
From: Adriaan Stander <astander@kingborough.tas.gov.au>
Sent: Tuesday, 20 October 2026 1:13 PM
To: TPC Enquiry
Cc: Graham, Linda
Subject: Hearing day 35 and 36 submission - Kingborough Draft LPS
Attachments: PA submission on Hearing Day 35 and 36.pdf

Good afternoon,

Please find attached the Planning Authority's submission in relation to the above.

Kind regards,

Adriaan Stander|Lead Strategic Planner|Kingborough Council

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Kingborough

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20 October 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 – SUBMISSION FOR HEARING, NO 35 AND 36 TO BE HELD ON 3 AND 5 NOVEMBER 2026

The Planning Authority notes that the primary purpose of this hearing is to consider representations relating to the Albion Heights, Taroona, Bonnet Hill, Howden, Kingston, Kingston Beach, Blackmans Bay, Margate and Electra localities, as identified in the Ireneinc Report. It is therefore understood that the hearing will primarily focus on zoning matters.

The Planning Authority has considered the relevant representations and submissions and provides the following advice for the Commission's consideration at this hearing:

- With the exception of the additional consideration outlined below, the recommendations regarding the application of an appropriate zone under the Tasmanian Planning Scheme for this locality remain as set out in the Ireneinc Report.
- For all other matters that fall outside the scope of the review undertaken by Ireneinc, the Planning Authority's response provided under section 35F should be relied upon.

Clarifications

Part [REDACTED] and [REDACTED], Kingston

The Ireneinc report identifies the area shown on the Figure below as requiring further consideration. While the site has been substantially modified, it is surrounded by land proposed to be zoned Landscape Conservation.

Having regard to the existing land use practices and level of modification, the application of a split-zoning arrangement incorporating the Rural Zone could be contemplated. However, this would result in an isolated area of Rural Zoned land within a broader area of Landscape Conservation Zone, creating a zoning outcome that is not considered strategically desirable.

In the absence of any representations or further submissions from the affected landowners seeking an alternative zoning outcome, the Planning Authority considers that the application of the Landscape Conservation Zone remains the most appropriate approach. This would provide a consistent zoning outcome across the locality.

Figure 1- [REDACTED] and [REDACTED], Kingston



TasWater site ([REDACTED], Blackmans Bay)

The Ireneinc report identifies the site for further consideration, and Direction 73 also seeks additional input regarding the appropriate zoning outcome for the land. The Planning Authority's preferred approach is a split-zoning arrangement, with the Utilities Zone applied to the area associated with the most recent development approval (previously provided to the Commission) and the balance of the site zoned Rural Living.

[REDACTED] is currently zoned Environmental Living under the *Kingborough Interim Planning Scheme 2015*. Under that zone, development is required to respond to landscape values and minimise impacts on natural values, with additional assessment criteria applying to the siting of buildings, vegetation clearance, ridgeline development, and excavation and fill. The Rural Living Zone similarly contains standards relating to building siting, setbacks, height and site coverage, and the Planning Authority considers that these provisions are generally capable of managing the orderly use and development of the land.

However, the Planning Authority acknowledges concerns raised in representations regarding the potential future location of buildings in proximity to the Suncoast Headland Trail. Given the site's unique spatial relationship with the trail and the history of the trail alignment through the locality, the Planning Authority considers there may be merit in applying a targeted Site Specific Qualification (SSQ) to supplement the standard setback provisions of the Rural Living Zone.

The Planning Authority considers that such an approach is capable of satisfying section 34(4)(b) of the *Land Use Planning and Approvals Act 1993*, as the land exhibits qualities that warrant a site-specific planning response. In particular, the close relationship between the future development on the TasWater site and a well-established walking trail through the site creates a circumstance not commonly addressed by the standard provisions of the State Planning Provisions. The proposed site-specific qualification

(provided in Attachment 1) would recognise the importance of maintaining the trail's recreational and scenic values while ensuring that future development occurs with an appropriate level of separation from this asset.

The proposed approach has been discussed with TasWater indicating in-principle support for the concept of an increased setback to manage the interface between future residential development and the utility infrastructure. The Planning Authority considers it appropriate that TasWater be provided with an opportunity to formally comment on the drafting and operation of any proposed Site-Specific Qualification should the Commission determine that such an approach is warranted.

Representation 393 ([REDACTED] , Blackmans Bay)

[REDACTED] is currently zoned Low Density Residential under the *Kingborough Interim Planning Scheme 2015*. Both the exhibited LPS and the Ireneinc Report recommended that this land, together with the adjoining property at [REDACTED], be included within the Landscape Conservation Zone.

Having regard to the existing zoning, the established pattern of development in the locality, and the objective of achieving a logical and consistent translation outcome, the Planning Authority recommends that the extent of [REDACTED] and the portion of [REDACTED] currently zoned Low Density Residential be transitioned to the Low Density Residential Zone. This approach would provide a direct translation of the existing zoning and ensure consistency with other properties in the locality that are currently zoned for low density residential purposes.

Submission 402 ([REDACTED] , Howden)

Mapping for this property in Council's online mapping currently depicts the land as remaining within the Landscape Conservation Zone. However, the Ireneinc Report recommends that all land within the precinct be transitioned to the Rural Living Zone.

The Planning Authority considers that the application of the Rural Living Zone would give effect to the recommendations of the Ireneinc Report. However, this would result in a spot zoning outcome. Given the site's direct interface with adjoining Low Density Residential-zoned land, and having regard to the established settlement pattern in this locality, the Planning Authority considers that the Low Density Residential Zone would also represent a defensible planning outcome. Accordingly, the Planning Authority would support the application of the Low Density Residential Zone should the Commission determine that such an outcome is appropriate as part of the translation process and the consideration of settlement-related matters outside the Urban Growth Boundary.

Representation 373 ([REDACTED] , Blackmans Bay)

In response to Direction 67, the Planning Authority previously provided comments on this representation, including consideration of a split-zoning outcome (part General Residential and part Rural Living) or the application of the General Residential Zone to the entire parcel. The Planning Authority recommends that the Commission have regard to that response and treat it as the Planning Authority's final recommendation on this matter.

Representation 5 ([REDACTED] , Howden) and Representation 6 ([REDACTED])

The above two representation were not listed in the Representations subsection of Section 3.2.1, Part A – Locality Baseline, of the Howden–Blackmans Bay Locality Evaluation contained within the Ireneinc Locality Baseline and Alternative Zone Evaluation Report. While these representations were inadvertently omitted from that section, they were considered as part of the overall locality review. It is noted that both representations supported the inclusion of the respective properties within the Rural Living Zone, which is consistent with the outcome of the Ireneinc Report that identified the Rural Living Zone as the most appropriate zoning for these properties.

SRD 2.12

We note that a number of representations relate to matters that may be considered under SRD 2.12. The Planning Authority has already provided responses to the relevant directions on these matters and does not wish to make any further comment. These issues are now a matter for the TPC's consideration and determination.

Rural Living Zone subcategory – Howden locality

Although the Ireneinc report recommends the application of a Rural Living subcategory that does not facilitate further subdivision, consistent with RLZ 2(b) of the Section 8A Guidelines, the Planning Authority considers that consideration of the existing subdivision pattern is also relevant under RLZ 3(a). Having regard to the established subdivision pattern and density within the locality, the Planning Authority considers that the Rural Living B should be applied. This outcome would maintain a generally consistent subdivision pattern while facilitating only a limited number of additional lots. The Planning Authority does not consider that this level of additional development would adversely affect the landscape values of the area. This position should be read in conjunction with the Planning Authority's comments on page 27 of the section 35F report.

Representations and submissions

While the Planning Authority's preferred position is outlined in this response, it is recognised that there may be differing views regarding the most appropriate application of zones, overlays, spatial boundaries and other provisions of the Tasmanian Planning Scheme within these localities. The transition to the new scheme is a complex exercise, particularly in relation to the conversion of the Environmental Living Zone and associated planning controls, the applicable principles and guidelines may reasonably support more than one interpretation or outcome.

It is also acknowledged that zoning and related planning controls can have a significant influence on how land may be used and developed, with potential implications for landowners, surrounding communities and the achievement of broader planning objectives. In this regard, the Planning Authority appreciates the considerable time, effort and local knowledge contributed by landowners, community members and other stakeholders in preparing and lodging representations and submissions. These contributions provide valuable insight into local circumstances and will assist the Commission in its consideration of the matters before it.

The Planning Authority remains available to assist the Commission through the provision of additional information, clarification or assessment, including reconsideration of aspects of the recommended approach where warranted by the evidence and issues explored through the hearing process. The Planning Authority also reminds the Commission of Council's risk appetite, as outlined in its correspondence dated 20 March 2026 accompanying the Ireneinc review report, which highlighted Council's approach to the application of the Landscape Conservation Zone.

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

Yours sincerely,



DAVE STEWART
CHIEF EXECUTIVE OFFICER

Attachment 1

Proposed Site-Specific Qualification

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
KIN-x.x	112 Tinderbox Road, Blackmans Bay	157728/2	<p>An increased setback as a substitute for A3 and P3 of clause 11.4.2.</p> <p>A3</p> <p>Buildings must have a setback from a frontage of not less than 50m.</p> <p>P3</p> <p>Buildings must be sited to be compatible with the character of the area and not cause unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the setbacks of adjacent buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public spaces; (e) impact on the function and location of the Suncoast Headland trail; (f) visual impact when viewed from windows of habitable rooms of adjacent dwellings; and (g) retention of vegetation; 	Rural Living Zone – clause 11.4.2

Justification for Site Specific Qualification

The Planning Authority considers that the proposed Site Specific Qualification satisfies section 34(4)(b) of the *Land Use Planning and Approvals Act 1993*, as the land possesses particular social, economic and spatial qualities that warrant the application of a provision unique to the site in addition to the standard provisions of the State Planning Provisions.

The subject land is characterised by a direct interface between land proposed to be included within the Rural Living Zone and the adjoining TasWater facility, as well as an established pattern of existing residential development. Unlike typical Rural Living zoned land, future development on the site has the potential to occur in close proximity to both sensitive residential uses and critical utility infrastructure, creating unique interface conditions that warrant a site-specific planning response.

The proposed qualification would require an increased setback from existing dwellings within the Rural Living Zone, thereby providing a greater degree of separation between future development and established residential uses. The qualification is intended to maintain privacy, reduce visual impacts and

provide an appropriate transition between future rural residential development and surrounding residential properties. Importantly, the qualification also recognises the significance of the adjoining TasWater facility and assists in managing the interface between future residential development and essential utility infrastructure. The qualification would reduce the potential for future land use conflict while ensuring that the ongoing operation, maintenance and future upgrading of the facility is not constrained by encroaching sensitive uses.

The Site-Specific Qualification would apply only to the portion of the land proposed to be zoned Rural Living and would not apply to the area proposed to be included within the Utilities Zone. Accordingly, the qualification would not inhibit, constrain or otherwise affect the operation of the TasWater facility, but would instead provide a targeted mechanism to manage the interface between the Utilities Zone and future residential development.

Social Qualities

Representations received during the exhibition process identified concerns relating to privacy, visual impacts, building separation and the maintenance of residential amenity. While the Rural Living Zone contains standards that address these matters, the Planning Authority considers that the close relationship between existing dwellings and areas capable of future development creates a circumstance that is distinct from the broader Rural Living Zone. Existing residents have established amenity expectations under the *Kingborough Interim Planning Scheme 2015*, and the proximity of future development has the potential to adversely affect those expectations if not appropriately managed.

Economic Qualities

The adjoining TasWater facility is an important infrastructure asset that provides an essential service to the broader area. The Planning Authority considers that the ongoing operation, maintenance and future upgrading of this facility are matters of strategic importance that should be recognised in the planning framework applying to the land. The qualification would assist in reducing the potential for future land use conflict between residential development and utility infrastructure, thereby protecting the long-term operation and function of the facility.

Spatial Qualities

The land exhibits a unique spatial relationship with both adjoining residential properties and the TasWater facility due to the location of existing dwellings and utility infrastructure immediately adjacent to areas capable of accommodating future development. This creates a distinct interface between future development opportunities, established residential development and critical infrastructure that is not typically encountered across other land within the Rural Living Zone. While the standard provisions of the Rural Living Zone provide setback requirements and building controls, they do not specifically respond to these unique interface conditions.

Having regard to the above, the proposed SSQ is therefore warranted as an additional provision applying specifically to the land, rather than relying solely on the standard provisions of the Rural Living Zone. The proposed Site-Specific Qualification represents a targeted and proportionate response to the unique interface conditions affecting the site while retaining the strategic intent of the proposed zoning.