

Section 43A Application

41-43 WELLINGTON STREET, LONGFORD
D.J. McCULLOCH SURVEYING
ON BEHALF OF PHILIP & ELIZABETH LETHBORG
SUPPORTING SUBMISSION
MARCH 2020



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1. Executive Summary

Rebecca Green & Associates has been engaged by D.J. McCulloch Surveying to prepare a written submission on behalf of Phillip and Elizabeth Lethborg to request a rezoning amendment to the *Northern Midlands Interim Planning Scheme 2013 – Version 29* ('the scheme') and subsequent development application for a Subdivision in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act) relating to land at 41-43 Wellington Street, Longford.

The proposed rezoning seeks to extend the General Residential Zone to all of the land at 41-43 Wellington Street, Longford, located on the south-eastern corner of the intersection of Wellington Street and Smith Street. This is effectively an extension of the General Residential Zone which applies to all the land surrounding the site. The land is to be subdivided into 3 lots for future residential use. The rezoning needs to occur to allow the subdivision which is otherwise prohibited in the Community Purpose Zone.

A secondary aspect of the application is for the subdivision of the site into 3 residential lots ranging in size from 490m² to 862m². The amendment is required to enable the subdivision and future use and development of the site for residential purposes. The current zoning of the Community Purpose is no longer a relevant zoning as the Funeral Chapel has ceased operating from the site and is land is surplus to Lethborg Family Funeral needs.

This submission forms the basis of the application and has been prepared having regard to the relevant requirement and objectives of the Act together with relevant strategic planning documents, including:

- Northern Tasmania Regional Land Use Strategy;
- The Scheme;
- State Policies; and
- Strategic Plan 2017-2027.

References to the relevant requirements of the Act in this submission are references to the requirements in Parts 2A and 3 of the former provisions of the Act, in accordance with Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*.

This submission demonstrates compliance with the requirements of Section 32 and Section 43A of the Act. As such, the proposal is suitable for Council certification and subsequent approval.

2. The Proposal

The purpose of this application is to amend the *Northern Midlands Interim Planning Scheme 2013* (“the Scheme”) as follows:

- An amendment to the Scheme to change the zoning of CT 159522/1 comprised within the 17.0 Community Purpose Zone to 10.0 General Residential Zone;
- To consider a development application for a 3-lot subdivision and demolition works.

This submission will be presented in three parts. The first part of the submission will provide details of the site. The second part will address the requirements of Section 33 of the *Land Use Planning and Approvals Act 1993* (LUPAA) with reference to the proposed change of zoning. The third part will address the requirements of Section 43A of LUPAA with respect to the development proposal itself.

3. Site Analysis

3.1 Location

The subject land is located at 41-43 Wellington Street, Longford (CT 159522/1) and is comprised of one parcel of land. The subject site comprises a total area of 1998m² and accommodates two main structures, a place of assembly (former church and funeral chapel) and an associated hall with modern structures connecting the two heritage buildings.

The subject site is a rectangular shaped lot with an area of approximately 1998m², accessed via two crossovers, one from each of Smith Street and Wellington Street with frontage to Wellington Street of approximately 39.5 metres and frontage to Smith Street of approximately 41.7 metres. The site is relatively flat and is developed with two main heritage buildings: a place of assembly (former church) and an associated hall with modern structures connecting the two heritage buildings.

The site is located centrally within Longford and within the town centre. It is situated on the south-eastern corner of the intersection of Wellington Street and Smith Street. The site is completely surrounded by land contained within the General Residential Zone developed with a mix of single and multiple dwellings.

The site was a former church and associated Sunday school hall. Used in more recent times as a funeral chapel and funeral mortuary services. The hall and church are no longer used, and the more modern additions store a car and are used for limited mortuary services. The land is surplus to the business needs of Lethborg Family Funerals. The site has been for sale for some time, with no interest for the entirety of the site for place of assembly or similar land uses.

A copy of the title documentation is provided under separate cover. Figure 1, below, illustrates the location of the subject land.

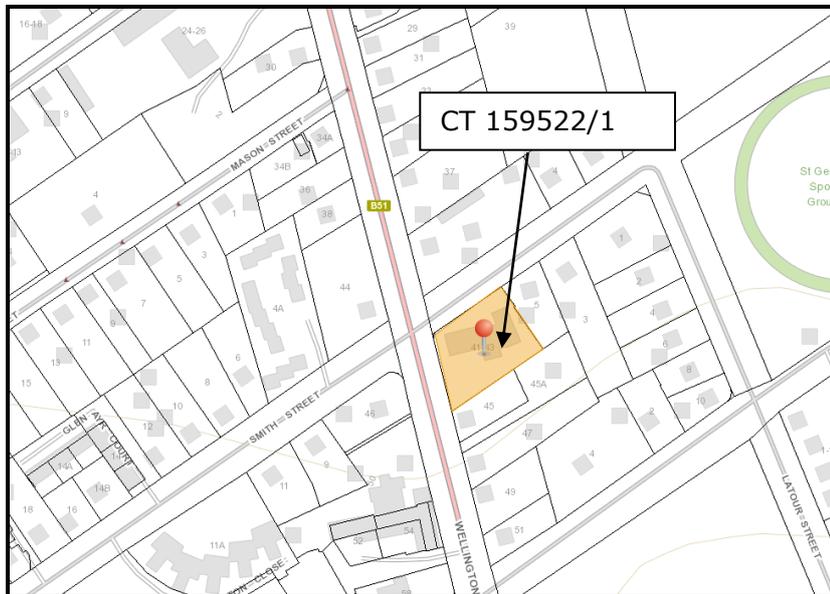


Figure 1 – Location of subject land. (Image courtesy of www.thelist.tas.gov.au)

The site is contained within the Community Purpose Zone (refer Figure 2) and is also within the Heritage Precinct and Urban Growth Boundary overlays. The site is surrounded by land on all side contained within the General Residential Zone.

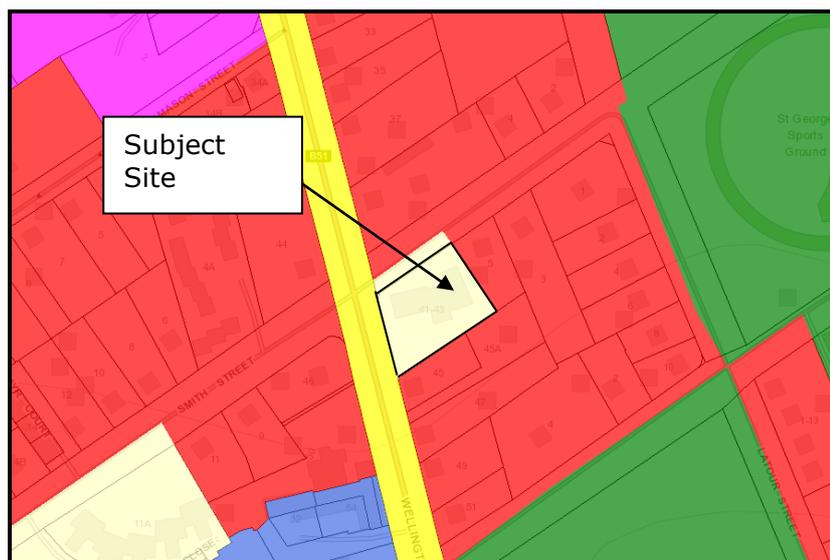


Figure 2 – Site zoning and surrounding zoning. (Image courtesy of www.thelist.tas.gov.au)
 Cream = Community Purpose, Red = General Residential

3.2 Title description

The subject property is described in the following title, CT 159522/1. The registered owners of the lot are Philip Grant Lethborg and Elizabeth Anne Lethborg. Written permission has been provided to D.J. McCulloch Surveying to provide for submission of the application.

3.3 Hazards and Special Values

3.3.1 Heritage and Scenic

The site is heritage listed on the Tasmanian Heritage Register and at Council level. The site is located within a Heritage Precinct under the Scheme. Preliminary comment from Heritage Tasmania in respect to the proposal is that they will consider the matter further after the development application has been submitted to Council and referred for assessment.

The subject site is within an urban area and is already developed for urban purposes. For this reason, it is considered that any Aboriginal Heritage Values that the site may have has would already be degraded. The subject site is not listed in Table E13.3 Places of Archaeological Significance.

3.3.2 Flooding

The site is not known to be subject to flooding.

3.3.3 Bushfire

The subject site is not located within a bushfire prone area as mapped and defined by the Scheme.

3.3.4 Land capability

Published Land Capability at 1:100,000 maps the subject site as Class 4, however due to the urban setting and location it is unlikely that there is any potential for agricultural purposes of the site.

3.3.5 General environmental quality and hazard risk

The subject site is not known to have been used for a relevant activity listed in the Potentially Contaminated Land Code of the Scheme.

The site is not identified as being of risk of landslip. The subject site is surrounded by an area that has already been developed and has been developed upon.

3.3.6 Special or significant features of the subject land

There are no species of rare, vulnerable or endangered flora or fauna species located on the subject land.

There is no native vegetation on the subject site that will require clearing as part of the development of the site.

3.3.7 Infrastructure

The site is located within an area where there is a reticulated water, sewer and storm water system and the site has access to a Council maintained road.

A new crossover is proposed from Smith Street to serve Lot 2, and proposed water, sewer and stormwater connections are proposed as demonstrated on the Proposed Subdivision Plan. It is unlikely that there will be any issues in terms of hydraulic capacity with the property being rezoned to General Residential.

4. The Amendment

4.1 Existing Zone

The subject site is currently zoned Community Purpose under the *Northern Midlands Interim Planning Scheme 2013*, which supports the previous use as a place of assembly – funeral services.

4.2 Proposed Zone

The amendment proposes to rezone the that land at 41-43 Wellington Street, Longford from Community Purpose to General Residential. The Heritage Precinct Overlay is proposed to remain. This provides for a logical continuation of the existing General Residential Zone that directly adjoins the subject site in all directions.

The site has ceased being used as a public place of assembly and is for sale and suited for future residential use and development. The application of the surrounding General Residential Zone would be appropriate.

4.3 Section 33 of LUPAA

An amendment to a Planning Scheme:

- Must seek to further the objectives of Schedule 1; and
- Must be prepared in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and
- May make any provision which relates to the use, development, protection or conservation of any land; and
- Must have regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*; and
- 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
- 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.
- The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

Each of these parts will be addressed in the following sections.

4.4 Objectives of Schedule 1, Part 1 of LUPAA

(a) *To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity*

The site is within an existing urban area and is considered that the proposed rezoning amendment promotes the sustainable development of Longford by allowing existing land located within a residential, urban environment to be developed for such purposes in the future. No rare or threatened species of flora or fauna have been identified on the subject site. As such, the proposed amendment will not threaten genetic diversity. The proposal would therefore also not adversely impact on ecological processes. The rezoning is seen as a potential to enable a wider range of uses on the land to enable appropriate reuse.

(b) *To provide for the fair, orderly and sustainable use and development of air, land and water*

The proposed rezoning amendment represents an orderly and sustainable use of land within a township that has limitations on its ability to expand outside the town boundaries without impact to agricultural productivity. The proposed rezoning allows for the future change of use and development for residential purposes within the urban growth boundary. The subject site is surrounded by the General Residential Zone and the proposed rezoning represents a logical expansion of the zone.

The site is connected and can be further connected where necessary to full reticulated services.

(c) To encourage public involvement in resource management and planning

This process encourages public participation and comment through the notification process prescribed by Section 38 of the Act, following Council initiation. The community and government departments and agencies will be able to formally comment on the draft amendment as part of this process.

(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The proposed amendment seeks to further this objective of the Act by rezoning the subject land to facilitate opportunity for increased investment in the housing stock in the Longford township and will therefore stimulate economic growth not only through construction activity but also an increase in residential population.

The amendment is therefore in accordance with objectives (a), (b) and (c) as discussed above.

(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.

The amendment seeks to further this objective by allowing for development of the subject land, in conjunction with Council and the community.

Community involvement will be encouraged through public notification, local government involvement will be encouraged through this planning process and industry involvement will be promoted during the future development and construction phase of the site development. State Government involvement will be facilitated through the Tasmanian Planning Commission assessment process.

4.5 Objectives of Schedule 1, Part 2 of LUPAA

(a) To require sound strategic planning and coordinated action by State and local government; and

The amendment seeks to further this objective of the Act by furthering Council's objectives as expressed through the Northern Regional Land Use Strategy. The proposed rezoning amendment represents a logical expansion of the General Residential Zone as the present use and zone of the site no longer suits the needs of a place of assembly. It is not appropriate to retain the Community Purpose Zone for a parcel of land that is privately held and to be sold to further private holdings. It therefore represents sound strategic planning.

(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; and

The proposed amendment seeks to change the zoning of the subject site to a zone existing within the *Northern Midlands Interim Planning Scheme 2013*. It is proposed to change the zoning of the subject site, to allow subdivision and later residential use and development.

The land will be developed in accordance with the relevant provisions of the *Northern Midlands Interim Planning Scheme 2013*, the relevant code provisions will continue to apply.

(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; and

The amendment is not likely to have an adverse impact on the surrounding environment. No rare, vulnerable or threatened species of flora or fauna have been identified on the subject property. Similarly, no areas of land exist on the site that require conservation.

The social and economic effects of development of the site should be given sufficient weight as the change of zone will allow for expansion of residential use and development within an existing urban area and on services land thereby avoiding development pressures in less appropriate areas.

(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; and

The proposed amendment seeks to further this objective through alignment with Council's objectives for the development of the area and furthers the objectives of the Regional Land Use Strategy of Northern Tasmania.

All relevant regional and state policies have been considered for this proposal.

(e) To provide for the consolidation of approvals for land use or development and related matters, and to coordinate planning approvals with related approvals; and

This amendment seeks to further this objective by allowing simultaneous consideration of both the amendment and the proposed development in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993*.

The proposed amendment will allow for subdivision of the subject site.

(f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

The proposed amendment will not impact the residential amenity of neighbouring residential properties. This is protected by the standards relating to amenity in the General Residential Zone. The amendment will in fact have the potential to reduce future amenity impacts from potentially incompatible uses allowed under the Community Purposes Zone.

(g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

The subject land has known historical value. The proposed amendment seeks to further this objective by allowing for use and development of the site in a way that has no impact on the historic value of any heritage sites. The proposal provides for demolition of some of the more modern structures connecting the heritage buildings on the site.

(h) *To protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community; and*

This amendment will further this objective by allowing for the rezoning of the site to facilitate further use opportunities of the subject site other than the limited and potentially incompatible uses provided for within the present zone. By allowing for the subdivision as proposed the site may in the future provide for additional residential use and development.

The future use(s) of the subject site will be required to continue to manage the potential environmental impact of stormwater discharges and wastewater disposal.

The future use(s) of the subject site are otherwise capable of continuing to be connected to or proposed to be connected to electricity, reticulated water and telecommunications infrastructure, in accordance with the requirements of the relevant authorities.

(i) *To provide a planning framework that fully considers land capability.*

The subject site is within an existing urban area and has no agricultural value.

4.6 State Policies

State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* came into operation on 27 September 1997. This policy applies to all surface water, including coastal waters, and groundwater's, other than privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public, or, water in any tank, pipe or cistern.

Clause 31.5 of the Policy requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

The nature of future use and development combined with the capacity of the Planning Authority to impose appropriate conditions in any subsequent planning approvals provides the opportunity for the relevant requirements of the Policy to be met.

On the above basis, it is considered that the proposed amendment complies with the provisions of the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* came into operation on 3 September 2009. The Policy applies to all agricultural land in Tasmania.

The Agricultural Land Policy defines 'Agricultural land' as:

Means all land that is in agricultural use or has the potential for agricultural use, that has not need zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The site has been zoned for urban use (Community Purpose Zone) and is therefore not classed as agricultural land and the Agricultural Land Policy does not apply to the land.

State Coastal Policy 1996

The *State Coastal Policy 1996* came into operation on 10 October 1996. This policy applies to the coastal zone, which includes all State waters and land within 1km from the High-Water Mark.

The site is not located within 1km of the coast and the State Coastal Policy does not apply to the land.

National Environment Protection Measures

In accordance with Section 12A of the *State Policies and Projects Act 1993*, a national environment protection measure is taken to be a State Policy. The following therefore require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The site has no land use history that indicates contamination. It is considered that the NEPMs will have no impact on the proposed amendment.

4.7 Use, development, protection or conservation of any land

All required provisions relating to the sustainable development of the land are provided for through the normal planning scheme requirements. In particular, the range of codes dealing with land hazards and values will continue to apply to future applications for a permit.

4.8 Requirements under the Gas Pipelines Act 2000

This section of LUPAA requires that regard be had with respect of the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*. The gas pipeline is not located near to the subject property. As such, the requirements of the *Gas Pipelines Act 2000* are not relevant to the proposed amendment.

4.9 Risk of land use conflict

As noted throughout this submission, the proposed amendment will not cause conflict with adjoining uses. The adjacent uses on adjacent and nearby lots will continue and will not be affected by the subdivision or any future residential use and development.

The table below outlines the differences in the allowable land uses in both the existing (Community Purpose) and proposed (General Residential) Zones.

Community Purpose Zone (existing)	General Residential Zone (proposed)
<i>No permit required</i>	
Passive recreation Natural and cultural values management	Residential (single dwelling) Natural and cultural values management Passive recreation
<i>Permitted</i>	
Emergency services Community meeting and entertainment Crematoria and cemeteries Educational and occasional care Hospital services Recycling and waste disposal (if for municipal waste transfer station or refuse disposal site) Sports and recreation Utilities (if for minor utilities)	Residential (caretakers dwelling or home based business or multiple dwellings) Utilities
<i>Discretionary</i>	
Business and professional services Food services	Business and professional services (medical centre)

General Retail and Hire (only on one identified title) Residential (if for residential aged car facility, respite centre or retirement village) Tourist Operation (if for a visitor centre) Utilities (if not for minor utilities)	Educational and occasional care Food services (if a café or takeaway food premises) General retail and hire (if a local shop) Community meeting and entertainment (if not a cinema or function centre) Residential (if a boarding house, communal residence, hostel, residential aged car facility, retirement village) Visitor accommodation
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It is evident from the above table that the range of uses permissible on the site, will significantly reduce as a result of the proposed rezoning. It is submitted that given the location of the site which is entirely surrounded by residential development, that the reduced range of uses that are more compatible with residential development is appropriate for the site and will not impact negatively on the amenity of the surrounds. In fact, the present zoning allows for a range of uses that do have the potential to have a negative impact on the amenity of the surrounds and potentially create land use conflict. The General Residential Zone has use standards which will apply to future uses on the site which seek to protect the amenity of surrounding properties. Further, the development standards contained within the General Residential Zone provide for greater protection of amenity including overshadowing and loss of privacy to the neighbouring properties than is afforded by the development standards under the Community Purpose Zone.

For these reasons, it is submitted that the proposed rezoning will not result in land use conflict or loss of amenity.

Any future application for use and development would be subject to the same number of codes as currently applies including the Heritage Code.

4.10 Northern Tasmania Regional Land Use Strategy (RLUS)

The Regional Land Use Strategy of Northern Tasmania was originally declared by the Minister for Planning in accordance with the relevant provisions of the Act on 27 October 2011. The current version was declared by the Minister for Planning on 18 June 2018 and came into operation on 27 June 2018.

The relevant regional policies and actions in the RLUS are reproduced and addressed:

4.3.2 C – Goals and Strategic Directions

<i>C.4.2 Goal 2: Liveability To promote liveability measures for social and community development and the betterment of healthy strong and vibrant urban and rural settlements.</i>	
Strategic Direction	Comment:
<i>G2.1 Identify Urban Growth Areas to advance a sustainable urban settlement pattern,</i>	<i>The subject site is within an existing urban settlement and already zoned for development. Longford is identified as a District Service Centre on the Regional Settlement Hierarchy. The proposed amendment will allow for infill population growth, where there are limited vacant lots available in Longford presently (2 available on www.realestate.com.au at the time of writing this report within the General Residential Zone in Longford).</i>

G2.2 Plan for social-demographic changes	The proposed amendment will allow for future development for residential purposes. The lot sizes proposed are in character with the surrounds and sympathetic to the Heritage Precinct.
G2.3 Promote local character values	The subject site is within a Heritage Precinct and therefore future use and development must be assessed against the Heritage Code unless exempt. The proposed amendment does not propose to remove the property from the Precinct.
G2.4 Enhance social inclusion	The subject site is accessible to a range of services within the retail precinct of Longford.

C.4.3 Goal 3: Sustainability

To promote greater sustainability in new development and develop stronger community resilience to social and environmental change.

Strategic Direction	Comment:
G3.1 Promote the Region's unique environmental assets and values	The subject site is within an existing urban area and already partially developed. Further development for residential purposes will not impact on any environmental assets or values. The proposed amendment is considered to be sustainable in that it promotes infill residential development.
G3.2 Establish planning policies to support sustainable development, address the impacts of climate change, improve energy efficiency and reduce environmental emissions and pollutants.	The proposed amendment will allow for infill development opportunities in an area within an area of walkability to a range of services.

4.3.4 E – Regional Planning Policies

Policy	Actions
Regional Settlement Networks	
RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where space infrastructure capacity exists (particularly water supply and sewerage).	<p>RSN-A1 Provide an adequate supply of well located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the RLUS, land capability, infrastructure capacity and demand.</p> <p>RSN-A2 Land supply will be provided in Urban Growth Areas identified as:</p> <ul style="list-style-type: none"> • Priority Consolidation Areas; • Supporting Consolidation Areas; or • Growth Corridor. <p>RSN-A3 Apply zoning that provide for the flexibility of settlements or precincts within a settlement and the ability to restructure under-</p>

utilised land.

Comment:

The proposed rezoning will not result in either a new settlement or an out of centre residential area. The rezoning creates the opportunity for infill housing on a site that is fully connected to reticulated services and there is adequate capacity. The site is located within a Supporting Consolidation Area. The site is presently under-utilised and is no longer required for any community purpose based uses.

RSN-P2 Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure, and enhance quality of life.

RSN-P3 Recognise the isolated relationship of the Furneaux Group of islands to the settlement system of the region, the that settlement and activity centre planning will be dependent on local strategies to support sustainable outcomes.

RSN-A4 Provide for the long term future supply of urban residential land that matches existing and planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity – both residential and industrial.

RSN-A5 Provide a diverse housing choice that is affordable, accessible and reflects changes in population, including population composition. Ageing populations and single persons should be supported to remain in existing communities as housing needs change; ‘ageing in home’ options should be provided.

RSN-A6 Encourage urban residential expansion in-and-around the region’s activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater public transport use and services.

RSN-A7 Ensure all rural and environmental living occurs outside Urban Growth Areas.

RSN-A8 Identify areas with existing mixed land use patters, and/or ‘Brownfield’ areas adjacent to activity centres, for mixed use redevelopment, and apply zones that provide for flexibility of use to support the activity centre and the role of the settlement.

Comment:

The proposed rezoning adheres to RSN-A2 as it provided for additional residential land within an existing settlement. It is intended that the lot sizes are in keeping with the surrounds and is considered appropriate given the site is located within a Heritage Precinct.

RSN-P5 Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region’s Urban Growth Areas to meet residential demand.

RSN-A10 Apply zoning provisions which provide for a higher proportion of the region’s growth to occur in suitably zoned and services areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations.

Comment:

The application of the General Residential Zone to the site will enable potential subdivision lot sizes of 450m² as a permissible lot size and multiple dwelling development at a permissible density of one dwelling per 325m² site area. The zone provisions allow for higher density development than the prevailing patter of the surrounds. The Heritage Code, however, requires subdivision to be consistent with the historic pattern of subdivision.

E.3 Regional Activity Centre Network Policy

The NRLUS identifies Longford as a District Service Centre (4). The following strategies are outlines for the two land uses relevant to this rezoning within a District Service Centre:

- **Residential:** *Some 'in-centre' residential development, complemented by infill and consolidation of surrounding residential area at medium to high densities (up to 25 dwellings per ha).*

Comment: The proposed rezoning allows the opportunity for infill residential development, potentially at higher densities than the surrounds taking into account heritage constraints.

- **Arts, Cultural and Entertainment:** *Hotels, restaurant and dining facilities with other entertainment for rural community. Local sporting facilities/clubs.*

Comment: Whilst the proposed rezoning will remove land zoned for Community Purposes from the township, it is appropriate that the rezoning occurs. The site is surplus to the present business needs. The proposed rezoning does not preclude the future and ongoing use of the site for Community Meeting and Entertainment as the current use falls within this use class which is discretionary in the General Residential Zone.

4.11 Northern Midlands Interim Planning Scheme 2013 – Planning Scheme Objectives

The following sections outlines the relevant parts of the Objectives of the Planning Scheme and how the proposed rezoning furthers them.

2.2.2.8 Heritage

- a) *Recognise the importance of the area's Aboriginal and European heritage to the community and protect it for the benefit of the community and visitors.*

Comment: -

The proposed rezoning will not impact on the inclusion of the site within the Tasmanian Heritage Register or within a Heritage Precinct and therefore future use and development will be required to accord with the provisions of the Heritage Code

3.2.3 Housing

Longford is the town with the largest resident population. The growth limits for the town area circumscribed in all directions except to the south of the town in terms of urban land supply for housing and, depending on density and agricultural land use constraints, there are foreseeable limits to the urban area and population of the town.

Comment: -

The proposed rezoning will allow additional residential growth within the designated urban growth boundary area and within an established residential setting of Longford. The proposed rezoning has the added benefit of providing additional residential land without any impact to agricultural production.

3.6 Settlement Strategy

3.6.1.1. Longford

Longford has the largest residential population. There are identifiable growth constraints in terms of land supply for housing, and approximate dwelling numbers and consequent population growth limits can be inferred from these. In time, Longford can be expected to be overtaken by Perth, and planning should proceed accordingly. The available area for commercial, industrial and residential development in Longford should be carefully considered within a structure plan for the town, to assist in planning, timing and financing of services.

Comment: -

The proposed rezoning of Community Purpose Zoned land to General Residential will not have any real impact on the supply/demand of residential land within the township. The rezoning will allow for a small parcel of land to be developed for infill housing in an area which is within walking distances to retail and service facilities. At this stage a structure plan has not been prepared for Longford, however, given the small size of the parcel, and the fact that it is infill means that its rezoning will have no real impact on any larger strategic planning project that may occur for the township in the future. Further, it is noted that Longford has limited potential for growth in greenfield areas due to the quality of surrounding agricultural land.

3.7 Land Supply Strategy

3.7.3 Urban Growth Boundaries

Comment: -

The subject site is contained within the Longford Urban Growth Boundary.

4.12 Summary of Amendment

The proposed amendment satisfies the requirements of Section 32 of LUPAA by:

- Seeking to further the objectives set out in Schedule 1 of the Act; and
- Being prepared in accordance with State Policies; and
- By making provision for the use, development, protection or conservation of land; and
- By having regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*; and
- By avoiding the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent areas; and
- By having 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.

The amendment does not affect any matters identified by Section 20(2), (3), (4), (5), (6), (7), (8) and (9) of the Act.

5. The Development

5.1 Section 43A of LUPAA

Section 43C of LUPAA dictates the Council assessment process in determining a combined application for a scheme amendment and development.

Northern Midlands Interim Planning Scheme 2013

9.4 Demolition

Demolition of the more modern additions between the two heritage buildings is proposed. This is proposed as part of another development – subdivision.

10 General Residential Zone

10.4 Development Standards

10.4.15 Subdivision

10.4.15.1 Lot Area, Building Envelopes and Frontage

Objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.

Acceptable Solutions	Performance Criteria	Proposal Response
A1 Lots must: a) Have a minimum area of at least 450m ² which: i) Is capable of containing a rectangle measuring 10m by 15m; and ii) Has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or b) Required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or c) For the provision of utilities; or d) For the consolidation of a lot with another lot with no additional titles created; or	P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for: a) A dwelling to be erected in a convenient and hazard-free location; and b) On-site parking and manoeuvrability; and c) Adequate private open space.	<i>The proposal complies with the acceptable solution a) i). Lot 1 is proposed to be +/- 862m² and Lot 2 is proposed to be 646m² and Lot 3 is proposed to be 490m². Each lot is capable of containing a rectangle measuring 10m by 15m. Lot 2 (corner lot) and Lot 1 meet A1 a) ii). Lot 3 will see the existing hall building be located within 4m of the proposed rear boundary and relies upon the performance criteria. It is unlikely that a new dwelling will be constructed on Lot 3, but rather the existing heritage building with a future change of use be used for residential use. The northern part of the site provides for onsite parking and manoeuvrability and</i>

<p>e) To align existing titles with zone boundaries and no additional lots are created.</p>	<p><i>there is sufficient land to the east to provide for adequate private open space. Lot 3 is of sufficient area and dimensions to provide for future residential use.</i></p>
<p>A2 Each lot must have a frontage of at least 3.6m.</p>	<p>P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p> <p><i>The proposal complies with the acceptable solution. Lot 1 will have a frontage of 26.20m to Wellington Street, Lot 2 will have frontage to Wellington Street of 13.33m and frontage to Smith Street of 27.34m, whilst Lot 3 is to be provided with a 14.43m wide frontage to Smith Street.</i></p>

10.4.15.2 Provision of Services

Objective

To provide lots with appropriate levels of utility services.

Acceptable Solutions	Performance Criteria	Proposal Response
<p>A1 Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> a) Water supply; and b) Sewerage system. 	<p>P1 Each lot created must be:</p> <ul style="list-style-type: none"> a) In a locality for which reticulated services are not available or capable of being connected; and b) Capable of accommodating an on-site wastewater management system. 	<p><i>The proposal complies with the acceptable solution. Each lot is capable of being connected to reticulated water supply and reticulated sewerage system, as demonstrated by the Proposed Subdivision Plan.</i></p>
<p>A2 Each lot must be connected to a reticulated stormwater system.</p>	<p>P2 Each lot created must be capable of disposal of stormwater to a legal discharge point.</p>	<p><i>The proposal complies with the acceptable solution. Lot 3 is currently connected to a reticulated stormwater system and this is not to change. Lot 1 and Lot 2 will each be provided with a new connection as demonstrated by the Proposed Subdivision Plan.</i></p>

10.4.15.3 Solar Orientation of Lots

Objective		
To provide for solar orientation of lots and solar access for future dwellings.		
Acceptable Solution	Performance Criteria	Proposal Response
A1 At least 50% of lots must have a long axis within the range of: a) North 20 degrees west to north 30 degrees east; or b) East 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.	<i>The orientation of the lot will not change. Lot 2 and 3 already contains an existing heritage building likely to see a change of use to residential, pending future development application. All lots comply with the performance criteria.</i>
A2 The long axis of residential lots less than 500m ² , must be within 30 degrees east and 20 degrees west of north.	P2 Lots less than 500m ² must provide adequate solar access to future dwellings, having regard to the: a) Size and shape of the development of the subject site; and b) Topography; and c) Location of access way(s) and roads.	<i>Lot 3 already contains an existing heritage building likely to see a change of use to residential, pending future development application. Lot 3 complies with the performance criteria.</i>

10.4.15.4 Interaction, Safety and Security

This clause was not used in this planning scheme.

10.4.15.5 Integrated Urban Landscape

Objective		
To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:		
a) Character and identity of new neighbourhoods and urban places; or b) To existing or preferred neighbourhood character, if any.		
Acceptable Solution	Performance Criteria	Proposal Response
A1 The subdivision must not create any new road, public open space or other reserves.	P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: a) It has regard to existing, significant features; and b) Accessibility and mobility through public spaces and roads are protected or enhanced; and c) Connectivity through the urban environment is protected or enhanced; and d) The visual amenity and	<i>The proposal complies with the acceptable solution. No new road, public open space or other reserve is proposed to be created.</i>

- attractiveness of the urban environment is enhanced;
and
e) It furthers the local area objectives, if any.

10.4.15.6 Walking and Cycling Network

Objective

- a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and
- b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.
- c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Acceptable Solution	Performance Criteria	Proposal Response
A1 Subdivision must not create any new road, footpath or public open space.	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <ul style="list-style-type: none"> a) Link to any existing pedestrian and cycling networks; and b) Provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and c) Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and d) Promote surveillance along roads and from abutting dwellings. 	<i>The proposal complies with the acceptable solution. No new road, footpath or public open space is proposed to be created.</i>

10.4.15.7 Neighbourhood Road Network

Objective

- a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and
- b) To design and construct road carriageways and verges so that the road geometry

and traffic speeds provide an accessible and safe neighbourhood road system for all users.

Acceptable Solution	Performance Criteria	Proposal Response
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <ul style="list-style-type: none"> a) Take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and b) Provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and c) Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and d) Provide safe and efficient access to activity centres for commercial and freight vehicles; and e) Ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and f) Provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and g) Provide for service and emergency vehicles to safely turn at the end of a dead-end road; and h) Take into account any 	<p><i>The proposal complies with the acceptable solution. No new road is proposed to be created.</i></p>

identified significant features.

10.4.4.6 Integrated Urban Landscape

Objective

To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:

- a) Character and identity of new neighbourhoods and urban places; or
- b) To existing or preferred neighbourhood character, if any.

Acceptable Solution	Performance Criteria	Proposal Response
A1 The subdivision must not create any new road, public open space or other reserves.	<p>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <ul style="list-style-type: none"> f) It has regard to existing, significant features; and g) Accessibility and mobility through public spaces and roads are protected or enhanced; and h) Connectivity through the urban environment is protected or enhanced; and i) The visual amenity and attractiveness of the urban environment is enhanced; and j) It furthers the local area objectives, if any. 	<i>The proposal complies with the acceptable solution. No new road, public open space or other reserve is proposed to be created.</i>

10.4.4.7 Walking and Cycling Network

Objective

- a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and
- b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.
- c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Acceptable Solution	Performance Criteria	Proposal Response
A1 Subdivision must not create any new road, footpath or public open space.	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <ul style="list-style-type: none"> e) Link to any existing pedestrian and cycling networks; and f) Provide the most practicable direct access for cycling and walking to activity centres, community facilities, 	<i>The proposal complies with the acceptable solution. No new road, footpath or public open space is proposed to be created.</i>

- public transport stops and public open spaces; and
- g) Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and
- h) Promote surveillance along roads and from abutting dwellings.

Codes

Other Planning Considerations

E1.0 Bushfire Prone Areas Code – Not applicable, the subject site is not located within a bushfire-prone area.

E2.0 Potentially Contaminated Land Code – Not applicable, the site has not been previously utilized for a potentially contaminating activity.

E3.0 Landslip Code – Not applicable.

E4.0 Road and Railway Code

E4.6.1 Use of Road or Rail Infrastructure

Objective

To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

Acceptable Solution	Performance Criteria	Proposal Response
A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.	P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.	<i>Not applicable. Wellington Street and Smith Street are not a Category 1 or 2 road.</i>
A2 For roads with a speed limit of 60km/h or less the use	P2 For roads with a speed limit of 60km/h or less, the level of use,	<i>The proposal complies with the acceptable solution for lots. The</i>

must not generate more than a total of 40 vehicle entry and exit movements per day.	number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.	<i>traffic generation is assessed at less than 40 vehicle entry and exit movements per day (3 residential lots – approx. 27 vpd).</i>
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: a) Access to a category 1 road or limited access road must only be via an existing access or junction or the use of development must provide a significant social and economic benefit to the State or region; and b) Any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) An access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.	<i>Not applicable. The site is not within a speed limit of more than 60km/h.</i>

E4.7.1 Development on and Adjacent to Existing and Future Arterial Roads and Railways

Objective

To ensure that development on or adjacent to class 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:

- a) Ensure the safe and efficient operation of roads and railways; and**
- b) Allow for future road and rail widening, realignment and upgrading; and**
- c) Avoid undesirable interaction between roads and railways and other use or**

development.		
Acceptable Solution	Performance Criteria	Proposal Response
<p>A1</p> <p>The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> a) New road works, buildings, additions and extensions, earthworks and landscaping works; and b) Building envelopes on new lots; and c) Outdoor sitting, entertainment and children's play areas. 	<p>P1</p> <p>Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <ul style="list-style-type: none"> a) Maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) Mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) Ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) Ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority. 	<p><i>Not applicable. No new road works, buildings, additions or extension, earthworks or landscaping works is proposed as part of this proposal.</i></p>

E4.7.2 Management of Road Accesses and Junctions

Objective

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

Acceptable Solution	Performance Criteria	Proposal Response
<p>A1</p> <p>For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two</p>	<p>P1</p> <p>For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of</p>	<p><i>Only one access to provide both entry and exit per lot is proposed. An existing crossover will be utilised for the proposal for Lots 1 and</i></p>

accesses providing separate entry and exit.	safety for all road users, including pedestrians and cyclists.	3, with a new crossover proposed for Lot 2.
A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.	P2 For limited access roads and roads with a speed limit of more than 60km/h: a) Access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) Any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1,2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) An access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.	<i>Not applicable.</i>

E4.7.3 Management of Rail Level Crossings – Not applicable.

E4.7.4 Sight Distances at Accesses, Junctions and Level Crossings

Objective

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solution	Performance Criteria	Proposal Response
A1 Sight distances at a) An access or junction	P1 The design, layout and	<i>The proposal complies with A1. The existing</i>

- | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) Rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices – Railway crossings, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p> | <p>location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p> | <p><i>access point complies with the Safe Intersection Sight Distance shown in Table E4.7.4. The new access will also comply with the SISD in Table E4.7.4.</i></p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|

E5.0 Flood Prone Areas Code – Not applicable, the subject site is not mapped within the Flood Prone Areas Overlay.

E6.0 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective

To ensure that an appropriate level of car parking is provided to service use.

Acceptable Solutions	Performance Criteria	Proposal Response
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <p>a) Table E6.1; or</p> <p>b) A parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) The provisions of any relevant location specific car parking plan; and</p> <p>b) The availability of public car parking spaces within reasonable walking distance; and</p> <p>c) Any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</p> <p>d) The availability and frequency of public</p>	<p><i>A1 Whilst the proposal does not constitute use or development in terms of parking generation, it is appropriate to consider that each lot is capable of providing for sufficient area for future residential use, and that the existing funeral service use will retain parking. Parking arrangements will be unchanged.</i></p>

transport within
reasonable walking
distance of the site;
and

- e) Site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
- f) The availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and
- g) An empirical assessment of the car parking demand; and
- h) The effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and
- i) The recommendations of a traffic impact assessment prepared for the proposal; and
- j) Any heritage values of the site; and
- k) For residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
 - i) The size of the dwelling and the number of bedrooms; and
 - ii) The pattern of parking in the

locality; and

- iii) Any existing structure on the land.

E6.7 Development Standards – Not applicable to this development.

E6.8 Provisions for Sustainable Transport – Not applicable to this development.

E7.0 Scenic Management Code – Not applicable.

E8.0 Biodiversity Code – Not applicable.

E9.0 Water Quality Code – Not applicable.

E10.0 Recreation and Open Space Code

E10.6.1 Provision of Public Open Space

Objective

- a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and
- b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term.

Acceptable Solution	Performance Criteria	Proposal Response
A1 The application must include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.	P1 Provision of public open space, must: <ul style="list-style-type: none">a) Not pose a risk to health due to contamination; andb) Not unreasonably restrict public use of the land as a result of:<ul style="list-style-type: none">i) services, easements or utilities; andii) stormwater detention basins; andiii) drainage or wetland areas; andiv) vehicular access; andc) Be designed to:<ul style="list-style-type: none">i) provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; andii) reasonably contribute to the pedestrian	<i>A request is made to the General Manager of Council seeking written consent that no land is required for public open space but rather there be cash in lieu contribution for the two additional lots to be created.</i>

connectivity of the broader area; and

iii) be cost effective to maintain; and

iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and

v) provide for public safety through Crime Prevention Through Environmental Design Principles; and

vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and

vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and

viii) create attractive environments and focal points that contribute to the existing or desired future character statements, if any.

E11.0 Environmental Impacts and Attenuation Code – Applicable. See attached Site Specific Study.

E12.0 Airports Impact Management Code – Not applicable.

E13.0 Local Historic Cultural Heritage Code

E13.5 USE STANDARDS

E13.5.1 Alternative Use of heritage buildings - Not applicable to this proposal.

E13.6 DEVELOPMENT STANDARDS

E13.6.1 Demolition

Objective

To ensure that the demolition or removal of buildings and structures does not impact on

the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.

Acceptable Solution	Performance Criteria	Proposal Response
A1 Removal of non-original cladding to expose original cladding.	<p>P1.1 Existing buildings, parts of buildings and structures must be retained except:</p> <ul style="list-style-type: none"> a) There the physical condition of place makes restoration inconsistent with maintaining the cultural significance of a place in the long term; or b) The demolition is necessary to secure the long-term future of a building or structure through renovation, reconstruction or rebuilding; or c) There are overriding environmental, economic considerations in terms of the building or practical considerations for its removal, either wholly or in part; or d) The building is identified as non-contributory within a precinct identified in Table E13.1: Heritage Precincts, if any; and <p>P1.2 Demolition must not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.</p>	<p><i>The proposal is to remove more modern and non-original additions which will expose the original windows in the two heritage listed buildings (which are presently concealed). The proposal complies with the acceptable solution.</i></p>

E13.6.2 Subdivision and development density

Objective

To ensure that subdivision and development density does not impact on the historic heritage significance of local heritage places and the ability to achieve management objectives within identified heritage precincts.

Acceptable Solution	Performance Criteria	Proposal Response
A1 No acceptable solution.	<p>P1 Subdivision must:</p> <ul style="list-style-type: none"> a) Be consisted with and reflect the historic development pattern of the precinct or area; and b) Not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the 	<p><i>The proposed lots are commensurate in size and shape with the surrounding pattern of subdivision, particularly fronting Wellington Street. Wellington Street is provided with a range of lots sizes which range from low 600m²</i></p>

- area; and
- c) Not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and
- d) Not require the removal of vegetation, significant trees of garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage precinct; and
- e) Not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.
- to mid 2000m². Frontages vary also from approximately 6m to 60m. Lot 1 is likely to be developed with a single dwelling, multiple dwellings are also possible, however, further discretion would also be invoked under the Local Historic Heritage Code provisions. Although the proposed subdivision will remove the hall from the church the buildings are to be retained with existing more modern addition removed. The subdivision does not require the removal of vegetation, significant trees or garden settings of historical significance. The proposal is a pattern of subdivision that reflects the prevailing patterns in the area and will encourage development of one additional single dwelling. The proposal is considered to meet the performance criteria.*

- E13.6.3 Site Cover** – Not applicable.
- E13.6.4 Height and Bulk of Buildings** – Not applicable.
- E13.6.5 Fences** – Not applicable.
- E13.6.6 Roof Form and Materials** - Not applicable.
- E13.6.7 Wall materials** - Not applicable.
- E13.6.8 Siting of Buildings and Structures** - Not applicable.
- E13.6.9 Outbuildings and Structures** – Not applicable.
- E13.6.10 Access Strips and Parking** – Not applicable.
- E13.6.11 Places of Archaeological Significance** - Not applicable.
- E13.6.12 Tree and Vegetation Removal** - Not applicable – no vegetation removal is proposed.
- E13.6.13 Signage** - Not applicable.
- E13.6.14 Maintenance and Repair** - Not applicable.

E14.0 Coastal Code – Not applicable.

E15.0 Signs Code – Not applicable.

F2 Heritage Precincts Specific Area Plan

F2.5 Standards for Development – no relevant development provisions apply to the proposed 3 lot subdivision and demolition.

F2.6 Use Standards – no relevant use provisions apply to the proposed 3 lot subdivision and demolition.

5.2 State Policies

State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* came into operation on 27 September 1997. This policy applies to all surface water, including coastal waters, and groundwater's, other than privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public, or, water in any tank, pipe or cistern.

Clause 31.5 of the Policy requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

The nature of future use and development combined with the capacity of the Planning Authority to impose appropriate conditions in any subsequent planning approvals provides the opportunity for the relevant requirements of the Policy to be met.

On the above basis, it is considered that the dispensation complies with the provisions of the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* came into operation on 3 September 2009. The Policy applies to all agricultural land in Tasmania.

The Agricultural Land Policy defines 'Agricultural land' as:

Means all land that is in agricultural use or has the potential for agricultural use, that has not need zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The site has been zoned for urban use and is therefore not classed as agricultural land and the Agricultural Land Policy does not apply to the land.

State Coastal Policy 1996

The *State Coastal Policy 1996* came into operation on 10 October 1996. This policy applies to the coastal zone, which includes all State waters and land within 1km from the High-Water Mark.

The site is not located within 1km of the coast and the State Coastal Policy does not apply to the land.

National Environment Protection Measures

In accordance with Section 12A of the *State Policies and Projects Act 1993*, a national environment protection measure is taken to be a State Policy. The following therefore require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999

- Movement of controlled waste between States and Territories 19998
- National pollutant inventory 2000

The site has no land use history that indicates contamination. It is considered that the NEPMs will have no impact on the proposed amendment.

5.3 Summary of Development

The proposed development fulfils the requirements of Section 43C of LUPAA by:

- Seeking to further the objectives set out in Schedule 1 of the Act; and
- Taking into consideration the prescribed matters, being the *Northern Midlands Interim Planning Scheme 2013*, as are relevant to the subject application.

6. Conclusion

This application satisfies the requirements of both Section 33 and Section 43A of LUPAA. This submission demonstrates that the proposal is consistent with Council's strategic objectives for this area as articulated in the Northern Tasmania Regional Land Use Strategy.

The proposal is consistent with the objectives of Schedule 1 of LUPAA and serves to uphold the values and objectives of the *Northern Midlands Interim Planning Scheme 2013*.

This application therefore seeks:

- An amendment to the Scheme to change the zoning of CT 159522/1 comprised within the 17.0 Community Purpose Zone to 10.0 General Residential Zone;
- To consider a development application for a 3-lot subdivision and demolition works.

**Site Specific Study for
41-43 Wellington Street, LONGFORD
3 Lot Subdivision & Demolition**

Response to Planning Scheme provisions of Code E11-
Environmental Impacts and Attenuation Code, Clause E11.6.1 (P1):

P1 Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in Tables E11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the:

a) degree of encroachment:

How close is the emitting operation?

Approximately 675m to Abattoir.

What is between the subject site and the emitting operation?

A number of dwellings, visitor accommodation and business premises.

b) nature of the emitting operation being protected by the attenuation area:

What emissions does the operation produce? (noise and odours etc).

Noise and odours.

Are these emissions prevalent at this site?

Nil due to distance.

If so, how do the emissions affect the subject site?

.....
.....

degree of hazard or pollution that may emanate from the emitting operation:

Are the emission produced having negative effects on the site?

No.

Is the degree of impact at the site increased, lessened or the same as a result of the structure?

No change. No new sensitive use is proposed within the attenuation distance as part of this application.

c) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use:

Are there any manmade or natural buffers offered on site, or in the surrounding area, that may reduce the impact of the emitting operation? (i.e. distance of residential development between the subject site and emitting operation)

The separation distance is approximately 675m, with a number of other sensitive uses between the subject site and the emitting operation, therefore there is no impact from the emitting operation on the proposal.



Signed:

Date: 29 March 2020