

From: [Adriaan Stander](#)
To: [TPC Enquiry](#)
Subject: PSA-2023-1 and DAS-2023-373 Proposed Amendment to the Kingborough Interim Planning Scheme 2015: Site-Specific Qualification and Development Application for a Whisky Tasting Facility at 360 Lennon Road, North Bruny
Date: Friday, 26 June 2026 9:57:17 AM
Attachments: [image001.jpg](#)
[PSA-2023-1 and DA-2023-373 s39 Delegated report on representations.pdf](#)
[Attachment 1 - Representation from TasWater.pdf](#)
[Officer delegation - Director EDC.pdf](#)
[Newspaper advert and proof.pdf](#)
[Notification and referrals.pdf](#)
[Minute of Council meeting - Initiation.pdf](#)

Good morning,

Please find attached:

1. The Planning Authority's s39 report on the exhibition period
2. Representation from TasWater
3. Officer delegation
4. Newspaper and proof of placement
5. Notification and referrals
6. Minutes of Council meeting – initiation

If you have any questions in relation to the above, please feel free to contact me directly on the number provided below.

Kind regards,

Adriaan Stander|Lead Strategic Planner|Kingborough Council

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Kingborough Council acknowledges and pays respect to the Tasmanian Aboriginal Community as the traditional owners and continuing custodians of this land and acknowledge Elders – past, present, and emerging

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PSA-2023-1: PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 – SITE SPECIFIC QUALIFICATION FOR A HOTEL INDUSTRY (LIQUOR TASTING FACILITY) AND ASSOCIATED DEVELOPMENT APPLICATION AT 360 LENNON ROAD, NORTH BRUNY

File Number: PSA-2023-1 & DA-2023-373

Author: Adriaan Stander, Lead Strategic Planner

Authoriser: Deleeze Chetcuti, Director Environment, Development & Community Services

1. EXECUTIVE SUMMARY

- 1.1 Council is in receipt of an application from seeking an amendment to the Kingborough Interim Planning Scheme 2015 (KIPS 2015) under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA). The application proposes introducing a Site-Specific Qualification (SSQ) at 306 Lennon Road, North Bruny to allow a Hotel Industry (liquor tasting facility) as an additional discretionary use in the ELZ.
- 1.2 The application was submitted under section 43A of the former provisions of LUPAA, which provides a mechanism for a planning authority to consider a combined development permit and planning scheme amendment where a use or development cannot be approved unless the planning scheme is first amended. In this case, the proposed amendment accompanies development application DA2023-373, which seeks to formalise and legalise the currently unauthorised liquor tasting facility on the site.
- 1.3 At its [meeting of 4 May 2026](#), the Planning Authority decided to initiate the amendment and to proceed with public exhibition of the proposal.
- 1.4 The proposal was exhibited between and 16 May 2026 to 12 June 2026. During the exhibition period no public representations were received. TasWater made a representation indicating no objection.
- 1.5 The purpose of this report is to consider the representations (if any) as per the requirements of s39 of the former provisions of the Land Use Planning and Approvals Act 1993 (LUPAA). Given that no public representations (other than a representation from TasWater indicating no objection) were received, the report is dealt with under delegated authority.

2. PUBLIC EXHIBITION AND REPRESENTATIONS RECEIVED

- 2.1 The amendment was exhibited between 16 May 2026 and 12 June 2026, as follows:
 - a) on the [Kingborough Council website](#);
 - b) in the Mercury, with one notice on a Saturday;
 - c) site notices on the subject land during the public exhibition period; and
 - d) in writing to the applicant, owners of the property, adjoining properties and TasWater.
- 2.2 The exhibition material was also available for viewing at Customer Service at the Civic Centre in Kingston and the service centre in Alonnah.

- 2.3 No public representations were received. TasWater made a representation indicating no objection (a copy of the representation is provided in Attachment 1).

3. CRITICAL DATES / TIME FRAMES

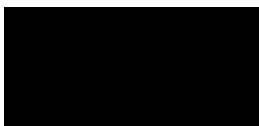
- 3.1 Council has 35 days from the close of the notification period (i.e. 12 June 2026) to forward its s39 report (the report on the representations) to the TPC.
- 3.2 The TPC must complete its consideration and decision process within three months of receiving Council's report on the representations, unless an extension of time has been agreed by the Minister.
- 3.3 If the TPC approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.
- 3.4 It is likely that the planning scheme amendment will be finalised before the implementation of the Tasmanian Planning Scheme in Kingborough. The Transitional Provisions under Schedule 6 of LUPAA will be utilised to carry the proposed amendment over to the Kingborough Draft LPS / Tasmanian Planning Scheme if it is approved by the TPC.

RECOMMENDATION

That the Planning Authority:

- (a) Pursuant to s39(1) of the former provisions of the Land Use Planning and Approvals Act 1993, note that no public representations (other than a representation from TasWater indicating no objection) were received in relation to Planning Scheme Amendment, PSA-2023-1 and DA-2023-373;
- (b) Pursuant to s39(2)(b)(i) of the former provisions of the Land Use Planning and Approvals Act 1993, indicate to the Tasmanian Planning Commission that the Planning Authority does not recommend any changes to the initiated and certified amendment or draft permit issued; and
- (c) Pursuant to s39(2)(a) of the former provisions of the Land Use Planning and Approvals Act 1993, forward a copy of this report to the Tasmanian Planning Commission.

AUTHORISED DELEGATION OF THE PLANNING AUTHORITY



Deleeze Chetcuti

Director – Environment Development and Community

Date: 23 June 2026

ATTACHMENTS

- 1. Representation from TasWater**

INSTRUMENT OF DELEGATION

Deleeze Chetcuti – Director Environment, Development & Community Services

In exercise of the power conferred by Section 22 of the *Local Government Act 1993* and Council Policy 1.1 and 1.1A, the Chief Executive Officer ('CEO') being the General Manager as appointed by the Kingborough Council pursuant to section 61 of the *Local Government Act 1993* (TAS), hereby approves the following delegations, powers and functions set out in this Instrument of Delegation to the *Director Environment, Development and Community Services* and declare that the delegations set out herein:

- (a) Remain in force until revoked or varied by the CEO;
- (b) Are subject to any conditions and limitations set out herein; and
- (c) Are to be exercised in accordance with any guidelines or policies, which Council from time to time adopts.

Local Government Act 1993

Section	Details
20A	Authorised to give notice and enter land in general subject to the provisions of Section 20A.
74	Approve expenditure within budget estimates and in accordance with Council policy.
200-201	Act pursuant to Section 200 and Section 201 of the <i>Local Government Act 1993</i> for the purposes of determining whether nuisance exists and taking necessary action.
204A	Authorised to issue and serve infringement notices on a person whereby that person has committed an offence against Section 200(3).
207	Authorised to remit fees and charges to a value of \$1,500.
240(1)	Authorised to appear in any court or in any proceedings.

Local Government (Building & Miscellaneous Provisions) Act 1993

Section	Details
89	Sign off Final Plans where they comply, ask for additional information if required and provide notice of the decision, in accordance with this section of the Act.

Electricity Supply Industry Act 1995

Section	Details
44	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.

Water and Sewerage Industry Act 2008

Section	Details
56	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.

Resource Management and Planning Appeal Tribunal Act 1993

	Details
	Enter in agreements, where necessary, at a conference held on behalf of the Resource Management and Planning Appeal Tribunal in accordance with Section 17 of the <i>Resource Management and Planning Appeal Tribunal Act 1993</i> .

INSTRUMENT OF DELEGATION

Deleeze Chetcuti – Director Environment, Development
& Community Services

Kingborough Planning Scheme 2000 and Kingborough Interim Planning Scheme 2015

	Details
	Approve the erection of signs that are in conformity with the Kingborough Planning Scheme 2000 or Kingborough Interim Planning Scheme 2015 as applicable.
	Approve or refuse an application for the removal or lopping of a tree as prescribed in the Kingborough Planning Scheme 2000 or Kingborough Interim Planning Scheme 2015 as applicable.

Environment Management and Pollution Act 1994

Section	Details
21	Appointed as a 'Council Officer' pursuant to this section.

Miscellaneous

	Details
	Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.
	Defend any actions brought against Council, its Councillors or Officers, and/or at the CEO's discretion to agree any settlement amount where it is in Council's interest so to do.
	Waive or reduce Planning and Building Fees for community groups to a maximum value of \$1,500.
	Authorise the withdrawal of infringement notices issued by an officer in accordance with legislation provided that such infringement notice was not issued by the Director Environment, Development & Community Services or the CEO.
	In accordance with Policy No. 3.7 - Purchasing Policy be appointed as: • An Exemptions approver up to a Value of \$30,000; • An Authorised Purchasing Officer up to an Amount of \$30,000; An Authorised Payments Officer up to an Amount of \$100,000.

Marine Facilities By-law No. 1 of 2021

Clause	Details
	An authorised officer for the purposes of the Marine Facilities By-law No. 1 of 2021.

Health and Environmental Services By-law No. 2 of 2021

Clause	Details
	An authorised officer for the purposes of the Health and Environmental Services By-law No. 2 of 2021.

INSTRUMENT OF DELEGATION

Deleeze Chetcuti – Director Environment, Development
& Community Services

Parks, Recreation and Natural Areas By-law No. 3 of 2021

Clause	Details
	An authorised officer for the purposes of the Parks, Recreation and Natural Areas By-law No. 3 of 2021.

Roads and Parking By-law No. 4 of 2021

Clause	Details
	An authorised officer for the purposes of the Roads and Parking By-law No. 4 of 2021.

Land Use Planning and Approvals Act 1993

Section	Details
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before TASCAT or any other body of competent jurisdiction.
Part 3	Planning Schemes
Part 3 Generally	v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A & 43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required.
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)	Forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. - No representations have been received, with the exception of TasWater; and - No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.

INSTRUMENT OF DELEGATION

Deleeze Chetcuti – Director Environment, Development & Community Services

43I (4a) & (6) <i>(former provisions)</i>	Agree to the extension of time of a Sec.43A permit.
43J <i>(former provisions)</i>	Correct a mistake in a Sec.43A permit.
43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations received.
35I(1)	Request withdrawal of a draft Local Provision Schedule
35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
40(1)	Request further information for an amendment to the Local Provision Schedule.
40D	Withdraw draft amendments
40I	Request an amendment to the Tasmanian Planning Commission
40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
40U	Request additional information for a combined permit / amendment application
40Y	Determine a concurrent permit application
42D	Correction of mistakes in permits
43	Determine minor amendments of permits
48A	Issue a notice requiring the removal of a sign
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section.
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.

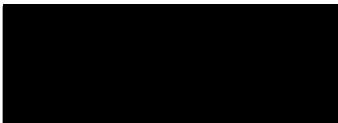
INSTRUMENT OF DELEGATION

Deleeze Chetcuti – Director Environment, Development
& Community Services

57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time. This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and: (a) three or less objections have been received, or (b) the CEO has been advised of the intention to exercise the delegation no less than five full working days previously.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71	Enter into agreements under Part 5 of this Act.
75	Make amendments to agreements under Part 5 of this Act.

This Instrument of delegation is effective as at 30 October 2025.

Authorised by:



DAVE STEWART
CHIEF EXECUTIVE OFFICER
being the CEO as appointed by the
Kingborough Council pursuant to section 61 of the
Local Government Act 1993 (TAS)