

# TASMANIAN PLANNING COMMISSION

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## DECISION

<b>Planning scheme</b>	Kingborough Interim Planning Scheme 2015
<b>Amendment</b>	PSA-2022-2 – rezone folio of the Register 178255/1 from Inner Residential to Community Purpose
<b>Planning authority</b>	Kingborough Council
<b>Applicant</b>	All Urban Planning Pty Ltd for Christian Schools Tasmania
<b>Date of decision</b>	24 November 2022

## Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.



John Ramsay  
**Executive Commissioner**

## Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

## REASONS FOR DECISION

### Background

#### Amendment

The draft amendment proposes to rezone folio of the Register 178255/1 Maranoa Road, Kingston from Inner Residential to Community Purpose.

#### Site information

The site is approximately 702m<sup>2</sup> and is used as an existing carpark for the Calvin Christian School at 35 Maranoa Road, Kingston. The parking and school drop-off area was approved by the planning authority under permit DA-2019-719/A in 2021. The planning permit was issued with a permit condition that limits the use of part of the carpark within the Inner Residential Zone to that of the kindergarten component of the school.

The adjoining land to the south west is zoned Community Purpose and comprises of the Calvin Christian School campus including 35 Maranoa Road (primary school) and 32 Maranoa Road (secondary school). The surrounding land adjacent to the south east, north and north west is zoned Inner Residential.

#### Planning authority's response to the representations

The planning authority advised that only one representation was received from TasWater. In response to this representation resolved that:

- a) Council notes the representation received from TasWater.
- b) The Tasmanian Planning Commission be advised that Council is not recommending any further modifications to the planning scheme amendment PSA-2022-2;
- c) 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.

### Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. One representations was received and after consultation under section 40(2A) of the Act, the Commission dispensed with holding a hearing.
3. The amendment has been initiated and certified by the Kingborough Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
  - (a)-(d) . . .
  - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
  - (ea) must not conflict with the requirements of section 300;

- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
- 5. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.
- 6. Subsection 32(1)(e) is not relevant to the draft amendment as the site does not adjoin an adjacent municipal area.
- 7. Section 30O includes that:
  - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
- 8. Subsections 30O(2)-(5) inclusive relate to the effect of amending a local provision with respect to common provisions. These matters are not relevant, as the draft amendment has no implications for any common provisions.
- 9. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Southern Tasmania Regional Land Use Strategy 13 July 2022 (regional strategy).

### **Regional land use strategy**

- 10. The applicant's supporting report submits that the rezone will further the following Regional Policies of the regional strategy:
  - SI 1 Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.
  - SI 1.3 Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.
- 11. The applicant considers that the proposal will assist to accommodate the parking needs of the school on site and limit the impacts of on street parking on surrounding residential properties.
- 12. The planning authority section 35 report submits that the 'proposal will not be in conflict with any of the policy directions and will result in the continuation of an educational use to meet the demands of a growing population which consistent with the overarching strategic planning directions of this strategy'.
- 13. The planning authority submits that the application is also consistent with the Kingborough Land Use Strategy as it aligns with the broad strategic direction to provide improved social and community services including education to meet the needs of our growing population.

### **Commission's consideration**

- 14. The Commission accepts the submissions made by the applicant and planning authority and considers the draft amendment is, as far as practical, consistent with both the regional and local land use strategies.

### **Site suitability**

15. The applicant submits that Use Table 11.2 of the Inner Residential Zone provides for the Educational and occasional care use class but is limited to a child care centre, day respite facility, employment training centre or kindergarten. The applicant notes that the effect of this is 'that use of the carpark by the staff, visitors and parents of the kindergarten is allowed but not for any use associated with the primary and secondary aspects of the Calvin Christian School'.
16. The proposal rezones the site to the Community Purpose Zone, for which the permitted uses includes Educational and occasional care. Educational and occasional care provides for educational or short-term care purposes including a childcare centre, day respite facility, employment training centre, kindergarten, primary school, secondary school and tertiary institution.
17. The applicant submits that the Development Standards for the Community Purpose Zone will ensure that any future alternative development on the site is required to be compatible with the adjacent residential properties.
18. The planning authority submits that:

...the proposal is considered a minor increase to the extent of existing Community Purpose zoning that is currently applied to the Calvin Christian School and Kingston Primary School land in the vicinity. The proposed zoning reflects the existing use of the land as a carpark to support the school. The proposal will assist to formalise the use of the carpark for the broader school (rather than the current kindergarten only limitation) without any tangible change in use, activity or impact to surrounding properties.
19. The planning authority considers that 'the use and development standards under the Community Purpose Zone will avoid the potential for land use conflict'.

### **Commission's consideration**

20. The Commissions notes that the adjoining Calvin Christian School is zoned Community Purpose and considers that rezone of this site to the same is a logical and consistent approach and that the development standards of the zone are adequate to protect the amenity of surrounding residential properties.

### **State Policies and Resource Management and Planning System Objectives**

21. The Commission finds that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

### **Modifications required to draft amendment**

22. Practice Note 1 requires the inclusion of an extract from the planning scheme maps showing the extent of the amendment and Practice Note 7 requires that the zone boundary must follow the road centreline.
23. The draft amendment requires modification to insert a map showing the rezone of the site and the adjoining road centreline as shown in Annexure A.

## **Decision on draft amendment**

24. Subject to the modification described above, the Commission finds the draft amendment is in order and gives its approval.

## **Attachments**

Annexure A – Modified amendment

## Annexure A

Modified amendment PSA-2022-2

The Kingborough Interim Planning Scheme 2015 is amended as follows:

1. Rezone folio of the Register 178255/1 from Inner Residential to Community Purpose.

