

REPRESENTATION FROM M & T FLORUSSE 54 and 56
CHANNEL HIGHWAY KINGSTON

Changes to F3.0
Former Kingston High School Site Specific Area
Plan PSA-2019-3
Version 2 – Amended and Re Advertised
10-9-2020

Our representation is directed to the Rezoning of the area of land in Kingston Park as detailed in point 2, which backs onto 44 – 58 Channel Highway and with the objective detailed in point 7.

While the amendment has been deemed “substantially altered”, the matters of our concern have not been addressed. In addition, F3.7.3.1 A4 now allows for and increased building height in the proposed Inner Residential zone from 8.5m to 10m. There is no evidence that the increase in building height will not adversely affect lower level solar access to any proposed development on our adjoining properties to the south.

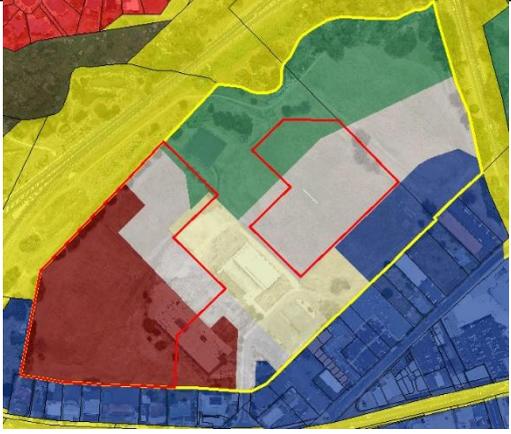
Summary of proposed changes to F3.0 Former Kingston High School
Site Specific Area Plan – PSA-2019-3

1. *Rename the Kinston High School Site Specific Area Plan to Kingston Park Specific Area Plan.
The site is to be, and has begun to be, referred to as Kingston Park rather than the (former) Kingston High School Site. This amendment seeks to rectify this within the Kingborough Interim Planning Scheme 2015 by renaming the specific area plan.*

2–5 Rezoning

Existing zone boundaries were determined to coincide with the conceptual outline of the different types of future uses and development described in the ‘Development Plan by Beca, 2013’. It was always envisaged that these boundaries would need to change in future in order to coincide with any final development proposal.

This amendment aims to rezone portions of the existing zones to align with the updated vision for Kingston Park, including expected lot boundaries.

	Summary	Map (red line indicates relevant zone boundary in KIPS 2015)
	<p><i>Rezone a portion of land from Urban Mixed Use Zone to Inner Residential Zone, Community Purpose Zone and Open Space Zone.</i></p> <p><i>The land zoned Urban Mixed Use at the southeast of the site was always envisaged to contain higher densities of residential. The proposed zoning reflects this.</i></p> <p><i>The other proposed Urban Mixed Use Zone change will allow mixed use development to continue along Goshawk Way to the Huon Highway for a more appealing urban design outcome.</i></p>	

7. Introduce planning provisions that aim to improve public amenity, housing diversity and environmental outcomes.

*The vision for the Kingston Park development is that it will contribute to the stimulation and **creation of a revitalised central business district** and will lead to a viable self-sustaining community. Ultimately the redevelopment is to create an urban centre which is truly sustainable and forward-looking (page 3 of the Beca Plan).*

The proposed planning provisions aim to assist the above vision. In particular, the provisions encourage multi-purpose measures for future developments within the site. Examples include introducing housing diversity and adaptability requirements which will hopefully encourage a diversity of residents, as well as encourage visual interest as dwellings will by nature need to be different sizes and shapes to meet these requirements. Additionally, the proposed planning provisions also encourage energy and water efficiency initiatives, for example green roofs. Green roofs are inherently multipurpose in that they visually hide rooftop plant and mechanical equipment, reduce stormwater runoff, reduce energy demand through increased insulation and to increase habitat corridors.

The properties bounding Channel Highway which are zoned Central Business are aging and will be in the foreseeable future redeveloped in accordance with the business use intended. The change of zoning of adjoining land in Kingston Park from Urban Mixed Use to Inner Residential will place significant restraints on Building Heights and Setbacks and Fenestration of any commercial development as follows:

- (i) The setback requirement will create a minimum 6.0 up to 10m metre dead area at the rear/northern side of any future development along Channel Highway, in conflict with 22.4.4 A1(d) or 16.4.2 A2 to avoid creating entrapment spaces.**
- (ii) Building Height will be limited to 8.5 metres or less within 10 metres of the rear boundary, as deemed appropriate for the proposed residential development to the north. This will also create design and utilization difficulties when combined with a 6 to 10m metre rear setback and still not guarantee privacy to the north. This may result in the loss of 651m² of potential developed floor area (at a building height of 20m) for each title abounding the proposed “Inner Residential Zone” Even at a modest annual rental of \$150 /m² the equates to a loss of annual income of \$976,50 per property.**
- (iii) Overshadowing of any Residential development will not be applicable as the Central Business zone is to the south. However, the consideration for “Residential Privacy” with regard to any north facing windows on any proposed commercial development would be seen to preclude any solar gain and fenestration.**
- (iv) There has been no proof presented that the increase in building height to 9.5m on the proposed “Inner Residential Zone” to the north will not cause increased shading to the adjoining properties to the south. We request shadow diagrams as of 21st June to demonstrate nil to acceptable affect on the adjoining properties.**
- (v) There will also be a conflict between the requirements for Commercial Passive Surveillance (22.4.4) with the Inner Residential objective for Privacy.**
- (vi) The newly imposed requirements for rear setbacks, building height and privacy will substantially reduce the utilization, energy efficiency, security and viability of any proposed commercial development in this section of Channel Highway.**
- (vii) In summary the change of zoning in Kingston Park applicable to the land adjoining Channel Highway would be seen as detrimental to the creation of a revitalized central business district in accordance with the objective of the Central Business Zone and point 7 of the proposed changes to Specific Area Plan for the Former Kingston Highschool Site (PSA 2019-3). It is nonsensical to fetter development on the less available “Central Business” zoned land with restrictions empowered by the more abundant “Inner Residential” zoned land.**

22.4.1 Building Height

Objective:

To ensure that [building height](#) contributes positively to the [streetscape](#) and does not result in unreasonable impact on [residential amenity](#) of land in a [residential](#) zone.

Acceptable Solutions

A1

[Building height](#) must be no more than:

15 m.

A2

[Building height](#) within 10m of a [residential](#) zone must be no more than 8.5m.

Performance Criteria

P1

Building height must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;
- (b) be compatible with the scale of nearby buildings;
- (c) be no more than 20 m.

P2

Building height within 10m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.

22.4.2 Setback

Objective:

To ensure that [building setback](#) contributes positively to the [streetscape](#) and does not result in unreasonable impact on [residential amenity](#) of land in a [residential](#) zone.

Acceptable Solutions

A1

[Building setback](#) from [frontage](#) must be parallel to the [frontage](#) and must be no more than:

3 m, if fronting Channel Highway.

nil m, if fronting any other street.

Performance Criteria

P1

Building setback from frontage must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;
- (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;

- (c) enhance the characteristics of the site, adjoining lots and the streetscape;
- (d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;
- (e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.

P2

Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:

- (a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;
- (b) **overlooking and loss of privacy;**
- (c) **visual impact when viewed from adjoining lots, taking into account aspect and slope.**

A2

Building setback from a residential zone must be no less than:

- (a) **6 m;**
- (b) **half the height of the wall, whichever is the greater.**

22.4.4 Passive Surveillance

Objective:

To ensure that building design provides for the safety of the public.

Acceptable Solutions

Performance Criteria

A1

P1

Building design must comply with all of the following:

- (a) provide the main pedestrian entrance to the [building](#) so that it is clearly visible from the [road](#) or publicly accessible areas on the [site](#);
for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;
- (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade;
- (c) avoid creating entrapment spaces around the [building site](#), such as concealed alcoves near public spaces;
- (d) provide external lighting to illuminate car parking areas and pathways;
- (e) provide well-lit public [access](#) at the ground floor level from any external car park.

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

- (a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;
- (b) locate windows to adequately overlook the street and adjoining public spaces;
- (c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;
- (d) locate external lighting to illuminate any entrapment spaces around the building site;
- (e) provide external lighting to illuminate car parking areas and pathways;
- (f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;
- (g) provide for sight lines to other buildings and public spaces.

11.4.6 Privacy

Objective:

To reduce the potential for loss of privacy for dwellings.

Acceptable Solutions

A1

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

Performance Criteria

P1

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

- (a) a dwelling on an adjoining lot or its private open space; or
- (b) another dwelling on the same site or its private open space; or

- (a) side or rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a [setback](#) of at least 3 m from the boundary; and
- (b) [dwelling](#) on the same [site](#), unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m:
 - (i) from a window or glazed door, to a [habitable room](#) of the other [dwelling](#) on the same [site](#); or
 - (ii) from a balcony, deck, roof terrace or the [private open space](#), of the other [dwelling](#) on the same [site](#).
- (c) an adjoining vacant residential lot.

A2

A window or glazed door, to a [habitable room](#), of a [dwelling](#), that has a floor level more than 1 m above the [natural ground level](#), must be in accordance with (a), unless it is in accordance with (b):

- (a) the window or glazed door:
 - (i) is to have a [setback](#) of at least 3 m from a side or rear boundary; and
 - (ii) if the [dwelling](#) is a multiple [dwelling](#), is to be at least 6 m from a window or glazed door, to a [habitable room](#), of another [dwelling](#) on the same [site](#); and
 - (iii) if the [dwelling](#) is a multiple [dwelling](#), is to be at least 6 m from the [private open space](#) of another [dwelling](#) on the same [site](#).
- (b) the window or glazed door:
 - (i) is to be offset, in the horizontal plane, at least 1.5m from the

P2

A window or glazed door, to a habitable room of a dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) a window or glazed door, to a habitable room of another dwelling; and
- (b) the private open space of another dwelling; and
- (c) an adjoining vacant residential lot.

edge of a window or glazed door, to a [habitable room](#) of another [dwelling](#); or

- (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or

- (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.

A3

A shared driveway or parking space (excluding a parking space allocated to that [dwelling](#)) must be separated from a window, or glazed door, to a [habitable room](#) of a multiple [dwelling](#) by a horizontal distance of at least:

- (a) 2.5m; or

1m if:

- (i) it is separated by a screen of at least 1.7m in height; or
- (b) the window, or glazed door, to a [habitable room](#) has a sill height of at least 1.7m above the shared
 - (ii) driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.

P3

A shared driveway or parking space (excluding a parking space allocated to that [dwelling](#)) must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple [dwelling](#).