

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

10th June 2020

Mr Peter Fischer (delegate - chair)  
Tasmanian Planning Commission  
Via email - [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Mr Fischer,

### **DRAFT AMENDMENT PSA-2019-3, KINGSTON PARK**

We write in response to the representations made to the Commission's letter of the 2<sup>nd</sup> June 2020. The matters raised in the Commission's letter are addressed in sequence below and the correspondence responded to is:

- Letter from Woolcott surveys obo Council dated 5 June 2020;
- The Draft SAP - track changes document - last modified on the 5 June 2020;
- Letter from All Urban Planning obo Traders in Purple dated 2 June 2020;
- Email from Mia Potter obo Department of State Growth dated 4<sup>th</sup> June 2020;
- Email from Tony Ferrier obo Council (as land owner) dated 4<sup>th</sup> June 2020; and
- Email and permit DA-2019-112 from All Urban Planning dated 3<sup>rd</sup> June 2020.

#### **1. Response to supplementary submissions**

Our response to the supplementary submissions is provided in responses to the issues below, of specific interest are the impacts of the Inner Residential zone on the Central Business zone, consistency of building heights and retail tenancy restrictions.

#### **2. Traffic Noise Assessment**

We have no comment on this matter but note that Condition 11 of the permit DA-2019-112, seeks to control this issue.

#### **3. Planning Permit for the 67 Townhouses on Kingston Park**

Whilst the presence of this permit is noted, it has resulted in some poor planning outcomes. In particular, dwellings on the southern side of Stage 3 are built directly adjacent to the Taswater sewerage pump station against the advice of Taswater (refer to notes in the Taswater conditions) and on the western side of Stage 3 adjoining a 12m high wall of the 6 Summerleas Road apartment building. Whilst this permit was issued under the Mixed Use zoning we suggest be used as a buffer to the Central Business zone, the effect of the Inner Residential zone

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would effectively guarantee small scale sensitive uses against larger buildings as the Central Business zone develops.

#### **4. Clause F3.7.1 - Retail Impact and consistency with the Regional Land Use Strategy**

Kingston is defined as/ classified as an activity centre in the STRLUS and regulation of retail floor tenancies is consistent with policies AC1.2 and AC 1.6; insofar that such fine grained planning provisions in the planning scheme will prevent undermining of the existing areas of the centre so as to encourage a multifunctional centre whereby different parts of the centre have different functions. In the case of Kingston Park this is a dynamic, community service focussed hub that is intended to support the growth of the existing Kingston central area.

##### **1. Planning Authority Submissions**

###### **(a) Strategic Rationale for F3.7.1.1 - Retail Impact**

The strategic rationale provided by Council is noted and supported.

###### **(b) Housing Diversity**

We are supportive of the inclusion of housing diversity in Kingston Park.

###### **(c) Building Design**

Whilst any steps to improve building design is supported, the term “*demonstrated good urban design qualities*” is vague and requires delineation as to what is being assessed. The criteria from the WA guidelines as outlined in Mr Wells’ letter (i.e. Character, Landscape quality, Functionality and build quality, Legibility, Sustainability and Safety) seem a reasonable test in this regard.

###### **(d) Urban Mixed Zone Land Use Table**

We have no comment on this matter.

###### **(e) Inner Residential Land Use Table**

We have no comment on this matter.

###### **(f) Strategic Rationale for Environmental Values Development Standards**

We have no comment on this matter.

##### **2. Potential/proposed changes to the draft amendment would be considered an alteration to a substantial degree**

###### **(a) Maximum Height Limit**

The SAP height has been increased from 18m to 20m under the Acceptable Solution and the height limit under the Performance Criteria, which was 25m, has been removed. The performance criteria are not consistent with the State Planning Provisions. Whilst there is a difference between the advertised amendment and the proposed changes, these changes are simply mirroring State Planning Provisions that have already undergone advertising and are now approved by the Commission. It could therefore be argued that re-advertising on this count is not required. We support the standards being in conformance with the State Planning Provisions.

**(b) Potential Change to the Inner Residential Zone adjacent to Central Business Zone**

It is noted this change has not been made to the latest draft SAP and Council (as land owner) objects to reverting to the Urban Mixed zone as a buffer to the Central Business zone because:

- The property boundary would not align with the zone boundary and this will greatly complicate the assessment of future development applications; and
- The land which is proposed to be zoned as Inner Residential is in fact going to be developed for that purpose and has a permit issued to effect this.

The first issue is not a significant hurdle as it would simply mean the zone boundary would need to be aligned with the road boundary within Kingston Park. Given this amendment is planning the outcome of the precinct now is the appropriate time to put this boundary in place;

The second, is also unlikely to be problematic for the developer because they can simply proceed with the current permit. If they choose to develop the buffer area under a new permit to the greater development potential of the Mixed Use zone they potentially have a greater yield and flexibility in use types. In our view, the loss of potential floor space in the existing Central Business zone created by placing a residential zone against it, particularly if height limits are increased to 20m under the Tasmanian Planning Scheme, carries far more economic weight than the housing placed in this area. We reiterate the point that whilst some of the Central Business zone is subject to the proximity of existing residential areas, a significant portion of it is affected by this amendment. The location of the Urban Mixed Use zone 'buffer' needs to be established to ensure the effects on the Central Business zone are negligible.

That said, given the zone would be reverting to the existing Urban Mixed Use zone we agree with the proponent this does not need to be re-advertised.

**(c) Proposed change to F3.7.1.1 applying to the Central Business zoned land and Urban Mixed Use zoned land**

We agree that the alteration in this regard, though important, is effectively a drafting correction and is not a change in intent. Thus re-advertising is not required.

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

Yours faithfully

**JOHNSTONE MCGEE & GANDY PTY LTD**

A handwritten signature in blue ink, appearing to read 'Mat Clark', is positioned below the company name. The signature is fluid and cursive.

**Mat Clark  
PRINCIPAL**