TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Tasmanian Planning Scheme - Northern Midlands
Amendment	28-2026 - Apply the General Residential Zone to 69 Cromwell Street, Perth folio of the Register 43986/1
Planning authority	Northern Midlands Council
Date of decision	3 November 2026

Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.



John Ramsay
Executive Commissioner

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone 69 Cromwell Street, Perth folio of the Register 43986/1 from the Light Industrial Zone to the General Residential Zone.

Site information

The site has an area of 4,194m^2, and is a rectangular-shaped lot with frontages to Cromwell and Phillip Streets. The site is undeveloped and contains sparse vegetation. A minor watercourse/drain adjoins the eastern boundary of the site.

The entire site is subject to the bushfire-prone hazard area and the airport obstacle limitation area overlays. The Natural Assets Code - waterway and coastal protection area overlay applies along the eastern boundary of the site to recognise the adjoining watercourse/drain.

Land to the north of the site is in the Future Urban Zone, while land to the east and west of the site is in the General Residential Zone. The two lots located to the south of the site are in the Light Industrial Zone.

Issues raised in representations

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

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

Consideration of the draft amendment

Statutory requirements

1. The Commission is required to consider the draft amendment to the Northern Midlands Local Provisions Schedule (LPS) under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act). This includes consideration of the representations, the statements and recommendations contained in the planning authority's section 40K report, any information obtained at a hearing, and any technical matters.
2. Under section 40L(2) of the Act, the Commission dispensed with holding a hearing as the representor (TasWater) notified the Commission it did not wish to attend the hearing.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out in section 34(2) of the Act. The criteria require that the draft amendment:

(a) contains all the provisions that the State Planning Provisions (SPPs) specify must be contained in an LPS; and

(b) is in accordance with section 32; and

(c) furthers the objectives set out in Schedule 1; and

(d) is consistent with each State policy; and

(da) satisfies the relevant criteria in relation to the Tasmanian Planning Policies (TPPs); and

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

(f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

(h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

4. Where relevant, these matters are discussed in the sections below.

Suitability of the General Residential Zone

5. The planning authority, in its supporting report dated 20 July 2026, submitted that the application of the General Residential Zone was consistent with principles GRZ 1, GRZ 2, and GRZ 3 of Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) for the following reasons:

- the land was not targeted for higher density of residential use and development
- the site was connected to reticulated services
- the Perth Structure Plan March 2017 identified the site as having potential for residential infill/subdivision
- the bushfire-prone hazard area and waterway and coastal protection area overlays would not prevent or impede residential use and development; and
- although the amendment would result in another lot in the General Residential Zone adjoining the Light Industrial Zone, the provisions of the Light Industrial Zone required the impact of light industrial use and development on the amenity of land zoned General Residential to be considered.

Commission consideration

6. The Commission is satisfied the land is suitable for the General Residential Zone and is consistent with the principles expressed in Guideline No. 1. In particular, the land is serviced with reticulated water and sewer, is within an existing urban residential area, and is not constrained by natural hazards, native vegetation, or other features that would prevent the land being developed.

7. The Commission is also satisfied the site is recognised as having the potential for residential infill/subdivision in the Perth Structure Plan. The Perth Structure Plan proposed infill development based on the principles of the Northern Tasmanian Regional Land Use Strategy to accommodate future growth. The north-western part of Perth is specifically identified in the Perth Structure Plan as being intended for infill development.

8. Although the interface between the Light Industrial Zone and residential land would no longer be buffered by Phillip Street, the Commission is satisfied any potential land use conflict can be managed through the standards of the Light Industrial Zone. These standards control use, hours of operation, external lighting, and commercial vehicle movements.

9. It is otherwise noted the Perth Structure Plan identifies a strategy to relocate the adjacent industrial activities to a suitable location outside Perth.

Tasmanian Planning Policies

10. The planning authority, in its supporting report, provided a detailed consideration of the draft amendment against the relevant criteria (strategies) of the TPPs. The planning authority identified the growth, liveability, housing, waterways, wetlands and estuaries, bushfire, flooding, contaminated air and land, and industry strategies as being relevant to the draft amendment. The planning authority submitted that the draft amendment satisfied these strategies because it would:

    - allow under-utilised land within an existing settlement to be used for growth instead of expansion of residential land outside existing settlements
    - maximise the use of available capacity within existing physical and social infrastructure networks and services
    - promote residential use and development in areas that are close to, or are well connected to, activity centres and employment sources
    - improve neighbourhood amenity by managing incompatible use and development
    - provide housing in locations that are, or can be, easily connected to, and integrated with, a range of services including social and physical infrastructure, community services, health and education facilities, and public transport
    - supply land for housing that meets the projected housing demand
    - retain the waterway and coastal protection area overlay along the rear boundary with Sheepwash Creek

- retain the bushfire-prone hazard area overlay on the land, which would ensure future subdivision and development of dwellings were assessed against the Bushfire-Prone Areas Code in the SPPs
- rezone industrial land in the north-western part of Perth, and relocate potential industrial activities to a suitable location, outside the study area; and
- not be on a potentially contaminated site.

11. In response to the flooding strategies of the TPPs, the planning authority noted:

> The 'Statewide Flood Mapping (1.0% AEP Depth – Overland Flooding [Climate Change]) shows small areas of the property subject to flooding of up to 0.25 m. The limited extent and shallow depth of mapped flooding do not present an impediment to the future development of 69 Cromwell Street.'

Commission consideration

12. The Commission considers the draft amendment satisfies the relevant criteria in relation to the TPPs. The draft amendment would provide for infill residential use and development in a serviced urban settlement on land suitable for that purpose. The Commission also considers the draft amendment would support the strategy of the Perth Structure Plan to relocate the existing industrial activities in the north-western area of Perth to other suitable locations to consolidate the area for use for urban residential purposes.

Regional land use strategy

13. The relevant regional strategy is the Northern Tasmanian Regional Land Use Strategy, 23 June 2021 (regional strategy).
14. The planning authority, in its supporting report, submitted that the draft amendment was consistent with the regional strategy because the land was incorporated in a Supporting Consolidation Area.

Commission consideration

15. The Commission notes the land is within a Supporting Consolidation Area in the regional strategy. A Supporting Consolidation Area identifies land within urban settlements that are serviced with reliable and effective transportation, are connected to existing communities, support a wide range of services and facilities, and are near existing activity centres. The Commission finds the draft amendment is within an existing settlement and supports the purpose of a Supporting Consolidation Area and is therefore consistent with the regional strategy.

Northern Midlands Council Strategic Plan 2021–2027

16. The relevant strategic plan is the Northern Midlands Strategic Plan 2021-2027. The planning authority submitted (in part):

> The strategic plan is based upon four key priorities… and each key priority has four strategic outcomes. Of most relevance to this draft amendment is strategic outcome Progress (Perth Structure Plan).'

17. The planning authority submitted that the rezoning was supported within the Perth Structure Plan as was future subdivision.

Commission consideration

18. As discussed above, the Commission is satisfied the General Residential Zone is supported by the Perth Structure Plan.

19. The Commission finds that the draft amendment has regard to the Council's strategic plan prepared under section 66 of the *Local Government Act 1993*.

State Policies

20. In the supporting report, the planning authority submitted that the draft amendment was 'consistent with the State policies as far as they are applicable'.

Commission consideration

State Coastal Policy 1996

21. The Commission finds that, due to the location of the site being outside the coastal zone identified in the *State Coastal Policy 1996*, the Policy does not have application to the draft amendment.

State Policy on the Protection of Agricultural Land 2009

22. The Commission finds the *State Policy on the Protection of Agricultural Land 2009* does not apply as the site is not agricultural land as defined in the Policy.

State Policy on Water Quality Management 1997

23. The draft amendment is consistent with the *State Policy on Water Quality Management 1997*, particularly as the site is in an urban area with reticulated services. The Commission finds that water quality management requirements can be applied to future development.

National Environment Protection Measures

24. There is no evidence that any *National Environment Protection Measures* (NEPMs) apply to the proposal. The planning authority noted in its supporting report that it had no record that the land had contained a potentially contaminating activity. The Commission is satisfied that the draft amendment is consistent with the NEPMs.

Schedule 1 Objectives of the Act

25. The planning authority, in its supporting report, submitted that the draft amendment was consistent with the objectives in Part 1 of schedule 1, particularly as the General Residential Zone would increase the chance the site would be developed.

26. The planning authority also submitted that the draft amendment was consistent with the objectives in Part 2 of schedule 1 on the basis the proposal was consistent with the relevant parts of the regional strategy. Additionally, the planning authority submitted the draft amendment would not negatively impact on public infrastructure or agricultural land.

Commission consideration

27. The Commission finds the draft amendment furthers the objectives of the Resource Management and Planning System set out in schedule 1 of the Act. The draft amendment would provide for fair, orderly, and sustainable use and development.

Modifications required to draft amendment

28. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.

29. The Commission notes that the application of the General Residential Zone in the certified draft amendment instrument ceased at the property boundaries, however the existing Light Industrial Zone is applied to the road centreline. A modification to the zoning is therefore required to ensure the General Residential Zone is applied to the road centreline in accordance with the Commission's Practice Note 7.

Decision on draft amendment

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

Attachments

Annexure A - Modified amendment

Annexure A

Modified amendment 28-2026, Tasmanian Planning Scheme - Northern Midlands

Apply the General Residential Zone to 69 Cromwell Street, Perth folio of the Register 43986/1 and the adjoining roads as shown in Figure 1 below:



Figure 1 – Application of the General Residential Zone at 69 Cromwell Street, Perth