

11 May 2026

Our Ref: PSA-2023-1 and DA-2023-373

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

Dear Sir/Madam

DRAFT AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 FOR PSA-2023-1 - SITE-SPECIFIC QUALIFICATION (SSQ) FOR A HOTEL INDUSTRY (LIQUOR TASTING FACILITY) AND ASSOCIATED DEVELOPMENT APPLICATION DA-2023-373 FOR THE LIQUOR TASTING FACILITY AND ASSOCIATED WORKS AT 360 LENNON ROAD, NORTH BRUNY (CT 25139/1)

Council has certified the above-mentioned amendment to the Kingborough Interim Planning Scheme 2015. The proposal involves:

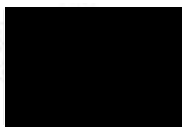
- a Planning Scheme Amendment for a Site-specific Qualification (SSQ) for a Hotel Industry (liquor tasting facility) at 360 Lennon Road, North Bruny (CT 25139/1); and
- a Development Application for partial change of use to Hotel Industry (liquor tasting facility and associated works at the same property).

Copies of the draft amendment, report explaining the reasons for the draft amendment and the Instrument of Certification are attached. A copy of the newspaper advert, neighbour notification will be uploaded over the next couple of days.

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

If you wish to discuss the application or seek clarification in relation to the above, please contact Council's Lead Strategic Planner, Adriaan Stander on (03) 6211 8200.

Yours sincerely



DELEEZE CHETCUTI
DIRECTOR ENVIRONMENT, DEVELOPMENT AND COMMUNITY

PLANNING AUTHORITY IN SESSION

12 OFFICERS REPORTS TO PLANNING AUTHORITY

12.1 PSA-2023-1: PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 – SITE SPECIFIC QUALIFICATION FOR A HOTEL INDUSTRY (LIQUOR TASTING FACILITY) AT 360 LENNON ROAD, NORTH BRUNY

File Number: PSA-2023-1

Author: Adriaan Stander, Lead Strategic Planner

Authoriser: Deleeze Chetcuti, Director Environment, Development & Community Services

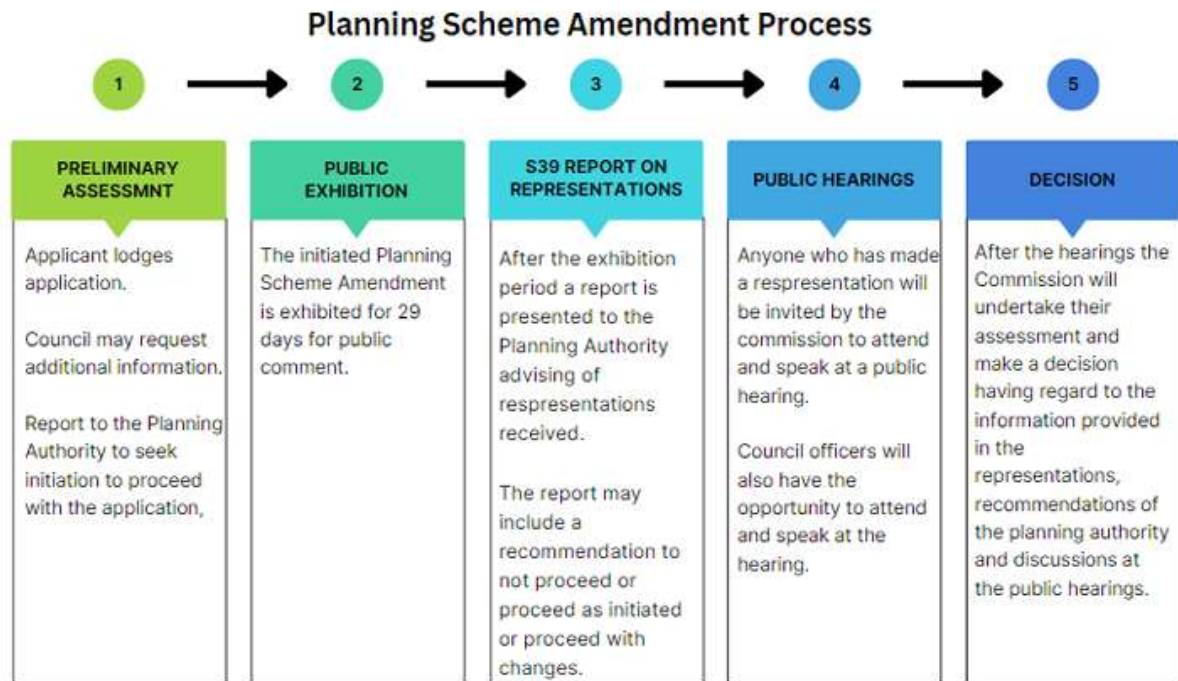
EXECUTIVE SUMMARY

Applicant:	E3Planning on behalf of the Bruny Island House of Whisky
Owner:	Mr N J McGrath
Zoning:	Environmental Living Zone (ELZ)
Purpose:	The purpose of this report is to consider a Planning Scheme Amendment application that seeks to introduce a Site-Specific Qualification (SSQ) to allow a Hotel Industry (liquor tasting facility) at 260 Lennon Road, North Bruny.
Representations:	The report is prepared prior to the public exhibition. Following initiation by the Planning Authority, the draft Planning Scheme Amendment is advertised for public comment for a minimum of 28 days. After the exhibition period, a further report addressing any representations received will be presented to the Planning Authority, providing recommendations for inclusion in its submission to the Tasmanian Planning Commission (TPC) for consideration.
Recommendation:	That the Planning Authority resolves to: • initiate and certify Amendment PSA-2023-1, • advise the TPC of this decision and exhibit the initiated planning scheme amendment in accordance with the statutory process.

1. INTRODUCTION

- 1.1 Council is in receipt of an application from seeking an amendment to the Kingborough Interim Planning Scheme 2015 (KIPS 2015) under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA). The application proposes introducing a Site-Specific Qualification (SSQ) at 306 Lennon Road, North Bruny to allow a Hotel Industry (liquor tasting facility) as an additional discretionary use in the ELZ.
- 1.2 The application was submitted under section 43A of the former provisions of LUPAA, which provides a mechanism for a planning authority to consider a combined development permit and planning scheme amendment where a use or development cannot be approved unless the planning scheme is first amended. In this case, the proposed amendment accompanies development application DA2023-373 (also tabled in this Agenda), which seeks to formalise and legalise the currently unauthorised liquor tasting facility on the site.

- 1.3 This application is at the first phase of the planning scheme amendment process. An overview of the statutory process is provided below.



2. SITE AND CONTEXT

- 2.1 The subject site is located at 360 Lennon Road, North Bruny and has an area of approximately 6.7 ha.

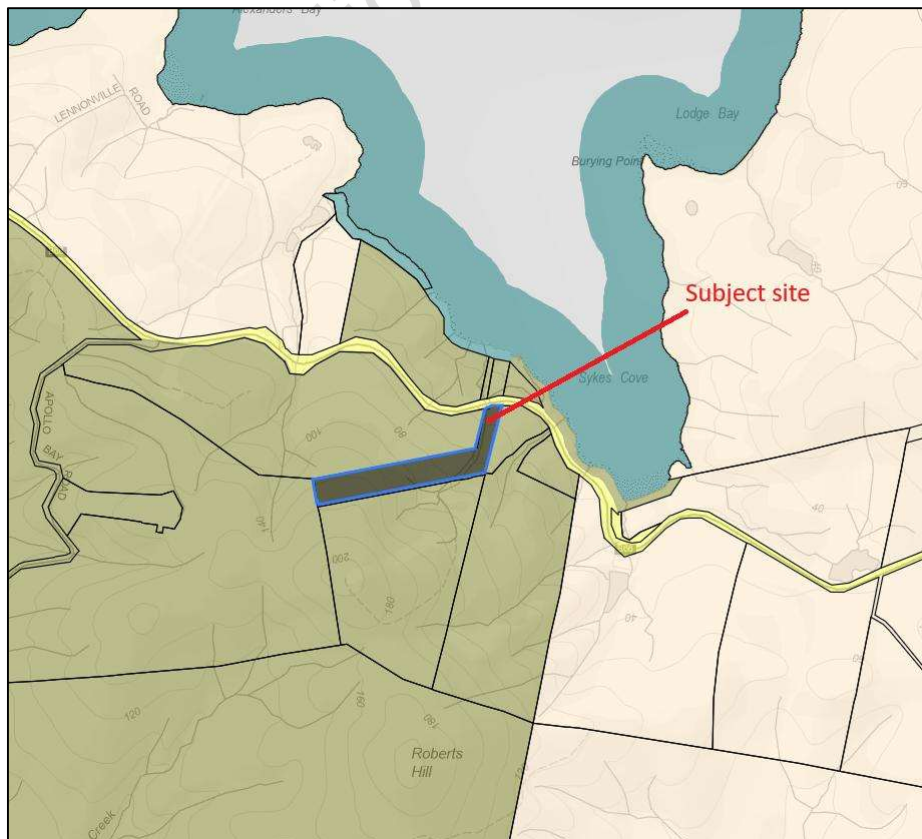


Figure 1 - Subject site - 360 Lennon Road, North Bruny

- 2.2 The site is located within the ELZ under the KIPS2015 and is proposed to transition to the Landscape Conservation Zone (LCZ) under the draft Local Provisions Schedule. It is surrounded by other land also zoned Environmental Living, forming part of a broader area with consistent zoning and land-use expectations, with no nearby commercial or industrial zones.
- 2.3 The Bruny Island House of Whisky leases a small portion of the site at the road frontage for the operation of the liquor tasting facility. This leased area contains the tasting building, toilet block, storage container, parking and a coach-turning areas.



Figure 2 - Area of the 306 Lennon Road being used by the existing liquor tasting facility

- 2.4 The site previously operated as a restaurant under a 2005 development permit; however, that permit has since expired due to the use being suspended for an extended period. The current operations are the subject of a compliance matter, and Council has been working with the operator to legalise the use of the site through this application.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 The proposed liquor tasting facility is most appropriately defined as a Hotel Industry use under the KIPS 2015, which applies to the use of land for selling liquor for consumption on or off the premises. While the broader use class include activities such as providing food, accommodation or entertainment (for example hotels, bars, bottle shops, nightclubs and taverns) the proposed use is limited solely to a liquor tasting facility and subservient uses/activities.

3.2 The proposed SSQ is provided below.

Use	Qualification
Discretionary	
Hotel Industry	Only if a liquor tasting facility at 360 Lennon Road, North Bruny (CT25139/1) and only if within area shown in Figure 1.0. For the purposes of this use qualification, a liquor tasting facility means the consumption of liquor for tasting or sampling on the premises, and where the land is so used, food for consumption on premises and sale of bottled liquor for consumption off the premises.

Table 1 - Proposed amendment to the Land Use Table for the Environmental Living Zone

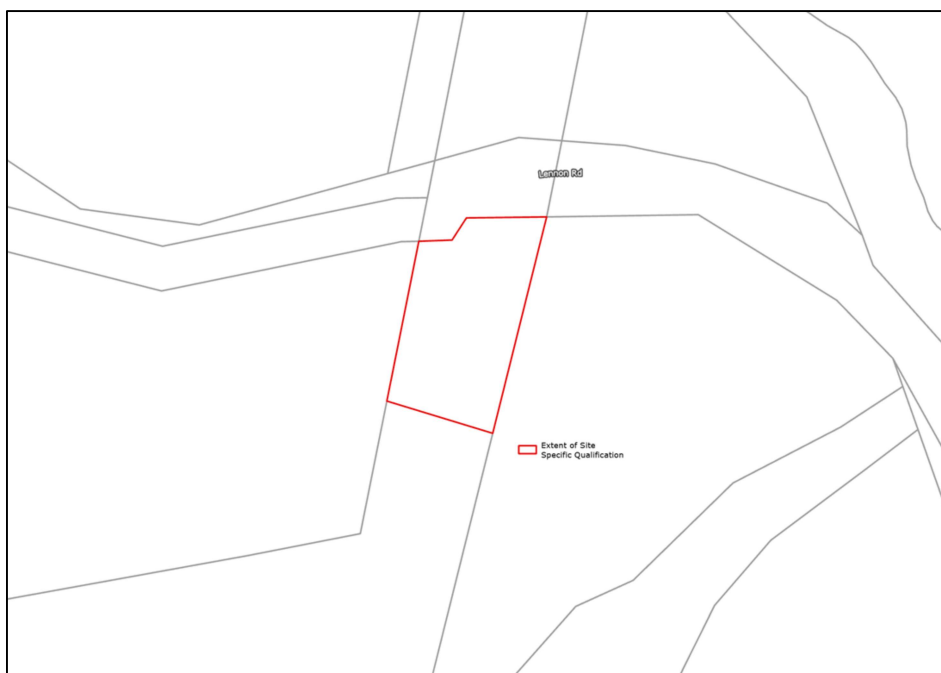


Figure 3 - Extent of the SSQ to be included in the planning scheme (referenced as Figure 1.0 in the text above)

3.3 Apart from the additional land use proposed under the SSQ, no changes are proposed to the applicable zone or code provisions of the planning scheme. Consequently, any application for these uses and other uses available in the zone will remain subject to the existing provisions within the ELZ and other parts of the planning scheme.

4. STATUTORY REQUIREMENTS

- 4.1 Section 3(2)(b) of Schedule 6 of LUPAA provides for a planning scheme amendment application to the planning instrument (i.e. KIPS 2015) to be considered under the former provisions of LUPAA.
- 4.2 Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it. This report considers the proposed amendment application as lodged by E3Planning.

- 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 A detailed assessment of the proposed planning scheme amendment against section 32(1) of the former provisions of LUPAA is provided under section 7 of this report.

5. ASSESSMENT OVERVIEW

- 5.1 The application has been subject to a number of changes over time to address a range of planning, layout and operational considerations associated with the proposal.
- 5.2 While the application documentation has been refined over time, some variation remains between the submitted plans, technical reports and the accompanying descriptive material. In addition, there are aspects of the proposal where the emphasis or interpretation differs to some degree from the assessment approach applied in considering the application. These matters are not considered to materially affect the key planning considerations or the ultimate outcome of the assessment. On this basis, and to facilitate the efficient and timely progression of the matter, it is considered appropriate to continue to assess the application on the basis of the information currently available.
- 5.3 The revised application has been considered in relation to the following:
- Scheme Amendment Report by GHD, dated 1 November 2024 (as revised on 11 November 2025);
 - A series of plans submitted by E3Planning, dated 20 January 2025;
 - Traffic Impact Assessment by GHD, dated 16 October 2025 (as revised on 16 October 2025);
 - Response to Council's Information Request by E3Planning, dated 3 April 2025;
 - Arboricultural Assessment Report by Tree Pioneers, dated 18 July 2024;
 - Strategic alignment, with particular reference to the consistency of the proposal with the *Southern Tasmania Regional Land Use Strategy 2010 - 2035*, *Kingborough Land Use Strategy 2019* and *Council's Strategic Plan 2020-2025*;
 - Infrastructure and service provision;
 - Economic considerations;
 - Environmental impacts; and
 - Statutory compliance with the requirements of the former provisions of LUPAA and state policies.
- 5.4 The above is discussed in more detail in the following sections of this report. In short, an assessment of the application has concluded that the application can proceed.

6. STRATEGIC ALIGNMENT

Existing Situation Under the KIPS2015

- 6.1 The property is zoned Environmental Living under the KIPS2015. The proposed liquor tasting facility is best described a use that fits into the definition of a Hotel Industry, however that use is Prohibited under the zone.
- 6.2 The application as proposed would provide for the Use Table under section 14.2 of the ELZ to identify the Hotel Industry as a discretionary use on the site as described under section 3.2 of this report.

Alignment with Draft LPS

- 6.3 Council is currently transitioning to the Tasmanian Planning Scheme. Under the draft LPS, the site is proposed to be zoned Landscape Conservation, a zoning which does not allow the operation of a Hotel Industry.
- 6.4 Notwithstanding the proposed zoning, the draft Bruny Island Specific Area Plan (SAP) identifies an additional discretionary use within the Landscape Conservation Zone, namely Artisan Food and Drink Premises, that is intended to provide a pathway for the use to continue under the new scheme
- 6.5 If the proposed SSQ is supported by Council and approved by the Tasmanian Planning Commission, the transitional provisions under Schedule 6 of LUPAA would apply, effectively enabling the intent of the SSQ to be carried forward into the Tasmanian Planning Scheme regardless of the zoning or SAP.

Southern Tasmania Regional Land Use Strategy 2010-2035

- 6.6 The *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) has been implemented to provide guidance and direction for future development and use in the southern region. The strategy represents the agreed and approved strategic directions for the southern region and provides certainty to the broader community, infrastructure providers and governments for medium and long-term investment decisions.
- 6.7 The STRLUS contains a wide range of regional policies applicable to land use and development. While all policies have been considered, the discussion below focuses on those of greatest relevance to the proposed amendment.
 - 6.7.1 Biodiversity and geodiversity policies - At a strategic level, the proposal aligns with the intent of BNV 1–6 by avoiding broad vegetation clearance, retaining priority biodiversity values, and ensuring no long-term loss of habitat or compromise to ecosystem resilience. While limited disturbance to existing habitat is acknowledged, impacts have been minimised through the use of existing access arrangements and will be appropriately managed through avoidance, mitigation, and protection measures. With recommended conditions in place, the proposal will not prejudice future conservation outcomes or the ongoing viability of biodiversity values. These matters are addressed in more detail in the associated development assessment report tabled with this agenda.
 - 6.7.2 Water resource policies - The proposal is generally consistent with WR 1 to WR 3, as any impacts on waterways or riparian vegetation are minor, localised, and manageable through appropriate conditions, with no adverse effects on water quality, wetlands, or sustainable water use arrangements, as detailed in the associated development application report tabled in the agenda.
 - 6.7.3 Physical Infrastructure Policies - The proposal is consistent with PI1 and PI 2, as it utilises existing physical infrastructure, does not require new or upgraded servicing, and is of a scale appropriate to current infrastructure capacity on Bruny Island.

Access to the site is via existing arrangements, with the access and parking area proposed to be formalised as part of the associated use and development application discussed elsewhere in this agenda. These works will improve safety and road performance without increasing infrastructure demand or compromising infrastructure corridors or broader regional infrastructure planning objectives.

- 6.7.4 Land Use Transport Integration Policies - The proposal is consistent with LUT1, with the submitted traffic assessment confirming that the existing road network can safely accommodate the proposed use without additional transport infrastructure.
- 6.7.5 Tourism Policies - The proposal is consistent with T1, as it supports a use that builds on Bruny Island's reputation for high-quality local produce and value-added finished goods, reinforcing the island's role as a distinctive destination within Southern Tasmania. It complements other boutique food and beverage tourism ventures on the island, contributes to the visitor economy, and operates at a scale and intensity that is compatible with the site's context. The proposal represents sustainable, destination-based tourism that adds to the regional tourism offering without generating adverse land use or amenity impacts.
- 6.7.6 Strategic Economic Policies - The proposal is consistent with SEO 1, as it contributes to Bruny Island's tourism economy without affecting strategic economic sites or broader regional economic opportunities.
- 6.7.7 Activity Centre Policies - The proposal is consistent with AC 1 to AC 3, as it does not constitute out-of-centre development of a scale or nature that would undermine the Activity Centre hierarchy. While the site is not located within an Activity Centre, the proposal involves the adaptive reuse of an existing building for a destination-based use, rather than new retail or commercial expansion intended to serve daily local needs. The use is specifically oriented to visitors to Bruny Island and relies on the site's setting, landscape context and association with local production as part of its attraction. These characteristics are not readily replicable within town centres and are fundamental to the tourism experience being offered.

Kingborough Council Strategic Plan 2020-2025

- 6.8 Section 20(1)(d) of the former provisions of LUPAA requires the amendment to have regard to the Council's strategic plan (i.e. the Kingborough Council Strategic Plan 2020-2025). It is acknowledged that a new strategic plan commenced in October 2025, however the application has been considered against the 2020-2025 Strategic Plan, as which was in effect at the time the application as made. This strategic plan provides the direction for the future delivery of services by Kingborough Council, which influence the quality of life for residents and businesses.
- 6.9 The Council's commitment is to put the community at the heart of our priorities and decisions. The plan focuses on the unique elements of Kingborough and the challenges that it will face in the years to come. The Strategic Plan includes a number of Strategic Outcomes that are listed under Key Priority Areas.

Key Priority Area	3.0	Sustaining the natural environment whilst facilitating development for our future
Strategic Outcomes	3.1	A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth.
	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.

- 6.10 The proposed SSQ for the Hotel Industry (liquor tasting facility) on Bruny Island presents a flexible and context-responsive approach to development that supports local economic activity while recognising the island's unique setting and planning considerations. The proposal encourages small-scale business investment that aligns with Bruny Island's role as a visitor destination, contributing to increased visitation and local employment without introducing an intensive development outcome. The SSQ process enables consideration of land use compatibility, access and servicing matters so that the proposal can be appropriately shaped and managed in accordance with the provisions of the KIPS2015.

Kingborough Land Use Strategy 2019

- 6.11 The strategy identifies Bruny Island as a key tourism destination and supports small-scale, high-quality tourism and visitor-servicing uses that strengthen the local economy while protecting environmental values and settlement character. While a liquor tasting facility is not strictly a tourism-type use and is not expressly identified within the strategy, the strategy nevertheless promotes quality visitor experiences, local enterprise opportunities and complementary activities that enhance the island's attractiveness, extend visitor dwell time and support economic self-sufficiency, particularly within established tourist locations. In this context, a liquor tasting facility can be regarded as consistent with the strategy's broader intent, as a low-impact, visitor-oriented activity that complements Bruny Island's established tourism profile and contributes to economic vitality.

Environmental Impacts

- 6.12 It is considered that the proposed liquor tasting facility, and the related planning scheme amendment, will not result in unacceptable impacts on environmental or natural values. While limited disturbance to existing habitat associated with access and car parking works is acknowledged, impacts have been minimised and will be appropriately managed through the associated development application. With the implementation of recommended mitigation and tree protection measures, priority biodiversity values will be retained, and long-term environmental outcomes will not be compromised. These matters are addressed in more detail in the associated development application also tabled on the agenda.

Economic Considerations

- 6.13 The application supports economic development objectives through the provision of a small-scale, visitor-oriented commercial activity that contributes to diversification of the local economy. The liquor tasting facility supports local employment and increases discretionary spending within the area, with flow-on benefits for surrounding businesses and services. As a low-impact use that is compatible with existing land uses, the proposal strengthens local economic activity in a manner that supports sustainable growth and enhances the long-term resilience and vitality of the regional economy, without introducing intensive or urban-scale development.

Traffic, Infrastructure and Service Considerations

- 6.14 Traffic, infrastructure and servicing considerations for the proposal are appropriate to the site's location on Lennon Road, which carries a high volume of visitor traffic to and from Bruny Island. The change of use is not expected to result in a material increase in vehicle movements, with access maintained via the existing crossing and no new junctions proposed.
- 6.15 In accordance with the recommendations of the Traffic Impact Assessment, parking within the road reserve is to be removed and replaced with upgraded on-site parking, together with improvements to the access and manoeuvring areas to improve safety and operational efficiency. The site will continue to rely on existing service arrangements, including tank water, on-site wastewater disposal, stormwater drainage to roadside infrastructure, and established electricity and telecommunications connections, all of which are considered adequate for the proposal. More detailed discussion of traffic,

access upgrades, parking design and servicing is provided in the associated development application report presented elsewhere on this agenda.

7. STATUTORY ASSESSMENT

Ability to Amend the Planning Scheme

- 7.1 Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it.
- 7.2 This report considers the proposed amendment application as lodged by E3Planning and pursuant to section 35(1)(b) of the former provisions of LUPAA.

Compliance with Section 32(1) of the Former Provisions of LUPAA

- 7.3 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.*
- 7.4 The following provides a detail assessment of the proposal under the provisions of section 32(1) (e); (ea) and (f) of LUPAA.

Potential Land Use Conflicts

- 7.5 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.
- 7.6 The proposed liquor tasting facility is not expected to give rise to land use conflict. The use is low-intensity, visitor-focused and limited in scale and duration, and can operate without unreasonable impacts on surrounding land uses. Any matters relating to amenity, traffic, hours of operation or noise can be appropriately addressed through the development application process, ensuring the use remains compatible with its surroundings and does not prejudice the ongoing use or development of nearby land.

Alignment with the Regional Land Use Strategy

- 7.7 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.
- 7.8 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 STRLUS is addressed in section 6 of this report.

- 7.9 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 Area

- 7.10 Section 32(f) of the former provisions of LUPAA also 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.
- 7.11 The proposal has been considered in terms of its environmental, economic and social effects at a regional level. Environmentally, the proposed use can be accommodated without adverse impacts on natural values and without creating unacceptable development pressures. Economically, the proposal supports regional tourism activity and contributes to local business opportunities and visitor expenditure. Socially, the use provides a visitor experience that can operate compatibly with surrounding land uses without adversely affecting amenity. An SSQ is appropriate in this instance to ensure the planning framework accurately reflects the specific use proposed for the site, without altering or broadening the intended land use outcomes for the wider zone or region.

Sections 30I and 30J of LUPAA

- 7.12 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.
- 7.13 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

- 7.14 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA.
- 7.15 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.
- 7.16 The following table assess the proposed amendment against the objectives of Schedule 1 of the former provisions of LUPAA.

Part 1 Objectives	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The application enables a use that can be accommodated without adverse impacts on natural or physical resources. The proposed liquor tasting facility itself does not require land disturbance or vegetation clearance, and any limited disturbance associated with access and car parking works has been minimised and can be appropriately managed. With the implementation of recommended mitigation and tree protection measures, the proposal will not result in long-term impacts on ecological processes, genetic diversity, or environmental systems.

Part 1 Objectives	Response
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The proposal utilises the planning scheme as the principal instrument for regulating land use, with the SSQ providing a targeted mechanism to ensure the scheme accurately reflects the intended use while maintaining overall policy intent.
<i>(c) to encourage public involvement in resource management and planning</i>	The proposal, if initiated by the Planning Authority, will be subject to a statutory advertising period during which members of the public will have the opportunity to make representations
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The application will facilitate economic development by supporting a tourism-focused use that generates local employment, encourages visitor spending, and strengthens the regional visitor economy without displacing existing land uses. It also supports diversification of local business activity and contributes to the ongoing viability of tourism-related services in the area.
<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 application aligns with this objective by progressing through established planning processes.
Part 2 Objectives	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and Local Government</i>	The objective is satisfactorily addressed by the proposed amendment.
<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 objective is satisfactorily addressed by the proposed amendment.
<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 objective is satisfactorily addressed by the proposed amendment.
<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 objective is satisfactorily addressed by the proposed amendment.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters and</i>	The objective is satisfactorily addressed by the proposed amendment. The proposal is associated with a development

Part 2 Objectives	Response
<i>to co-ordinate planning approvals with related approvals</i>	application which is also tabled in this agenda.
(f) <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i>	The objective is satisfactorily addressed by the proposed amendment.
(g) <i>to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	The objective is satisfactorily addressed by the proposed amendment.
(h) <i>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 objective is satisfactorily addressed by the proposed amendment.
(i) <i>to provide a planning framework which fully considers land capability</i>	The objective is satisfactorily addressed by the proposed amendment.

State Policies

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

7.18 The applicant has addressed the proposal's alignment with the *State Coastal Policy 1996*, *State Policy on Water Quality Management 1997* and *State Policy on the Protection of Agricultural Land 2009* and the National Environmental Protection Measures. The proposal is not inconsistent with the outcomes sought by the relevant state policies.

8. PUBLIC CONSULTATION

8.1 If the Planning Authority initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA.

8.2 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) a site notice during the public exhibition period;
- d) in writing to owners and occupiers for the property and adjoining properties.

8.3 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:

- Application proposed by applicant
- Planning Authority Initiation Report
- Instrument of Certification; and
- Draft Amendment to Kingborough Interim Planning Scheme 2015

If supported by the Planning Authority, the above information will also include the Draft Permit for DA2023-373 (also tabled in this Agenda).

- 8.4 A report must be prepared on any representations received after the exhibition period and provided to the TPC, outlining the planning authority's assessment of the merit of each representation, whether the amendment should be modified and the impact of representations on the amendment. That report may be considered under officer delegation where no public representations are received, or by Council where public representations are made.

9. CRITICAL DATES / TIME FRAMES

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

10. RECOMMENDATION

That the Planning Authority:

- (a) Pursuant to section 34(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA), initiates Amendment PSA-2023-1 to the *Kingborough Interim Planning Scheme 2015* (KIPS2015) as per Attachment 1.
- (b) Pursuant to section 35 of the LUPAA, certifies that Amendment PSA-2023-1 meets the requirements of section 32 and authorises the Chief Executive Officer to sign the Instrument of Certification provided in Attachment 2.
- (c) Pursuant to section 35(4) of the LUPAA, forwards a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the Water and Sewer Industry Act 2008, refers PSA-2023-1 to TasWater; and
- (e) Pursuant to section 38 of LUPAA, places PSA-2023-1 on public exhibition for a period of at least 28 days following certification.

ATTACHMENTS

1. PSA-2023-1 - Draft Amendment to the Kingborough Interim Planning Scheme 2015
2. PSA-2023-1 - Instrument of Certification

Kingborough

Kingborough Interim Planning Scheme 2015

Draft Amendment PSA-2023-1

The *Kingborough Interim Planning Scheme 2015* is amended as follows:

1. Insert a Site-Specific Qualification in the Use Table under section 14.2 of the Environmental Living Zone as per the wording provided below.

Use	Qualification
Discretionary	
<i>Hotel Industry</i>	<i>Only if a liquor tasting facility at 360 Lennon Road, North Bruny (CT25139/1) and only if within area shown in Figure 1.0. For the purposes of this use qualification, a liquor tasting facility means the consumption of liquor for tasting or sampling on the premises, and where the land is so used, food for consumption on premises and sale of bottled liquor for consumption off the premises.</i>

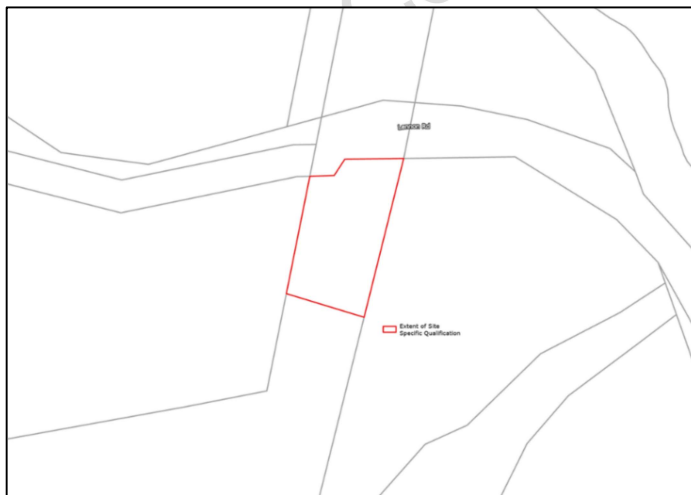


Figure 1.0 - Extent of SSQ in relation to 360 Lennon Road, North Bruny (CT25139/1)

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 4 May 2026, in the presence of:

..... Councillor

..... Chief Executive Officer

..... Date



Kingborough Interim Planning Scheme 2015

INSTRUMENT OF CERTIFICATION

PSA2023-1

It is hereby certified that draft Amendment PSA2023-1, as modified, to the *Kingborough Interim Planning Scheme 2015* meets the requirements in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 4 May 2026, in the presence of:

..... Councillor

..... Chief Executive Officer

..... Date

- (c) Pursuant to section 35(4) of the LUPAA, forwards a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the Water and Sewer Industry Act 2008, refers PSA-2025-2 to TasWater; and
- (e) Pursuant to section 38 of LUPAA, places PSA-2025-2 on public exhibition for a period of at least 28 days following certification.

CARRIED

Cr Bain returned at 6.34pm

C137/8-2026

12.3 DEVELOPMENT APPLICATION FOR PARTIAL CHANGE OF USE TO HOTEL INDUSTRY (LIQUOR TASTING FACILITY) AND ASSOCIATED WORKS AT 360 LENNON ROAD, NORTH BRUNY

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

Cr Deane left the room at 6.35pm

Cr Deane returned at 6.36pm

If the Planning Authority resolves that the resolves to initiate Amendment PSA-2023-1 to the *Kingborough Interim Planning Scheme 2015*, that the change in use and associated works for Hotel Industry (Liquor Tasting Facility) and associated works at 360 Lennon Road, North Bruny be approved – subject to the following conditions.

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA2023-373. and Council Plan Reference No. P5 submitted on 23 April 2026.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Hours of operation must be within:
 - (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;
 - (b) 9.00 am to 5pm Saturdays, Sundays and public holidays
 except for office and administrative tasks or visitor accommodation.
3. Noise emissions generated by the use, measured at the boundary of the site, must not exceed the following:
 - (a) 55 dB(A) (LAeq) between the hours of 8:00 am and 6:00 pm;
 - (b) 5 dB(A) above the background (LA90) level or 40 dB(A) (LAeq), whichever is the lower, between the hours of 6:00 pm and 8:00 am; and
 - (c) 65 dB(A) (LAmix) at any time.
4. Prior to the commencement of the use, the on-site car parking area, turnaround bay, and pedestrian path must be constructed in general accordance with the Access and Car Parking

Plan prepared by GHD dated January 2025, to the satisfaction of Manager – Development Services.

5. All car parking spaces must be clearly delineated and maintained in a functional condition at all times during the operation of the tasting house, to the satisfaction of the Manager – Development Services.
6. Unless prior written approval is obtained from the Council, no additional signage shall be erected or displayed on the site.
7. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Planning Scheme or otherwise in accordance with law.
8. Prior to commencement of any on-site works, an addendum to the arborist assessment must be obtained and submitted to the Manager Development Services. This addendum must:
 - A. be by a suitably qualified arborist;
 - B. assess the impact of the carpark works on Trees 88 and 89 as identified in the Arboricultural Impact Assessment (Tree Pioneers, 19 July 2025);
 - C. confirm the trees are capable of retention;
 - D. identify recommended mitigation measures which promote the ongoing health and viability of the trees; and
 - E. be to the satisfaction of the Manager Development Services.
9. Prior to the commencement of any on-site works, an amended environmental management plan (EMP) must be submitted for endorsement to the satisfaction of the Manager Development Services. This EMP must be generally in accordance with the submitted EMP (E3 Planning, submitted on 1 December 2025) but modified to include all arborist recommendations in the existing arborist assessment (Tree Pioneers, 19 July 2024) and the addendum required under condition 8.

Once endorsed this plan forms part of the permit and ongoing management of the site must be in accordance with this Plan unless otherwise approved in writing by Council.

10. All native vegetation must be appropriately protected during and after construction in accordance with all the recommendations in the Arborist Assessment (Tree Pioneers, 19 July 2024), the addendum required under condition 8 and AS 4970-2025. This includes but is not limited to implementation of the following measures:
 - (a) Prior to Construction:

Prior to the commencement of any on-site works (including but not limited to excavations, placement of fill, delivery of construction materials and/or temporary buildings):

 - (a) Appointing a Project Arborist.
 - (b) Establishing an exclusion zone in accordance with the Arborist Assessment (Tree Pioneers, 19 July 2024).
 - (c) Establishing organic mulch of mixed size to a depth of 100mm around the trees inside the exclusion zone where possible.
 - (d) Implementing any other pre-construction recommendations identified in the addendum required under condition 8.

- (e) Providing evidence of satisfactory establishment of the exclusion zone and implementation of any other recommended pre-construction measures to the Manager Development Services prior to the commencement of any on-site works.
- (b) During Construction:
 - (a) Laying down crush rock to a depth of 100mm to establish a permeable surface, on the existing driveway to increase the driveway profile and to offset compaction.
 - (b) Implementing any other during construction mitigation measures identified in the addendum required under condition 8.
- (c) Post Construction:

Adhering to the following tree management measures post construction for all areas within the tree protection zone but outside the footprint of the approved works:

 - Maintaining the exclusion zone and mulch.
 - Maintaining the existing soil level around the tree protection zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil).
 - Ensuring the tree protection zones are free from the storage of fill, contaminants or other materials.
 - Excluding machinery and vehicles to access the tree protection zone.
 - Ensuring no further development and/or associated works unless otherwise approved by Council in writing or otherwise in accordance with the law.
- 11. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.
- 12. The vehicular access must be constructed in accordance with the submitted drawings and be sealed to match the existing road surface in accordance with the requirements of the Department of State Growth. A permit to carry out works within the State Growth road reservation must be obtained prior to any works commencing.
- 13. Prior to the commencement of any on-site works associated with the private infrastructure to service the approved development, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:
 - Tasmanian Standard Drawings
 - Austroads Standards and Australian Standards
 - Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

 - (i) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:

- (i) minimum of 9 parking spaces including signage.
- (ii) One access space to be included as per AS2890.
- (iii) No parking/keep clear' signage for turning bay areas.
- (iv) Pavement details and stormwater drainage.

Once endorsed the plans will form part of the permit.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

CARRIED

PLANNING AUTHORITY SESSION ADJOURNS