

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Tasmanian Planning Scheme - Northern Midlands
Amendment	12/2023 - Rezone 75-77 High Street, Campbell Town from the Community Purpose Zone to the General Business Zone
Planning authority	Northern Midlands Council
Date of decision	27 March 2024

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 75-77 High Street, Campbell Town from the Community Purpose Zone to the General Business Zone.

Site information

75-77 High Street, Campbell Town (the site), is located on the corner of William Street and High Street. The site has an area of 1,419m², including a right of carriageway easement.

The site contains a civic building and outbuilding. The main building was constructed in 1939 as the Town Hall. The building is currently used as an office for Service Tasmania, a volunteer visitor information centre, a museum, and a monthly community market.

The site is adjacent to other civic uses, including a library and fire station, which are in the Community Purpose Zone.

Three code overlays apply to the site, including:

- Safeguarding of Airports Code, Airport obstacle limitation area (1,350m AHD);
- Natural Assets Code, Priority vegetation area; and
- Local Historic Heritage Code, Local heritage precinct (Campbell Town Heritage Precinct).

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 prior to the exhibition period stating no objection to the draft amendment and that TasWater did not wish to attend any hearing.

No other representations were received.

Planning authority's response to the representations

The planning authority's section 40K report advised that no representations were received during the exhibition period and recommended that no modification to the draft amendment is required.

Consideration of the draft amendment

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's report supporting the draft amendment (supporting 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 notified the Commission they did not wish to attend the hearing.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the 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 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*.

Regional land use strategy

4. The relevant regional strategy is the Northern Tasmania Regional Land Use Strategy, 23 June 2021 (regional strategy).
5. In its report supporting the draft amendment (supporting report), the planning authority advised that Campbell Town is categorised as a District Service Centre under the regional strategy. The planning authority considered that the draft amendment is consistent with the regional strategy as the proposed zoning complements the role and functions of a District Service Centre.
6. The planning authority stated that, without the Campbell Town Hall in operation as a community hall, the town has other health and cultural facilities on offer. These include the:
 - Campbell Town District Health Centre;
 - Campbell Town Recreation Ground Complex; and
 - Campbell Town Guide Hall.

Commission consideration

7. The Commission agrees with the planning authority's findings. In addition, the Commission notes that Campbell Town is identified as a Regional Service Centre under the Northern Tasmanian Regional Activity Network in Table E.1 of the regional strategy. This categorisation is described as:

Significant regional settlement areas with an important sub-regional role in terms of access to a wide range of services, education and employment opportunities. Employment within District Centres is strongly related to surrounding productive resources. (p. 27)
8. The site is currently used for Business and Professional Services (offices), Tourist Operation (visitors centre), Community Meeting and Entertainment (museum) and General Retail and Hire (market), which is consistent with the Regional Service Centre description. It is noted that if the site is rezoned to General Business these uses may continue to operate at the site.
9. The purpose of the General Business Zone is:
 - 15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres.

10. The Commission considers that the General Business Zone at the site is consistent with the regional strategy as it supports the Regional Service Centre objectives by allowing a broader range of commercial and community uses.
11. The Commission has considered potential results from the loss of the Community Purpose Zone at the site.
12. Regional outcome E.6.2 of the regional strategy states:

Shape resilient, liveable and prosperous communities supported by high quality community infrastructure and living environments to meet communities' particular social, education, health care and living needs. (p. 49)
13. The purpose of the Community Purpose Zone is:
 - 27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.
 - 27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.
14. It is considered that the purpose statements for the Community Purpose Zone also align with the regional strategy. However, as discussed under the zone considerations below, rezoning the site does not remove the ability to use and develop community facilities and infrastructure. Rather, it increases the amount of uses allowable at the site that are appropriate for the location.
15. In addition to the locations identified by the planning authority above, the Commission notes that the site is within walking distance to the following health and education facilities.
 - Campbell Town Health and Community Service
 - Campbell Town Early Learning Centre
 - Campbell Town District High School
 - Campbell Town Swimming Pool
 - Valentine Park
16. It is considered that the site is in an appropriate location to support Regional Outcome E.6.2 by providing a zone that allows flexible use and development in an area supported by high quality community infrastructure.
17. The Commission finds that the draft amendment is, as far as practicable, consistent with the regional strategy.

Planning Scheme provisions

Zones

18. In its supporting report, the planning authority considered that the wider range of uses in the General Business Zone allows future owners of the site greater flexibility in reusing the buildings. It considered that the zone is appropriate as it is in the defined main street business precinct of Campbell Town.
19. The planning authority identified that the key change between the zones is in the use provisions, where the General Business Zone has extended hours of operation. It considered that this change would not have an unreasonable impact on residential zoned properties as they are located approximately 53m from the main entrance to the building.

Codes

20. The planning authority noted the overlays and associated codes that apply to the site, as identified in the site description, and advised that these will continue to apply if the site is zoned General Business.

Commission consideration

Zones

21. The Commission has reviewed the information received from the planning authority against the planning scheme and considers the following.
22. Relevant new uses that may operate at the site include:
- Bulky Goods Sales (Permitted (P) - unqualified)
 - General Retail and Hire (No Permit Required (NPR) - unqualified)
 - Hotel Industry (P) - unqualified)
 - Manufacturing and Processing (Discretionary (D) - unqualified)
 - Research and Development (P) - unqualified)
 - Residential (NPR and P - qualified, (D) - unqualified)
 - Resource Processing (D) - qualified)
 - Service Industry (D) - unqualified)
 - Storage (D) - unqualified)
 - Transport Depot and Distribution (D) - qualified)
 - Vehicle Fuel Sales and Services (D) - unqualified)
 - Visitor Accommodation (P) - qualified, (D) - unqualified)
23. Many of these uses, such as General Retail and Hire, Hotel Industry, and Visitor Accommodation are typically associated with activity in town centres.
24. Should the site be rezoned, the uses would be restricted in size and scale due to the size of the land and the existing buildings at the site. Additionally, the existing buildings on the site are considered under the Local Historic Heritage Code. This is discussed further below.
25. It is noted that the hours of operation for uses in the General Business Zone are longer than those allowed in the Community Purpose Zone. The Commission agrees with the planning authority that this change is not significant as the main entrance to the building is located along High Street, which is the furthest point of the existing building from the General Residential Zone. The Commission notes that noise generated from areas both inside and outside the building would be considered against the relevant provisions of the zone to determine if any noise mitigation measures are required.
26. The Commission accepts that the impact of the removal of the Community Purpose Zone is minimal. Uses that are currently allowable in that zone, Crematoria and Cemeteries and Recycling and Waste Depot, are prohibited in the General Business Zone and were never likely to occur at that site.

Codes

Safeguarding of Airports Code

27. It is considered that the use and development allowable under the General Business Zone would not impact the Safeguarding of Airports Code as the obstacle limitation area is 1,350m AHD.

Natural Assets Code

28. The Commission notes that the planning authority stated in its supporting report that:
- The eastern end of the site is subject to the Priority Habitat Overlay and this will remain in place and therefore any works within that portion of the site will be subject to the Natural Assets Code. (p. 9)
29. The Commission notes that under clause C7.2.1(c) of the Natural Assets Code should not apply to land in the General Business Zone.
30. It is not clear why the Natural Assets Code applies to a portion of the site. Two trees are located on the boundary, with the remaining area consisting of grass and bitumen. Both trees are introduced species. Under the TASVEG 3.0 data, the vegetation on the site is identified as 'Agricultural, urban and exotic vegetation'. It is not identified as threatened or priority vegetation.
31. Given that the site does not contain native vegetation, and the Natural Assets Code would not apply to the priority vegetation area overlay if the site is rezoned to General Business, the Commission finds the draft amendment requires modification to remove the priority vegetation area overlay in accordance with section 32(2)(l) of the Act.

Local Historic Heritage Code

32. The Campbell Town Heritage Precinct is described as:
- ... the core of a substantially intact nineteenth century townscape, with its significant built fabric, and its atmosphere of a traditional resting place on the main road between the north and south. Its wide main street, historic buildings and resting places for travellers all contribute to its unique character. High Street has remained as the main commercial focus for the town, continuing to serve the needs of the residents, visitors and the agricultural community. (listing NOR-C6.2.1 of NOR-Table C6.2)
33. The Campbell Town Heritage Precinct applies to a large area of Campbell Town which includes land in the General Business Zone. Many of these sites have heritage significance and are listed on the State Government's Tasmanian Heritage Register or under the LPS as a local heritage listed place. This site is not a local or state heritage listed place.
34. As nearby land in the Campbell Town Heritage Precinct is in the General Business Zone, it is considered that rezoning the site would not conflict with the significance of the Campbell Town Heritage Precinct. The provisions of the General Business Zone and the Local Historic Heritage Code are anticipated to maintain the values of the heritage precinct.
35. In addition, it is considered that the General Business Zone allows use and development that would complement High Street, as it is identified as being the main commercial focus for the town. It is considered that the General Business Zone would not impact on the intent of the Campbell Town Heritage Precinct under the Local Historic Heritage Code.

Campbell Town Specific Area Plan

36. The Campbell Town Specific Area Plan (SAP) applies to the site. The SAP applies to the General Residential Zone, Low Density Residential Zone, Open Space Zone, and Local Historic Heritage Code.
37. The SAP includes plan purpose statements including:
 - NOR-S2.1.2 To encourage use and development that promotes a vibrant main street and high quality public open space conducive for visitor stop overs.
 - NOR-S2.1.3 To encourage the provision of visitor accommodation and community facilities that support annual events and promotes Campbell Town as a meeting centre.
38. Given that the SAP doesn't apply to the Community Purpose or General Business zones, and no change is proposed to the Local Historic Heritage Code overlay at the site, it is considered that the draft amendment would not impact the application of this SAP.
39. Furthermore, the Commission finds that many of the uses allowable in the General Business Zone, as discussed under the Zone consideration section, support the SAP plan purpose by promoting a vibrant main street and meeting centre.

State Policies

40. The planning authority considered that the State Coastal Policy 1996, State Policy on the Protection of Agricultural Land 2009, and National Environmental Protection Measures are not applicable to this draft amendment.
41. The planning authority further considered that as the site is connected to existing reticulated stormwater and sewerage services, the draft amendment is consistent with the State Policy on Water Quality Management 1997 (Water Quality Policy).

Commission consideration

42. The Commission agrees with the planning authority's findings on the State Policies and that the draft amendment is consistent with the Water Quality Policy.

Resource Management and Planning System Objectives

43. In its supporting report, the planning authority considered that the draft amendment furthers the objectives of the Act as rezoning the site to General Business provides the future owner with more opportunities to use and develop the site. It considered that the draft amendment is consistent with the zoning of properties along High Street.

Commission consideration

44. The Commission agrees with the planning authority that the draft amendment furthers the objectives of the Act as use and development associated with the General Business Zone aligns with the function of Campbell Town centre.

Modifications required to draft amendment

45. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
46. The draft amendment is modified to include the adjacent William Street road reserve to the centreline. This modification is consistent with the Commission's approach to zoning across the state.
47. The draft amendment is also modified to remove the priority vegetation area overlay from the site.

Decision on draft amendment

48. Subject to the modifications described above, 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 12/2023

1. Rezone 75-77 High Street, Campbell Town and the adjacent William Street road reserve to the centreline from the Community Purpose Zone to the General Business Zone, as shown below.



2. Remove the priority vegetation area overlay from 75-77 High Street, Campbell Town, and the adjacent William Street road reserve to the centreline, as shown below.

