

JMG Ref: J193132PH  
Council Ref: A-2019/3

24<sup>th</sup> September 2020

Manager Development Services

Kingborough Council

Via email: [kc@kingborough.tas.gov.au](mailto:kc@kingborough.tas.gov.au)

**Attention: Tasha Tyler-Moore**

Dear Tasha,

**REPRESENTATION FOR KINGSTON PARK SPECIFIC AREA PLAN AMENDMENT**

This letter is intended as a representation for the Kingston Park Specific Area Plan Amendment as re-advertised. The letter is written on behalf of the landowners of property in the Central Business zone adjoining the site at 42 Channel Highway, Kingston including:

- KINGSTON (CENTRE) PTY LTD - Owner of 6 Summerleas Road;
- HADISAK PTY LTD - Owner of 58 Channel Hwy;
- MARK & TIENEKE MARGURITE FLORUSSE - Owner of 'Cartridge World' 56 Channel Hwy; and 'Channel Pharmacy' 54 Channel Hwy;
- CHRISTIAN HOMES TASMANIA INC - Owner of 'Channel Medical Centre' 52 Channel Hwy
- FREE PRESBYTERIAN CHURCH OF TASMANIA INC. - 50 Channel Hwy;
- LUTGERTJE REBECCA VAN TOL - 46 Channel Hwy;
- PETAH ANNE NEWTON - Unit 1, 44 Channel Hwy; and
- ACN 155 140 159 PTY LTD 'Glendon Southern Brokers' - Unit 2, 44 Channel Hwy

The revised amendment seeks to address our previous concerns by amending clause 22.4.1 A2 as follows:

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Unit Trust

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

A2

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

*(a) 8.5m; or*

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

Put simply this does not address the issues in our initial representation at all. The increase in allowable building height by 1m compared with the current ability to build to the boundary to 15m is still a decrease of 5.5m or a floor level (within 10m of the boundary) under the current scheme's acceptable solution. Under the future 20m height limit of the Tasmanian Planning Scheme under the equivalent provision this increases to 3 storeys (within 10m of the boundary). We also note the height proposed in the subject SAP Central Business zone is also 20m. The performance criteria under 22.4.1 relate to residential amenity and thus would be very difficult to justify given the disparity in scale and use.

The amendment as readvertised also does not address the use restrictions being placed on the existing Central Business zone in terms of the setback provisions under 22.4.2, the design provisions under 22.4.3 or the landscaping provisions of 22.4.5.

The both the advertised and readvertised amendments are contrary to Schedule 1 Part 2(a) in that they are creating an Inner Residential zone directly adjacent to a Central Business zone which is not 'sound strategic planning'. Further under 2(h) the amendment is not protecting public infrastructure in that placing a new Inner Residential zone directly adjacent to an existing sewerage pump station result in pressure on the Taswater to remove this infrastructure.

A solution to these problems was discussed at the hearing and was based upon a strip of Urban Mixed Zone being retained along the boundary of Kingston Park with the Central Business zone (refer to Figures 1 to 3 below). We suggest this strip aligns with the approved internal roads (Road 1 and Road 2) under DA2019-112.



Figure 1 - Existing Zoning



Figure 2 - Suggested Zoning



Figure 3 - DA2019-112

We have consulted with the proponents Purple Traders Pty Ltd and they have expressed they have no objection to retaining the strip of Urban Mixed Used zoning as we propose.

As the Urban Mixed zone is the existing zone we do not believe an amendment to a substantial degree is required.

If further information or clarification is required with respect to this submission, please contact me on 6231 2555 or at [mclark@jmg.net.au](mailto:mclark@jmg.net.au).

Yours faithfully

**JOHNSTONE MCGEE & GANDY PTY LTD**

**Mat Clark  
PRINCIPAL**