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12 June 2020

Our Ref: PSA-2020-2

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

Dear Madam/Sir

PSA-2020-2 - Amendment to the Kingborough Interim Planning Scheme 2015 to Formally Incorporate Supplementary Documents

Section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993* requires that a copy of a certified draft amendment and the instrument of certification be forwarded to the Commission within seven days of the decision date.

A complete checklist as per Appendix 1 of TPC Practice Note 3 and the required documents (e.g. copies of the draft amendment, report explaining the reasons for the draft amendment and the Instrument of Certification) have been uploaded to the shared Dropbox Folder. A copy of the newspaper advert will be uploaded over the next couple of days.

A cheque for the prescribed fee will be forwarded under separate cover.

If you wish to discuss the application or seek clarification in relation to the above, please contact the Responsible Planning Officer, Adriaan Stander on (03) 6211 8120.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Tasha Tyler-Moore".

TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES



Kingborough

Kingborough Interim Planning Scheme 2015

PSA-2020-2

Checklist for Planning Scheme Amendments – pre-exhibition (Appendix 1 of TPC Practice Note 3)

No.	Requirement	Comment
1	Date of the planning authority decision to initiate and certify the draft amendment. Instrument of Certification.	9 June 2020, See Attachment 1
2	Copy of the planning authority minutes including reasons for the decision.	See Attachment 3
3	Copy of the certified draft amendment with the council's seal in PDF format and a word version of the draft amendment document and GIS files in MapInfo or ArcInfo for any map changes. See Appendix 3 for guidance on setting out the amendment document.	See Attachment 2
4	Copy of the permit, if granted, including a copy of each endorsed plan referred to in the permit, as the scale submitted by the applicant (or at a readable scale).	Not applicable
5	Copy of the application, as well as any application material, including expert reports, land title information etc. and the planning authority's form if applicable.	Not applicable
6	Copy of the planner's report to the planning authority, including their recommendations.	See Attachment 4
7	A statement of the reasons why the planning authority formed the opinion that the amendment, is as far as practicable, consistent with the RLUS.	See Attachment 4
8	A copy of any additional supporting information not already included above, such as local land use strategies or other relevant studies endorsed by the planning authority, comments from relevant agencies, etc.	Not applicable
9	Evidence of owner's permission if the request is made by a person other than the owner [section 33(2A)].	Not applicable
10	Title references, area, dimensions, and copy of the title if the amendment is for a specific site or title.	Not applicable
11	Copies of the newspaper notices, including the dates the notices appeared.	See Attachment 5
12	Copy of the notification letters and list of persons notified.	Not applicable

13.1 PSA-2020-2 - AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 TO FORMALLY INCORPORATE SUPPLEMENTARY DOCUMENTS**File Number:** PSA-2020-2**Author:** Adriaan Stander, Strategic Planner**Authoriser:** Tasha Tyler-Moore, Manager Development Services**Application Number:** PSA-2020-2**The purpose:** The report considers a proposal to amend the *Kingborough Interim Planning Scheme 2015* (KIPS2015) to formally incorporate supplementary documents.**Representations:** This report is pre-public exhibition, and therefore the proposed amendment has not been advertised yet. Draft amendments are advertised for a minimum period of 28 days for public comment following initiation by the Planning Authority.**Recommendation:** That Council resolves to initiate Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015*.**1. INTRODUCTION**

- 1.1 The report considers a proposal to amend the *Kingborough Interim Planning Scheme 2015* (KIPS2015) pursuant to Section 34(b) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA).
- 1.2 The purpose of the amendment is to formally incorporate a list of supplementary documents in Appendix 1 of KIPS2015 and to update and correct reference to these documents throughout the text of the planning scheme.
- 1.3 This report recommends the initiation and subsequent certification of the proposed amendment pursuant to the former provisions of Section 32 and 35 of LUPAA.

2. BACKGROUND

- 2.1 In 2010, the Tasmanian Parliament approved legislative amendments to the *Land Use Planning and Approvals Act 1993* to implement the then Government's regional land use planning strategy and interim planning scheme reform.
- 2.2 In the southern region, the twelve councils, including Kingborough, prepared the *Southern Tasmania Regional Land Use Strategy 2010-2035* which was approved and gazetted by the Minister for Planning and Local Government in October 2011 and modified in 2013.
- 2.3 Each interim planning scheme had to be consistent with the regional land use strategy and it had to be written in the same style as all planning schemes being prepared in the State, in accordance with the Planning Scheme Template for Tasmania.
- 2.4 To meet the requirements of the Act, Council translated the land use and development policies in the former *Kingborough Planning Scheme 2000* to the draft interim planning scheme. Deviations from this translation were only possible if required by the regional strategy or to achieve greater regional and statewide consistency.

- 2.5 The KIPS2015 was declared by the Minister for Planning and Local Government on 1 July 2015 and took effect on the same day, replacing the former *Kingborough Planning Scheme 2000*.
- 2.6 The planning scheme currently references several external documents that are relied upon to make planning decisions. These documents were used in the previous planning scheme and were carried across to KIPS2015. Unfortunately, some of these documents were not listed in the incorporated documents section of the planning scheme, which is effectively a translation error.
- 2.7 None of the documents that are proposed to be incorporated are new. Some of them have been updated with newer versions.
- 2.8 The documents that are proposed to be incorporated have been subject to public consultation and have been endorsed by Council.
- 2.9 A number of Tribunal and Planning Commission decisions on development applications and 43A applications have referenced documents that are proposed to be formally incorporated into KIPS2015.
- 2.10 Council officers have been in correspondence with the Department of Justice's Planning Policy Unit and the Tasmanian Planning Commission regarding this matter and it has been recommended that a planning scheme amendment would be required to fix the error.
- 2.11 It appears that similar translation errors exist in other southern interim planning schemes. However, correcting errors in other interim schemes is beyond the jurisdiction of a single Council. Therefore, this amendment only seeks to resolve the errors within KIPS2015

Purpose of incorporated documents

- 2.12 Planning schemes should be transparent and complete in terms of policies and provisions that are relied upon to make decisions about planning matters.
- 2.13 Studies, strategies, guidelines and policies that inform a planning scheme, guide decision making or affect the operation of the planning scheme should be part of the scheme in some form. This can be achieved by incorporating documents into the planning scheme.
- 2.14 Any decision to incorporate a document into the planning scheme should be based on the role the document plays in decision making and the way in which the document will be used or relied upon.
- 2.15 Any specific planning requirements that originate in external documents should ideally be incorporated into the planning scheme.
- 2.16 One of the benefits of incorporating documents into a planning scheme is that they carry the same weight as other parts of the scheme. Being part of the planning scheme, the planning authority can only change an incorporated document by a planning scheme amendment.
- 2.17 Not all types of documents referred to in the planning scheme need to be formally incorporated. For example, the Building Code of Australia and the Australian Standards have their own statutory standing.
- 2.18 The proposed amendment is not to introduce new development standards, but rather to correct a translation error, i.e. to include a list of documents in Appendix 1 of

KIPS2015 that formed part of the previous planning scheme and that are still being used today and ensuring these documents are correctly referenced throughout the text in the planning scheme

3. PROPOSED AMENDMENT

3.1 The proposal seeks to formally incorporate the following documents in the KIPS2015.

Document title	Description /Purpose	Relevant clause in KIPS2015
Southern Tasmania Regional Land Use Strategy 2010-2035, as amended, Feb 2020	The <i>Southern Tasmania Regional Land Use Strategy 2010-2035</i> (STRLUS) is a broad policy document that facilitates and manages change, growth, and development within Southern Tasmania over the next 25 years. The Southern Tasmania Regional Land Use Strategy 2010-2035 can be viewed here .	Clauses 2.2.3; 2.2.4; 3.0.1 (a) &(c); 3.03 (b) & (c);4.1; and 32.1.1.3
Kingborough Council Roads, Parking and Stormwater By-Law, By-Law 4, August 2011	Provides guidance in relation to outdoor dining facilities, signboards, roadside vendors and stalls in the Kingborough municipal area. The Kingborough Council Roads, Parking and Stormwater By-Law, By-Law 4 can be viewed here .	Clauses 5.11.1; E17.3 and Table E17.1
Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019	Provides guidance to the application of monetary contributions in lieu of providing open space. The Kingborough Public Open Space Contribution Policy, Policy 6 can be viewed here .	Clauses 10.6.3 P1 (h); 11.5.3 P1 (h); 12.5.3 P2; 13.5.3 P2; 13.5.3 P2; 14.5.4 P2; 15.5.1 P6; 16.5.3 (h); 17.5.1 P3 (h); 18.5.1 (h); 20.5.1 P6; 21.5.1 P6; 22.5.1 P6; 23.5.1 P6; 24.5.1 P6; and 31.5.1 P6
Kingborough Biodiversity Offset Policy 6.10, November 2016	Provides a mechanism to mitigate and compensate for the loss of biodiversity values where it has been established that all opportunities to avoid and mitigate impacts have been exhausted and the impacts will not significantly affect the conservation status of biodiversity value(s). The Kingborough Biodiversity Offset Policy 6.10 can be viewed here .	Clauses E10.7.1 P1 b iv; E10.7.1P1(c)(v); E10.8.1 P1(b)(iv) and E10.8.1 P1(c)(v)

<p>Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority, April 2013</p>	<p>Provides a tool which assists planning and natural resource management officers across the twelve Southern Tasmanian Councils in negotiating biodiversity offsets when they are identified as appropriate and desirable, within the specific functions and powers of Councils as local Planning Authorities.</p> <p>The Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process can be viewed here.</p>	<p>Clauses E10.7.1 P1 (b) (iv); E10.7.1P1(c)(v); E10.8.1 P1(b)(iv) and E10.8.1 P1(c)(v)</p>
<p>Tasmanian Noise Measurement Procedures Manual, second edition, July 2008</p>	<p>Provides standard noise measurement requirements and procedures.</p> <p>The Tasmanian Noise Measurement Procedures Manual can be viewed here.</p>	<p>Clauses 10.3.1 A2 (c); 11.3.1 A2 (c); 15.3.1 A2 (c); 16.3.1 A2 (c); 17.3.2 A1 (c); 18.3.2 A1 (c); 19.3.2 A1 (c); 21.3.2 A1(c); 22.3.2 A1 9 (c); 23.3.2 A1 (c); 24.3.2 A1 (c); 28.3.2 A1(c); 31.3.2 A1(c); E8.8.1 A2 (b)(iii) (a); and F3.6.4 A3 (c)</p>
<p>Tasmanian Coastal Works Manual (DPIPWE, December 2010)</p>	<p>Provide guidance to soil and water management for building and construction sites.</p> <p>The Tasmanian Coastal Works Manual can be viewed here.</p>	<p>Clause E11.3.R1</p>
<p>Wetlands and Waterways Works Manual (DPIPWE, 2003)</p>	<p>Provides guidelines for works in proximity of wetland and waterways.</p> <p>The Wetlands and Waterways Works Manual can be viewed here.</p>	<p>Clause E11.3.R1</p>

3.2 The intent is to list these documents in Appendix 1 of the planning scheme.

3.3 The proposal is also to update the reference to these documents in the planning scheme text to include the full, correct and current title and date of the document.

4. STATUTORY REQUIREMENTS

4.1 Amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA) came into effect on 17 December 2015. Section 3(2)(b) of Schedule 6 of LUPAA provides for a planning scheme amendment application to the planning instrument (i.e. *Kingborough Interim Planning Scheme 2015*) to be considered under the former provisions of LUPAA.

- 4.2 Pursuant to section 34(1)(b) of the former provisions of LUPAA, a planning authority may initiate to amend a planning scheme administered by it. This report considers the proposed amendment to formally incorporate a list of documents the planning scheme current relies on to make decisions about planning matters.
- 4.3 Pursuant to section 33(2B) of the former provisions of LUPAA, before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –
- (a) *whether the requested amendment is consistent with the requirements of section 32; and*
 - (ab) *any representation made under s30I, and any statements in any report under section 30J as to the merit of the representation, that may be relevant to the amendment; and*
 - (b) *any advice referred to in section 65 of the Local Government Act 1993 received by it.*
- 4.4 The above initiation requirements for the proposed scheme amendment have been assessed and is provided under section 6 of this report.

5. DISCUSSION

5.1 The proposed planning scheme amendment considers the following matters:

- existing situation under the planning scheme;
- strategic justification with particular reference to the consistency of the proposal with the *Southern Tasmania Regional Land Use Strategy 2010-2035* and the *Kingborough Land Use Strategy 2019*;
- consistency with the *Kingborough Council Strategic Plan 2015-2025*; and
- compliance with the requirements of the former provisions of LUPAA.

Existing situation under the Kingborough Interim Planning Scheme 2015

5.2 Appendix 1 of KIPS2015 currently lists the following three incorporated documents:

- (Former) Kingston High School Site Development Plan
- Margate Marina Master Plan
- Wellington Park Management Plan 2013

5.3 The planning scheme currently references several other external documents that are essential and relied upon to make planning decisions.

5.4 The proposed list of incorporated documents will provide greater certainty for applicants, assessment officers as well as the general community.

Strategic alignment - Southern Tasmania Regional Land Use Strategy 2010-2035

5.5 The *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) is a broad policy document that will facilitate and manage change, growth, and development within Southern Tasmania over the next 25 years. It provides comprehensive land use policies and strategies for the region based upon:

- The vision for the State as outlined by Tasmania Together;
 - A more defined regional vision;
 - Overarching strategic directions; and
 - A comprehensive set of regional planning policies addressing the underlying social, economic, and environmental issues in Southern Tasmania.
- 5.6 The STRLUS contains several regional policies that are in place to support strategic directions for the southern region.
- 5.7 The proposed amendment is not directly linked to any of the regional policies; however, the proposal will result in the formal inclusion of incorporated documents which are essential to the proper functioning of the planning scheme and decision making.
- 5.8 The documents that are proposed to be incorporated into the planning scheme will be strategically aligned with STRLUS as follows:

Policy 5 – Biodiversity and Geodiversity	The proposal will assist in maintaining and managing the regions biodiversity. It will provide improved guidance for the application of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values.
Policy 6 – Water Resources	The proposal will ensure that soil disturbance is limited and undertaken in accordance with appropriate construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.
Policy 7 – The Coast	The proposal will assist in the maintenance, protection and enhancement of biodiversity, landscape, scenic and cultural values of the region's coast.
Policy 8 – Managing Risks and Hazards	The proposal will provide additional guidance to reduce the risk of soil erosion in accordance with guidelines prepared by the Department of Primary Industries and Water.
Policy 9 – Cultural Values	The proposal will ensure the key values of regionally significant landscapes are not significantly compromised by new development through appropriate provisions within the planning scheme.

<p>Policy 10 – Recreation and Open Space</p>	<p>The proposal will ensure residential areas, open spaces and other community destinations are provided to meet the demands of growing communities. It will also provide guidance to the application of monetary contributions in lieu of providing open space where appropriate.</p>
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Strategic alignment - Kingborough Land Use Strategy

- 5.9 The Kingborough Land Use Strategy, dated May 2019 provides justification for the way that land is to be zoned in the planning scheme and provides the necessary background to assist in the assessment of future planning scheme amendments.
- 5.10 While the Kingborough Land Use Strategy serves a number of useful functions in a more general sense, its most important function is to support the draft Kingborough Local Provisions Schedule. It provides the justification for the allocation of zones and the inclusion of other provisions within the ordinance, such as Specific Area Plans. The Strategy also provides information that can be used to support potential changes to the scheme and to identify where more detailed investigations are necessary.
- 5.11 The strategy recommends that *“the planning scheme should be able to provide the necessary degree of certainty for both prospective developers and the Kingborough community. There should be confidence in the fact that the planning scheme contains the necessary land use planning controls to both encourage appropriate development and to prevent inappropriate development. Residents and businesses should be able to establish themselves within the municipality confident in the knowledge that the planning scheme protects their amenity and, to the extent possible, ensures that public infrastructure and services are made available.”*
- 5.12 The proposed planning scheme amendment aims to provide security and greater certainty as per the recommendations of the Kingborough Land Use Strategy and will also assist and provide detailed specialist procedures or requirements for development to supplement the planning scheme.
- 5.13 The proposed amendment is strategically aligned with the Kingborough Land Use Strategy.

Kingborough Council Strategic Plan 2020-2025

- 5.14 The *Kingborough Council Strategic Plan 2020-2025* provides the direction for the delivery of services by Kingborough Council, which influence the quality of life for residents and businesses.
- 5.15 The plan focuses on the unique elements of Kingborough and the challenges it will face in the years to come. The Strategic Plan includes a number of Strategic Outcomes that are listed under Key Priority Areas. Below is the relevant Key Priority Area, Strategic Outcome and Strategy.

Key Priority Area	3.0	Sustaining the natural environment whilst facilitating development for our future
Strategic outcome	3.4	Best practice land use planning systems are

		in place to manage the current and future impacts of development.
	3.5	Management of environmental assets is based on professional advice and strategic planning.

5.16 The intent of the proposed planning scheme amendment is to ensure best practice land use planning systems are in place to manage the current and future impact of development. The list of incorporated documents will safeguard proper functioning of the planning scheme, particularly as part of the development assessment processes. The proposed amendment will also ensure that greater certainty is provided to the public in relation to development and protection of the natural environment.

5.17 It is therefore considered that the proposed amendment is consistent with the Strategic Plan.

6. STATUTORY ASSESSMENT

Compliance with section 32(1) of the former provisions of LUPAA

6.1 Pursuant to section 32(1) of the former provisions of LUPAA, *a draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) -*

(a)

(b)

(c)

(d)

(e) must, as far as practicable, avoid the 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 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.

Potential land use conflicts

6.2 Section 32(e) of the former provisions of LUPAA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas.

6.3 The proposed amendment provides clarity in the application of several codes in the planning scheme and does not contain any new development standards that may result in land use conflict.

Alignment with the regional land use strategy

6.4 Section 32(ea) of the former provisions of LUPAA requires that planning scheme amendments must not conflict with the requirements of section 30O of the former provisions of LUPAA.

- 6.5 Section 30O of the former provisions of LUPAA requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy. Strategic alignment with the Southern Tasmania Regional Land Use Strategy is addressed in section 5 of this report.
- 6.6 It is considered that the proposed amendment is consistent with the regional land use strategy and local land use strategy, and therefore meets the requirements of section 30O and therefore Section 32(ea) of the former provisions of LUPAA.

Impact on the use and development in the region

- 6.7 Section 32(f) of the former provisions of LUPAA also requires of the former provisions of LUPAA requires that planning scheme amendments 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.
- 6.8 The proposed amendment is part of a statewide approach to ensure the proper functioning of the planning schemes and decision making.
- 6.9 It should be noted that other Tasmanian Councils appear to have similar issues where documents that their planning schemes rely on have not been formally adopted and incorporated. It is anticipated that they may follow suit to update and rectify their interim planning schemes.
- 6.10 It is considered that the proposed amendment meets the requirements of section 32(f) of the former provisions of LUPAA.

Sections 30I and 30J of LUPAA

- 6.11 Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered.
- 6.12 No representations were received during the exhibition of the Scheme which are relevant to the proposed amendment, therefore sections 30I and 30J of the former provisions of LUPAA have been satisfied.

Objectives of Schedule 1 of LUPAA

- 6.13 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA.
- 6.14 The objectives of the former provisions of LUPAA require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 objectives.

The following table assess the proposed amendment against the objectives of Schedule 1 of the former provisions of LUPAA.

Schedule 1, Part 1 Objectives	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic</i>	The planning scheme amendment will support the proper functioning of the planning scheme and will not facilitate any loss of natural values, nor any development of any

<i>diversity</i>	physical resources. The proposal is considered consistent with this requirement.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The proposed planning scheme amendment will improve clarity for the community, for developers and for Council for regulating planning and building matters. The proposal is considered consistent with this requirement.
<i>(c) to encourage public involvement in resource management and planning</i>	Opportunity for public input will be available through the public consultation process of the amendment as outlined in Section 7 of this report. The proposal is consistent with this requirement.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	As stated above, the proposal represents greater clarity for the general community, developer and Council, that in turn will facilitate good economic outcomes whilst avoiding significant environmental impact. The proposal is consistent with this requirement.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	The approval process requires the support of both Council and the Tasmanian Planning Commission for the planning amendment to become effective. The community and industry will have the opportunity to comment on the proposal once it goes on exhibition. The proposal is considered consistent with this requirement.
Schedule 1, Part 2 Objectives	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and Local Government</i>	As demonstrated throughout this assessment the proposal is strategically aligned and will ensure certainty and improved strategic outcomes both at State and Local Government level. It is considered consistent with this requirement.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	The proposal aims to strengthen specific planning requirements that originate in external documents. Formally incorporating these documents in the planning scheme will ensure that the document carries the same weight as other parts of the scheme. The proposal will therefore support the efficient application of existing codes and requirements. The proposal is consistent with this requirement.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	The social and economic benefit will be to improve clarity with respect to existing planning scheme provisions. The proposal is considered consistent with this requirement.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;</i>	The proposal is not considered to conflict with any environmental, social, economic, conservation or resource management policies. It aims to provide improved linkage and integration between those policies and requirements of the planning scheme.

<i>(e) to provide for the consolidation of approvals for land use or development and related matters and to co-ordinate planning approvals with related approvals</i>	Formal inclusion of incorporated documents will simply improve the application of existing codes. As discussed above the proposal furthers strategic planning policies and is consistent with this requirement.
<i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i>	The proposal is not considered to be in conflict of this requirement.
<i>(g) to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	The proposal is not considered to conflict with this requirement
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i>	The proposal is not considered to conflict with this requirement
<i>(i) to provide a planning framework which fully considers land capability</i>	The proposal will have no significant impact on land capability.

State Policies

6.15 LUPAA requires that planning scheme amendments must be prepared in accordance with State Policies.

6.16 State Policies are made under the *State Policies and Projects Act 1993* (SPPA). As specified by section 13C of SPPA, Council is bound by State Policies and under section 13(1), if a Planning Scheme is inconsistent with a State Policy; the Planning Scheme is void to the extent of that inconsistency. The proposed amendment is assessed against the provisions of the relevant State Policies as follows:

State Coastal Policy 1996

6.17 The *State Coastal Policy 1996* applies land within 1km of the coast and seeks to protect natural and cultural values of the coastal zone, ensure the sustainable development of coastal areas and resources and share responsibility for integrated management of coastal areas and resources. It is proposed to formally incorporate the *Tasmanian Coastal Works Manual* (DPIPWE, December 2010) into the planning scheme which will provide additional guidance to soil and water management for building and construction sites consistent with the State Coast Policy.

State Policy on Water Quality Management 1997

6.18 The proposal is to formally incorporate the *Wetlands and Waterways Works Manual* (DPIPWE, 2003) into the planning scheme to manage the impacts on water quality consistent with the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

6.19 The proposed amendment does not have any implications under the *State Policy on the Protection of Agricultural Land 2009*.

National Environmental Protection Measures

- 6.20 There are no National Environmental Protection Measures relevant to the assessment of the draft amendment.

7. PUBLIC CONSULTATION

- 7.1 If Council initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA. Section 38 of the former provisions of LUPAA requires that the proposal be advertised for a period of between 3 weeks and 2 months, as determined by the planning authority.
- 7.2 It is proposed to publicly exhibit the planning scheme amendment for a minimum period of 28 days with notification:
- a) on the Kingborough Council website;
 - b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and
 - c) in writing to owners and occupiers for the property and adjoining properties.
- 7.3 A full package of exhibition material will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston. This package will include:
- Attachment 1. Instrument of Certification PSA-2020-2; and
 - Attachment 2: Draft Kingborough Interim Planning Scheme 2015 PSA-2020-2
- 7.4 All attachments have been provided to Council as additional information to this report.
- 7.5 Council will review all submissions to the planning scheme amendment and report them to the Tasmanian Planning Commission (the Commission). The report would include the planning authority's views on the merit of each representation, whether the amendment should be modified and the impact of the representation on the amendment.

8. CRITICAL DATES / TIME FRAMES

- 8.1 If Council supports the amendment and initiates and certifies the amendment for public exhibition, it must advise the Commission within seven days.
- 8.2 Post-public exhibition, Council has 35 days from the close of the notification period to forward its report to the Commission. The Commission may grant an extension of time if requested.
- 8.3 The Commission 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.
- 8.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

9. CONCLUSION

- 9.1 The proposed amendment is not to introduce new development standards, but rather to correct a translation error, i.e. to formally incorporate a list of documents in Appendix 1 of KIPS2015 that formed part of the previous planning scheme and that are still being used today and ensuring these documents are correctly referenced throughout the text in the planning

- 9.2 The documents that are proposed to be incorporated have been subject to public consultation and have been endorsed by Council.
- 9.3 The above assessment demonstrates that the proposed amendment meets all statutory requirements and is a logical amendment to the planning scheme to improve the application of existing provisions of the planning scheme.

RECOMMENDATION

That Council resolves that the report of the Manager Development Services be received and that:

- (a) Pursuant to section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council resolve to initiate Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015*;
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certify that Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager to sign the Instrument of Certification;
- (c) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council place Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

ATTACHMENTS

1. Instrument of Certification PSA2020-1
2. Draft amendment PSA-2020-2

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.49pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C337/10-2020

(commences at ± 19 minutes of audio recording)

13.1 PSA-2020-2 - AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 TO FORMALLY INCORPORATE SUPPLEMENTARY DOCUMENTS

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

That Council resolves that the report of the Manager Development Services be received and that:

- (a) Pursuant to section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council resolve to initiate Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015*;
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certify that Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager to sign the Instrument of Certification;
- (c) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council place Amendment PSA-2020-2 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

CARRIED

PLANNING AUTHORITY SESSION ADJOURNS