Kingborough

1 May 2026

Our Ref: 17.228

For attention: Ms Linda Graham

The Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Linda,

KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE – DIRECTION 106

Please find below the Planning Authority's responses to the above-mentioned direction.

Direction

Following the hearing of Representation 247, … the Planning Authority is to provide the following …:

- *a review and any recommendations in relation to application of the Priority Vegetation Area overlay; …*

The response is to be prepared in consultation with Representor 247, Gray Planning for Brad Williams.

Note 1: Any recommended modification of the Priority Vegetation Area overlay and or/zone must be supported with a diagram and appropriate justification …

Note 3: Where consensus is reached between the Planning Authority and Representor, suitable evidence must be provided.

Planning Authority's response

It is proposed to revise the area of the PVA overlay so that it applies only to those parts of the property at [redacted], Margate that are affected by the defined nominal Tree Protection Zones for the individual recorded mature eucalypts (which are considered to be, or have the potential to be, vegetation of local importance). The revised mapping is provided in Attachment 1 and the justification for the proposed changes is provided in Attachment 2. We acknowledge that the representor may hold a different view in relation to the revised mapping and, should they choose to do so, may make a submission on the revised mapping, subject to agreement by the Tasmanian Planning Commission.

If you wish to discuss the above, please contact the Council's Lead Strategic Planner, Adriaan Stander on (03) 6211 8210.

Yours sincerely,

[redacted]

Deleeze Chetcuti
Director – Environment Development and Community

ATTACHMENT 1

Figure 1. Currently proposed PVA overlay boundary at [redacted], Margate

Figure 2. Proposed revision to PVA overlay boundary at [redacted], *Margate*

ATTACHMENT 2

Background - application of the Priority Vegetation Area (PVA) overlay

- The modelling which has underpinned the application of the PVA overlay in Kingborough has already been discussed at some length.

  The broad approach to application of the PVA overlay and the definition the Planning Authority has adopted for 'vegetation of local importance' have also been provided to the Panel in previous responses.

- The methodology employed by the Planning Authority in application of the PVA overlay and any ground-truthing of that application has been well described in previous responses (see for example the response to D 107_Rep 248).

Process for reviewing the application of the PVA overlay

After consulting with the owner and gaining his consent, a site visit was conducted by Mr Jim Mulcahy to assess the presence and extent of native vegetation and priority vegetation in the area proposed for the overlay.

No native vegetation communities were recorded. As such, native vegetation at and around the site is limited to individual mature eucalypts, which are mostly black gums (*Eucalyptus ovata*).

In respect of the mature eucalypts recorded, the following methodology has been adopted to define the area of the overlay:

- a nominal Tree Protection Zone around each relevant tree is included in the overlay as well as the tree itself, and

- to cater for the growth of trees within the life of the overlay, the area adopted as a nominal Tree Protection Zone for each tree has a diameter 1 m greater than the calculated Notional Root Zone under the methodology described in the *Australian Standard for Protection of Trees on Construction Sites (AS 4970-2025).*

Kingborough

27 February 2026

Our Ref: 17.228

For attention: Ms Linda Graham

The Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Linda,

KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE – DIRECTION 106

Please find below the Planning Authority's responses to the above-mentioned direction.

Direction:

Following the hearing of Representation 247, the Planning Authority is invited to consider the following:

- *whether a Site-specific Qualification(s) which addresses the use and/or development of the land as it applies to the business currently occupying [redacted], Margate and its potential future expansion is appropriate;*
- *a draft of any proposed Site-specific Qualification(s);*
- *a section 32(4) argument in relation to any Site-specific Qualification(s);*

Furthermore, the Planning Authority is to provide the following:

- *confirmation of the land use classification for the existing business;*
- *confirmation that the existing business has existing use rights and the extent of those rights;*
- *advice as to the applicability of the Attenuation Code;*
- *advice in relation to the appropriate underlying zone;*
- *a review and any recommendations in relation to application of the Priority Vegetation Area overlay; and*
- *any recommendations in relation to neighbour notification (including the other lot owner on the strata scheme of which [redacted] is part).*

The response is to be prepared in consultation with Representor 247, Gray Planning for Brad Williams.

Note 1: Any recommended modification of the Priority Vegetation Area overlay or zone must be supported with diagrams and appropriate justification.

Note 2: Practice Note 8- Draft LPS written document: technical

advice provides some guidance in the preparation of the Site-specific Qualifications and is available on the Commission website.

Note 3: Where consensus is reached between the Planning Authority and Representor, suitable evidence must be provided.

Planning Authority's response:

1. Zoning considerations, potential land-use conflict and Attenuation Code application

The current signage operation is most appropriately defined as *Manufacturing and Processing*, which is a discretionary use within both the Rural Zone (RZ) and the Rural Living Zone (RLZ). Accordingly, the key consideration is not whether the use is allowable, but rather which zoning provides the greatest long-term operational certainty while minimising potential land-use conflict.

Within the draft LPS, land west of the Channel Highway is earmarked for Agriculture, while the southern portion of the area is designated Rural. The land to the north and east is proposed to be zoned Rural Living. Concurrently, several representations seek either a broader application of the RLZ or modifications to its sub-categories, both of which would enable a higher concentration of sensitive residential uses. This would increase residential encroachment around the long-established business, amplifying reverse-sensitivity pressures and placing greater constraints on day-to-day operations as well as limiting opportunities for future expansion.

While operational impacts can typically be managed through measures such as acoustic enclosures, dust-extraction systems, revised site layouts, or modified operating hours, the existing use nonetheless faces a broader strategic challenge: the potential expansion of the RLZ and the gradual intensification of nearby sensitive uses over time. The locality is not identified in any strategic documents, such as the *Kingborough Land Use Strategy 2019*, as an industrial precinct, nor is it identified as an area where the RLZ should be more broadly applied or intensified.

Industrial land supply considerations further highlight the need for a strategic approach to managing this precinct. The *Statewide Industrial Land Study* (Dec 2025) notes that although Tasmania appears to have an overall surplus of industrial land on paper, it masks pronounced local shortages. Kingborough, in particular is projected to face a shortfall of approximately 17.3 ha under high-growth scenarios, underscoring the importance of retaining well-established industrial activities that are already operating effectively. If more sensitive uses are allowed to encroach, the risk of industrial displacement increases, and investment certainty diminishes.

The RZ offers a more suitable outcome for the existing operation because it is specifically intended to accommodate rural-based industrial activities on land with limited agricultural potential, while ensuring that any impacts on neighbouring uses are minimised. This intent aligns well with the signage business, which has operated on the site for more than thirty years without evident conflict and has demonstrated sustained compatibility with its surroundings.

By contrast, the RLZ is fundamentally a low-density residential zone, with use standards focused on preventing unreasonable noise, traffic, and impacts from scale or intensity, and with default operating hours designed to protect residential amenity. Although the business could seek approvals for future expansions, the residential purpose of the RLZ introduces an inherent risk of increasing constraints over time as additional sensitive uses establish nearby.

The planning scheme also uses codes to regulate cross-boundary impacts, and where conflict arises, code provisions override zone provisions. This is important because the Attenuation Code (C9.0) applies to activities with potential emissions, including noise, odour, dust and vibration, and also to new sensitive uses locating near such activities. The Code's purpose is to both protect sensitive uses and to prevent those sensitive uses from constraining lawful activities with emissions. For metal fabrication, which includes typical metal cutting and grinding associated with sign manufacturing, the Code specifies a 500 m attenuation distance for Level 1 activities. Within that distance, any new dwelling or other sensitive use must demonstrate it will not constrain the activity, while the activity must also demonstrate that it will not cause unreasonable amenity impacts. This typically involves measures such as acoustic enclosures, dust-extraction systems, revised site layouts or modified operating hours. Because codes prevail over zone provisions,

these protections would continue to apply even if surrounding land were rezoned to RLZ or if residential use in the area intensified over time.

When considered together, the zoning pattern, the purposes of the RZ and RLZ, the higher sensitivity generated by possible RLZ sub-category changes, the protections and constraints embedded in the Attenuation Code, and the documented scarcity of industrial land in Kingborough all point toward retaining the Rural Zone for the signage business. This ensures that the operation continues within a manner designed to support rural-location production uses at an appropriate scale, while the Attenuation Code provides a robust tool to manage interface issues as the surrounding area evolves.

2. Site specific considerations

In both the Rural Zone and the Rural Living Zone, the key planning considerations for the existing signage business do not revolve around whether the use is allowable, but instead focus on the scale, intensity and spatial footprint of any future development. It is in this context that a Site-Specific Qualification (SSQ) might, in theory, be contemplated as a tool to manage potential interface issues. However, an SSQ must satisfy the strict statutory tests in s34(4) of LUPAA, which confine its use to situations where a proposal delivers a significant municipal-, regional- or State-scale benefit, or where the land has unique characteristics requiring bespoke planning provisions.

In this case, although the business is long-established and locally valued, it is difficult to demonstrate that it delivers the type of municipal- or regional-level benefit contemplated by s34(4)(a). While the site might be said to exhibit economic attributes relevant to s34(4)(b), this would rest predominantly on the scarcity of comparable industrial-capable land in Kingborough, rather than on any inherent or unique characteristic of the land itself. Because such scarcity is a broader regional strategic issue, rather than a site-specific trait, it does not meet the statutory intent of s34(4), particularly when the SSQ would be used solely to address land-use compatibility arising from surrounding zoning patterns rather than qualities intrinsic to the site.

Again, it is important to recognise that the Attenuation Code (C9.0) already provides a comprehensive and proven mechanism for managing potential conflict between emission-generating activities (such as the metal-fabrication processes associated with sign manufacture) and nearby sensitive uses. The Code applies across zone boundaries and, where necessary, overrides zone provisions, enforcing clear performance requirements including separation distances, noise-mitigation measures and other operational controls. Because the Code is specifically designed to protect both sensitive uses and the ongoing viability of lawful existing activities, it offers a far more durable, predictable and strategically aligned framework for managing interface issues than an SSQ. Introducing an SSQ in these circumstances risks unintentionally narrowing the business's operational flexibility, constraining its potential for future expansion, and undermining the protections that C9.0 already provides. Given the significant shortfall of industrial-capable land in Kingborough, any planning mechanism that could restrict the ongoing use or evolution of an established industrial-type operation would run counter to broader strategic and economic objectives.

3. Existing use rights and approvals

The representation prepared by Gray Planning, dated 4 November 2024, provides a thorough and well-reasoned account of the existing use rights that apply to the site, including the nature, extent, and continuity of those rights. The Planning Authority has no further commentary to add on this matter. It is noted that the Act affords ongoing protection for established uses, ensuring their continuation irrespective of any subsequent zoning changes that occur as part of the transition to the Tasmanian Planning Scheme.

4. Priority Vegetation Overlay

   The Planning Authority is seeking an extension to this part of the direction to undertake field verification. A request to this effect will be provided to the Commission separately.

If you wish to discuss the above, please contact the Council's Lead Strategic Planner, Adriaan Stander on (03) 6211 8210.

Yours sincerely,

Deleeze Chetcuti
Director – Environment Development and Community