pardalote footpath/road, the stages 2 & 3 of the public open space and the second stage of the Goshawk Road construction. This will enable a higher priority to be given to the construction of these roads and services, so that the Kingston Park project can generate income from land sales and repay these loans. It is expected that the interest free loan will be repaid from the settlement of the first stage of the land sales in 2022/23.

Borrowings of \$2.7M and \$1.2M under the ALGCP have been previously drawn to fund some of the current works. Recent consideration has been given to taking out an interest free loan to fully fund the construction of the playground. Of the abovementioned \$6M interest free loan, \$2.1M was allocated for this playground and a loan has now been taken out for this amount – meaning that the full \$6M allocation from the ALGCP has now been borrowed.

The full cost of this playground is estimated to be in the order of \$5M. An additional \$2.9M in interest free loans would be required to fully fund this work. Public consultation was conducted in this regard and there was a very strong level of support for Council to borrow the additional money for this purpose. Council has subsequently approved that an additional \$2.9 million be borrowed from the ALGCP (over and above the existing \$6 million) to fully fund the construction of the proposed Kingston Park playground. State government approval has been granted for this additional loan. It will need to be added to the table in the previous section.

The impact of the additional borrowings is that Council will finish the project with around \$8 million in borrowings that would be repaid over a ten-year period. The additional interest expense on the \$2.9 million loan, would be approximately \$100K from 2025/26 onwards. This can be comfortably accommodated within Council's Long-Term Financial Plan.

5.3 Anticipated Expenditure in 2020/21

During the 2020/21 financial year it is anticipated that the following Council related activities (and estimated total expenditure, including in-house Council costs) will occur:

GOSHAWK WAY	Design and construct the final stage of Goshawk Way including the roundabout on the Huon Highway.
STORMWATER TREATMENT	Design of stormwater disposal alongside the Kingston Wetlands and prepare everything ready for its staged construction.
COMMUNITY HUB	Complete the final rectification works and activate the facility afterwards (October 2020).
PARDALOTE PARADE	Design and construct the road section of Pardalote Parade and review the concept design of the pedestrian component in conjunction with other CBD roadworks.
PLAYGROUND	Completion of playground construction, including lawn area alongside Hub, pathways, access road and parking.
PUBLIC OPEN SPACE	Concept design for the balance of the public open space area so that future external funding can be sought.
LAND SUBDIVISION	Arrange for and complete the subdivision of the balance of the Kingston Park site.
OTHER COSTS	In-house project management, public engagement, liaison with private developer and advice from principal property consultant.
TOTAL	About \$6M

There have been some ongoing delays during 2020 because of the coronavirus outbreak. In particular, those infrastructure components associated with the private developer have been delayed – such as the construction of Pardalote Parade (road section), the final design of stormwater treatment (which is also subject to TasWater negotiations) and finalising the public open space design. These activities will occur during the current year.

The list above provides an indication of what is now proposed to be done this year. All of this expenditure will be paid for from the abovementioned borrowings.

6. PUBLIC COMMUNICATIONS

To date, public information about the project has been provided by way of the following:

- Public surveys and seeking public comment – preparing the Development Plan, the naming competition, input into the public open space design and comments on the proposed borrowings for the playground construction.
- Public exhibition of draft documents – including master plans, Development Plan, proposed community hub design and proposed playground and open space designs.
- Displays of proposals at the Civic Centre.
- Advertised development applications for proposed site works.
- Newspaper articles, media releases and information on Council's Facebook page.
- Copies of relevant documents placed on Council's website.

A Communications and Community Engagement Strategy was prepared for Kingston Park a few years ago and is still relevant as it is consistent with Council's recently approved Communications and Engagement Framework 2020. The objectives of this Strategy are:

1. To provide information about the project and to seek input and suggestions as the project is being delivered.
2. To facilitate a broad understanding about the social and economic benefits that this project will deliver to the Kingborough community.
3. To enhance Kingborough Council's reputation as a council committed to providing accurate and up-to-date information, as well as consulting with and meeting the expectations of the Kingborough community.
4. To proactively identify and manage media interest in this project so that key messages are broadcasted to the public and other stakeholders.
5. To promptly respond to concerns about the project and to address any issue that requires clarification or immediate action.
6. To provide for an effective two-way dialogue that will achieve positive community and developer feedback and will enhance the overall delivery of the project.

The key messages within the Strategy are that:

- Council is committed to informing and consulting with the community regarding the future development of the Kingston Park site.
- Council is acting in the best long-term interests of the municipality in the way it is managing the future development of this site. This project will improve the liveability of central Kingston and enable the creation of a sustainable central business district that can support the local needs of the Kingborough community.

- This is a particularly complex project with a number of on-ground components being delivered in a concurrent manner at different stages – including design, negotiation, approval, construction and maintenance phases. Each component supports the delivery of others and is being managed in a coordinated way.
- This project is self-funding in that the community facilities are to be funded from the sale of land within Kingston Park (with a Land Release Strategy to maximise revenue) and external grants. Loans will be taken out to fund project management and construction and these will be repaid from external sources to the maximum extent possible with any Council ‘subsidy’ kept to a minimum.
- Council has already carried out many investigations – in regard to previous public consultation, economic feasibility studies, the Site Development Plan, Land Release Strategy, engineering designs etc – and these will continue to be refined and new ones done as the project progresses.

The delivery mechanisms include:

- Regular and established Council media releases – quarterly Council News and monthly Snapshots.
- The Kingborough Council website providing up-to-date information and background documents that detail particular aspects of the project – <https://www.kingborough.tas.gov.au/development/kingston-park/>
- Media releases – for all southern Tasmanian media.
- Digital and social media – information on Facebook, Twitter, Instagram and YouTube.
- Paid Advertising – mainly in print media but also potentially on local radio/television.
- Signage and branding – the project has been ‘branded’ (see below) and signage has been placed at the entrance to the future pedestrian section of Pardalote Parade.
- Meetings – briefings and consultation with stakeholders, State and Federal politicians, developers, interested groups and individuals.
- Public displays – provided as needed in the Civic Centre or other public places.
- Public information – by way of public forums (open two-way dialogue) or as written information (brochures, reports and correspondence).

The brand that has been developed represents a lively and dynamic representation of what the proposed development of Kingston Park represents. It is used (for example) on the information sign on John Street – shown below:



7. PROJECT GOVERNANCE

The implementation of the Development Plan is Council's responsibility. As previously indicated, Council has decided to retain direct control of the site development – including the initial provision of the core public infrastructure (Goshawk Way, Pardalote Parade, Community Hub, Playground and Public Open Space) and the subsequent subdivision process that will enable the release of land parcels to the private developer.

The benefits of this more direct approach are that it allows Council to exert a greater control over the desired site development; ensure there is consistency in the standard of public infrastructure construction (eg high quality streetscapes); achieve an optimum revenue stream and to facilitate the site development as early as possible (without land banking).

This requires a more hands-on management style within Council. An internal steering committee has been established to closely monitor the project and it meets monthly. This is an extremely complex project that has many different dimensions and requires many different specialist skills. There is a full-time Project Manager appointed to oversee the implementation of the on-ground works and support staff includes a part time Project Officer and Project Administrator. A Probity Advisor from the consultancy firm Wise Lord & Ferguson is an observer on the steering committee and provides procurement and governance advice. Reports to Council are provided whenever major decisions must be made and to provide regular updates on general progress.

Council is conscious of a perception that it may have a conflict of interest – in that Council is effectively both the developer (to a certain extent) and the regulator for this site. However, the mitigating factors in this regard are that this dual role is already provided for in the legislation;

the existing Kingston Park Specific Area Plan within the planning scheme leaves Council with little discretion; Council's construction work that would require planning permits is limited to public infrastructure and facilities; the underlying objective of the Development Plan is to support and encourage other commercial developments in central Kingston; and that this project is so important to the Kingborough community that its management cannot be delegated to any other body.

Bearing in mind the above points, the project will continue to be overseen by Council and the existing internal steering committee. This Implementation Report will form the main communication mechanism for updating the general community on the project's progress.

The internal Project Plan for Kingston Park considers governance and strategic requirements, project benefits, reviews and reporting, project definition and objectives, success criteria, constraints and assumptions, stakeholder impacts, implementation timeframes, project cost and revenue (both to date and in the future), communications, functionality, risk management and project completion.

A formal relationship exists with Traders in Purple as the sole private developer for Kingston Park. A partnership arrangement is defined by a Project Delivery Agreement. This is a legal document that protects the interests of Council and guarantees a minimum revenue from the sale of land (with the potential for increased amounts). Formal Project Control Group meetings are held every two months and other fortnightly meetings are held with the Traders in Purple local project manager. This arrangement has been operating smoothly for the last few years.

The main contact officers for this project are:

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You may also contact the Kingston Park Project Team at the following email address:

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APPENDIX

KINGSTON PARK TIMELINE

DATE	ACTIVITY
July 2007	Heads of Agreement between Council and the Tasmanian Government to relocate the Kingston High School.
June 2008	Completion of Kingston Central Area Master Plan and Heads of Agreement between Council and the Government for cooperative implementation.
January 2011	Kingston High School vacates the site.
July 2011	Public consultation completed on future use of site – strong community pressure to create a place that will be the future “heart” of Kingborough.
September 2011	Council expresses an interest to Government in purchasing the land – subsequent investigations by Treasury on disposal options and briefing of Council.
October 2011	Temporary public parking provided on the old school parking area.
December 2011	Council applies for Liveable Cities grant from Australian Government to conduct investigations into the best use of the site and grant (\$200K) approved for Site Development Plan in April 2012.
May 2012	Sale offer of \$8.3M made by Government but rejected by Council with deferment sought until after a Site Development Plan was completed.
July 2012	Appointment of consultants (following open tendering process) to prepare Site Development Plan. Subsequent public consultation and preparation of a number of interim reports.
May 2013	Site Development Plan completed and subsequently endorsed by Council in July 2013.
December 2013	Government decision to sell land to Council at reduced price (based on the implementation of the adopted Site Development Plan). Council decides to purchase and Sale Agreement and Licence to Occupy site issued, with 10% deposit on land paid. July
July 2014	Council decision to directly manage the future development and disposal of the site itself
September 2014	Approvals obtained and tenders called for demolition of former high school buildings, with demolition commencing in February 2015
November 2014	Project steering committee formed (including external probity advisor) and has met every month since.
October 2015	Demolition of former high school buildings completed (except for gymnasium as it was retained for likely inclusion within future community hub facility)
October 2015	Council decision to conduct architectural design competition for Community Hub

May 2016	Central Kingston Parking Strategy completed by consultants and endorsed by Council
June 2016	Completion of Community Hub architectural design competition – winning entry from March Studio architects
July 2016	Conclusion of public naming competition with successful “Kingston Park” entry
October 2017	Building Better Regions Fund grant of \$2.8M obtained for construction of Community Hub
November 2017	Appointment of NAVIRE consultants to develop a Land Release Strategy and to advise Council on its subsequent implementation
December 2017	Appointment of Spectran contractors to construct Goshawk Way stage 1 and subsequent commencement of construction
January 2018	Council adopts Land Release Strategy, market process and associated governance arrangements
March 2018	Expressions of Interest sought from prospective developers (closed May 2018). Requests for final proposals closed in August 2018.
April 2018	Community Hub construction commences (following approvals and tender process)
September 2018	Council decision to award contract to Traders in Purple with final Project Delivery Agreement signed in November 2018.
October 2018	Playstreet consultants appointed to design public open space, including Pardalote Parade and children’s playground and subsequent public consultation on the design (over the following six months)
February 2019	Kingston Health Centre opens
March 2019	Community Hub construction completed and official opening held
October 2019	Playground design finalised and subsequent planning permit granted in January 2020
November 2019	Planning permit granted for stage 1 residential development to Traders in Purple
December 2019	Balance of land (former high school site) transferred into Council’s ownership
February 2020	Parking area (150 spaces) constructed and closure of temporary parking to enable proposed residential development
February 2020	Playground construction commences and due to be completed by November 2020
May 2020	Final Kingston Place Strategy 2020-2050 from Place Score consultants endorsed by Council

RECOMMENDATION

That the Kingston Park Implementation Report October 2020 be noted.

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumed at

RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

CLOSURE

Public Copy

APPENDIX

- A General Manager's Diary for the Period 1 September 2020 to 30 September 2020
- B Delegated Authority List for the Period 16 September 2020 to 29 September 2020
- C Current and Ongoing Minute Resolutions (Open Session)

Public Copy

A GENERAL MANAGER'S DIARY FOR THE PERIOD 1 SEPTEMBER 2020 TO 30 SEPTEMBER 2020

1 September	Attended the King's Quarter's Sales Display event with the Mayor, Cr Winter and Minister Ferguson
	Met with Mr Danny Hills of MSD Constructions to discuss drainage issues
2 September	Attended Greater Hobart General Manager's Meeting
3 September	Met with Mr Owen Whitton to discuss Van Moreys road drainage matters
7 September	Participated in weekly Metro General Manager's Catchup
	Attended a meet and greet with Minister Shelton and Councillors
	Attended Council Workshop
9 September	In company with the Mayor, met with representatives of the Kingston Beach Sailing Club to discuss grant application
11 September	Attended LGAT meeting
14 September	Participated in weekly Metro General Manager's Catchup
	Attended Council meeting
15 September	Participated in the Greater Hobart Mayor's Forum via Teams
16 September	In company with the Mayor and Cr Midgley, met with Ms Siri Bjorhusdal
17 September	Participated in the Greater Hobart meeting via Teams
21 September	Participated in a meeting with the Mayor, Cr Winter and Mr Simon Brookhouse of NBL Tasmania, via Zoom
	Participated in weekly Metro General Manager's Catchup
22 September	Met with Mr David Gillman of Christian Schools to discuss traffic issues
23 September	In company with the Mayor, Cr Winter met with Senator Askew
24 September	Attended the TasWater Owners Representatives Group General Meeting in company with the Mayor, Cr Winter
	Participated in LG Professionals Australia President's Summit via Teams
25 September	Attended the Derwent Estuary Program Risk Register Review
	Participated in the Greater Hobart Advisory Group meeting via Teams
28 September	Attended Council meeting
29 September	In company with the Mayor, met with Mr Paul Chapman to discuss DA application process
	Attended CRDSJA SWS Risk Appetite Workshop in company with the Mayor, Cr Winter

B DELEGATED AUTHORITY LIST FOR THE PERIOD 16 SEPTEMBER 2020 TO 29 SEPTEMBER 2020

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE		
DA-2020-490	Ireneinc Planning 12 Channel Highway KINGSTON	Change of use to General Retail and Hire (shop)
DEVELOPMENT APPLICATIONS FOR DISCRETIONARY DEVELOPMENT/USE		
DA-2018-63	Mr G Hills 152 McGowans Road MARGATE	Dwelling and outbuilding (shed)
DA-2019-283	Mr I & Mrs L Webb 1874 Bruny Island Main Road GREAT BAY	Outbuilding (garage)
DA-2020-228	G Hills & Partners Architects 2-6 Beach Road KINGSTON BEACH	Alterations and additions
DA-2020-274	Mr N Rudenno & Ms L Harrison 24 Stringybark Road BONNET HILL	Dwelling, outbuilding (garage) and Retrospective associated civil works
DA-2020-295	Saxon Hall Design & Art 40 Lobdales Road SOUTH BRUNY	Extension to Class 10A communal building (part of the existing overnight camping area – visitor accommodation)
DA-2020-311	Mr C Gledhill & Ms H Hale 71 Kregors Road GORDON	Alterations to dwelling (pool)
DA-2020-321	IDW Architects 11 Eleni Avenue KINGSTON	Dwelling
DA-2020-329	Ms E O'Brien & Mr S Martyn 10 Calder Crescent BLACKMANS BAY	Dwelling
DA-2020-387	Maveric Builders P/L 5 Dolphin Drive KINGSTON	Dwelling
DA-2020-394	Mr A Hanemaayer 103 Maddocks Road KINGSTON	Extension to existing outbuilding (shed)
DA-2020-396	Wilson Homes Tasmania P/L 18 Rodway Court KINGSTON	Dwelling
DA-2020-398	Tasbuilt Homes and Cabins 24 Rodway Court KINGSTON	Dwelling

DA-2020-403	Ms D Rae & Ms N Gilliver 59 Devlyns Road BIRCHS BAY	Partial change of use from outbuilding (shed) to intensification of distillery and additional carparking
DA-2020-404	Ms M Helm 39 Balmoral Road KINGSTON BEACH	Front fence in Heritage precinct
DEVELOPMENT APPLICATIONS FOR SUBDIVISION/BOUNDARY ADJUSTMENT / STRATA / ADHESION ORDER		
ADHORD-2020-6	Page Seager 15 Home Avenue BLACKMANS BAY	Adhesion of four titles
STR-2020-16	Mr M G Clements Warehouse 5/52 Ascot Drive HUNTINGFIELD	Stage 4 – Lots 12, 13 & 14
STR-2020-17	Leary & Cox P/L 16 Willow Avenue KINGSTON	Strata of two units
DAS-2019-28	Mr S C Stanton 117 Wingara Road HOWDEN	Subdivision of two lots
DAS-2020-17	PDA Surveyors 2551 and 290 Tinderbox Road TINDERBOX	Boundary adjustment
DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2020-426	Allure Building Design 51 Sandra Drive BLACKMANS BAY	Alterations
DA-2020-454	P A Dance Builders 55 Illawarra Road BLACKMANS BAY	Alterations and extensions (ancillary dwelling)
DA-2020-459	Prime Design 66 Turquoise Way KINGSTON	Dwelling
DA-2020-483	Mr J Smith 2 Pearl Place BLACKMANS BAY	Extension to dwelling (roof over existing deck)
DA-2020-495	Mind Architects 78 Spring Farm Road KINGSTON	Dwelling

C CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

CURRENT	
Resolution Title	Kingborough Sports Precinct Governance Models
Meeting Date	14 September 2020
Minute No.	C521/17-2020
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Research being undertaken
Anticipated Date of Completion	December 2020
Resolution Title	Properties for Potential Disposal
Meeting Date	14 September 2020
Minute No.	C525/17-2020
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Advertising underway
Anticipated Date of Completion	November 2020
Resolution Title	Kingborough Bicycle Advisory Committee Minutes
Meeting Date	14 September 2020
Minute No.	C529/17-2020
Status	In progress
Responsible Officer	Executive Manager Engineering Services
Officers Comments	In progress
Anticipated Date of Completion	March 2021
Resolution Title	Code of Conduct Panel
Meeting Date	C553/18-2020
Minute No.	28 September 2020
Status	In progress
Responsible Officer	General Manager
Officers Comments	LGAT notified
Anticipated Date of Completion	December 2020
STILL BEING ACTIONED	
Resolution Title	Legislative Council Inquiry – TasWater
Meeting Date	24 August 2020
Minute No.	C488/16-2020
Status	In progress
Responsible Officer	General Manager
Officers Comments	Submission lodged
Anticipated Date of Completion	December 2020

Resolution Title	Petition – Road Safety in Coningham and Lower Snug
Meeting Date	24 August 2020
Minute No.	C489/16-2020
Status	Ongoing
Responsible Officer	Executive Manager Engineering Services
Officers Comments	Ongoing discussions to be held with the community to action various requests. This may require future capital bids.
Anticipated Date of Completion	June 2021 for most actions
Resolution Title	Hobart City Deal and Implementing the Kingston Place Strategy
Meeting Date	13 July 2020
Minute No.	C397/13-2020
Status	Ongoing
Responsible Officer	Deputy General Manager
Officers Comments	A major project which will be ongoing for the next three years and regular reports will be provided to Council
Anticipated Date of Completion	Ongoing
Resolution Title	Funding for Public Infrastructure Required to Support Large Sub-divisions
Meeting Date	22 July 2020
Minute No.	C429/14-2020
Status	In progress
Responsible Officer	Manager Development Services
Officers Comments	LGAT has confirmed that in the coming weeks they will be surveying the Councils as part of the project development. There has been work with TasWater specifically about the contributions related to them. We will continue to keep Council updated on the progress.
Anticipated Date of Completion	December 2020
Resolution Title	Community Grant Program and Policy Review
Meeting Date	10 March 2020
Minute No.	C186/5-2020
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Policy to be reviewed
Anticipated Date of Completion	November 2020

Resolution Title	Paid Parking Within Central Kingston
Meeting Date	13 January 2020
Minute No.	C30/1-20
Status	In progress
Responsible Officer	Deputy General Manager
Officers Comments	Council is liaising with the State government on the upgrade of the Huntingfield park and ride as a more suitable venue for Hobart commuters
Anticipated Date of Completion	December 2020
Resolution Title	Kingborough Youth Arts Prize
Meeting Date	11 November 2019
Minute No.	C723/22-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Development of showcase activities delayed due to COVID-19
Anticipated Date of Completion	December 2020
Resolution Title	Bruny Island Boat Club Petition
Meeting Date	9 December 2019
Minute No.	C797/24-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Lease agreement terms under negotiation
Anticipated Date of Completion	December 2020
Resolution Title	Recreational Water Quality, Blackmans Bay Beach
Meeting Date	14 October 2019
Minute No.	C696/20-19
Status	In progress
Responsible Officer	Senior Environmental Health Officer
Officers Comments	Recreational Water Quality Investigation Report has been submitted to the Department of Health for consideration by the Director of Public Health.
Anticipated Date of Completion	December 2020
Resolution Title	Safer Routes to School Taroona
Meeting Date	24 June 2019
Minute No.	C427/13-19
Status	Ongoing
Responsible Officer	Executive Manager Engineering Services
Officers Comments	Will undertake additional traffic counts and other actions as listed in report
Anticipated Date of Completion	November 2020

Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	In progress
Responsible Officer	Executive Manager Information Services
Officers Comments	Funding source yet to be determined.
Anticipated Date of Completion	Unknown
Resolution Title	Proposed Transfer of Land Owned by UTAS to Council at Tarooma Beach
Meeting Date	25 March 2019
Minute No.	C233/6-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Awaiting sub-division by UTAS
Anticipated Date of Completion	Unknown
Resolution Title	Tassal Community Advisory Group
Meeting Date	11 September 2017
Minute No.	C460/20-17
Status	In progress
Responsible Officer	Manager Environmental Services
Officers Comments	Community advisory groups currently exist on the Tasman Peninsula, Esperance area and Spring Bay on the east coast. There is not a current a group in the Channel area, however Tassal have advised that they are considering initiating a group in this region in the future.
Anticipated Date of Completion	Unknown