

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Tasmanian Planning Scheme - West Coast
Amendment	01-21 - rezone 10 Sticht Street, Queenstown from General Residential to General Business
Planning authority	West Coast Council
Applicant	ERA Planning and Environment
Date of decision	15 June 2021

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.

Sandra Hogue
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 Sticht Street, Queenstown from the General Residential to the General Business Zone.

Site information

The folios of the Register; 226665/1, 71145/1 and 212809/9 are adjoining lots located on the corner of Sticht and Hunter Streets in Queenstown. They occupy a land area of 645m². Land on the opposite side of Sticht Street is owned by West Coast Council and contains the West Coast Community Services Hub and car park. The building containing the Council chambers and office faces Sticht Street and those containing the Queenstown Child and Family Centre and local branches of Service Tasmania, TasTAFE and Libraries Tasmania face Driffield Street. Land on the opposite side of Hunter Street contains a dwelling.

The site is adjoined to the north and west by land used for residential purposes.

Issues raised in representations

One representation was received from TasWater. TasWater raised no concerns with the draft amendment or proposed development.

Planning authority's response to the representations

The planning authority advised that no representations were received, other than the TasWater notice, and requested the Commission to endorse the draft amendment as presented.

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. The draft amendment was initiated, certified and exhibited by the planning authority under the former provisions of the *Land Use Planning and Approvals Act 1993*. However, on 27 May 2021, the Tasmanian Planning Scheme – West Coast came into effect.
3. Schedule 6 of the current provisions of the *Land Use Planning and Approvals Act 1993* (the Act) provides for the saving of draft amendments that have been initiated by planning authorities under the former provisions. Under Schedule 6, clause 4 saves amendments that alter the designation of zoning and clause 5 saves amendments establishing a specific area plan. As a result, Part 3B of the Act applies to the draft amendment as if it were a draft amendment of the Local Provisions Schedule (LPS).

4. Therefore, under section 40M of the Act, the Commission is required to consider the draft amendment and the planning authority's section 40K report which includes the representations, the planning authority's opinion on the merit of the representations and any recommendations on the draft amendment it thinks fit. The Commission must also consider information obtained at the hearing, whether the draft amendment meets the LPS criteria as set out under section 34 of the Act and whether modifications ought to be made to the draft amendment.
5. One representation was received and after consultation under section 40L(2A) of the Act, the Commission dispensed with holding a hearing.

Regional Land Use Strategy

6. The relevant regional strategy under section 300(1) is the Cradle Coast Regional Land Use Strategy 2010 – 2030, 27 October 2011 (the regional strategy).
7. The applicant considers that the draft amendment is consistent with the regional strategy, as follows:

Queenstown is identified as having a low growth scenario and stable settlement scenario. Queenstown is experiencing a negative growth scenario, with population projections being for thus decline to continue.

The site is located at the edge of the existing activity centre and the historic uses of the site, which included a service station and motor vehicle sales, formed part of this activity centre for over 82 years. The viability of further remediation to provide for sensitive use is not financially viable and consequently the site would likely remain vacant, thereby undermining the vibrancy of the town.
8. The planning authority also considers that the proposed draft amendment is consistent the regional strategy, as follows:

Given the declining population as well as current and projected development trends there is minimal need for land for residential purposes in Queenstown.
9. Additionally, the planning authority submits that rezoning the land to General Business will provide the opportunity for a much wider range of commercial opportunities than that allowable in the General Residential zone and also the potential for additional employment opportunities
10. The planning authority considers that the proposed amendment seeks to rezone a site used for many years as a service station from General Residential to General Business. Development associated with that use has been removed and the site remediated to a level suitable for commercial purposes. Remediating the site to make it safe for residential use is unviable, given the costs of remediation and the construction of a new dwelling on the site and the potential value of the site should it contain a new dwelling.

Commission's consideration

11. The Commission is satisfied with the justification provided by the applicant and planning authority.
12. The Commission considers that the draft amendment is, as far as is practicable, consistent with the regional strategy.

Suitability of zoning

13. The applicant has provided expert supporting information about remediation of land contamination as a consequence of the site being used for commercial purposes for over 80 years. It is submitted that the remediation works required for the site to be suitable for residential use render it too costly to be developed, particularly in the context of the supply and demand for residential land in Queenstown.
14. The planning authority has assessed the application against the purpose of the General Business Zone and considers that the use and development provisions for the General Business Zone in the Tasmanian Planning Scheme provide sufficient protection for residential amenity in the adjacent area.
15. The applicant also considers that the General Business Zone includes provisions relating to residential amenity and setbacks from adjoining residential land.

Commission's consideration

16. The Commission acknowledges that the subject site is less suitable for residential use due to the land being contaminated and that there is other residential land available to meet demand. The Commission notes that the subject site is located at the edge of the Queenstown's commercial centre, and would be a logical extension to the existing centre.
17. It is also noted that the provisions of the General Business Zone permit a building height of 8.5m within 10m of a General Residential Zone. Given the orientation of the site in relation to the adjoining residential areas, it is not considered that any unreasonable loss of amenity or overshadowing would be caused by future development as a result of the draft amendment.
18. The Commission is satisfied with the applicant's and planning authority's justification and notes that the Tasmanian Planning Scheme includes provisions that protect residential amenity and potential adverse impacts on the adjoining residential land.

State Policies and Resource Management and Planning System Objectives

19. The Commission finds 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.

Decision on draft amendment

20. It is noted that the draft amendment does not include the land from the boundary of site to the centre line of the adjoining roads. To be consistent with mapping conventions, the Commission modifies the draft amendment accordingly and gives its approval.

Attachments

Annexure A – Modified Amendment

Annexure A

Modified amendment 01-21 to the Tasmanian Planning Scheme - West Coast

1. Rezone folios of the Register 226665/1, 71145/1 and 212809/9 and the adjoining road reserves on Little Sticht Street and Hunter Street from the General Residential Zone to the General Business Zone, as identified in the following map:

