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**Sent:** Wed, 8 Sep 2021 17:01:13 +1000  
**To:** "Contact Us" <contactus@launceston.tas.gov.au>  
**Cc:** "Wally Kleyn" <wallykleyn@gmail.com>  
**Subject:** LPS Submission - 33 Birch Ave, Newstead  
**Attachments:** LPS Representation - 33 Birch Ave, Newstead..pdf

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Good afternoon

Please find attached submission for the Launceston Local Provision Schedule for the Tasmanian Planning Scheme.

The submission relates to the property at 33 Birch Ave, Newstead.

If you have any questions or wish to discuss further, please don't hesitate to let me know.

Regards

James Stewart

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Date 08/09/2021

Chief Executive Officer  
City of Launceston  
PO Box 396  
Launceston, TAS 7250

Via Email: [contactus@launceston.tas.gov.au](mailto:contactus@launceston.tas.gov.au)

**RE: LAUNCESTON DRAFT LPS – 33 BIRCH AVE, NEWSTEAD**

Dear Sir/Madam

This letter is written in accordance with section 35E of the *Land Use Planning and Approvals Act* (the Act), which allows any person to make a representation to a planning authority which exhibits a draft Local Provision Schedule (LPS). City of Launceston (the Council) publicly exhibited the Launceston draft LPS from the 21<sup>st</sup> July 2021, to the 18<sup>th</sup> September 2021.

The purpose of this representation is to respond to proposed zoning of land at 33 Birch Ave, Newstead (CT 244227/1).

The Council have applied the **'Recreation' zone** to the site under the draft LPS. This representation seeks to have the **'Community Purpose' zone** applied to the site.

**Existing Use**

The subject site is owned by the Evangelical Presbyterian Church of Australia Ltd. The land was purchased by the current owners in February 2016, after relocating from the previous church premises at Talune Street, Youngtown. Since its purchase, the building has undergone significant internal improvements to meet the needs of the church and its users.

Prior to the Evangelical Presbyterian Church of Australia Ltd owning and using the land, the site was owned by the Coptic Orthodox Church Diocese of Melbourne, who also used the premises as a place of worship.

The church currently holds two services on a Sunday, and meetings on Wednesdays and Fridays. The meetings include bible studies, a ladies' study, and youth group.

At present there are approximately 120 attendees for the Sunday services. Over the years the church has not decreased its numbers. Attendance remains healthy and there is no indication that this would change over the coming years.

The site contains the church building, a sealed parking area providing for approximately 40 spaces, and a grassed area on the northern and western sides of the building. The land has an existing size of 7859m<sup>2</sup> and is accessed via Birch Ave (Council maintained road).

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## Zoning

The land is currently within the 'Recreation' zone under the *Launceston Interim Planning Scheme 2013*.

Under the previous *Launceston Planning Scheme 1996*, the site was within the 'Recreation and Leisure' zone.

The current and historical zoning aligns with zoning of the adjoining sports grounds to the east of the site at 29-31 Hoblers Bridge Road, Newstead. These sports grounds are home to the Launceston United Soccer Club, as well as the Northern Tasmanian Netball Association. The sports grounds are owned by DPIPWE and cover an area of approximately 8ha.

It is assumed that historically, there may have been planned expansion of the sports complex into the site at 33 Birch Ave, and subsequently the land has always remained within the Recreation Zone.

## LPS Draft Zoning

The draft LPS zoning maps indicate that the subject site at 33 Birch Ave, Newstead will be zoned 'Recreation' under the Tasmanian Planning Scheme for the City of Launceston.



Figure 1 - Extract of Zoning Map from Launceston Draft LPS

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### Requested Zoning

The purpose of this representation is to request that site be placed in the 'Community Purpose' zone under the LPS for the Tasmanian Planning Scheme – City of Launceston.

### Use Class

A place of worship (church), is classified within the 'Community Meeting and Entertainment' use class under the Tasmanian Planning Scheme. The definition of 'Community Meeting' is below:

Community Meeting and Entertainment	use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, place of worship, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre, community centre and neighbourhood centre.
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### Rationale for the Zoning

In its most basic form, the rationale is simple. The site is not used for recreational purposes, nor is there any intention to use the site for recreational purposes. The church is in a healthy position with member numbers and attendees, and expects to continue in this manner for years to come.

The church has no intention of moving, with the site and building meeting the current and expected needs of its congregation.

### Zone Purpose

The zone purpose for the Community Purpose Zone and Recreation Zone under the LPS is as follows:

<p><b>27.0 Community Purpose Zone</b></p> <p><b>27.1 Zone Purpose</b></p> <p>The purpose of the Community Purpose Zone is:</p> <p>27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.</p> <p>27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.</p>	<p><b>28.0 Recreation Zone</b></p> <p><b>28.1 Zone Purpose</b></p> <p>The purpose of the Recreation Zone is:</p> <p>28.1.1 To provide for active and organised recreational use and development ranging from small community facilities to major sporting facilities.</p> <p>28.1.2 To provide for complementary uses that do not impact adversely on the recreational use of the land.</p> <p>28.1.3 To ensure that new major sporting facilities do not cause unreasonable impacts on adjacent sensitive uses.</p>
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When examining a church within the context of the above zone purpose statements, the use aligns with the Community Purpose zone. The church is considered a key community facility which serves a local area. It is a social facility which has the ability to be used for a range of social purposes within the community.

The use does not align with the purpose of the Recreation zone, which primarily seeks to provide for active and organised recreational use and development.

### Guideline No. 1 - Zone and Code Application Guidelines

The 8A guideline document was released by the Tasmanian Planning Commission in June 2018. The purpose of the guideline was to:

*‘..... provide an easy reference guide for the application of all zones and codes for the preparation of draft Local Provisions Schedules (LPSs) and amendments to LPSs’.*

The application guidelines have been examined in the context of the site. Consideration has been given to both the ‘Community Purpose Zone’ and the ‘Recreation Zone’. A response has been provided to the guidelines relating to both zones.

27.0 Community Purpose Zone		Response:
CPZ 1	<p>The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:</p> <ul style="list-style-type: none"> <li>a) schools, tertiary institutions or other education facilities;</li> <li>b) medical centres, hospital services or other care-based facilities;</li> <li>c) emergency services facilities; or</li> <li>d) large community halls, places of worship or other key community or cultural facilities.</li> </ul>	<p>The guidelines state that the Community Purpose zone should be applied to land that currently provides for key community facilities, including places of worship (d).</p>
CPZ 2	<p>Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.</p>	<p>It is not considered appropriate that this site be zoned the same as the surrounding zone.</p> <p>While it may be appropriate for small or declining churches to look at a residential zoning, the nature and character of this church is such that it is considered to be of a scale that the Community Purpose zone is appropriate.</p>

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28.0 Recreation Zone		Response:
RecZ 1	<p>The Recreation Zone should be applied to land that is, or is intended to be, used for active or organised recreational purposes, including:</p> <ul style="list-style-type: none"> <li>a) sporting grounds and facilities;</li> <li>b) golf courses;</li> <li>c) racecourses; and</li> <li>d) major sporting facilities.</li> </ul>	<p>The site <b><u>does not</u></b> provide, nor is it intended to provide for a sporting ground, golf course, racecourse or major sporting facilities.</p>

The application of Community Purpose Zone to the site is also considered to be consistent with the Regional Planning Policies for Social Infrastructure and Community Policy under the Regional Land Use Strategy for Northern Tasmania. The land meets the social needs of the community, providing social infrastructure for religious purposes. The application of the community purpose zone furthers this policy.

In the context of State Policies, the application of Community Purpose zone is not in conflict with any of these policies.

If you have any questions regarding the contents of this letter, please don't hesitate to contact me on the numbers provided.

Kind regards  
Woolcott Surveys



James Stewart  
Senior Town Planner