

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Launceston Interim Planning Scheme 2015
Amendment	70 - rezone 10-16 Wellington Street, Launceston from Community Purpose to Urban Mixed Use
Planning authority	Launceston City Council
Applicant	Red Panda Property Group
Date of decision	7 June 2022

Decision

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

John Ramsay
Executive Commissioner

Note:

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

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone 10-16 Wellington Street, Launceston (folio of the Register 133230/1) from Community Purpose to Urban Mixed Use.

Site information

The site is located on a corner lot fronting Paterson and Wellington Street in Launceston and is 5,361m² in size.

The site is currently vacant, but was formerly used for educational and training purposes by TasTAFE. It contains a two-storey building which is constructed to the Wellington Street and Paterson Street frontages forming a 'U' shape. A courtyard is located within the building which contains pedestrian space and vehicle parking area.

Surrounding land is zoned Community Purpose to the north (Queen Victoria Museum and Art Gallery) and south (Launceston College and formerly TasTAFE), Recreation to the west (Royal Park) and Urban Mixed Use to the east. The Heritage Places Overlay applies to the site.

Existing connections to water, sewage and stormwater are located on the site.

Issues raised in representations

No representations were received during the exhibition period.

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

Under section 56S(3) of the *Water and Sewerage Industry Act 2008*, the TasWater submission is taken to be a representation.

Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. One representation was received and after consultation under section 40(2A) of the Act, the Commission dispensed with holding a hearing.
3. The amendment has been initiated and certified by the Launceston City Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
 - (ea) must not conflict with the requirements of section 300;

- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
- 5. Section 32(1)(e) is not relevant to the draft amendment as the subject site does not adjoin an adjacent municipal area.
- 6. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.
- 7. Section 300 includes that:
 - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
- 8. Subsections 300(2)-(5) inclusive relate to the effect of amending a local provision with respect to common provisions. These matters are not relevant, as to the draft amendment has no implications for any common provisions.
- 9. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Northern Tasmania Regional Land Use Strategy 23 June 2021 (regional strategy), the planning scheme and representations.

Regional land use strategy

- 10. The applicant's supporting report submits that the site is located on the boundary with existing Urban Mixed Use zoned land in Launceston and the proposed zoning is compatible with the zoning of the existing urban uses in the surrounding area.
- 11. The intended future use of the site is for a mixed residential, visitor accommodation, food service and hotel industry use development for which most of these uses are prohibited or limited under the current Community Purpose Zone.
- 12. The applicant submits that the site is underutilised land, will represent consolidation and infill within an urban growth area and will address the increasing demand for housing in Launceston. The applicant also considers that the Urban Mixed Use Zone provisions provide the flexibility to consider the future mixed use development at the site, subject to compliance with use and development provisions of the applicable planning scheme.
- 13. The applicant submits that the residential use at the site accords with the settlement policy of the regional strategy by introducing a mixture of residential homes into a highly urbanised area, creating housing diversity and providing larger households with the opportunity to locate in an area serviced by existing infrastructure and an abundance of employment and active transport options.
- 14. The applicant submits that the proposed rezoning will reinforce the role of the Launceston as the Principal Regional Activity Centre under the regional strategy by applying the Urban Mixed Use zone to the site which provides for a range of administrative, government, business, commercial, cultural, higher order retail, recreational, arts and tourism uses.
- 15. The planning authority section 35 report also submits that the site is within a Principal Regional Activity Centre.
- 16. The planning authority submits that:

Launceston is considered to be the Principal Regional Activity Centre within the Regional Activity Centre hierarchy. As the site is within the Launceston Central Area, the change of zoning will contribute to this hierarchy. The new uses that will be able to occur on the site area considered beneficial and able to positively contribute to the region as a whole.

17. The planning authority submits that for the regional policy settlement policies:

The proposal is for a change of zoning that will allow new uses to occur on the site that are currently prohibited. The Urban Mixed Use zone will allow for residential use and development opportunities within the identified Urban Growth area. Being an established and built site, as well as its proximity to the City, new and alternative forms of residential types will be able to occur.

18. The planning authority submits that the change of zoning will encourage new urban residential expansion around the activity centre. The planning authority submits that the change of zoning to Urban Mixed Use will ensure housing diversity on an appropriately located site in close proximity to the Principal Regional Activity Centre and that it can be considered to be infill due to its ability to accommodate higher residential density within an inner City area.

19. The planning authority submits that:

The site will allow the opportunity for higher density development to occur within the area, in close proximity to transport nodes and corridors. Being within the Urban Mixed Use zone will allow a range of mixed uses to occur that reflect the regional activity centre network. Being an existing underutilised site within the Launceston Central Area, it makes strategic sense to allow new active uses to occur.

Commission's consideration

20. The Commission notes the applicant and planning authority submission that site adjoins a mixed use area and under the regional land use strategy the Launceston Central Area is a Principal Regional Activity Centre. The regional strategy states that the Principal Regional Activity Centre should provide a comprehensive range of services and facilities including public transport.
21. Under the regional settlement network policies and actions Policy RAC-P2 states that:
- Reinforce the role of the Launceston Principal Activity Centre as the primary focus for administration, government, business, commercial, cultural, high order retail goods (including bulk goods locations/ precincts) recreational, arts and tourism activity for the region.
22. Action RSN-A8 requires that:
- RSN-A8
- Identify areas with existing mixed land use patterns, 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.
23. The Commission agrees that the rezone will allow for a range of mixed uses to occur on the site in accordance with regional activity centre network on an existing underutilised site within the Launceston Central Area, which is close to public transport and takes advantage of the existing infrastructure of the site.
24. The Commission finds that the draft amendment is, as far as is practicable, consistent with the regional strategy and the strategic plan.

City of Launceston Corporate Strategic Plan 2014-2024

25. The planning authority considers that the draft amendment is consistent with the following goals of the strategic plan:

Goal 2: To promote Launceston as a unique place to live, work and play.

Goal 5: To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards.

Goal 6: To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions.

Goal 7: To develop a strategic and dedicated approach to securing investment in Launceston.

Goal 8: To communicate and engage consistently and effectively with our community and stakeholders.

26. The planning authority submits that the draft amendment is consistent with the strategic plan as it will 'ensure there is future opportunity for residential use to occur' for goal 2 and 'ensure appropriate opportunities are present for new uses to occur over the site' for goal 6.

Commission's consideration

27. The Commission agrees with the planning authority that the draft amendment will provide for new use, including residential, to occur adjacent to land already zoned Urban Mixed Use. The Commission is satisfied that the draft amendment is consistent with the strategic plan.

Policies and Resource Management and Planning System Objectives

28. The planning authority and the applicant consider that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.
29. The site is located within 1km of the high water mark and the *State Coastal Policy 1996* applies. The Commission finds the draft amendment is prepared in accordance with the Coastal Policy.
30. The Commission finds that no other State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Modifications required to draft amendment

31. Rezoning of the adjoining road to the centreline consistent with the Commission's established mapping practice is required to avoid leaving a portion of the road on Paterson Street in the Community Purpose Zone.
32. The modified amendment is provided in Annexure A.

Decision on draft amendment

33. Subject to the modifications described above, the Commission finds that the draft amendment is in order and may be approved.

Attachments

Annexure A – Modified amendment

Annexure A

Modified amendment 70

Rezone 10-16 Wellington Street, Launceston (folio of the Register 133230/1) from Community Purpose to Urban Mixed Use.

