

# TASMANIAN PLANNING COMMISSION

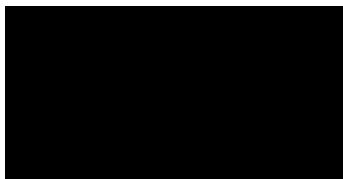


## DECISION

|                           |                                                                                                                                                                                                   |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning scheme</b>    | Kingborough Interim Planning Scheme 2015                                                                                                                                                          |
| <b>Amendment</b>          | PSA-2025-2 – Apply the General Residential Zone to, and remove the Biodiversity Protection Area overlay from, the land at Lot 1000 Spring Farm Road, Kingston (folio of the Register 187971/1000) |
| <b>Planning authority</b> | Kingborough Council                                                                                                                                                                               |
| <b>Applicant</b>          | Kingston Spring Farm Pty Ltd                                                                                                                                                                      |
| <b>Date of decision</b>   | 24 September 2026                                                                                                                                                                                 |

## Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.



John Ramsay  
**Executive Commissioner**

### Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

## REASONS FOR DECISION

### Background

#### Amendment

The draft amendment proposes to:

- rezone the land at Lot 1000 Spring Farm Road, Kingston (folio of the Register 187971/1000) from Local Business to General Residential, and
- remove the Biodiversity Protection Area overlay from the same land.

It is noted the certified amendment refers to the former folio of the Register 185669/1000. The land is now known as folio of the Register 187971/1000.

#### Site information

The site at Lot 1000 Spring Farm Road, Kingston (the site) has an area of approximately 2,900m<sup>2</sup> and is located within the Spring Farm Estate; a major residential subdivision and community development situated in Kingston. The site is undeveloped, cleared of native vegetation, and has significant frontage to Spring Farm Road. The western boundary of the site adjoins Whitewater Creek.

To the north of the site on Spring Farm Road is a Council-owned public reserve and 5 vacant lots zoned Local Business. To the west, the land at Whitewater Creek is zoned Environmental Management, with a cluster of Inner Residential-zoned lots containing established single dwellings. A significant area of land zoned Commercial is located more broadly to the east. The Commercial Zone includes land at 11 Spring Farm Lane, Kingston, which is currently being developed. The commercial development, known as the 'Spring Farm Village Centre' is located approximately 500m from the site. The planning authority's supporting report stated the development included 'commercial, retail and service-based uses, including specialty retail tenancies and medical services.'

The site is subject to the Bushfire-Prone Areas and Biodiversity Protection Area overlay, with a small area near the north-east boundary covered by the Waterway and Coastal Protection overlay.

The site is fully serviced with connections to reticulated water and sewer services.

#### Issues raised in representations

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response, TasWater made a representation stating it had no objection to the draft amendment and did not wish to attend a hearing.

The planning authority advised that no other representations about the draft amendment were received.

#### Planning authority's response to the representations

Following the exhibition period, the planning authority, in its report to the Commission under section 39(2) of the Act, recommended the draft amendment should be approved as certified.

## Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements, and recommendations contained in the planning authority's section 39 report.
2. One representation was received. As the representor notified the Commission it did not wish to attend a hearing, the Commission dispensed with holding a hearing under section 40(2A) of the Act.
3. The amendment has been initiated and certified by the Kingborough Council, in its capacity as planning authority, and further supported by its reports under sections 35 and 39 of the Act.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
  - (a)-(d) . . .
  - (e) must, as far as practicable, avoid 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 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.
5. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme. Under section 20(1) and section 20(2A) of the Act, the draft amendment must also:
  - seek to further the objectives set out in Schedule 1 of the Act
  - be in accordance with State Policies made under section 11 of the *State Policies and Projects Act 1993*, and
  - have regard to the strategic plan referred to in Division 2 of Part 7 of the *Local Government Act 1993* as adopted by the council at the time the draft amendment is prepared. Section 30O includes that:
    - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
6. Sections 30O(2)-(5) inclusive relate to the effect of amending a local provision with respect to common provisions. These matters are not relevant, as the draft amendment has no implications for any common provisions.

7. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Southern Tasmania Regional Land Use Strategy.
8. Schedule 6 of the Act also requires draft amendments to an interim planning scheme to be consistent with the TPPs. Specifically, Schedule 6(6) states the Commission must not approve or modify and approve a draft amendment unless it is satisfied that the draft amendment would be consistent with the TPPs.

### **Regional Land Use Strategy**

9. In the respective supporting reports, the planning authority and the applicant provided an assessment against the policies of the Southern Tasmania Regional Land Use Strategy 2010-2030, 9 May 2025 (regional strategy) as required by section 30(O)(1) of the Act. Both reports considered the regional strategy policies that were considered relevant to the draft amendment.
10. The planning authority considered that the proposed rezoning of serviced urban land for residential purposes was consistent with the Physical Infrastructure, Settlement, and Activity Centre policies of the regional strategy, as it would reinforce consolidated growth within Kingston's established urban area.
11. During the assessment of the draft amendment, the Southern Tasmania Land Use Strategy 2026 (regional strategy 2026) was declared. The new strategy became effective on 11 September 2026. As required by section 30O of the Act, the Commission must consider whether the draft amendment is, as far as is, practicable, consistent with the regional land use strategy, which applies at the time a decision is made.
12. Consequently, the Commission invited the planning authority to provide comment on how the draft amendment was consistent with the regional strategy 2026.
13. In response, the planning authority submitted that the draft amendment was also strategically supported by the regional strategy 2026, and noted the land was located within the Kingston urban area and proximate to the Kingston Principal Activity Centre.
14. The planning authority also submitted that the regional strategy 2026 activity centre policies encouraged consolidated growth within established settlements, the efficient use of existing infrastructure, and the strengthening of activity centres by increasing nearby residential population.
15. The planning authority further submitted that the site was outside Kingston's commercial centre, and that rezoning to General Residential would reinforce the centre's catchment without undermining its employment role.
16. The planning authority also stated it had not identified any inconsistency with the remaining activity centre strategies and was of the opinion that the draft amendment would support the broader settlement and growth management objectives of the regional strategy.

### **Commission's consideration**

17. The Commission accepts the evidence of the planning authority and finds that the draft amendment is, as far as is, practicable, consistent with the regional strategy 2026. Specifically, the Commission considers that the draft amendment, in rezoning Local Business-zoned land to facilitate infill residential development, is consistent with, and gives effect to, the relevant policies of the regional strategy 2026 that relate to Growth Management (activity centres, settlements, and residential development).
18. The Commission also considers the removal of the Biodiversity Protection Area overlay aligns with the regional strategy 2026's policies on Environmental Values, noting that the land is lawfully cleared and no longer supports native vegetation.

### **Kingborough Council Strategic Plan 2025-2035**

19. The relevant strategic plan is the Kingborough Council Strategic Plan 2025-2035, 3 November 2025 (strategic plan).
20. In its supporting report, the planning authority submitted that the draft amendment aligns with the strategic priorities and objectives of the strategic plan. Specifically, the planning authority considered residential use and development would be directed to a well-located urban area with existing services, which would support orderly growth consistent with existing land use patterns.

### **Commission's consideration**

21. The Commission finds that the draft amendment has regard to the strategic plan for the reasons given by the planning authority.

### **Kingborough Land Use Strategy 2019**

22. In its supporting report, the planning authority stated that:

The proposed rezoning aligns with the Kingborough Land Use Strategy 2019 by supporting infill development within the established urban area of Kingston, making efficient use of serviced land, and reinforcing the strategy's intent to concentrate commercial activity within designated centres while enabling underutilised land to contribute to housing supply and orderly urban consolidation.

### **Commission's consideration**

23. The Commission considers that the draft amendment is consistent with the Kingborough Land Use Strategy 2015 (KLUS) for the reasons given by the planning authority.
24. The Commission also notes that the KLUS references relevant statements in the regional strategy that relate to conditions in Kingborough. Such statements emphasise an intent to encourage development within existing settlements, and to reinforce consolidated settlement patterns. The Commission considers the draft amendment is consistent with these statements. Specifically, the draft amendment is consistent with the residential and commercial development

principles and objectives of the KLUS, including those for residential growth areas, residential land supply, and the local commercial hierarchy.

## **Planning Scheme Provisions and Suitability of the site**

### **General Residential Zone**

25. Both the applicant and the planning authority noted the site, and the larger parent title at 63 Spring Farm Road, Kingston were zoned as General Residential in 2013, before being rezoned to Local Business under the introduction of the Kingborough Interim Planning Scheme 2015 (interim scheme). The intent of the rezoning under the interim scheme was to support a 'mixed-use node' within the Spring Farm Estate once residential densities were established. The applicant explained that since the rezoning, the site had not attracted commercial interest and was unlikely to function as originally anticipated within the Local Business Zone.
26. The planning authority submitted that the General Residential Zone, as proposed in the draft amendment, would better reflect the prevailing land use patterns, demonstrated demand, and the evolving role of the site within its surrounding residential context.
27. The planning authority stated that:

The General Residential Zone provides flexibility by allowing a range of non-residential uses where appropriate. This includes, but is not limited to, a local shop, consulting rooms, a medical centre or a health clinic, and allowing the site to adapt to evolving community needs and local service demands over time.

### **Biodiversity Code**

28. The planning authority stated that:

The site is cleared of native vegetation in accordance with a subdivision permit issued under DAS-2013-42 and as such there is no need for the overlay to apply anymore.

### **Commission's consideration**

29. The Commission notes the parties' submissions on the site's history, the intent of the original application of the Local Business Zone, and the lack of market interest to use the site for commercial activity.
30. The Commission also notes the Inner Residential-zoned land that adjoins the site. While each zone has somewhat similar provisions, a key distinction between the Inner Residential Zone and the proposed General Residential Zone is lot yield. In comparison, an Inner Residential zoning would generate approximately three lots more than a General Residential zoning, which is not a significant change in the context of the local settlement pattern or regional land supply.
31. The Commission agrees with the planning authority that the application of the General Residential Zone would better reflect the existing land use pattern, noting that the General Residential Zone in the interim scheme (and in the State Planning Provisions) allows for numerous non-residential uses. These uses include business and professional services under a discretionary pathway,

which would allow the site to be used to provide for the community's future local service needs if required. The Commission also notes that 5 other titles zoned Local Business would remain on the opposite side of Spring Farm Road, meaning some potential to use land in the area to provide for the community's future local service needs would be retained.

32. The Commission also notes the planning authority's submission on the historical clearing of the site under a previous subdivision permit. Consequently, the Commission agrees the Biodiversity Protection Area overlay should be removed from the site as the land is no longer of biodiversity value. The Commission also notes the overlay will remain applied to the land adjacent to the site, protecting the environmental assets of Whitewater Creek.
33. The Commission finds that the proposed provisions are suitable for the site.

### **State Policies and Resource Management and Planning System Objectives**

34. The planning authority submitted that the draft amendment is 'not inconsistent with the outcomes sought by the relevant State policies.'

#### ***State Coastal Policy 1996***

35. The applicant assessed the proposal under the State Coastal Policy 1996 and considered that the Policy was not relevant to the proposed amendment as the site is located more than 1km from the high-water mark.

#### ***State Policy on Water Quality Management 1997***

36. The applicant considered how the proposal aligned with the State Policy on Water Quality Management and stated that the rezoning would not affect existing surface water resources, particularly as the site was connected to reticulated services. The applicant considered that services available to the site would ensure appropriate management of runoff and wastewater, demonstrating consistency with the Policy's objectives.

#### ***State Policy on the Protection of Agricultural Land 2009***

37. The applicant assessed the State Policy on the Protection of Agricultural Land 2009 and considered the Policy was not relevant to the draft amendment as the site was not classified as agricultural land.

#### ***National Environment Protection Measures***

38. The applicant considered that the National Environment Protection Measures were not applicable to the proposed amendment as the Measures deal with matters that would not be affected by the rezoning and subsequent use and development.

### **Resource Management and Planning System Objectives**

39. The planning authority and the applicant both submitted that the draft amendment sought to further the Objectives of the Resource Management and Planning System in Schedule 1 of the Act.
40. In relation to Part 1(a) of the Schedule 1 Objectives, the planning authority submitted that the draft amendment would direct development potential to cleared land, therefore promoting the sustainable development of natural and physical resources.

41. In relation to Part 1(b) of the Schedule 1 Objectives, the planning authority submitted that the draft amendment would facilitate development on serviced land within an existing urban area, therefore ensuring orderly and sustainable use and development.
42. The planning authority otherwise considered the draft amendment would further the remaining Objectives, including those related to economic impact.

### **Commission's consideration**

43. The Commission accepts the evidence submitted by the applicant and the planning authority that the draft amendment is not inconsistent with the outcomes sought by the relevant State Policies.
44. The Commission accepts the evidence provided by the planning authority, that the draft amendment seeks to further the Objectives set out in Schedule 1 of the Act by directing development to cleared and serviced land, and supporting orderly use and development.

### **Tasmanian Planning Policies**

45. In applying the Tasmanian Planning Policies (TPPs), the Commission has had regard to its relevant objectives, strategies and implementation principles. The Commission has considered whether the draft amendment achieves the policy outcomes sought by the relevant TPPs below.

### **Growth**

46. The policy objective for Growth is to plan for settlement growth that provides for community needs and establishes a sustainable pattern of development.
47. Strategies that give effect to the objective include:
  - providing a supply of land to meet the community's existing and forecast demand for residential, commercial, industrial, recreational and community land (Strategy 1), and
  - to prioritise infill development, consolidation and intensification of under-utilised land within existing settlements (Strategy 2[a]).
48. The Commission accepts the evidence of the parties that the existing Local Business zoning is not supported by market demand, as the site has not been sold since 2017 despite being listed for sale throughout that time. The absence of commercial interest, combined with the current development of the Spring Farm Village Centre, indicates that local commercial needs are already met. In this context, Strategy 1 supports reallocating the land to residential use, as the existing zoning no longer aligns with demonstrated community needs or the strategic distribution of commercial land. As noted above, 5 other titles zoned Local Business would remain on the opposite side of Spring Farm Road.
49. In relation to Strategy 2(a), the Commission considers the site, in its current zoning as Local Business, is under-utilised, and that reallocating the land for residential purposes represents infill development within the existing settlement boundary.
50. Accordingly, the Commission considers that the relevant strategic outcomes sought by the Growth policy favour rezoning the site for residential purposes

due to the site's location within an existing settlement and its capability to contribute to infill development.

### **Biodiversity**

51. The policy objective for Biodiversity is to contribute to the protection and conservation of Tasmania's biodiversity.
52. The Commission notes that the site has been cleared of all native vegetation in accordance with a previous subdivision permit issued in 2013.
53. The Commission considers there is no longer a need for the Biodiversity Protection Area overlay to be applied to the site because the land is no longer of biodiversity value.
54. Accordingly, the Commission considers that the draft amendment, by removing the Biodiversity Protection Area overlay from the site, supports the accurate identification and mapping of areas of biodiversity value, and achieves the biodiversity objective and strategies of the TPPs.

### **Business and Commercial**

55. The Business and Commercial policy objective is to promote business and commercial activities suited to a particular location, that also strengthen economic diversity.
56. The Commission considers that although the site was originally envisaged as a Local Business site, the presence of a larger commercial centre near to the site, Spring Farm Village Centre at 11 Spring Farm Lane, significantly limits the demand for additional or competing local business use and development.
57. The Commission also considers that avoiding the unnecessary competition between activity centres achieves the Business and Commercial objective and strategies of the TPPs, in particular Strategy 3 in section 4.7.3.

### **Commission's consideration**

58. Having regard to the relevant TPPs as a whole, including the Growth, Biodiversity, and Business and Commercial policy themes, the Commission is satisfied that the draft amendment achieves the policy outcomes sought by the TPPs.

### **Modifications to the draft amendment**

59. Under section 41(ab) of the Act the Commission may consider whether modifications to the draft amendment ought to be made.
60. As noted above, the certified amendment incorrectly refers to the former folio of the Register 185669/1000, which is now known as folio of the Register 187971/1000. The Commission considers the instrument must be updated to refer to the correct title reference, and that this can be addressed as a modification to the draft amendment.

### **Decision on draft amendment**

61. Subject to the modifications described above and identified in Annexure A, the Commission is satisfied that the draft amendment meets the relevant criteria in the Act and gives its approval.

## **Attachments**

Annexure A – Modified amendment

## Annexure A – Modified Amendment

Modified amendment PSA-2025-2 – Kingborough Interim Planning Scheme 2015

1. Apply the General Residential Zone as shown in Figure 1 below:



Figure 1: Application of the General Residential Zone to Lot 1000 Spring Farm Road, Kingston (folio of the Register 187971/1000)

2. Remove the Biodiversity Protection Area overlay as shown in Figure 2 below:

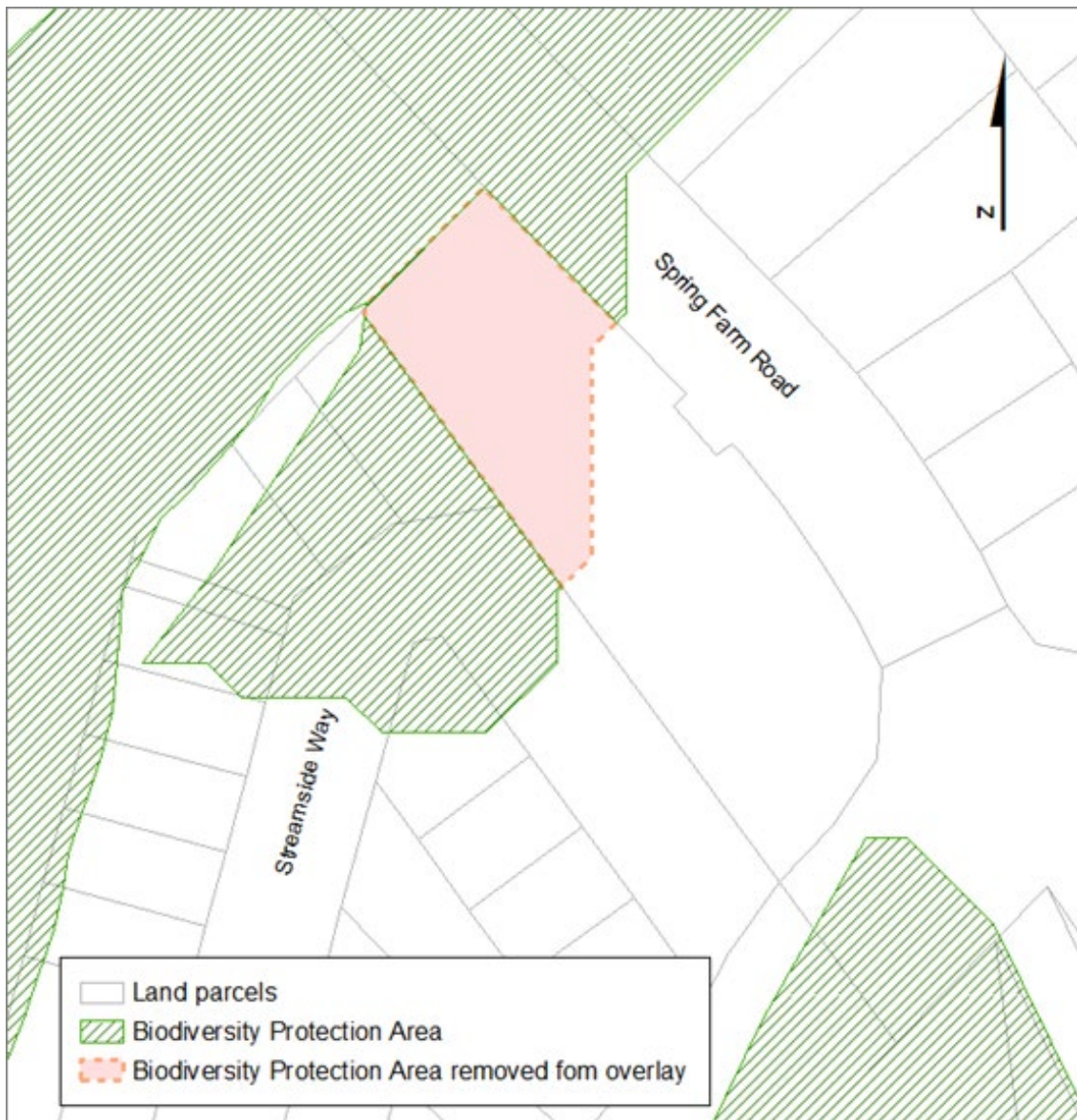


Figure 2: Removal of the Biodiversity Protection Area overlay from Lot 1000 Spring Farm Road, Kingston (folio of the Register 187971/1000)