



SUPPLEMENTAL SUBMISSION

KINGSTON PARK AMENDMENTS

13 May 2020

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Introduction

I refer to the above matter and the supplemental submissions of Kingston Park and All Urban Planning Pty Ltd. I consider it necessary to provide a supplemental submission in response to these, and apologies to the panel for the timing of this submission.

In preparing this submission, I have reviewed these supplementals, reviewed my section 39 report, reviewed the impending Tasmanian Government Apartments Code, and re-considered section 32(4) of the *Land Use Planning and Approvals Act 1993* (LUPAA).

The following offers suggested modifications and further commentary of the proposed Specific Area Plan structure to follow the proposed SAP in step order.

Purpose of Specific Area Plan

No comment

Application of Specific Area Plan

No comment

Definition of Terms

Adaptable housing

The s39 report recommended that adaptable housing be defined. A definition based on the draft Meander Valley Local Provisions Schedule (MVLPS) was referenced.

A substantial modification direction on the MVLPS includes the following definition of livable housing. This definition is directive in nature and appears to be capable of being implemented on site, subject to replacing 'entrance to dwellings' with 'entrance to a residential building'.

means a housing development design that provides for the needs of residents during the whole of their life or can be adapted to meet the needs of those with impaired mobility and other special needs. Livable¹ housing must include the following elements:

(a) Access to dwellings and pathways:

(i) car park to entrance is step free or a step ramp less than 190mm in height, maximum 1:10 gradient, minimum 1.9m long with landings to either side;

¹ 1 Livable Housing Design Guidelines 2nd Ed published by Livable Housing Australia, 2012

(ii) minimum 1m width, slip resistant surface, maximum 1:14 gradient, landings with a minimum length of 1.2m every 9m for 1:14 gradient or every 15m for a gradient of 1:20 or greater;

(iii) pathways are step free;

(b) Entrance to dwellings:

(i) door has a clear opening of 820mm;

(ii) is step free or a step ramp less than 190mm in height, minimum 1:10 gradient, minimum 1.9m long with landings to either side;

(iii) is under cover for a length of 1.2m;

(iv) has a landing with a minimum 1.1m width and a minimum 1.2m length;

(c) Internal Layout:

(i) is on one level (transition tolerance of 5mm);

(ii) doors have a clear opening of 820mm;

(iii) corridors have a clear width of 1m;

(d) Toilet:

(i) minimum 1.4m clear space from encroachments, walls or door swing (may include removable fixtures) on two sides;

(ii) grabrail installation enabled;

(e) Shower:

(i) slip resistant surface;

(ii) is hob-less or step free;

(iii) may include removable fixtures;

(iv) Kitchen and Laundry; and

(v) Minimum 1.2m clearances.

However, it is noted that the draft Apartments Code includes a universal design standard that addresses many of these matters.

It is suggested that the above be incorporated into the Specific Area Plan but on the basis that the definition be reconsidered prior to inclusion in the future LPS.

Application Requirements

No comment

Desired Future Character Statements

I support the statement at point 1 of All Urban Planning. Modifications outlined in the section 39 report have not been incorporated into the modified version. Subclause (e) for the Central Business Zoned land and Urban Mix Use Zoned should be amended to state:

Management of stormwater will further the State Stormwater Strategy 2010, having regard to:

- Any adopted plan or strategy of the Council;
- Potential harvesting and re-use of runoff; and
- Potential on-site infiltration, detention and treatment.

Use Table

No comments.

Use Standards

All Urban Planning submit that the tenancy size provision for the Central Business Zone and Urban Mixed Use Zone should not apply.

This opinion is supported. I note that Kingston is a Principal Activity Centre under the Southern Tasmanian Regional Land Use Strategy. Additionally, the background material for the planning scheme amendments states that the site “is the most critical single project for the economic future of the Kingborough municipality.” From this, it is difficult to justify the need for restrictions that do not apply to similar activity centres.

The clause does not apply in the current SAP. From a review of the February 2018 and May 2019 background reports, there is no specific reference to this clause.

Importantly, the Standard is unusual in its drafting. Retail impact clauses in the Statewide Planning Provisions have regard to commercial or retail choice within an area and to the impact on higher order activity centres. The Standard as drafted has no regard to the activity centre hierarchy and appears to focus on the impact upon individual uses.

Having regard to all of the above, and to section 32(4) of LUPAA, the clause cannot be justified.

Development Standards

1. *Housing Diversity in the Central Business Zone & Urban Mixed Use Zone*

The All Urban Planning supplemental raises concern with the acceptable solution and performance criteria of F3.8.1.2.

The All Urban Planning modification to the performance criteria is supported and would ensure housing diversity is considered in terms more broadly than bedroom numbers.

I agree that the acceptable solution could not be satisfied for any application involving less than 20 dwellings. I also note that Residential is a discretionary use in this zone qualified to be above ground level. This qualification constrains the ability to achieve housing diversity and is not the primary purpose of the zone.

I also agree with concerns regarding the viability of the project given that equivalent clauses to not, to the best of my knowledge, apply to other sites. In my opinion, ensuring housing diversity cannot be done on a site-by-site basis irrespective of the size of the site, which complicates the consideration of the SAP.

A possible solution is to convert F3.8.1.2 A1 to a defined term 'housing diversity target', which:

Means the target proportion of bedrooms per dwelling unity across the area of the plan, being:

Studio – 5-10% of all bedrooms

1 Bedroom – 10-30% of all bedrooms

2 Bedrooms – 40-70% of all bedrooms

3+ Bedrooms – 30-70% of all bedrooms

From the above, restate the relevant acceptable solutions as 'buildings with a residential use must maintain the housing diversity target where more than 40 dwelling units exist within the plan area'.

In the above, the ranges are narrowed. A minimum of 40 units is considered reasonable, which equates to two studio's, four 1-bedroom, sixteen 2-bedroom and twelve 3+-bedroom dwelling units.

2. *Adaptable / Livable Housing*

The All Urban Planning supplemental raises issues with respect to F3.8.1.2 A2/P2. The section 39 report suggests the inclusion of a performance criteria to this clause, which is considered necessary and essential.

I note that the Apartment Code does include provisions addressing adaptable housing. The undated version of the Apartment Code that I have viewed includes a number of measurable and meaningful acceptable solutions. Comparatively, sub-clauses (a) and (b) of A1 are not objectively measurable.

The section 39 report proposed a definition of livable housing that referenced external certification, and such certification could replace A1.

However, as the Tasmanian Government Apartment Code will address adaptable / universal design, I consider that F3.8.1.2 A2/P2 is not required. If it is retained, it should be further amended to defer to external certification in the acceptable solution and apply only whilst the interim scheme is given effect.

3. Design, Passive Surveillance and Landscaping in Central Business and Urban Mixed Use Zone

The section 39 report addressed one part of F3.8.1.3 being the requirement for awnings.

The All Urban Planning supplemental raises concerns with the absence of performance criteria for F3.8.1.3 A1, F3.8.1.4 A1 and F3.8.1.5 A1.

The Central Business Zone of the interim scheme address design, passive surveillance and landscaping with clauses that are similar to that proposed in the SAP. The provisions in the SAP are less objectively measurable relative to the provisions in the Central Business Zone. The provisions at F3.8.1.5 A1 are, on review, inappropriate as an acceptable solution.

The SPPs retain similar design standards but omit landscaping and passive surveillance.

On these matters, it would be appropriate to include performance criteria. However, given the consistency between zone and SAP provisions, the Standards for design, passive surveillance and design could be removed from the SAP.

It would be appropriate to include landscaping criteria in the desired future character statement for each zone which will assist the preparation and assessment of the landscaping plan required by the application requirements, which could state:

“landscaping of buildings, other than those built to the frontage, will use a range of endemic species to create diversity, interest and amenity”.

4. Private Open Space in Central Business and Urban Mixed Use Zone

All Urban Planning submit that the private open space requirements should be either set aside given the future Apartment Code or be replaced with those of the Urban Mixed Use Zone.

I consider that the Apartment Code provides a better consideration of private open space. In particular, the performance criteria addresses noise and overlooking whilst providing some flexibility with respect to direct sunlight.

5. *Building Heights*

All Urban Planning submit that the acceptable solution for height in the Urban Mixed Use zone should be increased from 18m to 20m to match the adjoining zone.

Given the configuration of the proposed zones, this request can be supported.

6. *Vehicle Access and Driveways in the Inner Residential Zone*

The modifications suggested by All Urban Planning are supported, subject to correction of a typographical error. The clause should read:

Accesses must be located and designed to:

- (a) comply with Figure F3.2 if for a lot abutting a rear laneway; or*
- (b) not have an unreasonable impact on the streetscape or amendment of adjoining land.*



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