

28 August 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 133 (BURWOOD DRIVE SAP)

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

Direction

Following the hearing of representations concerning the Burwood Drive Specific Area Plan (SAP), the Planning Authority is to provide advice on whether modifications to the SAP are required. If the advice is that the SAP should be modified, the recommendations are to be accompanied with a track change version of the SAP, any mapping changes and appropriate justification.

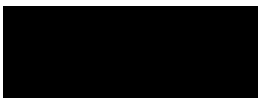
Planning Authority's response

The Planning Authority has reviewed the SAP and proposed to modify the SAP, particularly having regard to the discussion held at the hearings. Please find attached:

- Modified SAP with track changes and final format.
- Table explaining the modifications.
- Revised justification for the SAP.

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

Yours sincerely,

A black rectangular box redacting the signature of Dave Stewart.

DAVE STEWART
CHIEF EXECUTIVE OFFICER

1b. Explanation of modifications made to the Burwood Drive SAP

Modifications made to the Burwood Drive SAP	Explanation
<p>The purpose of the Burwood Drive Specific Area Plan is:</p> <p><u>KIN-S5.1.1 To provide for residential use at a density that is compatible with the bushfire risk associated with the adjoining Peter Murrell Reserve.</u></p> <p><u>KIN-S5.1.2 To encourage a low-density, large-lot residential character, that is compatible with the amenity and landscape setting of the area.</u></p> <p><u>KIN-S5.1.3 To minimise the impact or loss of prominent trees that contribute to the amenity and landscape setting of of the area.</u></p> <p>KIN-S5.1.1 To provide for use and development that is compatible with the low density residential character of the area.</p> <p>KIN-S5.1.2 To promote a residential character with dwellings set on large allotments incorporating native vegetation and landscaped garden areas.</p> <p>KIN-S5.1.3 To provide uses and development compatible with the management of native vegetation cover and to maintain a buffer to Peter Murrell Reserve.</p> <p>KIN-S5.1.4 To encourage development design that is compatible with the management of native vegetation cover and maintenance of a buffer with the adjoining Peter Murrell Reserve.</p> <p>KIN-S5.1.5 To allow residential uses at a density that is compatible with the bushfire risk associated with the area.</p>	<p>The Burwood Drive Specific Area Plan has been simplified and refined to focus on the matters most relevant to the area.</p> <p>The purpose statements have been rationalised with a particular focus on managing bushfire risk, maintaining the low-density large-lot residential character, and protecting prominent trees.</p>

1b. Explanation of modifications made to the Burwood Drive SAP

<p>KIN-S5.2 Application of this Plan</p> <p>KIN-S5.2.1 The specific area plan applies to the area of land designated as KIN-S5.0 Burwood Drive Specific Area Plan on the overlay maps and in Figure KIN-S5.1.</p> <p>KIN-S5.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and in addition to, the provisions of the <u>Low Density Residential Zone</u> <u>as specified in the relevant provision</u>.</p> <p>KIN-S5.2.3 In the area of land this plan applies to, in addition to any other application requirements, the planning authority may require any of the following information to determine compliance with the use and development standards:</p> <p>(a) a Vegetation Assessment by a suitably qualified person for buildings and works or subdivision within the Burwood Drive Mapped Vegetation Area to quantify the impacts of development and identify management and protection mechanisms which ensure the retention and appropriate management of threatened native vegetation communities and threatened species habitat.</p> <p>(a) an Arboriculture Assessment by a suitably qualified arborist (Certificate V or equivalent and qualified in tree risk assessment) for buildings or works within the tree protection zones of trees within the Burwood Drive Mapped Vegetation Area.</p> <p>(b) a Bushfire Attack Level (BAL) Assessment and accompanying Bushfire Hazard Management Plan by an accredited bushfire practitioner.</p>	<p>The application requirements have been removed from the SAP. While Specific Area Plans may include application requirements, the standard provisions of the Tasmanian Planning Scheme already allow the planning authority to request any additional information needed to adequately assess a development application.</p> <p>Although the application requirements provided guidance to applicants, they are not essential to the operation of the SAP. These matters can be more effectively addressed through the standard development assessment process and supporting application guidance, reducing duplication and simplifying the SAP.</p>
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KIN-S5.4 Definition of Terms

KIN-S5.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Burwood Drive Mapped Vegetation Area	means areas of land covered by vegetation that is of local importance, as shown on an overlay map and in Figure KIN-S5.2.
offset	means measures, implemented in accordance with Kingborough Biodiversity Offset Policy 6.10, November 2023 that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social, or environmental reasons for the action to proceed.
Precinct A	means the area shown on an overlay map and in Figure KIN-S5.3.2 as <u>Precinct A</u> .
Precinct B	means the area shown on an overlay map and in Figure KIN-S5.3.2 as <u>Precinct B</u> .
prominent tree	means any tree with a height greater than 5m and that has a single trunk diameter of 25cm or more measured from a height of 1.4m above existing ground level.
tree protection zone	means the area surrounding a tree that is required to be protected from disturbance to maintain the tree's health and viability, including protection of both the root system and canopy. The extent of the Tree Protection Zone is to be determined in accordance with Australian Standard AS 4970—2025 Protection of trees on development sites and informed by the Notional Root Zone (NRZ), being the theoretical root protection area calculated as a radius equal to 12 times the tree's diameter at standard height (DSH), subject to a minimum of 2 m and a maximum of 15 m. means the combined root area and crown area requiring protection and isolation from disturbance so that the tree remains viable. The radius of the tree protection zone is calculated by multiplying the diameter of the tree trunk at 1.4m from natural ground level by 12.

The definitions within the SAP have been simplified and consolidated to improve clarity and consistency, reflect contemporary planning practice, or to align with terminology used in other approved terms in the Tasmanian Planning Scheme.

For example, *Prominent Tree* is an accepted definition used within the Launceston LPS and *Land application area* is a definition used in the Sorell LPS. The definition for Tree protection zone has been updated to align with the most recent Australian Standards.

KIN-S5.7 Development Standards for Buildings and Works	
KIN-S5.7.1 Residential density for multiple dwellings in Precinct A	
This clause is in substitution for Low Density Residential Zone – clause 10.4.1 Residential density for multiple dwellings <u>where within an area identified as Precinct A by Figure KIN-S5.2.</u>	
*)	
Objective:	That the density of multiple dwellings is compatible with the low-density character of the neighbourhood and provides an appropriate response to the bushfire risk associated with the adjoining Peter Murrell Reserve. That the density of multiple dwellings is appropriate for the low-density nature of Precinct A and the character of the neighbourhood.
Acceptable Solutions	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 5,000m ² and be capable of: (a) being connected to a full water supply service, a reticulated sewerage system and the public stormwater system; and (b) containing bushfire hazard management requirements within the site.	P1 <u>P1</u> <u>Multiple dwellings must only have a site area per dwelling that is less than 5,000m² where:</u> <u>(a) is not out of character with the pattern of development existing on established properties in the area;</u> <u>(b) does not exceed the capacity of the current or intended infrastructure services in the area;</u> <u>(c) the level of bushfire hazard affecting the site and surrounding area, having regard to:</u> <u>(i) the capacity of the land to accommodate the proposed density of development without increasing bushfire risk to people; and property in the area;</u> <u>(ii) any advice provided by the Tasmania Fire Service; and</u> <u>(d) the site area per dwelling is not less than 1,500m².</u> <u>Multiple dwellings must only have a site area per dwelling that is less than 5000m² if the number of dwellings:</u> <u>(a) is not out of character with the pattern of development existing on land in the Burwood Drive Specific Area Plan;</u> <u>(a) does not exceed the capacity of the current or intended infrastructure services in the area; and</u> <u>(b) the site area per dwelling is not less than 4,500m².</u>

The provisions relating to multiple dwellings have been refined to better reflect the established development pattern within the area while ensuring that development remains compatible with the bushfire risk associated with the adjoining Peter Murrell Reserve. The provisions are necessary to maintain an appropriate residential density that can be adequately managed in a bushfire-prone environment.

The requirements are no more onerous than those that applied under the Kingston Interim Planning Scheme 2015 (KIPS 2015). The minimum site area of 5,000m² per dwelling remains unchanged from the provisions that previously applied to the area. However, the revised Performance Criteria provide greater flexibility by allowing a reduced site area of up to 1,500m² per dwelling, where it can be demonstrated that the proposal is consistent with the established character of the area, can be appropriately serviced, and will not increase bushfire risk having regard to the site's capacity and any advice provided by the Tasmania Fire Service.

The provisions have also been updated to more closely align with the structure and wording of the standard provisions of the Tasmanian Planning Scheme, improving usability and consistency while retaining the specific controls necessary to respond to the

1b. Explanation of modifications made to the Burwood Drive SAP

		bushfire constraints and landscape character of the area.
<p>KIN-S5.7.2 Vegetation ManagementProminent trees in Precinct A and B</p> <p>This clause is in addition to the <u>Low Density Residential Zone</u> – clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings.</p>		<p>The vegetation provisions have been substantially refined and simplified. They now apply only to prominent trees that contribute significantly to the amenity and landscape setting of the area.</p> <p>The previous natural values focus has been removed, with the provisions now directed solely towards protecting and managing vegetation for its contribution to landscape and amenity values.</p> <p>The vegetation provisions have also been modified having regard to recent discussions at the LPS hearings regarding the use of vegetation controls and offsets provisions within Specific Area Plans.</p> <p>The standard vegetation provisions of the Natural Assets Code will still apply to subdivisions in the SAP area (i.e. the prominent tree provisions only relate to new development which is not provided for under the standard provisions of the Tasmanian Planning Scheme.).</p>
Objective:	That the siting of buildings and works minimises the impact or loss of prominent trees to contribute to the amenity and landscape setting of the area. That the siting of buildings and works minimises the loss of vegetation.	
Acceptable Solutions	Performance Criteria	
A1	P1	
<p>The location of buildings and works must not encroach within the tree protection zone of a prominent tree. The location of buildings and works within the Burwood Drive Mapped Vegetation Area must:</p> <p>(a) be located within a building area, if shown on a sealed plan; or</p> <p>(b) not encroach within the tree protection zone of a prominent tree; and</p> <p>(c) not require the removal of native vegetation.</p>		
<p>Buildings and works must be located and designed to minimise vegetation removal and impacts on prominent trees, having regard to:</p> <p>(a)(e) the extent of vegetation to be removed;</p> <p>(a)(f) the maturity, and landscape contribution and conservation significance of the vegetation;</p> <p>(a)(g) requirements for adequate bushfire protection;</p> <p>(a)(h) any proposed remedial, mitigation or</p> <p>(i) revegetation measures, including but not limited to the application of offsets;</p> <p>(a)(j) the management, landscaping and treatment of the balance of the site; and</p> <p>(a)(k) the practical alternatives with respect to the location or design of the development.</p>		

1b. Explanation of modifications made to the Burwood Drive SAP

<p>(iii) not impact a prominent tree or native vegetation within the Burwood Drive Mapped Vegetation Area;</p> <p>(b) be required for public use by the Crown, a council or State authority;</p> <p>(c) be required for the provision of utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(i) the capacity of the land to accommodate the proposed density of development without increasing bushfire risk to people and property in the area;</p> <p>(ii) any advice provided by the Tasmania Fire Service.</p> <p>and must have an area not less than 1,500m²</p> <p>— Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its</p>	<p>Scheme. This improves consistency, clarity and ease of application while retaining the specific controls necessary to manage bushfire risk and maintain the low-density residential and landscape character of the Burwood Drive area.</p>
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KIN-S5.0 Burwood Drive Specific Area Plan

KIN-S5.1 Plan Purpose

The purpose of the Burwood Drive Specific Area Plan is:

- ~~KIN-S5.1.1 To provide for residential use at a density that is compatible with the bushfire risk associated with the adjoining Peter Murrell Reserve.~~
- ~~KIN-S5.1.2 To encourage a low-density, large-lot residential character, that is compatible with the amenity and landscape setting of the area.~~
- ~~KIN-S5.1.3 To minimise the impact or loss of prominent trees that contribute to the amenity and landscape setting of the area.~~
- ~~KIN-S5.1.1 To provide for use and development that is compatible with the low density residential character of the area.~~
- ~~KIN-S5.1.2 To promote a residential character with dwellings set on large allotments incorporating native vegetation and landscaped garden areas.~~
- ~~KIN-S5.1.3 To provide uses and development compatible with the management of native vegetation cover and to maintain a buffer to Peter Murrell Reserve.~~
- ~~KIN-S5.1.4 To encourage development design that is compatible with the management of native vegetation cover and maintenance of a buffer with the adjoining Peter Murrell Reserve.~~
- ~~KIN-S5.1.5 To allow residential uses at a density that is compatible with the bushfire risk associated with the area.~~

KIN-S5.2 Application of this Plan

- KIN-S5.2.1 The specific area plan applies to the area of land designated as KIN-S5.0 Burwood Drive Specific Area Plan on the overlay maps and in Figure KIN-S5.1.
- KIN-S5.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and in addition to, the provisions of the Low Density Residential Zone as specified in the relevant provision.
- ~~KIN-S5.2.3 In the area of land this plan applies to, in addition to any other application requirements, the planning authority may require any of the following information to determine compliance with the use and development standards:~~
 - ~~(a) a Vegetation Assessment by a suitably qualified person for buildings and works or subdivision within the Burwood Drive Mapped Vegetation Area to quantify the impacts of a development and identify management and protection mechanisms which ensure the retention and appropriate management of threatened native vegetation communities and threatened species habitat.~~
 - ~~(b) an Arboriculture Assessment by a suitably qualified arborist (Certificate V or equivalent and qualified in tree risk assessment) for buildings or works within the tree protection zones of trees within the Burwood Drive Mapped Vegetation Area.~~
 - ~~(c) a Bushfire Attack Level (BAL) Assessment and accompanying Bushfire Hazard Management Plan by an accredited bushfire practitioner.~~

KIN-S5.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

KIN-S5.4 Definition of Terms

KIN-S5.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Burwood Drive Mapped Vegetation Area	means areas of land covered by vegetation that is of local importance, as shown on an overlay map and in Figure KIN-S5.2.
offset	means measures, implemented in accordance with <i>Kingborough Biodiversity Offset Policy 6.10, November 2023</i> that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social, or environmental reasons for the action to proceed.
Precinct A	means the area shown on an overlay map and in Figure KIN-S5.3-2 as Precinct A.
Precinct B	means the area shown on an overlay map and in Figure KIN-S5.3-2 as Precinct B.
prominent tree	means any tree with a height greater than 5m and that has a single trunk diameter of 25cm or more measured from a height of 1.4m above existing ground level.
tree protection zone	<u>means the area surrounding a tree that is required to be protected from disturbance to maintain the tree's health and viability, including protection of both the root system and canopy. The extent of the Tree Protection Zone is to be determined in accordance with <i>Australian Standard AS 4970—2025 Protection of trees on development sites</i> and informed by the Notional Root Zone (NRZ), being the theoretical root protection area calculated as a radius equal to 12 times the tree's diameter at standard height (DSH), subject to a minimum of 2 m and a maximum of 15 m.</u> means the combined root area and crown area requiring protection and isolation from disturbance so that the tree remains viable. The radius of the tree protection zone is calculated by multiplying the diameter of the tree trunk at 1.4m from natural ground level by 12.

KIN-S5.5 Use Table

This sub-clause is not used in this specific area plan.

KIN-S5.6 Use Standards

This sub-clause is not used in this specific area plan.

KIN-S5.7 Development Standards for Buildings and Works

KIN-S5.7.1 Residential density for multiple dwellings in Precinct A

This clause is in substitution for Low Density Residential Zone – clause 10.4.1 Residential density for multiple dwellings where within an area identified as Precinct A by Figure KIN-S5.2.-

Objective:	<p><u>That the density of multiple dwellings is compatible with the low-density character of the neighbourhood and provides an appropriate response to the bushfire risk associated with the adjoining Peter Murrell Reserve.</u></p> <p>That the density of multiple dwellings is appropriate for the low-density nature of Precinct A and the character of the neighbourhood.</p>	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Multiple dwellings must have a site area per dwelling of not less than 5,000m² and be capable of:</p> <p>(a) being connected to a full water supply service, a reticulated sewerage system and the public stormwater system; and</p> <p>(b) containing bushfire hazard management requirements within the site.</p>	<p>P1</p> <p><u>P1</u></p> <p><u>Multiple dwellings must only have a site area per dwelling that is less than 5,000m² where:</u></p> <p><u>(a) is not out of character with the pattern of development existing on established properties in the area;</u></p> <p><u>(b) does not exceed the capacity of the current or intended infrastructure services in the area;</u></p> <p><u>(c) the level of bushfire hazard affecting the site and surrounding area, having regard to:</u></p> <p><u>(i) the capacity of the land to accommodate the proposed density of development without increasing bushfire risk to people; and property in the area;</u></p> <p><u>(ii) any advice provided by the Tasmania Fire Service; and</u></p> <p><u>(d) the site area per dwelling is not less than 1,500m².</u></p> <p>Multiple dwellings must only have a site area per dwelling that is less than 5000m² if the number of dwellings:</p> <p>is not out of character with the pattern of development existing on land in the Burwood Drive Specific Area Plan;</p> <p>does not exceed the capacity of the current or intended infrastructure services in the area; and</p> <p>(b) the site area per dwelling is not less than 4,500m².</p>	

KIN-S5.7.2 ~~Vegetation Management~~Prominent trees in Precinct A and B

This clause is in addition to the Low Density Residential Zone – clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings.

Objective:	<p><u>That the siting of buildings and works minimises the impact or loss of prominent trees to contribute to the amenity and landscape setting of the area.</u></p> <p>That the siting of buildings and works minimises the loss of vegetation.</p>	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p><u>The location of buildings and works must not encroach within the tree protection zone of a</u></p>	<p>P1</p>	

<p><u>prominent tree.</u>The location of buildings and works within the Burwood Drive Mapped Vegetation Area must:</p> <p>(a) be located within a building area, if shown on a sealed plan; or</p> <p>(b) not encroach within the tree protection zone of a prominent tree; and</p> <p>(c) not require the removal of native vegetation.</p>	<p>Buildings and works must be located and designed to minimise vegetation removal and impacts on prominent trees, having regard to:</p> <p>(a)(e) the extent of vegetation to be removed;</p> <p>(b)(f) the maturity, and landscape contribution and conservation significance of the vegetation;</p> <p>(c)(g) requirements for adequate bushfire protection;</p> <p>(d)(h) any proposed remedial, mitigation or</p> <p>(i) revegetation measures; including but not limited to the application of offsets;</p> <p>(e)(i) the management, landscaping and treatment of the balance of the site; and</p> <p>(f)(k) the practical alternatives with respect to the location or design of the development.</p>
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KIN-S5.8 Development Standards for Subdivision

KIN-S5.8.1 Lot design where within an area identified as Precinct A by Figure KIN-S5.2 in Precinct A

This clause is in substitution for Low Density Residential Zone – clause 10.6.1 Lot design A1 and P1.

Objective:	<p><u>That each lot:</u></p> <p>(a) <u>has an area and dimensions appropriate for use and development in the zone;</u></p> <p>(b) <u>is provided with appropriate access to a road;</u></p> <p>(c) <u>contains areas which are suitable for residential development; and</u></p> <p>(d) <u>is compatible with the bushfire risk associated with the area.</u>That each lot has an area and dimensions consistent with the large lot characteristics of the area and its proximity to the Peter Murrell Reserve</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 5,000m² and:</p> <p>(i) able to contain a minimum area of 20m x 15m with a gradient not steeper than 1 in 5, clear of;</p> <p>a. all setbacks required by clause 10.4.3 A1 and A2;</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by the Low Density Zone – clause 10.4.3 Setback A1 and A2;</p>	<p>P1</p> <p><u>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</u></p> <p>(a) <u>the relevant requirements for development of buildings on the lots;</u></p> <p>(b) <u>the intended location of buildings on the lots;</u></p> <p>(c) <u>the topography of the site;</u></p> <p>(d) <u>adequate provision of private open space;</u></p> <p>(e) <u>the pattern of development existing on established properties in the area;</u></p> <p>(f) <u>any constraints to development;</u></p> <p>(g) <u>the level of bushfire hazard affecting the site and surrounding area, having regard to:</u></p>

<p>(iii) not impact a prominent tree or native vegetation within the Burwood Drive Mapped Vegetation Area;</p> <p>(b) be required for public use by the Crown, a council or State authority;</p> <p>(c) be required for the provision of utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p><u>(i) the capacity of the land to accommodate the proposed density of development without increasing bushfire risk to people and property in the area;</u></p> <p><u>(ii) any advice provided by the Tasmania Fire Service.</u></p> <p><u>and must have an area not less than 1,500m²</u></p> <p>— Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the maturity, landscape contribution and conservation significance of the vegetation;</p> <p>(b) any practical alternatives with respect to the location or design of the subdivision layout and associated works;</p> <p>(c) requirements for adequate bushfire protection;</p> <p>(d) the management, landscaping and treatment of the site;</p> <p>(e) minimising and mitigating adverse impacts on vegetation including but not limited to the application of offsets;</p> <p>(f) the relevant requirements for development of buildings on the lots;</p> <p>(g) the intended location of buildings on the lots;</p> <p>(h) the topography of the site;</p> <p>(i) adequate provision of private open space;</p> <p>(j) adequate provision of drainage and sewerage;</p> <p>(k) any constraints to development;</p> <p>(l) the pattern of development existing on established properties in the area;</p> <p>(m) local area objectives.</p> <p><u>(h) and must have an area not less than 4,500m².</u></p>
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KIN-S5.9 Tables

This sub-clause is not used in this specific area plan.

Figure KIN-S5.1 – Burwood Drive SAP

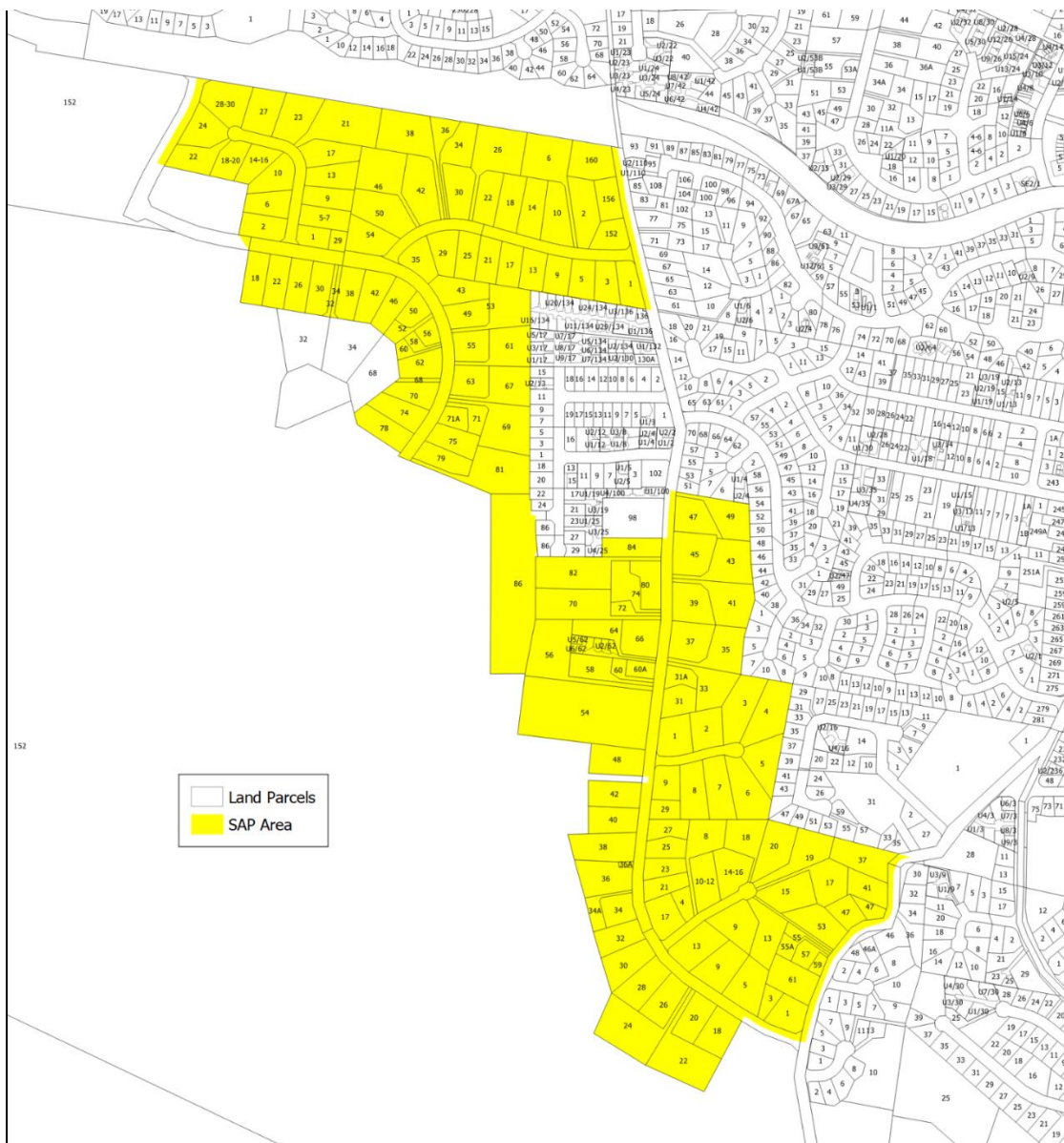
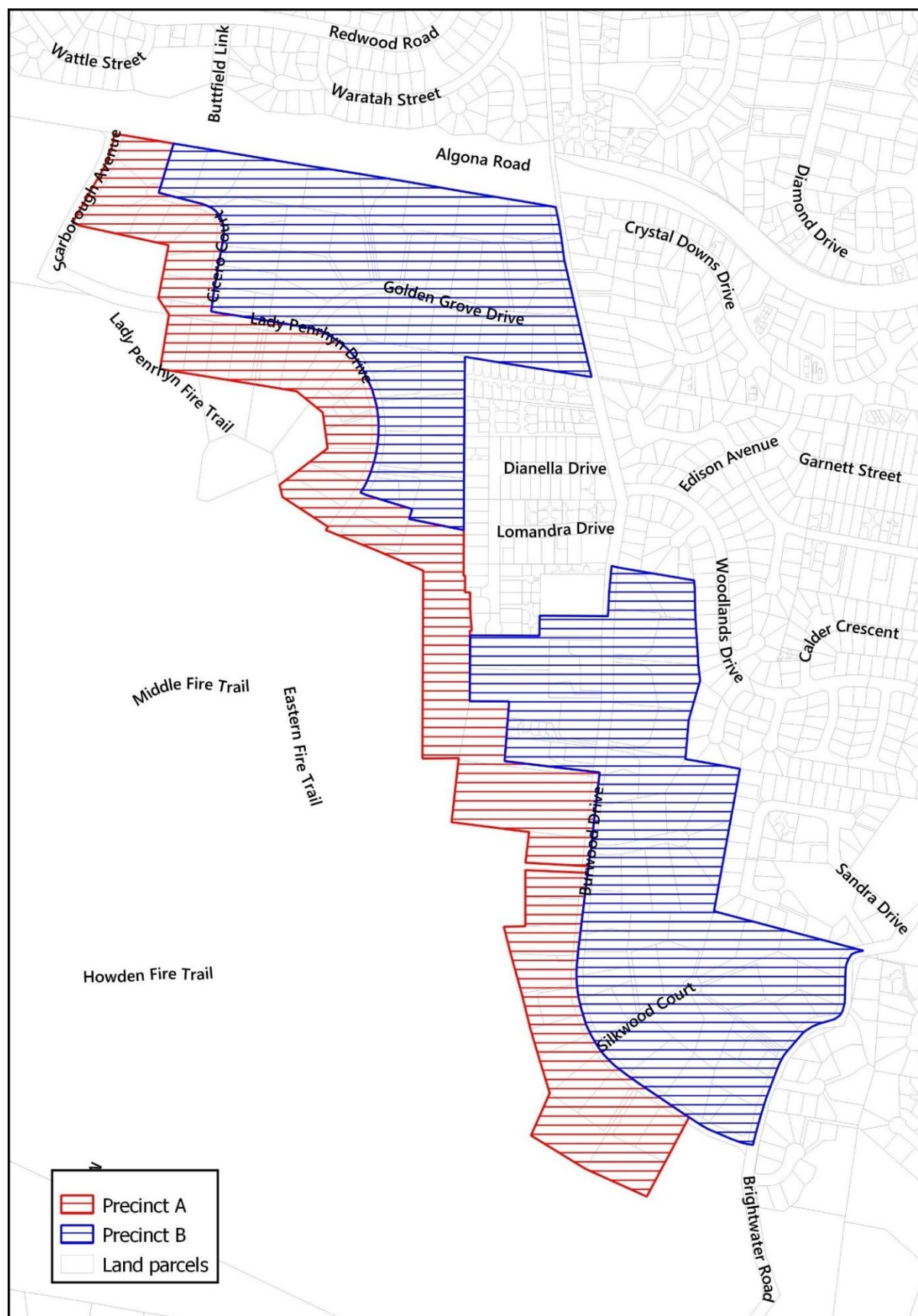


Figure KIN-S5.2 – Burwood Drive SAP Mapped Vegetation Area

Figure KIN-S5.3.2 – Precincts A and B



KIN-S5.0 Burwood Drive Specific Area Plan

KIN-S5.1 Plan Purpose

The purpose of the Burwood Drive Specific Area Plan is:

- KIN-S5.1.1 To provide for residential use at a density that is compatible with the bushfire risk associated with the adjoining Peter Murrell Reserve.
- KIN-S5.1.2 To encourage a low-density, large-lot residential character, that is compatible with the amenity and landscape setting of the area.
- KIN-S5.1.3 To minimise the impact or loss of prominent trees that contribute to the amenity and landscape setting of the area.

KIN-S5.2 Application of this Plan

- KIN-S5.2.1 The specific area plan applies to the area of land designated as KIN-S5.0 Burwood Drive Specific Area Plan on the overlay maps and in Figure KIN-S5.1.
- KIN-S5.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and in addition to, the provisions of the Low Density Residential Zone as specified in the relevant provision.

KIN-S5.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

KIN-S5.4 Definition of Terms

KIN-S5.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Precinct A	means the area shown on an overlay map and in Figure KIN-S5.2 as Precinct A.
Precinct B	means the area shown on an overlay map and in Figure KIN-S5.2 as Precinct B.
prominent tree	means any tree with a height greater than 5m and that has a single trunk diameter of 25cm or more measured from a height of 1.4m above existing ground level.
tree protection zone	means the area surrounding a tree that is required to be protected from disturbance to maintain the tree's health and viability, including protection of both the root system and canopy. The extent of the Tree Protection Zone is to be determined in accordance with <i>Australian Standard AS 4970—2025 Protection of trees on development sites</i> and informed by the Notional Root Zone (NRZ), being the theoretical root protection area calculated as a radius equal to 12 times the tree's diameter at standard height (DSH), subject to a minimum of 2 m and a maximum of 15 m.

KIN-S5.5 Use Table

This sub-clause is not used in this specific area plan.

KIN-S5.6 Use Standards

This sub-clause is not used in this specific area plan.

KIN-S5.7 Development Standards for Buildings and Works

KIN-S5.7.1 Residential density for multiple dwellings in Precinct A

This clause is in substitution for Low Density Residential Zone – clause 10.4.1 Residential density for multiple dwellings where within an area identified as Precinct A by Figure KIN-S5.2.

Objective:	That the density of multiple dwellings is compatible with the low-density character of the neighbourhood and provides an appropriate response to the bushfire risk associated with the adjoining Peter Murrell Reserve.	
Acceptable Solutions	Performance Criteria	
A1 Multiple dwellings must have a site area per dwelling of not less than 5,000m ² .	P1 P1 Multiple dwellings must only have a site area per dwelling that is less than 5,000m ² where: <ul style="list-style-type: none"> (a) is not out of character with the pattern of development existing on established properties in the area; (b) does not exceed the capacity of the current or intended infrastructure services in the area; (c) the level of bushfire hazard affecting the site and surrounding area, having regard to: <ul style="list-style-type: none"> (i) the capacity of the land to accommodate the proposed density of development without increasing bushfire risk to people; and property in the area; (ii) any advice provided by the Tasmania Fire Service; and (d) the site area per dwelling is not less than 1,500m². 	

KIN-S5.7.2 Prominent trees in Precinct A and B

This clause is in addition to the Low Density Residential Zone – clause 10.4 Development Standards for Dwellings and clause 10.5 Development Standards for Non-dwellings.

Objective:	<u>That the siting of buildings and works minimises the impact or loss of prominent trees to contribute to the amenity and landscape setting of the area.</u>	
Acceptable Solutions	Performance Criteria	
A1	P1	

The location of buildings and works must not encroach within the tee protection zone of a prominent tree.	<p>Buildings and works must be located and designed to minimise impacts on prominent trees, having regard to:</p> <ul style="list-style-type: none"> (e) the extent of vegetation to be removed; (f) the maturity and landscape contribution; (g) requirements for adequate bushfire protection; (h) any proposed remedial, mitigation or (i) revegetation measures; (j) the management, landscaping and treatment of the balance of the site; and (k) the practical alternatives with respect to the location or design of the development.
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KIN-S5.8 Development Standards for Subdivision

KIN-S5.8.1 Lot design where within an area identified as Precinct A by Figure KIN-S5.2.

This clause is in substitution for Low Density Residential Zone – clause 10.6.1 Lot design A1 and P1.

Objective:	<p>That each lot:</p> <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for residential development; and (d) is compatible with the bushfire risk associated with the area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 5,000m² and: <ul style="list-style-type: none"> (i) able to contain a minimum area of 20m x 15m with a gradient not steeper than 1 in 5, clear of; <ul style="list-style-type: none"> a. all setbacks required by clause 10.4.3 A1 and A2; b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by the Low Density Zone – clause 10.4.3 Setback A1 and A2; (b) be required for public use by the Crown, a council or State authority; (c) be required for the provision of utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) adequate provision of private open space; (e) the pattern of development existing on established properties in the area; (f) any constraints to development; (g) the level of bushfire hazard affecting the site and surrounding area, having regard to: <ul style="list-style-type: none"> (i) the capacity of the land to accommodate the proposed density of development without increasing bushfire risk to people and property in the area;

	<p>(ii) any advice provided by the Tasmania Fire Service.</p> <p>and must have an area not less than 1,500m²</p> <p>(h)</p>
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KIN-S5.9 Tables

This sub-clause is not used in this specific area plan.

Figure KIN-S5.1 – Burwood Drive SAP

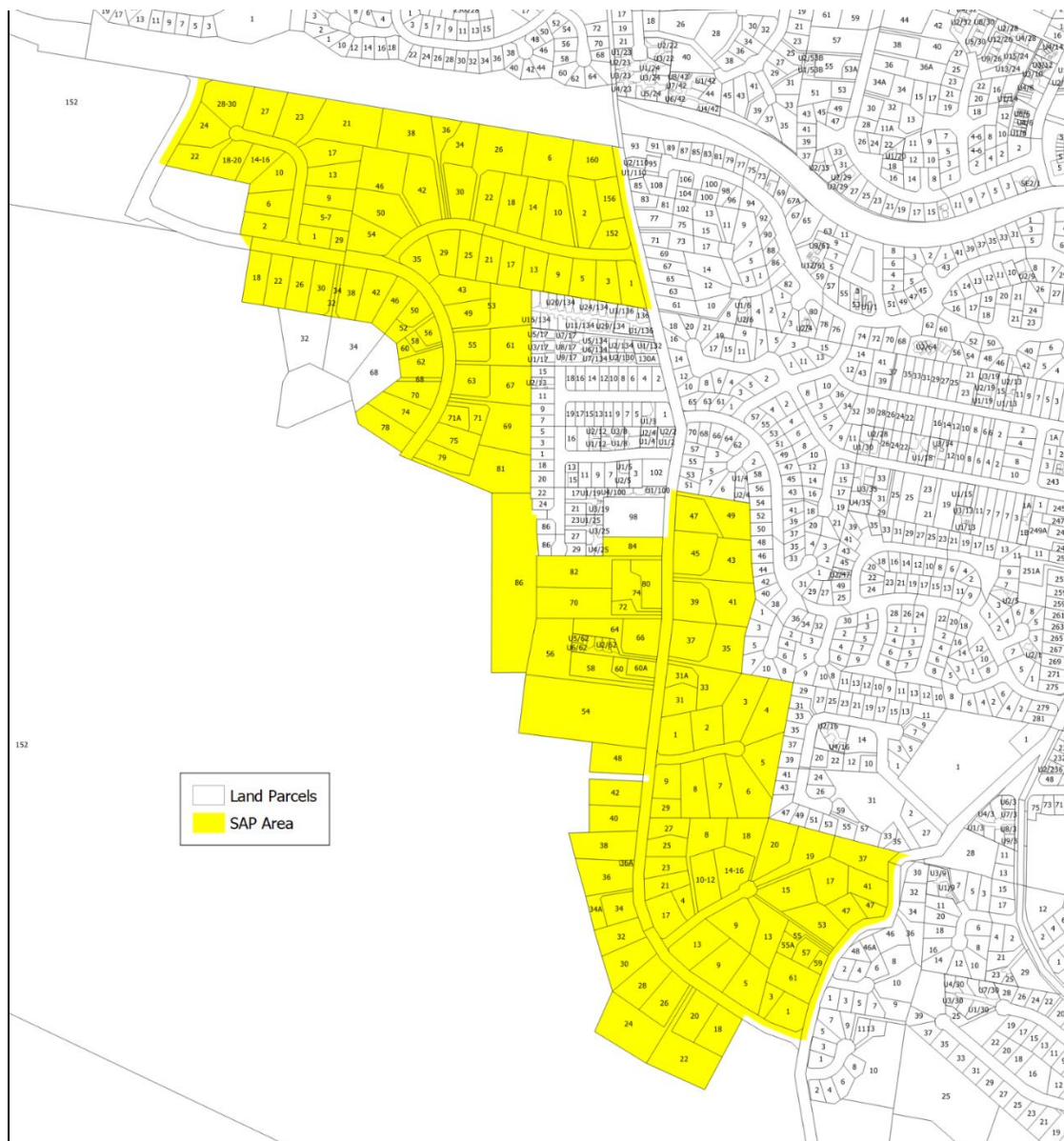
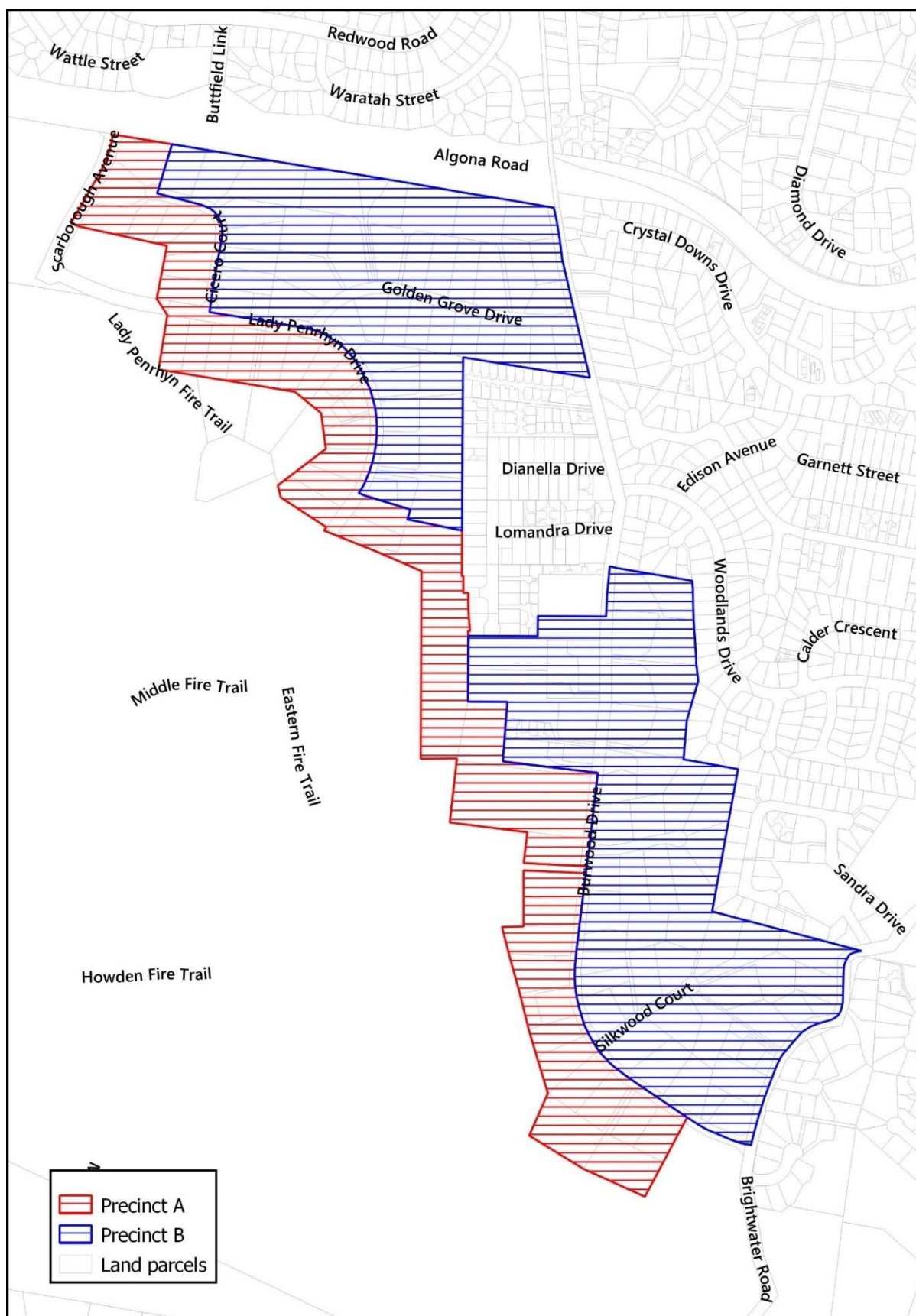


Figure KIN-S5.2 – Precincts A and B



Justification for the modified Burwood Drive Specific Area Plan

The following assessment demonstrates the extent to which the modified Burwood Drive Specific Area Plan (SAP) is consistent with the requirements of sections 32(4)(b) and 34 of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Schedule 1 Objectives of LUPAA, and the *Southern Tasmania Regional Land Use Strategy* (STRLUS).

Sections 32(4)(b) and 34 of LUPAA

Section 34 of LUPAA requires the Tasmanian Planning Commission (TPC) to be satisfied that a proposed amendment meets the Local Provisions Schedule (LPS) criteria, including the requirements of section 32 of LUPAA. In the case of a SAP, section 32(4)(b) requires it to be demonstrated that the land possesses particular environmental, economic, social or spatial qualities that necessitate the application of provisions that are unique to the area and apply in substitution for, in addition to, or as a modification of the State Planning Provisions.

The Burwood Drive SAP has been substantially refined from the version originally exhibited. The modified SAP adopts a more targeted and proportionate approach by retaining only those provisions considered necessary to address the particular qualities of the Burwood Drive area that are not adequately recognised or managed through the standard provisions of the Tasmanian Planning Scheme (TPS).

The primary justification for the modified SAP rests on the particular spatial qualities of the Burwood Drive area. In particular, the SAP retains provisions that respond to:

- the interface between residential development and the adjoining Peter Murrell Reserve;
- the bushfire risk associated with the area's location adjacent to extensive bushland;
- the established low-density, large-lot residential character of land immediately adjoining the reserve; and
- the contribution of prominent trees to the landscape setting, visual amenity and character of the area.

While the SAP is principally justified on the basis of the particular spatial qualities of the area, the Planning Authority also considers that there are associated environmental and social considerations that reinforce the need for a place-based planning response.

The Burwood Drive area occupies elevated land forming the western backdrop to Blackmans Bay and directly adjoins the Peter Murrell Reserve. The area is characterised by a pattern of larger residential lots, substantial vegetation cover and a transition between more intensively developed urban areas and the extensive bushland of the reserve. These characteristics distinguish the area from many other Low Density Residential areas within Kingborough and contribute to its function as both a landscape buffer and a bushfire interface.

The following sections explain why these spatial qualities warrant a place-based planning response and why the modified SAP provisions remain necessary notwithstanding the availability of the standard provisions of the TPS.

Spatial Qualities – Bushfire Interface and Residential Density

A defining characteristic of the Burwood Drive area is its direct interface with Peter Murrell Reserve. Unlike many residential areas in Kingborough, a significant proportion of the land subject to the SAP adjoins, or is in close proximity to, a large area of continuous bushland. This relationship creates a distinctive landscape setting but also introduces planning considerations that are not typically present in standard residential areas.

The modified SAP retains provisions relating to residential density and lot design within Precinct A. These provisions recognise the particular circumstances of land immediately adjoining Peter Murrell Reserve where increased residential density has the potential to increase exposure to bushfire hazard and alter the established relationship between residential development and the reserve.

Historically, the area has maintained a large-lot development pattern that has contributed to its role as a transition between urban development and bushland. The modified SAP continues to recognise this established pattern through a minimum lot size and site area per dwelling of 5,000m² as an Acceptable Solution, while also incorporating Performance Criteria that provide flexibility for alternative outcomes where it can be demonstrated that the proposal:

- is compatible with the pattern of development in the area;
- does not exceed infrastructure capacity;
- appropriately responds to the level of bushfire hazard affecting the site and surrounding area; and
- does not result in an unacceptable increase in bushfire risk to people or property.

Importantly, the modified SAP does not prohibit further development or subdivision. Rather, it establishes a framework that enables consideration of development proposals on their merits while ensuring that bushfire risk and the established settlement pattern remain key considerations in decision-making.

The Planning Authority considers that the standard provisions of the TPS do not sufficiently recognise the particular relationship between this area and Peter Murrell Reserve. Without the SAP, future subdivision and intensification of development could progressively erode the established large-lot character of the reserve interface and result in a greater concentration of people and property exposed to bushfire hazard. While individual proposals may appear acceptable when considered in isolation, the cumulative effect of incremental densification could significantly alter the character and risk profile of the area.

The modified SAP therefore provides a targeted mechanism to ensure that future development capacity is considered in conjunction with the area's bushfire interface,

established settlement pattern and strategic role as a transition between urban development and bushland.

Spatial and Environmental Qualities – Prominent Trees and Landscape setting

The Burwood Drive area contains substantial mature vegetation that contributes significantly to local character, visual amenity and landscape setting. Prominent trees are a defining feature of the area and reinforce the transition between the residential area and Peter Murrell Reserve.

While the environmental values associated with this vegetation are acknowledged, the SAP does not seek to regulate vegetation primarily for conservation purposes. Rather, the provisions focus on the contribution that prominent trees make to the character, amenity and landscape setting of the area.

The modified SAP includes a requirement that buildings and works avoid encroachment within the tree protection zone of a prominent tree as an Acceptable Solution. A Performance Criterion provides flexibility where an alternative outcome can demonstrate that impacts on prominent trees have been minimised having regard to:

- the extent of vegetation removal;
- the maturity and landscape contribution of the trees;
- bushfire protection requirements;
- proposed mitigation or revegetation measures;
- site landscaping outcomes; and
- practical alternatives for the location and design of development.

The Planning Authority considers that the standard provisions of the TPS do not adequately recognise the contribution of these prominent trees to the landscape setting and neighbourhood character of the Burwood Drive area. The SAP therefore provides an appropriate and targeted mechanism to ensure that future development is designed in a manner that responds to these qualities while still enabling reasonable use and development of the land.

The retention of prominent trees also contributes to the area's role as a visually attractive low-density residential environment and assists in maintaining the distinctive character that differentiates the area from surrounding residential neighbourhoods.

Consistency with Schedule 1 Objectives of LUPAA

The modified Burwood Drive SAP is consistent with the objectives of both the Resource Management and Planning System and the planning process established under Schedule 1 of LUPAA.

Part 1 – Objectives of the Resource Management and Planning System

Promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.

The SAP supports this objective by encouraging development outcomes that minimise impacts on prominent trees that contribute to the landscape setting and character of the area while allowing ongoing residential use and development.

Provide for the fair, orderly and sustainable use and development of air, land and water.

The SAP provides a targeted framework for managing residential density and development at the interface with Peter Murrell Reserve, ensuring that future development occurs in a manner that is compatible with the area's physical characteristics and bushfire context.

Facilitate economic development in accordance with the above objectives.

The SAP supports the attractiveness and liveability of the area by maintaining the landscape qualities and residential character that contribute to the desirability of the area and provide confidence regarding future development outcomes.

Part 2 – Objectives of the Planning Process Established by the Act

Require sound strategic planning and coordinated action by State and local government.

The SAP provides a strategic planning response to the unique circumstances of the Burwood Drive area, particularly its interface with Peter Murrell Reserve and its established low-density settlement pattern.

Ensure that environmental effects are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

The SAP ensures that development outcomes take account of bushfire risk, landscape character and the contribution of prominent trees to residential amenity. The SAP also recognises the social value placed on the area's established character and the broader economic benefits associated with maintaining an attractive residential environment.

Promote the health and wellbeing of all Tasmanians and visitors by ensuring a pleasant, efficient and safe environment for working, living and recreation.

By managing residential density in sensitive bushfire interface areas and encouraging development that responds to the landscape setting, the SAP contributes to a safer and more pleasant residential environment.

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.

The SAP operates as a targeted local planning response that complements broader environmental management, bushfire risk management and land-use planning objectives.

Provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.

The SAP incorporates clear and locally relevant development standards within the planning scheme framework, enabling development applications to be assessed through an integrated statutory process.

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.

By ensuring that development intensity is considered in conjunction with infrastructure capacity and bushfire risk considerations, the SAP supports orderly development outcomes.

Provide a planning framework which fully considers land capability.

The SAP responds to the physical characteristics of the area, including its bushfire interface, established settlement pattern, vegetation cover and landscape context, ensuring that development reflects the capability and constraints of the land.

Consistency with the Southern Tasmania Regional Land Use Strategy (STRLUS)

The modified Burwood Drive SAP is generally consistent with the STRLUS as it seeks to manage development at a sensitive bushfire interface, maintain the distinctive landscape setting of the area, respond to biodiversity and vegetation values associated with the Peter Murrell Reserve interface, and ensure that future development appropriately reflects local environmental constraints and settlement character. In particular, the SAP is consistent with Regional Policies C 1, BNV 1, SRD 1.1, SRD 1.2, SRD 1.6, SD 10, and the natural hazard outcomes of the STRLUS.

Landscape Character

Regional Policy C1 seeks to maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast. The SAP supports the intent of this policy through provisions relating to prominent trees and development design that seek to retain the established vegetated setting of the area and maintain the transition between urban development and the Peter Murrell Reserve. In doing so, the SAP assists in protecting the landscape that contribute to the character and identity of the locality. Further, the SAP is consistent with Policy CV4.2, which requires that the key values of regionally significant landscapes are not to be significantly compromised by new development through appropriate provisions within the planning scheme. The prominent trees provisions represent an appropriate planning response to retain the mature vegetation that contributes to the area's landscape setting and sense of place.

Settlement Pattern and Residential Development

The SAP is consistent with Regional Policies SRD 1.1 and SRD 1.2, which support implementation of the regional settlement strategy and encourage residential growth to occur in a manner that responds to local character and environmental constraints.

The SAP also aligns with SRD 1.6, which recognises the ongoing role of the Low Density Residential Zone in providing housing opportunities that are responsive to site constraints and landscape values.

Natural Hazards

The SAP is consistent with Regional Policy MRH 1, which seeks to “minimise the risk of loss of life and property from bushfires”. In particular, the SAP aligns with MRH 1.1, which requires bushfire risk to be addressed at the earliest practicable stage of the planning process through subdivision design and the identification of appropriate buffer areas, and MRH 1.2, which promotes subdivision layouts that facilitate safe access and egress in bushfire-prone areas. The SAP is also consistent with MRH 1.4, which seeks planning scheme provisions based on best-practice bushfire risk mitigation and management

Liveability

The SAP is consistent with Regional Policy SD 10 (Creating Liveable Communities), which seeks to create communities that are attractive, liveable, diverse and accessible, and that maintain a strong sense of place and local identity.

Conclusion

The Planning Authority considers that the modified Burwood Drive SAP satisfies the requirements of sections 32(4)(b) and 34 of LUPAA by retaining only those provisions necessary to address the unique bushfire interface, landscape and settlement characteristics of the Burwood Drive area that are not adequately recognised or managed through the standard provisions of the TPS.

The modified SAP adopts a substantially more targeted approach than earlier versions by focusing on residential density and lot design outcomes within the reserve interface area and on the contribution of prominent trees to local character and landscape setting. The SAP ensures that future development appropriately responds to the area's distinctive qualities while still providing flexibility for development opportunities through performance-based assessment. The Planning Authority further considers that the modified SAP is consistent with Schedule 1 of LUPAA and generally aligns with the strategic directions and settlement objectives of the STRLUS.