

Submission report

Subdivision

10 Kingston View Drive, Kingston

Community Housing

June 2024

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Job Ref: 305451

VRS-TMP-140_10

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1. SUMMARY

This report is in support of a Development Application in accordance with Section 57 of the Land Use Planning and Approvals Act 1993 for a subdivision at 10 Kingston View Drive, Kingston (FR164078/2). The property is owned by Kingborough Council. This application is made on behalf of the Community Housing. The subdivision and subsequent land transfer has been agreed between the client and Council.

The proposal is for subdivision to create a separate title to be transferred from Council Community Housing for future development. The proposed subdivision also requires the creation of a road title to provide sufficient frontage. The proposed new lot is proposed to be connected to all reticulated services.

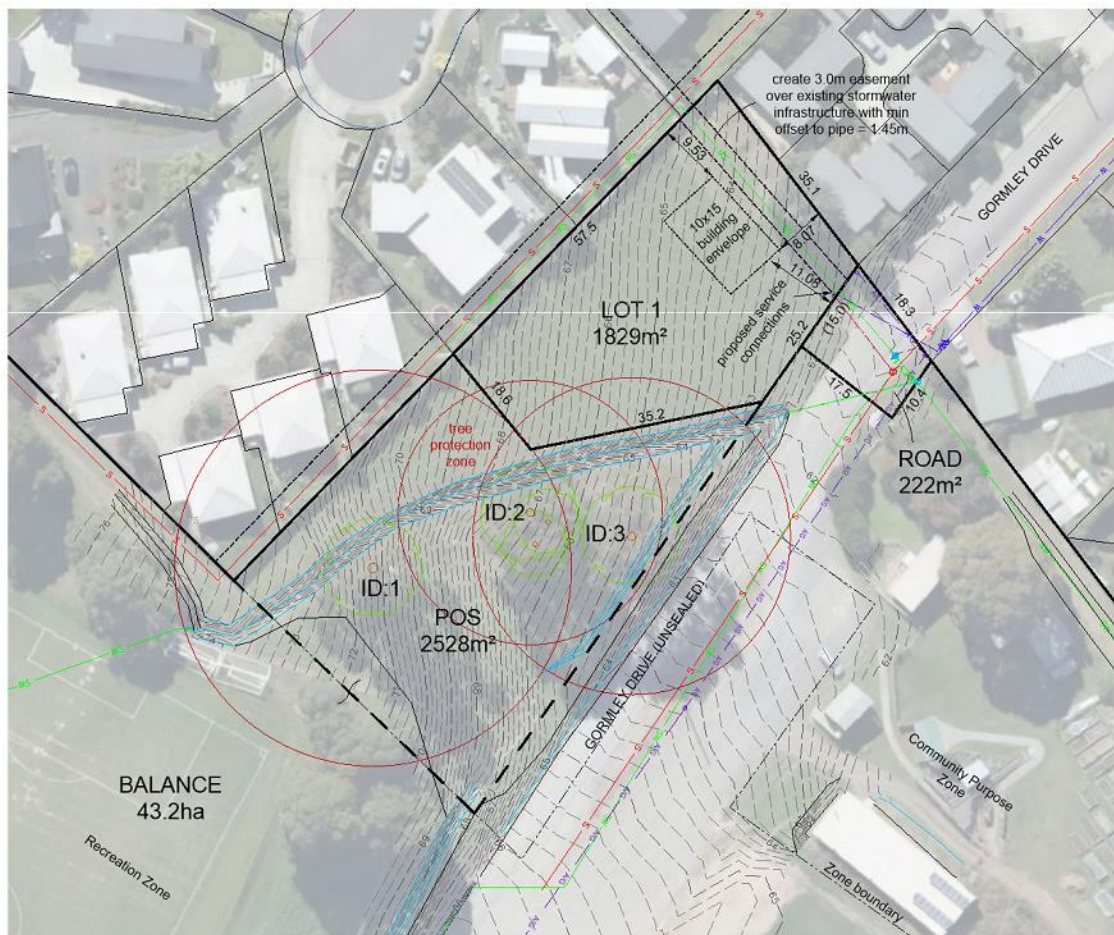
Kingborough Council is the approving authority for the application.

An assessment of the proposed development against the provisions of the *Kingborough Interim Planning Scheme 2015* has been undertaken. Those provisions relevant to the development are discussed in this report.

The proposal is consistent with the above-mentioned requirements and is considered appropriate for approval.

2. PROPOSAL DESCRIPTION

The proposed development is illustrated in enclosed proposal plan 305451_P02_Rev3. It is for the creation of one (1) new lot for future residential purposes (community housing).



Although Gormley Drive is already identified as public road (unsealed) and the road is located on Council owned land, the road itself is not yet located on land identified as road lot. Therefore, the creation of a road lot to provide legal frontage to the lot is considered to be required.

The proposed lot can be connected to all reticulated services located within the vicinity of the site (south-eastern corner of Lot 1). The existing stormwater overland flow will not be impacted by the proposed subdivision. The boundary has been created according to the survey of the drainage line in 2018. The boundary has a minimum of 1.0m offset to the surveyed bank to provide sufficient clearance. The proposal includes the construction of a vehicle crossover within the created road lot. The subdivision has been designed to ensure clearance to significant trees identified in the vicinity of the site. The proposed Lot 1 provides for sufficient usable area outside the identified tree protection zones (as advised by Council). The removal of vegetation is not required for this development.

3. SITE DESCRIPTION

The subject site is described in the following table:

| | |
|-----------------------------------|--|
| Location | 10 Kingston View Drive, Kingston – FR164078/2 |
| Ownership | Kingborough Council |
| Site Area (ha) and Road Frontages | 43.45ha with frontage to Kingston View Drive and Gormley Drive |
| Encumbrances | Electricity Infrastructure Easement, Right of Way (private) |
| Existing Use | Kingborough Sports Ground |
| Local Government Authority | Kingborough Council |
| Surrounding Land | The subject site adjoins a cemetery to the south-west, a school to the north-west and is otherwise surrounded by residential developments. The site directly surrounding the proposed Lot 1 comprises residential to the west and north, the Kingston Community Garden to the east and the Sports Ground to the south. |
| Flora and Fauna | There are some significant trees located on the subject site. Remaining area is maintained lawns. No vegetation is proposed to be removed as part of the proposed subdivision. |
| Topography | The site falls slightly towards the north-east. |
| Planning Scheme Designations | 17.0 Community Purpose / 18.0 Recreation Zone Overlays: Scenic Landscape Area; Bushfire Prone Area, Landslip Hazard Area, Biodiversity Protection Area, Waterway and Coastal Protection Area |
| Referral requirements | TasWater |

4. DEVELOPMENT ASSESSMENT

4.1. Kingborough Interim Planning Scheme 2015

The site is subject to assessment under the *Kingborough Interim Planning Scheme 2015*. The proposal has been assessed against the provisions of the following Sections:

- 17.0 Community Purpose Zone
- 18.0 Recreation Zone
- E1.0 Bushfire-Prone Areas Code
- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E10.0 Biodiversity Code
- E11.0 Waterway and Coastal Protection Code
- E14.0 Scenic Landscapes Code
- E24.0 Significant Trees Code

4.1.1. 17.0 COMMUNITY PURPOSE ZONE

The proposal is consistent with the Zone Purpose Statements as it provides for the creation of a separate lot for the future development of community housing, which is considered to provide important social infrastructure to respond to changing and emerging community needs. The proposed lot 1 adjoins residential zoned land to the north-east and north-west and is separated from the remaining community purpose zoned land by Gormley Drive. The establishment of additional long-term community housing is a desperately needed community service and an appropriate use for proposed lot 1. The proposal is consistent with the zone purpose statements.

Those Clauses relevant to the proposal are addressed below:

Clause 17.2 Use class

PROPOSAL RESPONSE

The proposal is for the subdivision of 10 Kingston View Drive, Kingston. The act of subdivision is a development as defined in the Land Use Planning and Approvals Act 1993. Section 8.2.1 of the Kingborough Interim Planning Scheme 2015 requires each use and development to be categorised into one of the use classes.

The proposed subdivision is for the creation of a separate title to be transferred to Community Housing for the future development of community housing (residential). This use class (residential for community housing) is discretionary in this zone. Additionally, the proposal requires the creation of a road title to provide frontage. This use is categorised as Utilities. Minor utilities are defined as “*use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water pipes, retarding basin, telecommunication lines or electricity substation and power lines up to but not exceeding 110Kv.*” The proposal creates a road title over existing infrastructure (road and services) already located on Council owned land.

The road title is required to create legal frontage to the local road network. The proposed road lot falls into the minor utilities classification and, therefore, does not require a permit in this zone.

Clause 17.3. Use Standards

PROPOSAL RESPONSE

The proposal is for a development only. The details of the future use of the site are uncertain and therefore the Use Standards cannot be fully addressed. However, it is noted, that the future intention of the site is of residential nature which is compatible with the adjoining residential properties. The future use of the site is not considered to cause unreasonable loss of residential amenity on adjoining land within a residential zone.

It is acknowledged, that the proposed subdivision is indented for a residential use, which is discretionary in this zone. The use standard 17.3.5 Discretionary Use has been addressed.

17.3.5 Discretionary Use

The objective of this use standard is to not compromise the use of public land for community use or cause unreasonable loss of amenity to adjoining residential or recreational uses. The proposed development complies with both objectives as the intended use is for community housing. The intended use is residential in nature and therefore considered to not cause loss of residential amenity to adjoining residential uses. The site is also considered to not impact on recreational uses due to the physical separation (road and open stormwater drain) from the remaining community and recreational zoned land. The proposal is considered to further the objectives of this use standard.

There are no acceptable solutions to this clause. The proposal is required to comply with P1 which requires the proposed (intended) use to complement and enhance the use of the land for community purposes by providing for facilities and services that augment and support Permitted or No Permit Required uses. Any community service use relies on great access to it by the community. The establishment of a residential use bringing vulnerable members of the community in very close proximity to community services is therefore considered generally to augment and support the existing and potential future uses within the zone.

The community zone on the subject land comprises the Kingston Community Garden, which is “a volunteer run community garden group where locals and community groups can rent garden beds, enjoy communal bed produce and join in community gardening”¹. The community garden requires the participation of volunteers which are generally residents of the surrounding area. The proposed subdivision will provide for a future community housing development. The participation in community gardens is considered to have positive impacts on mental health, provide food-security for low-income households² (who would utilise future developments on lot 1) and further social interaction. The proposed development therefore would be highly beneficial for both community uses. Communal gardens are categorised as “passive recreation” within the Use Classification under section 8.2 of the Planning Scheme. This use class is a ‘no permit required’ use in the Community Purpose Zone. As the proposed residential use does not rely on any communal garden developments but the communal gardens require volunteers to be operated, the proposal is considered to support the existing passive recreation use on the site. The proposal complies with the performance criteria P1.

¹ <https://communitygarden.org.au/listing/kingston-community-garden/>

² Armstrong, D., 2000. A survey of community gardens in upstate New York: Implications for health promotion and community development. *Health & place*, 6(4), pp.319-327.

Clause 17.5.1 Subdivision

PROPOSAL RESPONSE

The proposed development is for the creation of a new lot for future community housing. The lot is of sufficient size to accommodate such future use, although not subject of this development and future design will need to integrate relevant planning scheme requirements. As outlined above, the proposal is consistent with the Zone Purpose. There are no relevant Local Area Objectives or Desired Future Character Statements. The furthers the objective of this clause.

The proposed development is for the creation of 1 new lot (1,847m²) and a road lot (222m²). Both lots are intended for an allowable use in the zone compliant with P1 of this clause. The proposed road lot provides for the required 15m of frontage compliant with A2 of this clause. There is no intention to further subdivide the lot. Due to the nature of the proposal, P3 (a) to (c), (e) to (g) and (i) are considered not relevant as there are no new ways proposed and not feasible due to the scale of the proposal. There are also no existing ways where the proposed subdivision could provide an extension. The proposed development enables the development of community housing in close proximity to existing residential developments, recreation facilities and public transport (Summerleas Rd approx. 230m walking distance from subject site).

Any subdivision is required to provide a public space contribution regardless of zoning according to the Kingborough Public Open Space Contribution Policy (Policy 6.3) and clause 17.5.1 P3(h). The land provided by Council to Community Housing extents to the community Purpose Zone boundary north of Gormley Drive. It is proposed to designate the land to the south-west of proposed Lot 1 as Public Open Space as part of this subdivision. The Land will remain as part of the Balance land. This land comprises an open stormwater drain as well as significant trees proposed to be retained. The management of this land by Council will ensure appropriate management and protection of identified natural values in line with section 6 of this policy. The proposal is considered to comply with clause P3.

The proposed subdivision is capable of being connected to all reticulated services compliant with A4 of this clause. The proposed development will not impact on trees of high conservation value as these have been identified within the vicinity of the site and deliberately excluded from the proposed lot and included in land designated as public open space. The tree protection zones (as advised by Council) are shown on the proposal plan to demonstrate that the proposed subdivision can be confidently developed without impacting on the trees. The proposal complies with A5 of this clause.

4.1.2. E1.0 BUSHFIRE-PRONE AREAS CODE

The subject site (Kingborough Sports Ground) is partially overlaid with a Bushfire-Prone Areas Code. The proposed subdivision is more than 340m away from the overlay. There are no developments nor future developments proposed on the Balance land as part of this proposal. It is considered that the proposed subdivision can be identified as not being subject to the Bushfire-Prone Areas Code.

4.1.3. E3.0 LANDSLIDE CODE

The subject site (Kingborough Sports Ground) is partially overlaid with the landslide Code; however, the proposed development is entirely outside the landslide hazard area. The Code does not apply.

4.1.4. E5.0 ROAD AND RAILWAY ASSETS CODE

The proposed subdivision will require the creation of a new vehicle crossing to Gromley Drive. The proposal at this stage is for subdivision for future residential purposes only. One additional lot for residential purposes is considered to comply with E5.5.1 A3. Future development of the site will require to address actual anticipated traffic. The proposed subdivision includes the creation of one (1) new vehicle crossing compliant with E5.6.2 A2 of the Code.

The proposed vehicle crossing also complies with required sight distances providing for unobscured views in both directions of more than 80m compliant with E5.6.4 A1(a) and Table E5.1.

4.1.5. E6.0 PARKING AND ACCESS CODE

The proposed lot 1 is of sufficient size to accommodate vehicle parking spaces. Detailed design will need to be addressed during development stage.

The proposed Lot 1 has not been used for any specific purposes prior to subdivision. The parking arrangements for the balance land are considered to not be impacted by this development. It is assumed that the Code is complied with for the existing developments on the balance land.

4.1.6. E7.0 STORMWATER MANAGEMENT CODE

The proposed development is for subdivision only. Required works include the construction of a vehicle crossover which can be connected to a reticulated stormwater system located in the north / north-east of the site compliant with E7.7.1 A1. There are no further developments required for the proposed subdivision.

It is noted that the subject site falls towards the north-eastern corner where existing Council underground infrastructure are available. The open stormwater drain remains on Council land with sufficient setback to the proposed boundary. The proposal is considered to not impact on this open drain.

4.1.7. E10.0 BIODIVERSITY CODE

The subject site (Kingborough Sports Ground) is partially overlaid with the Biodiversity Code; however, the proposed development is entirely outside the overlay area. The Code does not apply.

4.1.8. E11.0 WATERWAY AND COASTAL PROTECTION CODE

The subject site (Kingborough Sports Ground) is partially overlaid with the Waterway and Coastal Protection Code; however, the proposed development is entirely outside the overlay area. The Code does not apply.

4.1.9. E14.0 SCENIC LANDSCAPES CODE

The subject site (Kingborough Sports Ground) is partially overlaid with the Scenic Landscapes Code; however, the proposed development is entirely outside the overlay area. The Code does not apply.

4.1.10. E24.0 SIGNIFICANT TREES CODE

The proposed subdivision does not require the removal of any vegetation. The boundaries have been designed to exclude the significant trees on the site. The tree protection zones do slightly encroach into the proposed Lot 1; however, some development is considered acceptable within a tree protection zone without impacting on the tree. Detail design and analysis will need to ensure protection when the site is developed. The subdivision itself, however, is considered to be exempt according to E24.4 (a).

Please note: The proposal is for subdivision only to establish future residential developments. The subject site is of sufficient size to allow residential development without impacting on existing vegetation or the open drainage line. A 10x15m building envelope can be established on the northern part of the property entirely outside the identified tree protection zones. Future development proposal of the site might be required to include further information to ensure adequate protection of significant trees.

5. CONCLUSION

The application is made pursuant to Section 57 of the Land Use Planning and Approvals Act 1993. The proposal has been assessed against and found compliant with the *Kingborough Interim Planning Scheme 2015*, in particular the provisions relating to subdivision within the Community Purpose Zone.

The proposal will allow for the creation of a new lot for future residential purposes (community housing) connected to all reticulated services as well as the creation of a road lot over an existing public road (Gormley Drive) to provide legal frontage.

It is, therefore, requested that the application will be recommended for approval.

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