

TASMANIAN PLANNING COMMISSION

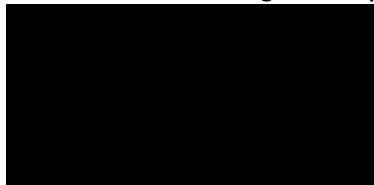


DECISION

Planning scheme	Kingborough Interim Planning Scheme 2015
Amendment	PSA-2026-1 Rezoning and site specific qualification for Hotel Industry (Bottle Shop) at 11 Spring Farm Lane, Kingston (folio of the Register 189699/1)
Planning authority	Kingborough Council
Date of decision	9 July 2026

Decision

The draft amendment is approved under section 42 of the former provisions of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A.



John Ramsay
Executive Commissioner

REASONS FOR DECISION

Background

Amendment

The Planning Authority has initiated the draft amendment at the request of Era Advisory on behalf of Tipalea Private No. 27 Pty Ltd. The draft amendment seeks to rezone part of the subject land known as 11 Spring Farm Lane, Kingston (folio of the Register 189699/1), resulting in the land being wholly contained within the Commercial Zone. Currently three zones apply to the subject land being the Commercial Zone, Utilities Zone and Environmental Management Zone. The draft amendment also seeks to introduce a site specific qualification into the Commercial Zone Use Table which would permit a bottle shop as a discretionary use. A shopping centre has recently been constructed on the subject land which is operational and if a bottle shop were to be established, it is understood that it would form part of this complex. The shopping centre is known as Spring Farm Village Shopping Centre.

The applicant has requested an amendment to the Kingborough Interim Planning Scheme 2015 for the following reasons:

- the subject land is used for commercial purposes and it is appropriate that the Commercial Zone be applied to the entire parcel
- the current zoning is a result of historic title and ownership arrangements which have largely been resolved through the sale of a redundant road reserve by Council to Tipalea Private No. 27 Pty Ltd
- the application of a single zone to the subject site provides for orderly planning; and
- the Commercial Zone currently prohibits “Hotel industry” as a use class which consequently prohibits the establishment of a “bottle shop”. It is noted that in the State Planning Provisions (SPPs), which are yet to apply to Kingborough, a “bottle shop” part of the “General retail and hire” rather than “Hotel industry” uses class and as such a “bottle shop” will be provided for in the under the SPP Commercial Zone. Given that it is likely the subject land will transition to the Commercial Zone as part of the draft LPS process, a “bottle shop” will become a discretionary use, it is considered appropriate to allow for a “bottle shop” to be considered in the Commercial Zone, while the Kingborough Interim Planning Scheme 2015 remains in effect, as a discretionary use at this time.

Specifically the draft amendment proposes to:

- (a) Partially rezone 11 Spring Farm Lane, Kingston (folio of the Register 189699/1) from the Utilities Zone and Environmental Management Zone to the Commercial Zone, resulting in the entire parcel being located in the Commercial Zone (see Figure 1); and
- (b) Modify clause 23.2 (Use Table) of the Commercial Zone to insert a site specific qualification allowing for “Hotel industry” and the use of the subject land for a “bottle shop” as a discretionary use (see Table 1).

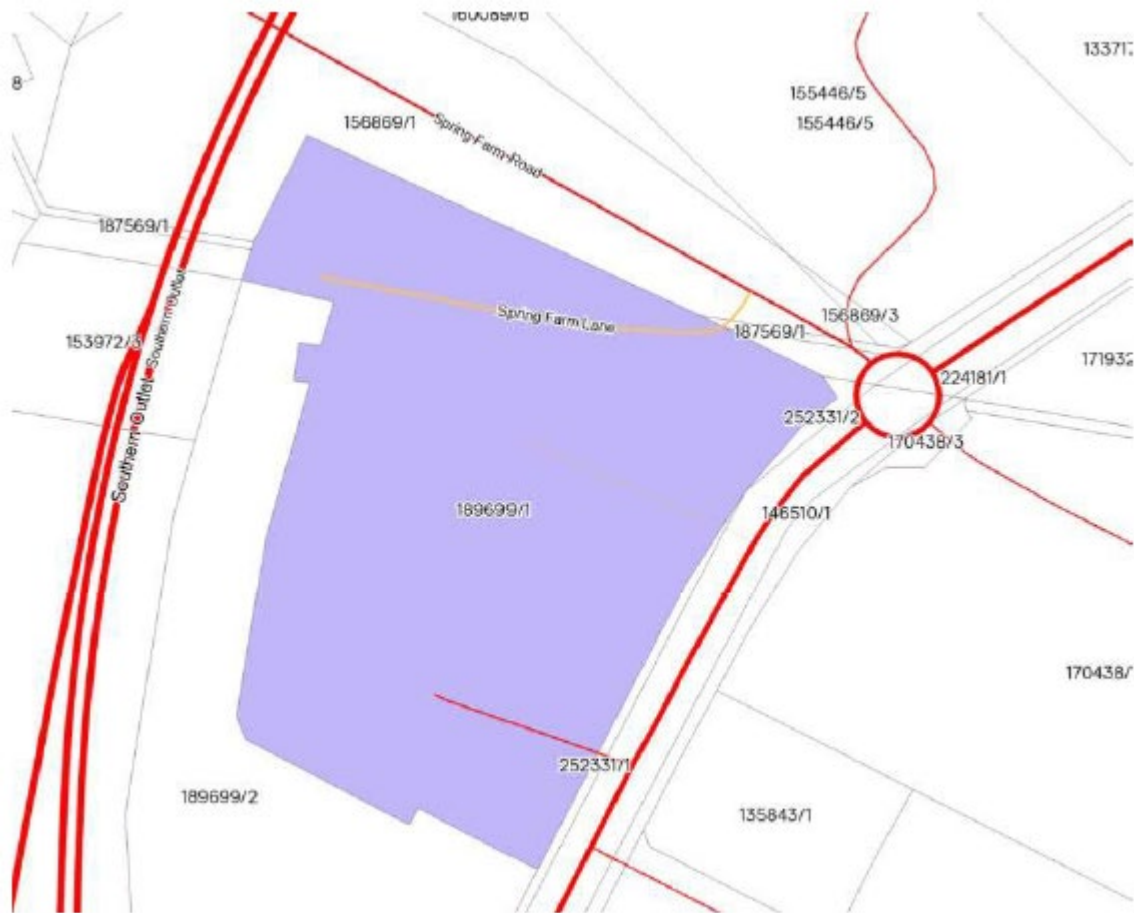


Figure 1: Proposed zone application applying the Commercial Zone to 11 Spring Farm Lane, Kingston (folio of the Register 189699/1).

Use	Qualification
Discretionary	
Hotel Industry	Only if a bottle shop located at 11 Spring Farm Lane, Kingston (Title reference 189699/1)

Table 1 – Insertion of a site specific qualification in the Use Table under section 23.3 of the Commercial Zone allowing for a bottle shop, as a discretionary use, on the subject land.

Site information

The subject land, known as 11 Spring Farm Lane, Kingston (folio of the Register 189699/1) is currently located within the Commercial Zone, Utilities Zone and the Environmental Management Zone. In addition the following overlays apply to the subject site:

- Biodiversity Protection Area overlay; and

- Bushfire Prone Areas overlay.

The subject land is irregular in shape with an overall lot area of 2.55ha. A shopping centre with car parking has recently been constructed on the subject land which is accessed from Channel Highway and Spring Farm Road.

Adjoining land is located in the Environmental Management Zone (land set aside as public open space) and the Utilities Zone containing the Channel Highway, the Southern Outlet and Spring Farm Road. Surrounding land is contained in the Commercial Zone which is indicative of the subject land's location within the southern commercial area of Kingston.

Issues raised in representations

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. The Planning Authority has advised that a response was not received from TasWater.

It is considered unlikely that additional servicing considerations would be generated by either the rezoning or the prospect of a future bottle shop operating from the subject land. The majority of the subject land is currently within the Commercial Zone and has recently been developed by way of a shopping centre. It is further noted that the applicant included a copy of the approved planning permit within its supporting report, which contained permit conditions required by TasWater.

No other representations were received in relation to the draft amendment.

Planning authority's response to the representations

The Planning Authority did not recommend any modification to the draft amendment.

Consideration of the draft amendment

1. Under section 40 of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. No representations were received, and the Commission dispensed with a hearing in accordance with section 40(2A) of the former provisions of the Act.
3. Under section 20(1) of the former provisions of the Act, in the opinion of the relevant decision-maker, a draft amendment must:
 - (a) seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and
 - (b) prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993 ; and
 - (c) ...
 - (d) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and

- (e) have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .
- 4. It is noted that the subject land does not contain a gas pipeline meaning section 20(1)(e) is not relevant to the consideration of the draft amendment.
- 5. Section 30O includes that:
 - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
- 6. Section 30O(2)-(5) inclusive relates to the effect of amending a local provision with respect to common provisions. These matters are not relevant to the draft amendment as there are no implications for any common provisions.
- 7. Under section 32(1) of the former provisions of the Act, in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and
 - (ea) must not conflict with the requirements of section 30O; and
 - (f) 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.
- 8. Section 32(1)(e) is not relevant to the draft amendment as the subject site does not directly adjoin an adjacent municipal area.
- 9. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.

Resource Management and Planning System Objectives

- 10. The applicant and Planning Authority have made submissions to the effect that the draft amendment seeks to further the objectives of the Resource Management and Planning System as set out in Schedule 1.

Commission consideration

- 11. The Commission is satisfied that the draft amendment seeks to further the objectives of the Resource Management and Planning System in Schedule 1, particularly in regard to orderly use and development. The Commission also notes that the draft amendment will facilitate economic development to the extent that it allows for a diversification of uses within the shopping centre located on the subject land.

12. The Commission further notes that the proposed amendment will increase the consistency the SPP provisions. While this is not a statutory requirement, it will assist the transition of the Kingborough Interim Planning Scheme to the Tasmanian Planning Scheme. This is strategically sound and demonstrates consistency with the principles of orderly planning.

State Policies

13. The relevant State Policies are:
 - *State Policy on the Protection of Agricultural Land 2009* (PAL Policy)
 - *State Policy on Water Quality Management 1997* (Water Quality Policy)
 - *State Coastal Policy 1996* (Coastal Policy); and
 - *National Environmental Protection Measures* (NEPMs).
14. The PAL Policy and the Coastal Policy are not considered to be relevant to the consideration of the draft amendment.
15. In regard to the Water Quality Policy, the Commission notes the applicant's submission made in relation to the building and plumbing permits required to manage stormwater associated with the new shopping centre.
16. The Commission notes the applicant's submission made in relation to the subject land not being identified as being potentially contaminated or the proposed use requiring any consideration under the NEPMs.

Commission consideration

17. The Commission acknowledges the evidence presented by the applicant and is satisfied that the draft amendment is consistent with all the relevant State Policies.

Strategic plan

18. The relevant strategic plan is the Kingborough Council Strategic Plan 2025-2035 which was adopted in 3 November 2025. Both the applicant and the Planning Authority have made submissions that the draft amendment is in keeping with the aims of the strategic plan.

Commission consideration

19. The Commission finds that the draft amendment is consistent with the objectives of the Strategic Plan which identifies economic development as a key strategic priority. The Commission is satisfied that the Planning Authority has had regard to the strategic plan.

Southern Regional Land Use Strategy

20. The relevant regional strategy under section 30O(1) is the Southern Tasmania Regional Land Use Strategy (the regional strategy).
21. The regional land use strategy identifies Kingston as a Principal Activity Centre.
22. In this instance the Kingborough commercial area is comprised two spatially discrete areas bookending the Channel Highway. It is unclear whether the Principal Activity Centre is comprised of these two areas collectively, or whether the subject site, on the southern end of the channel highway is distinct and is a "neighbourhood centre" in its own right.

23. The applicant's submission describes the subject land as forming a "neighbourhood centre" within the "activity centre hierarchy". The regional land use strategy states that neighbourhood centres are determined at the local level. The Planning Authority in its section 35 report provides further clarification:

The proposal is consistent with policies AC 1.1 and AC 1.4 as it reinforces the role of Spring Farm Village as a neighbourhood-level shopping centre, supports the concentration of retail and services uses in an accessible location, and does not increase floorspace or otherwise disrupt the established activity centre hierarchy.

Commission consideration

24. Irrespective of whether the subject site forms part of the broader Principal Activity Centre or is more appropriately recognised as a being part of a neighbourhood centre, the draft amendment is not expected to compromise or distort the role or function of the Kingston Principal Activity Centre. The amendment is limited in scope, discreet in nature and is considered to provide a complementary offering rather than a competing one. The amendment would facilitate the establishment of an additional retail use within the existing centre, improving local convenience. The site is well located and readily accessible to the surrounding community, which is anticipated to form its primary catchment.
25. The Commission is persuaded that the draft amendment is as far as practicable consistent with the regional strategy.

Regional scale impact

26. The applicant has addressed section 32(1)(f) of the Act and states that the draft amendment is minor in scale and that the changes proposed will not result in regional impacts. Similarly, the Planning Authority in its section 35 report stated that the draft amendment would not have an adverse regional impact.

Commission consideration

27. The Commission finds that the draft amendment will not have a detrimental regional impact. The subject land is suitable for rezoning so as to be wholly contained within the Commercial Zone and for use as a "bottle shop". The portions of Utilities Zone and Environmental Management Zone are relatively small compared to the predominant zoning of the land which is Commercial. The Utilities Zone and Environmental Management Zone are vestiges of previous tenure and land uses which are no longer relevant, being land previously set aside as a road reserve and the flagged designation of adjoining land as public open space. The subject land was created on the 20 February 2026 when a new plan of subdivision was registered creating Lots 1 and 2 on plan of subdivision 189699/1. Folio of the Register 189699/2 contains public open space which is zoned Environmental Management.
28. As a result of creating new title boundaries very small portions of land in the Environmental Management Zone is now located within the subject land. The subject land is not intended for use as public open space so it is appropriate to rezone the land to Commercial consistent with how the subject land is being used and intended to be used. Similarly, the removal of the Utilities Zone is also appropriate as the road reserve to which this zone applies no longer exists.

29. The use of the subject land for the purposes of a “bottle shop” is also considered consistent with how the land is being used and intended to be used. Importantly, the draft amendment limits the use table variation to only a “bottle shop” and would not permit the land to be used for the full range of uses possible under the class of “Hotel industry”. This limits the potential for land use conflict or incompatibility as a “bottle shop” is closely related to a retail use and is in keeping with the use of the subject land as a shopping centre.

Decision on draft amendment

30. The Commission finds that the draft amendment is in order and gives its approval.
31. The expression of the proposed site specific qualification refers to “title reference”. It is noted that the term “title reference” is not used within the Kingborough Interim Planning Scheme 2015. Where site specific qualifications are included in zone use tables, the Kingborough Interim Planning Scheme 2015 uses the term “CT” being an abbreviation of “certificate of title”. The Commission prefers the more correct term “folio of the Register” and will do so as part of this amendment. The change of term is considered inconsequential and a technical correction.

Attachments

Annexure A – Approved amendment

Annexure A – Approved amendment

Approved amendment PSA-2026-1 to the Kingborough Interim Planning Scheme 2015

1. Apply the Commercial Zone as shown in Figure 1 below:



Figure 1: Application of the Commercial Zone to 11 Spring Farm Lane, Kingston (folio of the Register 189699/1).

2. Insertion of a site specific qualification in the Use Table under section 23.3 of the Commercial Zone allowing for a bottle shop as a form of Hotel industry, as a discretionary use, on the subject land, 11 Spring Lane, Kingston (folio of the Register 189699/1).

Section 23.3 Use Table

No Permit Required	
Use Class	Qualification
Any permitted use	Only if replacing an existing use on the site and there is no associated development requiring a permit
Natural and cultural values management	
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Bulky goods sales	
Business and professional services	
Food services	Only if a take away food premises or cafe.
General retail and hire	Only if gross floor area per tenement is no less than 200 m ²
Passive recreation	
Discretionary	
Use Class	Qualification
Community meeting and entertainment	
Educational and occasional care	
Emergency services	

Equipment and machinery sales and hire	
Food services	Except if permitted
Hotel industry	Only if a bottle shop located at 11 Spring Lane, Kingston (folio of the Register 189699/1)
General retail and hire	Except if Permitted.
Research and development	
Service industry	
Sports and recreation	
Storage	
Tourist operation	
Transport depot and distribution	
Utilities	Except if No Permit Required.
Vehicle fuel sales and service	
Vehicle parking	
Prohibited	
Use Class	Qualification
All other uses	