

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 TO REZONE LAND AT 26 CRESCENT DRIVE (CT146336/1, CT146336/2 AND CT146336/3) AND 21 GEMALLA ROAD (CT187452/1), MARGATE

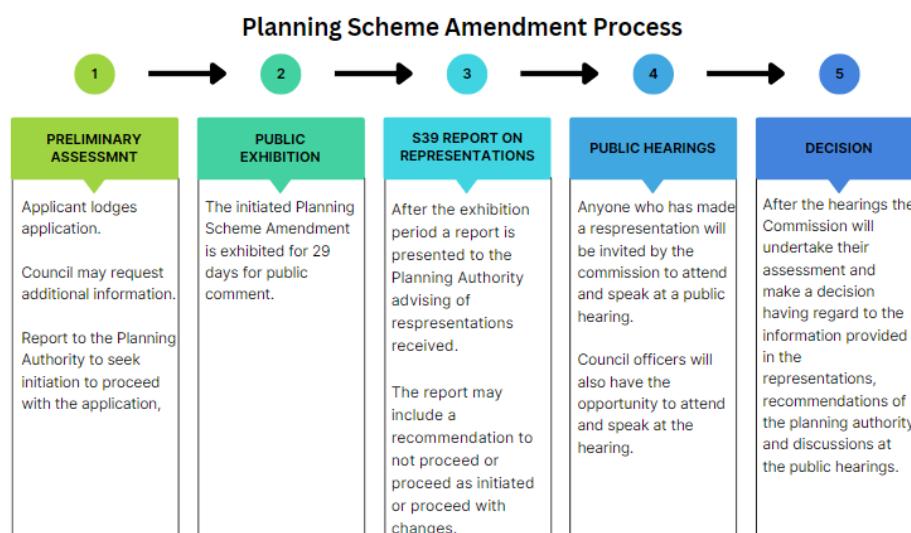
File Number: **PSA-2024-1**

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1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek initiation of a planning scheme amendment as the Planning Authority to:
 - (a) rezone land at 26 Crescent Drive (CT146336/1, CT146336/2 and CT146336/3) and 21 Gemalla Road (CT187452/1), Margate from Rural Resource to General Residential;
 - (b) remove the Biodiversity Protection Overlay that applies to the subject site; and
 - (c) introduce a Specific Area Plan (SAP) to facilitate a master planned approach for the future development of the site.
- 1.5 The recommendations are that the Planning Authority resolves to initiate and certify the amendment to the Kingborough Interim Planning Scheme 2015, advise the Tasmanian Planning Commission of this decision and exhibit the initiated planning scheme amendment in accordance with the statutory process. Draft amendments are advertised for a minimum period of 28 days for public comment following initiation and certification by the Planning Authority.
- 1.6 After the exhibition period another report will be presented to the Planning Authority advising of any representations received during the exhibition period and it will include recommendations for the Tasmanian Planning Commission to consider as part of their public hearing process before a decision is made by them.
- 1.7 A brief overview of the statutory process is provided below.



2. SITE AND CONTEXT

- 2.1 The subject site comprises of 4 titles namely 26 Crescent Drive (CT146336/1, CT146336/2 and CT146336/3) and 21 Gemalla Road (CT187452/1) on the southern periphery of Margate.
- 2.2 The site measures approximately 13.18 hectares and had been used for grazing for at least 30 years. There are no buildings on the site.
- 2.3 It is zoned Rural Resource under the Kingborough Interim Planning Scheme 2015 (KIPS2015) and is proposed to be zoned Rural Zone under the Kingborough Draft Local Provision Schedule (LPS). It should be noted that the first version of the Draft LPS that was submitted to the Tasmanian Planning Commission in 2019 proposed the Future Urban Zone for the land, however the Commission did not provide support for that zoning due to fact that the land is located outside the Urban Growth Boundary which requires a different process to amend.¹
- 2.4 The site is adjoined by different zonings as follows:
- 2.5 Land to the north of the site is zoned Low Density Residential under the KIPS 2015 and proposed to be zoned General Residential under the Draft LPS.
- 2.6 Land the south of Gemalla Road is zoned Rural Living under the KIPS2015 and proposed to be zoned Rural Living under the Draft LPS.
- 2.7 Land to the east of Bundalla Road is zoned Light Industrial under the KIPS2015 and proposed to be zoned Light Industrial under the Draft LPS.
- 2.8 Land to the west opposite Channel Highway is zoned Rural Resource and Rural Living under the KIPS2015 and proposed to be zoned Rural and Rural Living under the Draft LPS.

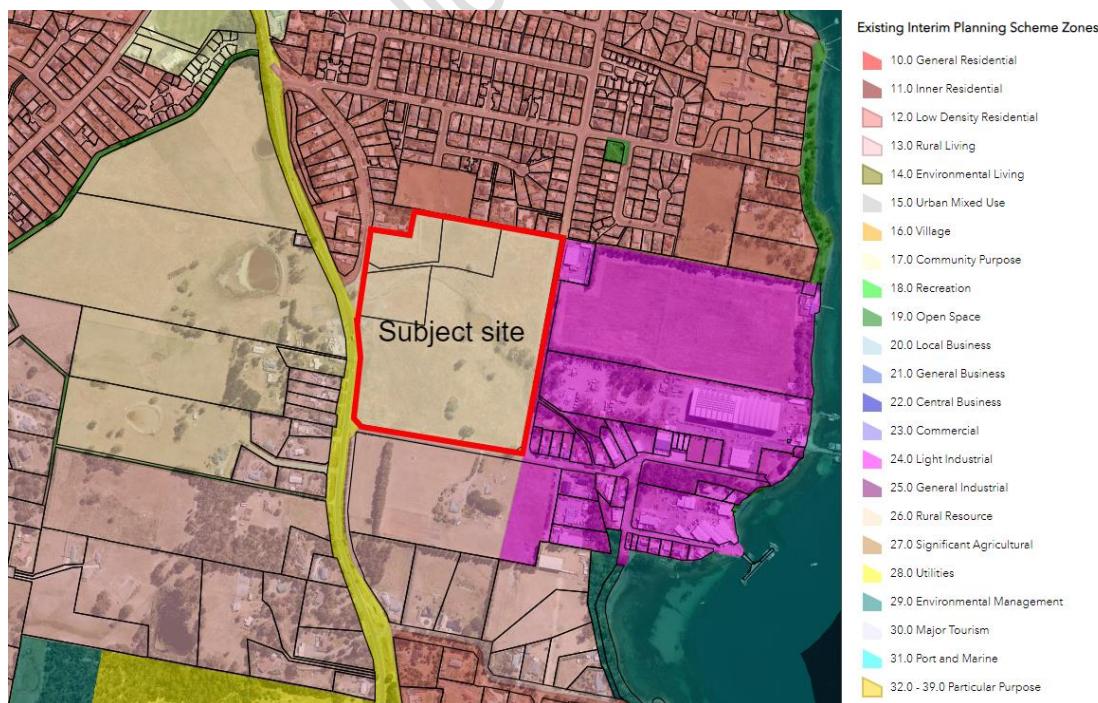


Figure 1- Existing zoning under the Kingborough Interim Planning Scheme 2015

¹ The proposal presented in this report is relying on a new provision in the Southern Tasmania Regional Land Use Strategy that allows the Planning Authority and the Tasmanian Planning Commission to consider a rezoning of land outside the Urban Growth Boundary and this is discussed in more detail under clause 5.4 and 5.5 of this report.

3. DESCRIPTION OF PROPOSAL

3.1 The proposal is for an amendment to the KIPS2015 to rezone the subject site from Rural Resource to General Residential. The proposed General Residential Zone aligns with the General Residential Zone that is proposed for Margate (directly north of the subject site) under the Kingborough Draft LPS. No subdivision or development is proposed as part of this proposal.

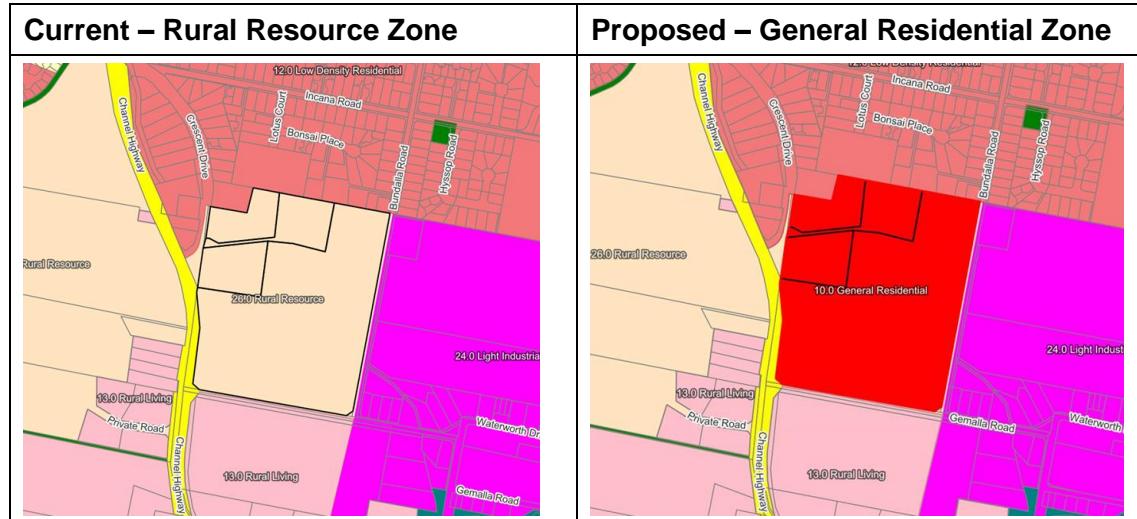


Figure 2 - Proposed zoning

3.2 The proposal is also seeking to amend the Biodiversity Code Overlay that applies to the land. Matters relating to natural values are proposed to be addressed through the provisions of a Specific Area Plan (SAP) instead of the Biodiversity Code. This approach will assist in a more flexible approach with the future subdivision design and will also facilitate a master planned approach to the future development of the site.

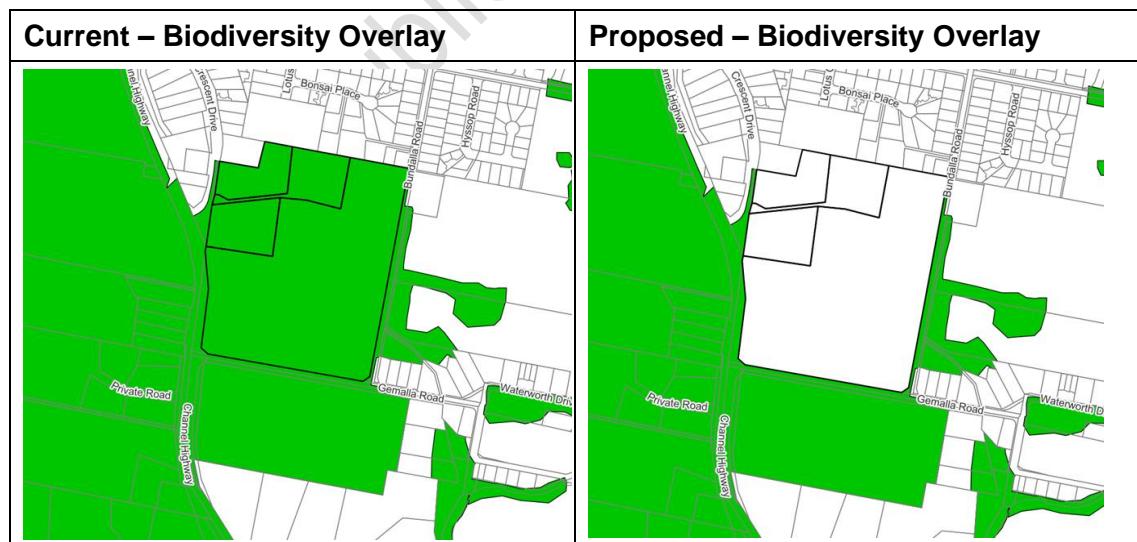


Figure 3 - Proposed amendment to Biodiversity Overlay

3.3 The proposal includes introduction of a new SAP in the Kingborough Interim Planning Scheme 2015. The proposed Gemalla Road SAP (see Attachment 1) is to ensure that future development of the land is appropriately planned, located and designed to:

- *Provide for a range of housing types and densities to meet the needs of the growing population of Margate.*
- *Encourage new residential development with direct connectivity with the surrounding roads and open space networks.*

- *Ensure that areas subject to flooding are managed to protect private property with minimal impact on natural processes.*
- *Minimise and mitigate adverse direct and indirect impacts on natural values as a result of subdivision or development.*
- *Manage stormwater quality and quantity to protect natural assets, infrastructure and property through the incorporation of water sensitive urban design principles.*
- *Manage potential land use conflicts with the adjoining Light Industrial Zone.*

3.4 The original application proposed a reduction of the Waterway and Coastal Protection Overlay buffer in the KIPS2015 and the application did not propose a SAP.

3.5 The revised proposal with the SAP as presented in this report has been developed in consultation with the applicant and provides the means to support the rezoning with appropriate provisions in place (i.e. the proposed SAP and retention of the full Waterway and Coastal Protection Overlay) to assist with the future subdivision design in a way that is consistent with the broader strategic outcomes sought for the site. This approach will also provide the applicant with a level of confidence that land can be developed in future for urban purposes before investing in more resources into a detailed subdivision design.

4. ASSESSMENT OVERVIEW

4.1 The application has been submitted with the following supporting documents:

- Application and planning report by Gray Planning, dated 27 February 2024, response to Information Request by Gray Planning, dated 5 August 2024;
- Traffic Assessment by Hubble Traffic, dated February 2024;
- Site Servicing Report, by Aldanmark, dated 4 March 2024;
- Natural Values Assessment, by ECOtas, dated 13 June 2023;
- Margate Residential Supply and Demand Analysis, by SGS Economic and Planning, dated 6 December 2022; and
- Land Capability Assessment, by GES Environmental Solutions, dated December 2022.

4.2 The application has been assessed by having regard to the following:

- *Strategic alignment, with particular reference to the consistency of the proposal with the Southern Tasmania Regional Land Use Strategy 2010- 2035, Kingborough Land Use Strategy 2019 and Council's Strategic Plan 2020-2025;*
- *Statutory compliance with the requirements of the former provisions of LUPAA and state policies;*
- *Infrastructure and service provision;*
- *Environmental impacts;*
- *Compatibility with surrounding zoning and land uses; and*

4.2 The above is discussed in more detail in the following sections of this report. In short, an assessment of the application has concluded that the proposal can proceed in the manner that is presented in the recommendation.

5. STRATEGIC ALIGNMENT

Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS)

5.1 The STRLUS is a high-level strategic policy document that facilitates and manages land use change, growth and development within Southern Tasmania. The strategy represents the agreed and approved strategic directions for the southern region and provides certainty to the broader community, infrastructure providers and governments for medium and long-term investment decisions. An assessment of the application against the broader STRLUS policies is provided in Attachment 3 and it is considered that the proposal also meets the outcomes sought by those directions.

5.2 In terms of urban growth, the approach of the STRLUS encourages the efficient use of land and infrastructure through compact settlement strategies. The strategy stipulates that urban growth is to occur through a combination of infill and controlled greenfield development in the Urban Growth Boundary (UGB). The UGB ensures that urban development is directed to areas that are best able to be supplied with appropriate infrastructure and services. It will also continue to protect other valuable peri-urban and environmentally valuable land from urban development pressures.

5.3 The Strategy proposes Margate as a “*Major Satellite of Greater Hobart*” and the main purpose for a satellite centre is to “*serve daily needs of surrounding community and provide a focus for day-to-day life within a community*”. Further subdivision on the town fringes is currently restricted due to the location of the UGB, however, that may change as part of the review of the settlement strategies of STRLUS and any other changes the minister may bring forward prior to the finalisation of the review.

5.4 The proposal as presented in this report is relying on Clause SRD 2.12 of STRLUS to rezone land outside the UGB ahead of the completion of the above-mentioned review. SRD 2.12 allows the Planning Authority and the Tasmanian Planning Commission to consider a rezoning of land outside the UGB if it:

- a) *shares a common boundary with land for urban development within the Urban Growth Boundary; and*
 - i. *only provides for a small and logical extension, in the context of the immediate area, to land zoned for urban development beyond the Urban Growth Boundary; or*
 - ii. *does not constitute a significant increase in land zoned for urban development in the context of the suburb, or the major or minor satellite as identified in Table 3, and is identified in a contemporary settlement strategy or structure plan produced or endorsed by the relevant planning authority; and*
- b) *can be supplied with reticulated water, sewerage and stormwater services; and*
- c) *can be accommodated by the existing transport system, does not reduce the level of service of the existing road network, and would provide for an efficient and connected extension of existing passenger and active transport services and networks; and*
- d) *results in minimal potential for land use conflicts with adjoining uses.*

5.5 Having regard to the provisions of SRD 2.12, it is considered that the application meets these requirements as follows:

- a) The site shares a common boundary with land for urban purposes within the Urban Growth Boundary; and:

- The proposal does not constitute a significant increase in land zoned for urban development in the context of Margate.
- The site is identified in the Kinborough Land Use Strategy 2019 as an area that is earmarked for future urban development and the proposed rezoning provides for a logical extension to the existing urban area in Margate (also refer to the discussion under 5.5 of this report).
- The residential demand and supply report submitted with the application suggests that there is a need for additional residential land in the vicinity of Margate and a [preliminary demand and supply analysis](#) completed as part of the review of the STRLUS also suggests a potential shortfall in land supply in the municipality².

b) The site can be supplied with reticulated water, sewerage and stormwater services (additional information is provided in Section 6 of this report).

c) Preliminary traffic modelling has concluded that the anticipated future development for the site can be accommodated within the capacity of transport and road infrastructure. The proposed SAP is introducing provisions to ensure that the future development of the site has minimal impacts on the efficiency and safety of the surrounding road networks (additional information is provided in Section 6 of this report).

d) Land use conflict can be addressed through the provisions of the SAP that is proposed for the site as well as through the application of the Attenuation Code in the KIPS2015 (additional information is provided in Section 6 of this report).

Kingborough Land Use Strategy 2019

5.6 The Kingborough Land Use Strategy is a local high-level non-statutory strategic document that was developed through informal consultation over a span of 10+ years. The document provides broad land use aspirations for the municipality and also helped to inform the first version of the Draft LPS (submitted to the TPC in 2019). The revised Draft LPS that is currently on public exhibition is not entirely consistent with the outcomes anticipated by the Kingborough Land Use Strategy 2019³ because partly of the time that has passed, the decision-making by the Tasmanian Planning Commission for other Councils and reconsiderations of aspects following the post lodgement meetings with the commission. However, the objectives of the strategy are still relevant, and the broader strategic intentions have been used in a manner to inform the content of the revised Draft LPS as directed by the Tasmanian Planning Commission.

5.7 The strategy states that the municipality's future population growth will be accommodated within residential areas that are a mixture of greenfield development sites within the urban growth boundary (new suburban type residential areas), infill development within the existing urban areas. The document states that where urban expansion is required, the most suitable areas will be at Huntingfield (which is now underway), Margate and Snug.

5.8 Section 5.5 of the strategy provides a detailed overview of the long-term plan for Margate and includes a detailed justification for urban expansion as proposed by this application. The strategy recommends a master planned approach for the future urban area south of Margate and that recommendation is reinforced with the SAP that is proposed for the site as part of this application.

² The review of the STRLUS is currently underway and even though a regional wide land and supply analysis will inform the review, there will be other contributory factors that will inform changes to the settlement strategies and potential amendments to the UGB.

5.9 The proposal as presented in this report is therefore considered consistent with the broad strategic outcomes sought by the Kingborough Land Use Strategy 2019.

Kingborough Council's Strategic Plan 2020-2025

5.10 The Kingborough Strategic Plan includes three key priorities, under which there are Strategic Outcomes that have relevance to the preparation of the Kingborough Draft LPS. The key priorities are to:

- encourage and support a safe, healthy and connected community;
- deliver quality infrastructure and services; and
- sustaining the natural environment whilst facilitating development for our future.

5.11 The proposal is consistent with the above and furthers the objectives of the Kingborough Strategic Plan 2020–2025 and a compliance statement is provided in Attachment 4.

30-year Greater Hobart Plan

5.12 The 30-year Greater Hobart Plan was released in 2022, and it applies to the urban metropolitan areas of the four central Hobart councils of Clarence, Glenorchy, Hobart and Kingborough.

5.13 The Greater Hobart Plan seeks to:

- *ensure growth complements the city's natural setting;*
- *implement a coordinated land release program that ensures sufficient land supply;*
- *promote and incentivise a more diverse and affordable housing mix;*
- *encourage urban renewal of underutilised land for residential development;*
- *support innovative design solutions to meet a diverse range of community needs;*
- *prioritise urban consolidation to create a more walkable and accessible compact city; and*
- *enable well designed medium-density developments within existing neighbourhoods and higher density dwellings in appropriate locations.*

The plan encourages infill development closer to transport corridors and within identified densification areas. Infill development is proposed to be primarily low-impact, medium density residential dwellings, while allowing for higher density dwellings in appropriate locations (for example business districts and along corridors with high frequency public transport services).

5.14 Even though the 30-year Greater Hobart Plan only applies to the metropolitan parts of Kingborough (i.e. Taroona, Kingston, Kingston Beach and Blackmans Bay), the plan identifies potential for urban expansion at Margate and the intention is to pre-empt consideration of UGB adjustments in this location as part of the review of the Southern Tasmania Regional Land Use Strategy.

5.15 It should be noted that this proposal is relying on new provisions within the Regional Land Use Strategy that allows consideration of urban expansion without the need to amend the UGB.

State Policies

5.16 The applicant has addressed the proposal's alignment with the *State Coastal Policy 1996*, *State Policy on Water Quality Management 1997* and *State Policy on the Protection of Agricultural Land 2009*. The proposal is not inconsistent with the outcomes sought by the relevant state policies.

6. INFRASTRUCTURE, ROADS AND SERVICE PROVISION

6.1 The upgrade of the Blackmans Bay sewer treatment facility has created capacity to accommodate urban growth in the locality of Margate. The service report provided by the applicant also indicates there is adequate capacity within the water supply network to meet the demands created by the proposed by the rezoning. The application will be referred to TasWater for formal comment as part of the public exhibition process.

6.2 In terms of stormwater management, the proposed SAP requires that the future subdivision design of the site incorporate water sensitive urban design principles consistent with Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania. The SAP requires vegetated swales to mitigate inundation and to manage the disposal of stormwater within the mapped Waterway and Coastal Protection Area with gross-pollutant traps at the primary detention basin inlets.

6.3 The traffic assessment submitted with the application indicates that the surrounding road network can accommodate the vehicular trips anticipated by the future subdivision of the site without reducing the level of traffic efficiency of the existing road network. Traffic modelling predicts highway users will continue to receive an appropriate level of service for a Category 3 State Road network.

6.4 The application has been referred to the Department of State Growth (DSG) who provided preliminary advice raising concerns with the proposal related to the broader impact of the proposal on the wider road network. The application will be referred to Department of State Growth for formal comment as part of the public exhibition process. DSG indicated that road widening may be required along the Channel Highway to allow for future improvement to traffic facilities between Crescent Drive (south) and Gemalla Road, including improved active travel facilities. It is recommended that the road widening be an extension of land set aside south of Gemalla Road for the Margate to Snug Pathway by Council. This requirement can be accommodated within the proposed SAP, however a formal response to this effect is required from DSG as part of the exhibition process which may then require an amendment to the proposed SAP or as a condition as part of a future subdivision permit.

7. COMPATIBILITY WITH SURROUNDING ZONING AND LAND USES

7.1 The proposed rezoning is considered to reflect a logical extension of the Margate to the south and will facilitate a land use outcome that is compatible with the existing urban environment in Margate. The General Residential Zone as proposed will align with the Draft LPS General Residential Zone that is proposed for the land directly north of the subject site.

7.2 One of the main reasons a SAP is proposed for the site is to manage potential land use conflicts, particularly in relation to the existing Light Industrial zoned land to the east of the subject site. Zoning prevents the introduction of activities that might interfere with the predominant land use in a particular area. For example, it prevents industries from moving into a residential area, a development that, in most cases, would disrupt the quality of life in the residential neighbourhood. The same applies to the rezoning of land that would introduce uses that would not be considered compatible with industrial areas. Accommodating rezoning proposals which could facilitate incompatible uses next to existing industrial areas may therefore have unintended and unwanted impacts

on the operation and long-term viability of businesses in an industrial area. Industries facing such uncertainties may grow cautious about undertaking expansion plans or investments in their existing facilities. The danger of industrial displacement (the forced relocation of industrial firms due to land-use conflicts or other environmental disruptions) can therefore have a significant impact on the success of investment and deter future investment opportunities. These areas should be carefully protected so they can continue to provide jobs for residents long into the future.

Noting the scarcity of industrial land in the region and in particular in the Kingborough municipality, the proposed SAP is introduced to ensure that the rezoning of the land to General Residential will not have a detrimental impact on the existing and future development in the Light Industrial Zone. The SAP is essentially proposing an increased setback for sensitive land uses and will work in conjunction with the provisions of the Attenuation Code to protect the industrial land, but also to protect the amenity of future residents.

- 7.3 The road separation and applicable setback requirements will also achieve an outcome that is compatible with the Rural Resource Zone and Rural Living Zone and an appropriate design outcome can be resolved through the master planning approach that is proposed by the SAP.

8. ENVIRONMENTAL IMPACTS

- 8.1 While predominantly cleared, the site contains 19 native trees, 16 of which are of very high conservation value and provide potential habitat for hollow dwelling species.
- 8.2 Tramway Creek runs through the subject site. This Class 2 waterway currently has a 30m Waterway and Coastal Protection Area either side of the watercourse, which contains the majority of the very high conservation value trees and is important for the natural ecological function of the watercourse.
- 8.3 The original proposal included the removal of the Biodiversity Protection Area and reduction in the width of the Waterway and Coastal Protection Area from 30m either side to 20m in total, with no other provisions to ensure impacts were capable of being adequately minimised and mitigated. If the amendment had proceeded as proposed, this would likely have resulted in the loss of all but 3 of the very high conservation value trees and significantly impacted the ecological function of the watercourse. These impacts of a future subdivision are able to be adequately addressed through the retention of the 30m Waterway and Coastal Protection Area and proposed SAP which includes native vegetation provisions.
- 8.4 The [Tramway Creek Flood Study](#) identifies flooding and associated risks across the Margate area for a range of storm event probabilities. The information gathered in the report is used to inform planning decisions for the and potential mitigation strategies as required. The Flood Maps of this study have defined the flood extents for the 1% AEP storm event in the location of the subject site and it indicates that the highest risk for inundation exists in and along the 30m wide Waterway and Coastal Protection Area that traverses the site. While more detailed flood modelling is required to determine how flooding will affect future development on the site and impacts downstream, the proposed rezoning can proceed as the proposed SAP provides the means to address flooding part of a future subdivision design. The SAP requires the Waterway buffer to remain unobstructed by roads and properties and to provide:
 - a continuing natural channel for stormwater flows including flooding event flows;
 - a practical pedestrian walkway and linkage through the site;
 - a passive open space area;

- for the retention of natural values; and
- area for any required detention or storage systems to prevent a higher risk of flooding to properties downstream of Bundalla Road.

9. JUSTIFICATION FOR THE PROPOSED SAP

9.1 The application is for a rezoning from the Rural Resource Zone to the General Residential Zone. The application does not involve subdivision; however, the applicant intends to subdivide the land in the future.

9.2 While there is in-principle support for the land to be rezoned for urban purposes, there are a number of issues that must be addressed to demonstrate the suitability of the land for urban purposes. However, there is no opportunity under the LUPAA to condition a rezoning application and as such a SAP is required to:

- a) ensure that matters not resolved at the rezoning stage are addressed appropriately at the subdivision stage.
- b) allow Council and the Developer to work together to deliver a master plan that will optimise the yield on the land but in a manner that supports the delivery of a high-quality urban environment for existing and future residents of the area while respecting the natural values and constraints on the site.

9.3 There are no provisions in the Kingborough Interim Planning Scheme 2015 that facilitate a master-planned approach for the future development of the site, however section 30O of the former provisions of LUPAA provides an opportunity to insert a local provision in the planning scheme to achieve such an outcome.

The requirements are that an amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made if –

- a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
- b) *the amendment does not revoke or amend an overriding local provision; and*
- c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*

9.4 The proposed SAP includes unique controls that will operate in conjunction with the standards provisions in the planning scheme. These controls will not:

- a) override or be inconsistent with the common provisions.
- b) revoke or amend local provisions; or
- c) result in conflicting provisions in the scheme.

9.5 Unlike the requirements for SAPs under the Local Provisions Schedules of the Tasmanian Planning Scheme, the former provisions of LUPAA does not explicitly require justification for a proposed SAP under the Interim Planning Scheme, however Section 32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The proposed SAP is considered essential to address matters relating to natural values protection, hazard mitigation, onsite stormwater treatment and land use conflicts. It

provides a tailored framework with clear development controls to ensure improved urban outcomes that meet local needs and align with broader goals of the regional land use strategy which aims to deliver long-term environmental, economic social benefits.

9.6 The SAP will provide additional provisions in the General Residential Zone to facilitate the future development of the land through a master-planned approach, to ensure that the subdivision design provides an outcome that:

- a) integrates with existing development on adjoining the land;
- b) provides a lot layout with a range of lot sizes to suit the construction of different housing typologies;
- c) provides road connections to the adjoining road network demonstrating a clear road hierarchy;
- d) provides public open space that is designed in a manner that is aligned with the natural flow path of the Tramway Creek and incorporates the recommendations of Council's Public Open Space Strategy;
- e) provides pedestrian and cycle paths that connect to adjoining networks incorporating the recommendations of Council's footpath and cycle strategies;
- f) avoids or mitigates the presence of any natural hazards on site;
- g) reduces the risk of inundation of properties in the broader Tramway Creek catchment area;
- h) minimises and mitigates adverse direct and indirect impacts on natural values;
- i) provides for adequate on-site stormwater management; and
- j) avoids or mitigates land use conflicts.

10. STATUTORY COMPLIANCE

Ability to amend the planning scheme

10.1 Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it.

10.2 This report considers the proposed amendment application as lodged by Gray Planning on behalf of Mr A Meredith and changes to the application (i.e. through the introduction of a SAP) as proposed by Council's Strategic Planning Unit in consultation with the applicant and landowner.

Assessment of planning scheme amendments

10.3 Pursuant to section 32(1) of the former provisions of LUPAA, a draft amendment of a planning scheme must address the following:

- Section 32(e) requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas. The proposed rezoning and SAP will allow urban expansion to occur, but in a manner that will avoid land use conflicts. This is discussed in more detail in clause 5.5(e) of this report.
- Section 32(ea) requires that planning scheme amendments must not conflict with the requirements of section 30O of the former provisions of LUPAA. In turn, Section 30O requires that an amendment to an interim planning scheme must as far as practicable be consistent with the regional land use strategy. The

strategic alignment with the Southern Tasmania Regional Land Use Strategy is addressed in Attachment 3 of this report. The proposal is aligned with the strategic outcomes sought.

- Section 32(f) of the former provisions of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. This is discussed under section 9.5 of this report.

10.4 In addition to the above, Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered. No representations were received during the exhibition of the Scheme which are relevant to the proposed amendment, therefore sections 30I and 30J of the former provisions of LUPAA have been satisfied.

10.5 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA. A detailed response to each of the objectives is provided in Attachment 5 and it has determined that the proposal meets all these objectives.

10.6 The Transitional Provisions under Schedule 6 of LUPAA will be utilised to carry the proposed SAP over to the Kingborough Draft LPS / Tasmanian Planning Scheme if it is approved by the Commission.

11. PUBLIC EXHIBITION

11.1 If Council initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA. Section 38 of the former provisions of LUPAA requires that the proposal be advertised for a minimum period of 28 days.

11.2 It is proposed to publicly exhibit the planning scheme amendment with notification:

- a) on the Kingborough Council website;
- b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and
- c) a site notice during the public exhibition period;
- d) in writing to owners of the property and adjoining properties.

11.3 The exhibition material will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston and the Council Service Centre in Alonnah.

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

12. CRITICAL DATES/TIMEFRAMES

12.1 If Council supports the amendment and initiates and certifies the amendment for public exhibition, it must advise the Commission within seven days.

- 12.2 Post public exhibition, Council has 35 days from the close of the notification period to forward its report to the Commission.
- 12.3 The Commission must complete its consideration and decision process within three months of receiving Council's report on the representations, unless an extension of time has been agreed by the Minister.
- 12.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

13. CONCLUSION

- 13.1 The proposal as presented in this report has been developed in consultation with the applicant and will deliver an outcome that is consistent with the broader strategic outcomes sought for the site.
- 13.2 The application is considered to demonstrate compliance and consistency with the requirements and the considerations of the State's Land Use Planning System. On this basis, the proposed application is supported

14. RECOMMENDATION

That Council resolves that:

- (a) Pursuant to section 34(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates Amendment PSA-2024-1 to the Kingborough Interim Planning Scheme 2015 as per Attachment 1.
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies that Amendment PSA-2024-1 to the Kingborough Interim Planning Scheme 2015 meets the requirements of section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorises the Chief Executive Officer to sign the Instrument of Certification provided in Attachment 2.
- (c) Pursuant to section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification.
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will place Amendment PSA-2024-1 to the Kingborough Interim Planning Scheme 2015 on public exhibition for a period of at least 28 days following certification.

ATTACHMENTS

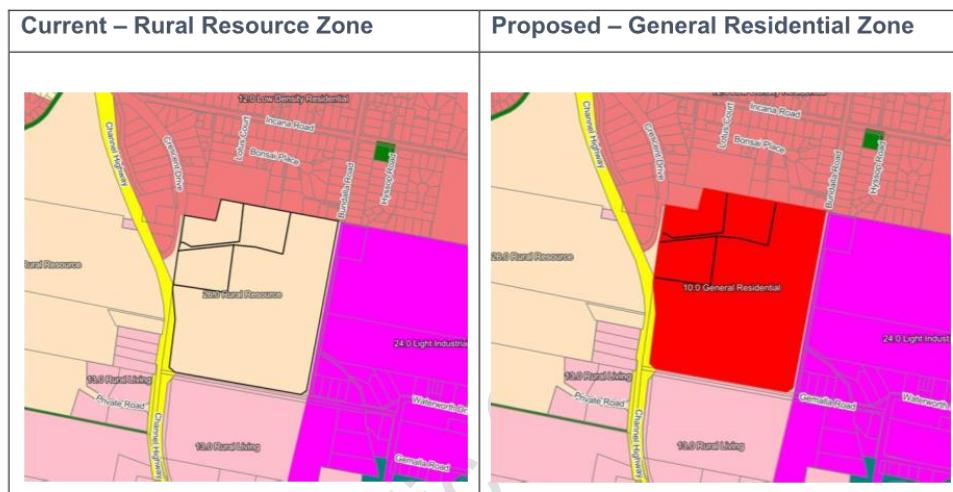
1. **Draft Amendment to the KIPS2015**
2. **Certification**
3. **STRLUS Compliance Statement**
4. **Kingborough Strategic Plan Compliance Statement**
5. **Objectives of LUPAA Compliance Statement**

Kingborough

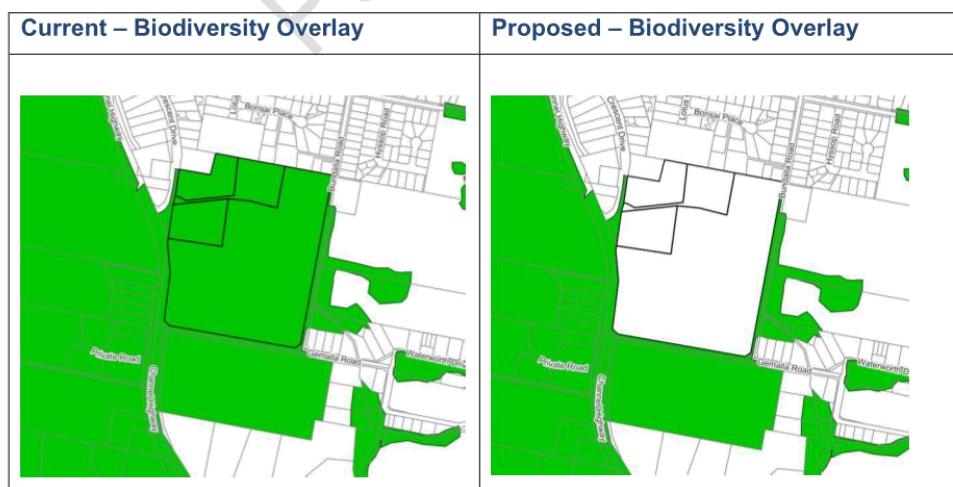
Kingborough Interim Planning Scheme 2015

Draft Amendment PSA-2024-1

1. Rezone land at 26 Crescent Drive (CT146336/1, CT146336/2 and CT146336/3) and 21 Gemalla Road (CT187452/1), Margate from Rural Resource to General Residential, as shown below:



2. Remove the Biodiversity Protection Overlay that applies to land at 26 Crescent Drive (CT146336/1, CT146336/2 and CT146336/3) and 21 Gemalla Road (CT187452/1), Margate as shown below:



Kingborough Council

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3. Insert the Gemalla Road Specific Area Plan, as per the wording provided below:

F6.0 Gemalla Road Specific Area Plan

F6.1 Plan Purpose

The purpose of the Gemalla Road Specific Area Plan is to ensure that future development of the land is appropriately planned, located and designed to:

- F6.1.1 Provide for a range of housing types and densities to meet the needs of the growing population of Margate.
- F6.1.2 Encourage new residential development with direct connectivity with the surrounding roads and open space networks.
- F6.1.3 Ensure that areas subject to flooding are managed to protect private property with minimal impact on natural processes.
- F6.1.4 Minimise and mitigate adverse direct and indirect impacts on natural values as a result of subdivision or development.
- F6.1.5 Manage stormwater quality and quantity to protect natural assets, infrastructure and property through the incorporation of water sensitive urban design principles.
- F6.1.6 Manage potential land use conflicts with the adjoining Light Industrial Zone.

F6.2 Application of this Plan

- F6.2.1 The specific area plan applies to the area of land designated as the Gemalla Road Specific Area Plan on the overlay maps and Figure F.1.
- F6.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and/or in addition to the provisions of the:
 - a) General Residential Zoneas specified in the relevant provision.

F6.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

F6.4 Definition of Terms

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

Terms	Definition
Offsets	means measures implemented in accordance with Kingborough Biodiversity Offset Policy, that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social, or environmental reasons for the action to proceed.
Tramway Waterway and Coastal Protection Area	means land within the 30m buffer area of the Waterway and Coastal Protection Area shown on the planning scheme maps.

F6.5 Development Standards for Subdivision

F.6.5.1 This clause is in addition to the General Residential Zone – Clause 10.6.1 Lot design

Objective:	That the design of subdivision of land is co-ordinated with adjoining land and provided with infrastructure to ensure sustainable urban and environmental outcomes and to mitigate potential land use conflicts.
Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 Subdivision design must be in accordance with a Master Plan that: <ul style="list-style-type: none"> (a) integrates with existing residential development in the area; (b) provides a lot layout with a range of lot sizes to suit different housing types; (c) provides road connections to the adjoining road network demonstrating a clear road hierarchy; (d) provides pedestrian and cycle paths that connect to adjoining networks incorporating the recommendations of Council's footpath and cycle strategies; (e) avoids or mitigates the presence of flooding on site; (f) avoids inundation of properties in the broader Tramway Creek catchment area outside the development site; (g) provides for adequate on-site stormwater management, incorporating water urban design principles;

	<ul style="list-style-type: none"> (h) provides public open space that is designed to incorporate the Tramway Creek Waterway and Coastal Protection Area and recommendations of Council's Public Open Space Strategy; (i) minimises and mitigates adverse direct and indirect impacts on natural values and where appropriate incorporate existing native trees within the public open space; and (j) avoids or mitigates land use conflicts with the adjoining Light Industrial Zone.
A2 No acceptable solution	<p>P2</p> <p>Subdivision must incorporate flood mitigation and stormwater measures and a stormwater disposal system that maintains, protects and enhances the natural flow and water quality values of the Tramway Creek Catchment having regard to:</p> <ul style="list-style-type: none"> (a) water sensitive urban design principles; and (b) the topography of the land and its natural pattern of drainage.
A3 <p>Each lot, or a lot proposed in a plan of subdivision, within a distance of 30m from the Bundalla Road frontage, must be for the creation of a lot:</p> <ul style="list-style-type: none"> (a) where a building for a sensitive use can be located entirely outside the 30m distance from Bundalla Road frontage; or (b) not be for the creation of a lot intended for a sensitive use. 	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a distance a distance of 30m from the from the Bundalla Road frontage, must not result in the potential for a sensitive use to be impacted by emissions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the existing activity in the Light Industrial Zone and potential to cause emissions, including: <ul style="list-style-type: none"> (i) operational characteristics of the activity; (ii) scale and intensity of the activity; and (iii) degree of emissions from the activity; and (b) the potential future use of land in the Light Industrial Zone; (c) the intended use of the proposed lot; and

	(d) recommendations from a suitably qualified person for mitigation of emissions.
A4 Each lot, or a lot proposed on a plan of subdivision, must not impact an individual tree with a diameter >25cm or require the removal of native vegetation within the mapped vegetation area (Figure F2).	P4 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to minimising and mitigating adverse impacts on vegetation including by not limited to mechanisms on the title to retain trees or the application of offsets.

F6.6 Tables

This sub-clause is not used in this specific area plan.

Figure F1 – Gemalla Road Specific Area Plan

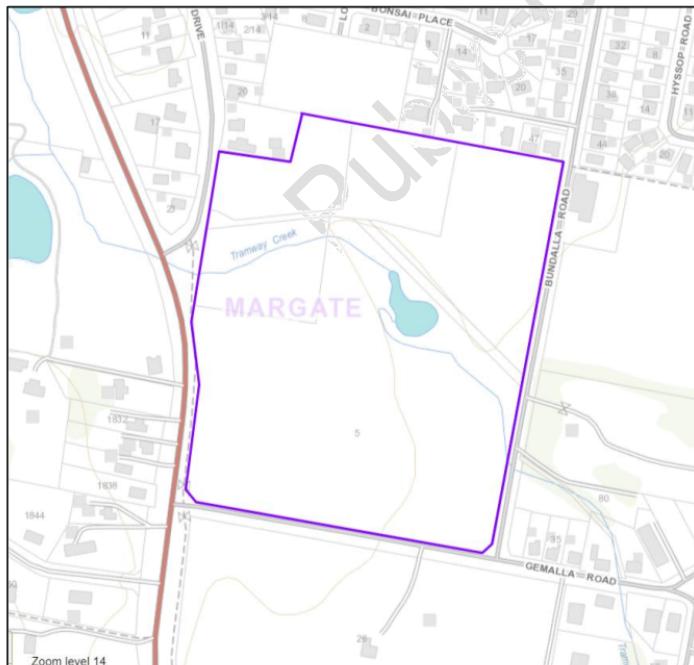


Figure F2 – Gemalla Road Specific Area Plan Mapped Vegetation Area



Kingborough

Kingborough Interim Planning Scheme 2015

INSTRUMENT OF CERTIFICATION

PSA2024-1

It is hereby certified that draft Amendment PSA2024-1 to the *Kingborough Interim Planning Scheme 2015* meets the requirements in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 22 January 2025, in the presence of:

..... Councillor

..... Chief Executive Officer
..... Date

Attachment 3 – Compliance with STRLUS

Table 1: STRLUS Regional Policies – Biodiversity and Geodiversity

Strategy reference	Regional Policy	Council officer assessment and response
BNV 1.1	Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.	The proposal includes a Specific Area Plan (SAP) that provides provisions to minimise and mitigate adverse direct and indirect impacts on natural values as a result of future development on the site. In the absence of the SAP, this policy cannot be achieved.
BNV 1.2	Recognise and protect biodiversity values deemed significant at the local level and ensure that planning schemes: Specify the spatial area in which biodiversity values are to be recognised and protected (either by textural description or map overlay); and Implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.	The Natural Values Assessment (NVA) (ECOtas, 13 June 2023) submitted with the application concludes that no part of the subject land warrants application of the Priority Vegetation Area Overlay. It is agreed that the vegetation on the site does not meet (a)-(c) of the definition of Priority Vegetation. However, the eucalypt trees on the site are construed as native vegetation of local importance given their maturity and potential to provide habitat for threatened fauna. As detailed in the NVA, all but three (3) of the native trees present on the subject land meet the definition of a high conservation value tree, which is a moderate priority biodiversity value. In light of the above, it is agreed the application of the Biodiversity Protection Overlay across the whole site is not warranted and that the vegetation provisions as proposed in the SAP apply to those parts of the site containing high conservation value trees. Those parts of the site containing high conservation value trees have been spatially identified in Figure 2 of the SAP. The spatial identification is based on the application of a hexagonal grid capturing the maximum tree protection zone (TPZ) of individual native trees identified in the NVA using aerial imagery. While the proposed spatial area extends beyond the TPZ in some areas, this reflects the application of the hexagonal grid and also ensures any improvements in the accuracy of aerial imagery do not result in high conservation value trees being excluded from

		the SAP. In the absence of the SAP, this policy cannot be achieved.
BNV 1.3	<p>Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated. Biodiversity offsets:</p> <p>Are to be used only as a 'last resort'.</p> <p>Should provide for a net conservation benefit and security of the offset in perpetuity.</p> <p>Are to be based upon 'like for like' wherever possible.</p>	The proposal is to include the biodiversity offset provisions in the proposed SAP to compensate for a loss of environmental values. Council has an offset policy and established procedures to ensure consistency, transparency and accountability in the application of offsets. In the absence of the SAP, this policy cannot be achieved.
BNV 1.4	Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.	The proposed SAPs will protect important local values in accordance with this policy. In the absence of the SAP, this policy cannot be achieved.
BNV 1.5	Ensure vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.	The Planning Scheme allow for conditions to be applied regarding construction management.
BNV 2.1	<p>Avoid the clearance of threatened vegetation communities except:</p> <p>Where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and</p> <p>Where the clearance will not significantly detract from the conservation of that native vegetation community.</p>	There are no threatened vegetation communities on the subject site.
BNV 2.2	Minimise clearance of native vegetation communities that provide habitat for threatened species.	While the individual trees on the site provide potential habitat for threatened species, these trees do not form part of a native vegetation community.

Table 2: STRLUS Regional Policies – Water Resources

Strategy reference	Regional Policy	Council officer assessment and response
WR 1.1	Ensure use and development is undertaken in accordance with the State Policy on Water Quality Management.	Compliance with this policy is incorporated within the Planning Scheme and is also partly addressed through the provisions in the proposed SAP. In the absence of the SAP, this policy cannot be achieved.
WR 1.2	Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers (particularly subdivision).	The provisions of the proposed SAP require subdivision design outcome that manages stormwater quality and quantity to protect natural assets, infrastructure and property through the incorporation of water sensitive urban design principles.
WR 1.3	Include setback requirements in planning schemes to protect riparian areas relevant to their classification under the Forest Practices System.	This is provided for by the riparian setbacks within the Planning Scheme. If the riparian setbacks were reduced as originally proposed, this policy could not be achieved.
WR 1.4	Ensure development that includes vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.	This would be accommodated within the permit conditions of future development on the site on a case-by-case basis.
WR 2	Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.	This is provided for through the retention of the 30m Waterway and Coastal Protection Area and via the proposed SAP and the master planned approach for future development of the site. In the absence of the 30m buffer and SAP, this policy cannot be achieved.
WR 2.2	Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.	This is provided for in the proposed SAP and the master planned approach for future development of the site. In the absence of the SAP, this policy cannot be achieved.

WR 2.3	Minimise clearance of native riparian vegetation.	This is provided for through the Waterway and Coastal Protection Code in the Planning Scheme. The proposed SAP also recognises the importance of the waterway and requires future development of the site to be designed in a manner that meets the outcome sought by this policy. In the absence of the 30m buffer and SAP, this policy cannot be achieved.
WR 2.4	Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.	This is provided for in the proposed SAP and the master planned approach for future development of the site. In the absence of the 30m buffer and SAP, this policy cannot be achieved.

Table 3: STRLUS Regional Policies – Managing Risks & Hazards

Strategy reference	Regional Policy	Council officer assessment and response
MRH 1.1	Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	This will be achieved through the Bushfire-Prone Areas Code of the Planning Scheme.
MRH 1.2	Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.	This will be achieved through the Bushfire-Prone Areas Code of the Planning Scheme.
MRH 1.3	Allow clearance of vegetation in areas adjacent to dwellings existing at the time planning schemes based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to a biodiversity code, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.	This will be achieved through the Bushfire-Prone Areas Code within the Planning Scheme and application of the vegetation controls of the proposed SAP.
MRH 1.4	Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.	This will be achieved through the Bushfire-Prone Areas Code of the Planning Scheme and implemented by the building approval process.

MRH 1.5	Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.	This will be achieved through the Bushfire-Prone Areas Code of the Planning Scheme and application of the vegetation controls of the proposed SAP.
MRH 2.1	Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.	This will be achieved through inundation Prone Areas Code of the Planning Scheme, the retention of the 30m Waterway and Coastal Protection Area and application of the subdivision provisions of the proposed SAP. In the absence of the 30m buffer and SAP, this policy cannot be achieved.
MRH 2.2	Include provisions in planning schemes for use and development in flood prone areas based upon best practice in order to manage residual risk.	This will be achieved through the application of the Inundation Prone Areas Code of the Planning Scheme, the retention of the 30m Waterway and Coastal Protection Area and application of the subdivision provisions of the proposed SAP. In the absence of the 30m buffer and SAP, this policy cannot be achieved.

Table 4: STRLUS Regional Policies – Cultural Values

Strategy reference	Regional Policy	Council officer assessment and response
CV 1.3	Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.	<p>Aboriginal cultural heritage is not considered in the Tasmanian Planning Scheme and is protected by separate legislation, however it should be noted that the applicant has obtained advise from Aboriginal Heritage Tasmania (AHT) that indicates that <i>'there is no known Aboriginal heritage recorded within the proposed rezoning footprint, however there are a number of significant Aboriginal heritage sites recorded in the surrounding area, including stone artefact scatters, a stone quarry (stone procurement site), shell middens and an ochre source.'</i></p> <p>In their response they also indicated that their records indicate that the area encompassing the proposal has not previously been assessed and there remains the potential for additional unrecorded Aboriginal heritage in the area. It is recommended that the applicant contacts AHT in the very early stages of the master planning process to avoid impacting Aboriginal heritage.</p>

Table 5: STRLUS Regional Policies – Recreation & Open Space

Strategy reference	Regional Policy	Council officer assessment and response
ROS 1.5	Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.	The subdivision provisions of the Planning Scheme require the provision of public open space, and this is also reflected in the proposed SAP that requires that the future subdivision application must provide public open space that is designed to incorporate the 30m Tramway Creek Waterway and Coastal Protection Area and the recommendations of Council's Public Open Space Strategy. In the absence of the 30m buffer and SAP, this policy cannot be achieved.

Table 6: STRLUS Regional Policies – Social Infrastructure

Strategy reference	Regional Policy	Council officer assessment and response
SI 2.1	Provide flexibility in planning schemes for a variety of housing types (including alternative housing models) in residential areas.	The SAP encourages a range of housing types and densities to meet the needs of the growing population of Margate. This will be achieved through the master planning approach that is required.

Table 7: STRLUS Regional Policies – Physical Infrastructure

Strategy reference	Regional Policy	Council officer assessment and response
PI 1.1	Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	Council supports the uptake of development opportunities within the UGB to optimise the use of existing services and infrastructure, however a balanced approach is required to facilitate both infill and greenfield development to accommodate the growing population of Kingborough. The proposal can be accommodated without the need for a significant upgrade of services or infrastructure in the context of Margate.

PI 2.4	<p>Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.</p>	<p>Current information in STRLUS is outdated. The proposal is relying on SRD 2.12 of the STRLUS to accommodate rezoning outside the UGB.</p> <p>The residential demand and supply report submitted with the application suggests that there is a need for additional residential land in the vicinity of Margate and a preliminary demand and supply analysis completed as part of the review of the STLUS also suggest potential shortfall in land supply in the municipality.</p> <p>The review of the STRLUS is currently underway the above-mentioned supply analysis will inform the review, there will be other contributory factors that will inform changes to the settlement strategies and potential amendments to the UGB.</p>
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Table 8: STRLUS Regional Policies – Land Use and Transport Integration

Strategy reference	Regional Policy	Council officer assessment and response
LUTI 1.11	Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.	The proposed SAP requires that the future subdivision design of the site provide pedestrian and cycle paths that connect to adjoining networks incorporating the recommendations of Council's footpath and cycle strategies;

Table 9: STRLUS Regional Policies – Productive Resources

Strategy reference	Regional Policy	Council officer assessment and response
PR 2.3	Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.	The settlement strategies within the STRLUS are currently being reviewed. Even though this is not relevant to this policy, it should be noted that the application is supported with a Land Capability Assessment that indicates that the site is predominantly classified as Class 5 and E due to being located close to Margate. None of the land examined is prime agricultural land as defined under the State Protection of Agricultural Land Policy 2009, and none of the land is classified of land as local or regionally significant. The assessed land only has limited agricultural potential and is unlikely to sustain economically viable agricultural enterprises.

Table 10: STRLUS Regional Policies – Industrial Activity

Strategy reference	Regional Policy	Council officer assessment and response
IA 1	Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5-, 15- and 30-year horizons.	The proposed SAP includes provisions to manage potential land use conflicts with the adjoining Light Industrial Zone.

Table 11: STRLUS Regional Policies – Settlement and Residential Development

Strategy reference	Regional Policy	Council officer assessment and response
SRD 1.1	Implement the Regional Settlement Strategy and associated growth management strategies through planning schemes.	The Regional Settlement Strategy of STRLUS is outdated. The proposal does not constitute a significant increase in land zoned for urban development in the locality as it presents an increase of approximately 10% urban zoned land in the context of Margate. The land is also identified in the Kingborough Land Use Strategy 2019 as an area that is earmarked for future urban development and the proposed rezoning provides for a logical extension to the existing urban area in Margate that will not have a significant impact on the outcomes sought for the regional settlement strategies.
SRD 2.1	Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.	Land is zoned in a manner that is consistent with achieving the desired results in SRD 2.7 below – which reflects Kingborough's contribution to a combination of infill and greenfield development.
SRD 2.2	Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.	This application is relying on SRD 2.12 which allows for the consideration of urban zoned land outside the Urban Growth Boundary.
SRD 2.8	Aim for the residential zone in planning schemes to encompass a 10-to-15-year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.	The STRLUS review is currently underway, and the outcome of that review may result in changes to in Kingborough to meet this requirement. The proposal relies on SRD 2.12.
SRD 2.11	Increase the supply of affordable housing.	This is not a matter that can be addressed by the planning scheme. Other than by ensuring that there is generally sufficient suitably zoned land available for future residential development.

SRD 2.12	<p>Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across the Greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:</p> <ul style="list-style-type: none"> a) shares a common boundary with land for urban development within the Urban Growth Boundary; and <ul style="list-style-type: none"> i. does not constitute a significant increase in land zoned for urban development in that locality; and ii. is identified in a settlement strategy or structure plan produced or endorsed by the relevant planning authority; or b) Only provides for a minor and logical extension to urban development beyond the Urban Growth Boundary; and c) can be supplied with reticulated water, sewerage and stormwater services; and d) is aligned with the capacity of transport and road infrastructure and minimises impacts on the efficiency and safety of road networks; and e) results in minimal potential for land use conflicts with adjoining uses. 	<p>Having regard to the provisions of SRD 2.12, it is considered that the application meets these requirement as follows:</p> <ul style="list-style-type: none"> a) The site shares a common boundary with land for urban purposes within the Urban Growth Boundary; and: <ul style="list-style-type: none"> • The proposal does not constitute a significant increase in land zoned for urban development in the context of Margate. • The site is identified in the Kinborough Land Use Strategy 2019 as an area that is earmarked for future urban development and the proposed rezoning provides for a logical extension to the existing urban area in Margate (also refer to the discussion under 5.5 of this report). • The residential demand and supply report submitted with the application suggests that there is a need for additional residential land in the vicinity of Margate and a preliminary demand and supply analysis completed as part of the review of the STRLUS also suggests a potential shortfall in land supply in the municipality¹. b) The site can be supplied with reticulated water, sewerage and stormwater services (additional information is provided in Section 6 of this report). c) Preliminary traffic modelling has concluded that the anticipated future development for the site can be accommodated within the capacity of transport and road infrastructure. The proposed SAP is introducing provisions to ensure that the future development of the site has minimal impacts on the efficiency and safety of the surrounding road networks (additional information is provided in Section 6 of this report). d) Land use conflict can be addressed through the provisions of the SAP that is proposed for the site as well as through the application of the Attenuation Code in the KIPS2015.
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¹ The review of the STRLUS is currently underway and even though a regional wide land and supply analysis will inform the review, there will be other contributory factors that will inform changes to the settlement strategies and potential amendments to the UGB.

Attachment 4 – Compliance with Kingborough’s Strategic Plan

Kingborough Strategic Plan	Officer assessment and comment
<p>Encourage and support a safe, healthy and connected community</p> <ul style="list-style-type: none"> • A Council that engages with and enables its community. • An inclusive community that has a strong sense of pride and local identity. • A resilient community with the capacity to flourish. • A Council that acknowledges the existence of climate change and a biodiversity emergency and has in place strategies to respond. • An active and healthy community, with vibrant, clean local areas that provide social, recreational and economic opportunities. 	<p>Strategic Outcome 1.1 aims to support increased public participation, and the Planning Scheme Amendment will be exhibited for public comment.</p> <p>Strategic Outcome 1.2 aims to generate a greater sense of local ownership within the community, and the proposed SAP achieves this by enabling and requiring a high-quality development outcome that protects local values.</p> <p>Strategic Outcome 1.3 aims to support greater capacity within local communities to prosper, and the proposal will result in additional home and the construction associated with these dwellings will contribute to the job opportunities within the municipality.</p> <p>Strategic Outcome 1.4 aims to prepare the local community for future climate change and the loss of local biodiversity, and the provisions of the planning scheme achieves this through the appropriate use of the relevant codes, plus the application of zones and other use and development provisions of the proposed SAP.</p> <p>Strategic Outcome 1.5 aims to provide welcoming and attractive public spaces for the community, and the proposed SAP will ensure that future development of the site will achieve the outcomes sought.</p>
<p>Deliver quality infrastructure and services</p> <ul style="list-style-type: none"> • Service provision meets the current and future requirements of residents and visitors. • Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population. • Community facilities are safe, accessible and meet contemporary standards. • The organisation has a corporate culture that delivers quality customer service, 	<p>Strategic Outcome 2.1 aims to ensure that Council provides the necessary services to meet local community needs. The proposal is expected to put additional demand on services, however with a larger population in Margate it is expected that it will attract more services over time and make it more self-reliant.</p> <p>Strategic Outcome 2.2 aims to support the necessary forward planning to ensure suitable public infrastructure is provided for future needs,</p>

Kingborough Strategic Plan	Officer assessment and comment
<p>encourages innovation and has high standards of accountability.</p> <ul style="list-style-type: none"> • Council is a desirable place to work, attracting committed and engaged staff through progressive human resource practices and a positive work environment. 	<p>and the proposal achieves this through the provisions of the proposed SAP.</p> <p>Strategic Outcome 2.3 is not relevant to the proposal.</p> <p>Strategic Outcome 2.4 is not relevant to the proposal.</p> <p>Strategic Outcome 2.5 is not relevant to the Proposal</p>
<p>Sustaining the natural environment whilst facilitating development for our future</p> <ul style="list-style-type: none"> • A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth. • A community that has a well-developed sense of natural and cultural heritage. • Council is able to demonstrate strong environmental stewardship and leadership. • Best practice land use planning systems are in place to manage the current and future impacts of development. • Management of environmental assets is based on professional advice and strategic planning. 	<p>Strategic Outcome 3.1 aims to ensure that there is an appropriate balance between environmental and development needs, and the achieves this through the appropriate zoning of land and the application of the codes and proposed SAPs.</p> <p>Strategic Outcome 3.2 is not applicable to the proposal.</p> <p>Strategic Outcome 3.3 aims to identify and improve the condition of natural environments (waterways, biodiversity, coasts), and the proposal achieves this through the application of the proposed SAP and relevant codes in the planning scheme.</p> <p>Strategic Outcome 3.4 aims to ensure that there is an efficient approval system in place for sustainable development within Kingborough, and the this is achieved this the provisions of the existing provisions in the planning scheme and the proposed SAP.</p> <p>Strategic Outcome 3.5 aims to ensure that the environmental quality of local areas is protected through the best information available, and this is also achieved through the provisions in the planning scheme and the proposed SAP.</p>

Attachment 5 – Compliance with Objectives of LUPAA

Schedule 1, Part 1 – Objectives	Compliance statement
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The objective has been satisfactorily addressed in that the amendment will facilitate the development of site in accordance with a Master Planned approach that aims to deliver sustainable development having regard to the natural values that exists on the site.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The proposal is consistent with the recommendations of the Kingborough Land Use Strategy 2019 that provides an orderly progression over time of land use and development in the municipality.
(c) to encourage public involvement in resource management and planning	If initiated, the planning scheme amendment will be subject to a public exhibition process as per the requirements under LUPAA.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)	The proposed intends to deliver an increased degree of certainty for the future development potential of the site aligned with paragraphs (a), (b) and (c).
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	This objective is primarily provided through legislative processes and the planning scheme amendment process involves referrals to relevant agencies and statutory public consultation processes.

Schedule 1, Part 2 – Objectives	Compliance statement
(a) to require sound strategic planning and co-ordinated action by State and local government	A sound coordinated and strategic approach has been applied in preparing the planning scheme amendment and this has been underpinned by the STRLUS.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land	This system of planning instruments is already established by legislation to meet this objective. The proposal is aligned with this objective.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land	The planning scheme provides a spatial zoning framework that considers the environmental, social and economic effects. The preparation of the planning scheme amendment has considered environmental, social and economic implications.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposal is consistent with the related regional and local land use strategies. The proposed SAP does not duplicate, but supports and complements the provisions in other legislation, regulations, policies and procedures as applied at State, regional or local levels.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The planning scheme amendment has been prepared in accordance with applicable legislation and guidelines and includes the necessary provisions that, together with the standard provision in the planning scheme, will result in an outcome that is sought by this objective.

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation	This expected outcome of the planning scheme amendment will inherently provide for a pleasant living and recreational environment for residents.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	<p>The Local Historic Heritage Code will not apply to the site. Aboriginal cultural heritage is not considered in the Tasmanian Planning Scheme and is protected by separate legislation, however it should be noted that the applicant has obtained advise from Aboriginal Heritage Tasmania (AHT) that indicates that <i>'there is no known Aboriginal heritage recorded within the proposed rezoning footprint, however there are a number of significant Aboriginal heritage sites recorded in the surrounding area, including stone artefact scatters, a stone quarry (stone procurement site), shell middens and an ochre source.</i></p> <p>In their response they also indicated that their records indicate that the area encompassing the proposal has not previously been assessed and there remains the potential for additional unrecorded Aboriginal heritage in the area. It is recommended that the applicant contacts AHT in the very early stages of the master planning process to avoid impacting Aboriginal heritage.</p>
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community	The proposal will not implicate the outcome sought under this objective.
(i) to provide a planning framework which fully considers land capability	Land capability is primarily accommodated by the way that the land has been zoned. These will establish whether the land is capable of further development and will be assessed against the various development standards within the scheme (particularly within the relevant codes and per the provision of the proposed SAP).

13.2 DA-2024-239 - DEVELOPMENT APPLICATION FOR SEVEN (7) WAREHOUSES, TWO (2) SHOWROOMS AND ASSOCIATED WORKS AT 'KINGSTON TOWN', 37-59 MARANOA ROAD, KINGSTON AND ADJOINING COUNCIL ROAD RESERVE

File Number: DA-2024-239
Author: Grace Paisley, Team Leader Statutory Planning
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Matt Kennedy Drafting & Design
Owner:	Zacharia Investments Pty Ltd
Subject Site:	'Kingston Town', 37-59 Maranoa Road, Kingston and adjoining Council Road Reserve (CT 126707/0)
Proposal:	Seven (7) warehouses, two (2) showrooms and associated works
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	General Business Zone
Codes:	E2.0 Potentially Contaminated Land E3.0 Landslide Code E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E15.0 Inundation Prone Areas E17.0 Signs
Use Class/Category:	Storage (warehouses) Bulky Goods Sales (showrooms)
Discretions:	Clause 21.4.2 Setback P1 Clause 21.4.3 Design P1 Clause 21.4.4 Passive Surveillance P1 Clause 21.4.8 Environmental Values P1 Clause E5.5.1 Existing road accesses and junction P3 Clause E10.7.1 Buildings and works P1 Clause E17.7.1 Standards for Signs P1
Public Notification:	Public advertising was undertaken between 16 November 2024 and 29 November 2024 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Three (3) opposing
Recommendation:	Approval, subject to conditions

1. PROPOSAL

1.1 Description of Proposal

The application proposes the use and development of the land at 37-59 Maranoa Road, Kingston for seven (7) warehouses (storage), two (2) showrooms (bulky good sales) and associated works. The development is proposed in the eastern corner within the existing common property portion of the site.

Warehouses 1 – 7 and Showroom 1 are developed in a linear design parallel to the northern boundary; Showroom 2 is separate to the others separated by parking and access areas, located a short distance to the south. Each warehouse has a large roller door, frontage and signage facing the proposed parking areas.

Proposed uses and floor area

The end users are not known at the time of the application, however the expected use class has been applied to each of the buildings. The expected use class assists with determining the required parking rates. NOTE: If the end user does not match the approved use class, then they are required to make an application if the use is Permitted or Discretionary or if the use is No Permit Required but has a higher parking requirement.

The uses are proposed to operate between 7.00am – 7.00pm Monday – Sunday with deliveries to occur between 6.00 am – 10.00pm Monday to Saturday.

Use and reference	Floor Area
Warehouse 1	<p>252m² (including 25.0m² internal office, kitchenette and single toilet on the lower level; and a 45.39m² mezzanine area containing and additional two offices).</p> <p>NOTE: The plans provided and the information in the Planning report conflict with respect to the use of the building. The plans suggest that it is a combination of 'storage' and 'bulky good sales', however the application clearly defines it as 'warehouse'. Therefore, the parking calculations have been done on 'storage'. It is appropriate that the permit stipulates correct uses.</p>
Warehouses 2-6	<p>1,262m² (including for each warehouse: 25.0m² internal office, kitchenette and single toilet on the lower level; and a 45.39m² additional two offices on a mezzanine level).</p>
Warehouse 7	<p>420m² (including 41.20m² internal office, kitchenette and single toilet on the lower level; and a 55.05m² mezzanine area (storage)).</p>
Showroom 1	<p>616m² (including 34.51m² internal office, kitchenette and single toilet on the lower level; and a 58.20m² mezzanine area (storage)).</p>
Showroom 2	<p>335m² (including 31.88m² internal office, kitchenette and single toilet on the lower level; and a 54.54m² mezzanine area (storage)).</p>

Access and Parking

The existing road access for the shopping centre will be utilised for this proposal. The proposal includes the introduction of a right-of-way from the Maranoa Road access point. NOTE: The matter of the right-of-way will not be dealt with in this application, as it will be resolved in the separate subdivision application and the proposal being considered is not reliant on it whilst it is still all on the same title.

The location of the building does not interfere with the existing car parking for the shopping centre.

The proposed parking rates satisfy the requirements of the Scheme, with 47 spaces proposed. NOTE: The calculations and method of calculation provided with the application were not agreed to by the Planning Authority, however the number of spaces does meet the requirement of the Scheme.