

From: [Tony Ferrier](#)
To: [TPC Enquiry](#)
Cc: [Armstrong, Claire](#)
Subject: FW: Kingborough IPS 2015 - Draft amendment PSA-2019-3 - Kingston Park
Date: Thursday, 4 June 2020 12:51:13 PM
Attachments: [image003.jpg](#)
[image001.jpg](#)
[Kingborough 2015 - draft amendment PSA-2019-3 - TPC directions letter to parties, 22 May 2020 - Council for Kingston Park Project.pdf](#)
[Kingston Park SAP submission from KP project following TPC hearing \(2\).pdf](#)

Dear Claire

Please find attached a copy of my submission in response to the attached letter.

This Kingston Park submission effectively represents Council as the landowner/developer – which is quite separate to the planning authority.

Kind regards.

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From: TPC Enquiry <tpc@planning.tas.gov.au>
Sent: Friday, 22 May 2020 8:47 AM
To: Tony Ferrier <tferrier@kingborough.tas.gov.au>
Subject: Kingborough IPS 2015 - Draft amendment PSA-2019-3 - Kingston Park

Good morning Mr Ferrier,

On behalf the Tasmanian Planning Commission, please find attached correspondence from the Chair, Peter Fischer in relation to Kingborough draft amendment PSA-2019-3.

Kind regards



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Find an Assessment <http://www.iplan.tas.gov.au/Pages/XC.Track.Assessment/SearchAssessment.aspx>

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**SUBMISSION RE PROPOSED KINGSTON PARK SPECIFIC AREA PLAN
FOLLOWING TPC HEARING HELD ON 14 MAY 2020
KINGBOROUGH INTERIM PLANNING SCHEME 2015
PSA 2019-3**

This submission is provided following the Tasmanian Planning Commission Hearing held on Thursday 14 May 2020 and in response to the request for further submissions by 5 June 2020.

That request was in regard to whether the following potential/proposed changes to the draft amendment would be considered an alteration to a substantial degree under section 41 of the former provisions of the *Land Use Planning and Approvals Act 1993*:

- (a) proposed change to permitted building height in AS and remove maximum height limit in PC of building height standards, applying to Central Business zoned land, Inner Residential zoned land and Community Purpose zoned land;

It is contended that the changes to the height standards should be changed so that they are consistent with the State Planning Provisions – as described and justified in my original submission.

The change of the Acceptable Solution for the Central Business Zone from 18m to 20m is not significant and would be consistent with other areas of this Zone in Kingston.

In the case of the changes to the Performance Criteria for the other Zones, there are standards that will limit the building heights to something similar to the existing limits within the draft Kingston Park SAP. The Performance Criteria themselves provide the necessary public assurance. The proposed changes are reasonable and should not result in future building heights that differ greatly from what is currently required within the draft Performance Criteria in any case.

It is also relevant to note that the issue of building heights within Kingston Park was not raised when the draft SAP was publicly advertised. It has not been a matter of general community

concern to date. It is also noted that the Community Purpose Zone has now been developed and a permit granted for the development of the land proposed to be zoned as Inner Residential.

Such changes are not considered to be substantial alterations.

- (b) potential change to the proposed Inner Residential Zone on part of the site adjacent to the rear of the Central Business zoned properties on Channel Highway and Summerleas Road; and

Such a change would be in direct response to the concerns raised by the neighbouring landowners and be done in order that they are not impacted by clauses 22.4.1 and 22.4.2, in particular.

However, there are two reasons why such a change may be inappropriate. The first is that such a strip of (presumably) Urban Mixed Use zoned land would require a zoning boundary within an existing and future land title. The property boundary would not align with the zone boundary and this will greatly complicate the assessment of future development applications (where a single development application must be assessed against the use and development standards of two zones).

The second reason is that the land which is proposed to be zoned as Inner Residential is in fact going to be developed for that purpose (a planning permit has been granted for a townhouse type residential development). As described in my Supplementary Submission, this has been the longstanding intention of how this part of the Kingston Park site would be developed – ever since the Site Development Plan was endorsed by Council in 2013 and the State Government agreed to sell the land to Council on the basis that this was how the land would be developed. There should be use and development safeguards in place that protect the residential amenity of future residents. The way the existing Central Business zoned land along the northern side of the Channel Highway is able to be used is already constrained by the Inner Residential Zone on the other side of that road.

If part of the land to the rear of the Central Business zoned properties was not zoned Inner Residential (in order to address the neighbour concerns) then the only other affected parties would be the Kingston Park landowner (Council) and the developer (Traders in Purple). Both of these parties would regard this as a substantial amendment, but they are participants in the Hearing and are able to make submissions to the Commission.

It is not felt that any other party would regard such a change as being substantial as it would essentially retain the status quo with respect to the neighbouring land.

- (c) proposed change to Clause F3.7.1.1 applying to Central Business zoned land and Urban Mixed Use zoned land, to increase the allowable floor area (modified, or further change proposed by the proponents).

The proposed change relates to the following clause in the draft SAP:

F3.7 Use Standards

F3.7.1 Use Standards for Central Business Zoned Land and Urban Mixed Use Zoned Land

F3.7.1.1 Non-Residential Use

Objective:	
That non-residential use creates a vibrant active street life during the day and evening.	
Acceptable Solutions	Performance Criteria
A retail use must have a gross floor area not exceeding 350m ² .	The gross floor area must be no more than 500m ² and demonstrate that no impact on the viability of adjacent and similar retail uses will result.

The first point to note is that it is not entirely clear whether this Use Standard only applies to a retail use. The AS is quite clear in this regard, but the PC only implies that it is referring to a retail use in its reference to “similar retail uses”. In order to make this more clear, it should be changed to be “The gross floor area of a retail use must be no more than”. The heading and objective should similarly be amended to make it clear that it is only a retail use that is being referred to.

This could in fact be the only changes that are necessary – in which case they would not be substantial as they are only clarifying what is evidently the original intention.

The concern that the Kingston Park project would have is that the current wording could be interpreted as applying to all non-residential uses. Such restrictions should not be placed on larger office or entertainment type uses – for example if a government agency leased part of a future building or if a cinema complex is included.

The Kingston Park project is not seeking to target large retailers and they are regarded as being better suited to a Channel Court, Kingston Plaza or Kingston Gateway type location – that is, the main shopping precincts. Kingston Park is not aiming to directly compete with these other shopping precincts but to offer something different (see paragraph 5.5 in the original Sec.35 report to Council). It will have retail, but this is going to be more of a boutique

nature and focused on servicing the on-site residential, office employment and community based recreational activities.

If it is confirmed that this provision only relates to retail uses then it is something that makes the Kingston Park precinct different to the rest of the CBD. It is not a shopping centre, but has instead a unique mix of residential, recreation, community, entertainment and local employment. This is part of the reason why the SAP is needed in the first place.

Such changes to F3.7.1.1 are only clarifying the original intention and are not considered to be substantial alterations.

Submission prepared by:
Mr Tony Ferrier
Deputy General Manager
Kingborough Council
3/6/20