
From: NMC Planning <planning@nmc.tas.gov.au>
Sent: Thursday, 26 October 2023 12:57 PM
To: TPC Enquiry
Subject: Draft Amendment 10/2023 to the Northern Midlands Local Provisions Schedule

Our Ref: 201000.161; PLN-23-0164

23 October 2023

Tasmanian Planning Commission
Email: TPC Enquiry <tpc@planning.tas.gov.au>

Dear Sir/Madam

Draft Amendment 10/2023 to the Northern Midlands Local Provisions Schedule; Site specific qualification to add General Retail and Hire "if for market and directly associated with the Evandale Market" as a discretionary use in the General Residential zone, if on part of folio of the Register 141412/1 16A Logan Road (previously known as 35 or 36 Collins Street) (folio of the Register 141412/1), Evandale

At its meeting of **16 October 2023**, Council decided to approve a draft amendment to the *Northern Midlands Draft Provisions Schedule*, to allow a Site specific qualification to add General Retail and Hire "if for market and directly associated with the Evandale Market" as a discretionary use in the General Residential zone, if on part of folio of the Register 141412/1

The Local Provisions Schedule Draft Amendment is certified in accordance with Section 40F of the *Land Use Planning and Approvals Act 1993*.

I note that Council's Senior Planner has held discussions with a TPC Officer regarding the street addressing of folio of the Register 141412/1. Since the making of the application, the property has been renumbered in accordance with the Australian standard and we request the Commission's discretion in making the necessary adjustments to the instrument as required. We have sought to ensure that advertising records the previous addresses (and the Instrument reference address) as well as the new address.

The application will be placed on public exhibition on 30 October 2023 until 28 November 2023 and also on Council's website at:

<https://www.northernmidlands.tas.gov.au/planning/development-in-the-northern-midlands/development-applications>

The owner of the subject land and the owners and occupiers of all adjoining land will be notified in accordance with s7(5) of *Land Use Planning and Approvals Regulations 2014*.

In accordance with sections 35 of the Act, relevant exhibition documents are available at the following link:

<https://www.dropbox.com/scl/fo/a4xaph62ysynfio7mtwxj/h?rlkey=tctlkhj0v5zuwl5cup2087s8j&dl=0>

It contains the following documentation:

- Certified Amendment, including the Instrument of Certification.
- Copy of report to Council meeting held **16 October 2023**.
- Attachments to above report.
- Copy of title of subject site.

- Minute from Council meeting held **16 October 2023**.
- A full copy of the application including application form with applicant's name and signature, owner's consent, copy of title, including title plan and folio text
- TasWater SPAN.

The following documentation will be supplied at our earliest opportunity (after the commencement of exhibition)

- Copy of public notice exhibited in The Examiner (on 2 occasions, 1 prior to commencement – 28th October 2023, and 1 during exhibition – 4th November 2023).
- Copy of adjacent property owners/occupier's notifications (list & notice).

Yours Sincerely



Rosemary Jones

Administration Officer

Rosemary Jones



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11.1 DRAFT AMENDMENT 10/2023 TO THE NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE: COLLINS STREET, EVANDALE (141412/1)

File: PLN-23-0164
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Project Officer

RECOMMENDATION

1. That, under section 38(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, decide to agree to the amendment to 'insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General retail and hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale' and prepare draft amendment 10/2023 of the Local Provisions Schedule as below.

And

2. That, under section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, certify draft amendment 10/2023 of the Northern Midlands Local Provisions Schedule as meeting the LPS criteria.

Draft Amendment 10/2023 of the Northern Midlands Local Provisions Schedule:

A. Amend clause NOR-Site-specific Qualifications by inserting the following:

Ref No.	Site Reference	Folio of the register	Description (modification, substitution or addition)	Relevant clause in the State Planning Provisions
NOR-8.3	36 Collins Street, Evandale	141412/1	An additional Discretionary Use Class for this site is: General retail and hire with the qualification "If for a market and directly associated with the Evandale market".	General Residential Zone – clause 8.2 Use Table

B. Amend the planning scheme maps to show a site-specific qualification on 36 Collins Street, Evandale (folio of the Register 141412/1).

1 INTRODUCTION

This report:

- Assesses a draft amendment of the Northern Midlands Local Provisions Schedule to insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General retail and hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale.

The applicant advises that:

The purpose of the proposed draft amendment is to enable consideration of a development application for construction of a new building associated with the Evandale Market. The building would be used to house indoor market stalls to expand the existing Sunday market. The intention is to expand the market offerings and meet demand for additional undercover market stalls, as these are less impacted by poor weather.



The proposed use and development would not be possible under the Scheme without the proposed draft scheme amendment.

2 BACKGROUND

Applicant:

6ty°

Zone:

8.0 General Residential

Owner:

Peter Hickson Woof

Codes/Specific Areas Plans:

C13.0 Bushfire-Prone Areas, C16.0 Safeguarding of Airports - Obstacle Limitation Area, C2.0 Parking and Sustainable Transport, C9.0 Attenuation

Classification under the Scheme:

Planning scheme amendment.

Existing Use:

Vacant

Decision Date:

Decision whether or not to agree to the amendment must be made by 18th October 2023.

Recommendation:

That Council as planning authority agree to, and certify, the draft amendment.

Planning Instrument:

Tasmanian Planning Scheme - Northern Midlands

Preliminary Discussion:

The applicant has held preliminary discussions with council officers on this proposal.

3 STATUTORY REQUIREMENTS

Land Use Planning and Approvals Act 1993

37. Request for amendment of LPSs

- (1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.
- (2) A request under subsection (1) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.
- (3) A request under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land –
 - (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.

38. Decision in relation to request

- (1) A planning authority, before deciding whether to prepare a draft amendment of an LPS in relation to a municipal area in accordance with a request under section 37(1), must be satisfied that such a draft amendment of an LPS will meet the LPS criteria.
- (2) A planning authority, within 42 days after receiving a request under section 37(1) or a longer period allowed by the Commission, must –
 - (a) decide to agree to the amendment and prepare a draft amendment of the LPS; or
 - (b) decide to refuse to prepare the draft amendment of the LPS.

4 ASSESSMENT

4.1 Proposal

The application requests an amendment to the Northern Midlands Local Provisions Schedule as follows:

To insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General Retail and Hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale.



The following would be added to the NOR-Site-specific Qualifications table:

NOR-Site-specific Qualifications table

Ref No.	Site Reference	Folio of the register	Description (modification, substitution or addition)	Relevant clause in the State Planning Provisions
NOR-8.3	36 Collins Street, Evandale	141412/1	An additional Discretionary Use Class for this site is: General retail and hire with the qualification "If for a market and directly associated with the Evandale market".	General Residential Zone – clause 8.2 Use Table

4.2 Zone and Land Use

The land is in the General Residential Zone. The site is currently vacant, other than a small shed.

4.3 Subject Site and Locality

The author of this report conducted a site visit on 5th September 2023. The land has a total area of 8375m², however, only a 1800m² portion is proposed to be impacted by the Site Specific Qualification. The site is mostly vacant, with the exception of a shed and vegetation and is relatively level, except for the very eastern side adjacent to the carpark, which gently slopes to the east.

Figure 1 - Photograph of subject site looking south





Figure 2 - Photograph of subject site looking south east



Figure 3 - Photograph of subject site looking west along walkway from market carpark to Falls Park





Figure 4 - Photograph of Falls Park market area looking toward subject site



Figure 5 – Aerial photograph of area



4.4 Permit/Site History

- An application for a dwelling on the site was received in 2018 but expired awaiting further information prior to a decision being made.
- PLN-21-0071 – Dwelling, garage and shed (within attenuation distance of Evandale Sewage Treatment Plant, removal of vegetation) at 35 Collins Street, Evandale (access over 18 Logan Road)

4.5 Notice to agencies and State authorities

If Council as planning authority certifies the draft amendment, before exhibiting the draft amendment of an LPS, Section 40FA of the Land Use Planning and Approvals Act requires the planning authority to notify:

(a) the relevant agencies; and

(b) those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment of the LPS.



TasNetworks

TasNetworks advised on 28/09/2023 that:

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

TasWater

TasWater advised on the 26th September 2023 that it does not object to the draft amendment and has no formal comments in relation to the matter and does not require to be notified of, nor attend any subsequent hearings.

Planning Policy Unit - Department of State Growth

The application was referred to the Planning Policy Unit on 19 September 2023. As of writing, a response has not been received.

Council's Works and Infrastructure Department

Council's Works and Infrastructure Department advised on 19th September 2023 of no comment to make.

Heritage Advisor, David Denman

The site is not within the Evandale Heritage Precinct and does not require referral to Council's Heritage Advisor.

4.6 Notice of exhibition in relation to the draft amendment

Section 40G of the Land Use Planning and Approvals Act requires:

- (1) A planning authority, as soon as practicable after providing to the Commission a copy of a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section.*
- (2) The exhibition notice is to be published once before, and once within 14 days after, the first day of the exhibition period, in a newspaper that is published in Tasmania and circulates generally in the area to which the draft amendment of an LPS relates.*
- (3) The exhibition notice is to –*
 - (a) specify the period that is to be the exhibition period in relation to the draft amendment of the LPS; and*
 - (b) specify that the draft amendment of the LPS is or will be –*
 - (i) available for viewing by the public, during the exhibition period, at premises, that are offices of the planning authority, specified in the notice; and*
 - (ii) available for viewing and downloading by the public, during the exhibition period, at an electronic address specified in the exhibition notice; and*
 - (c) contain an invitation to all persons and bodies to, within the exhibition period, make to the planning authority a representation in relation to the draft amendment of the LPS by submitting the representation to –*
 - (i) the premises specified in the notice in accordance with paragraph (b)(i) ; or*
 - (ii) an electronic address specified in the notice.*
- (4) The exhibition period, in relation to a draft amendment of an LPS, is to be a period of 28 days –*
 - (a) beginning on the day on which the draft amendment of the LPS begins to be available for viewing by the public at exhibition premises in accordance with section 40H ; and*
 - (b) excluding any days on which the exhibition premises are closed during normal business hours.*

Any representations received during the exhibition period will be considered by the Council as planning authority for reporting on to the Tasmanian Planning Commission.

4.7 Assessment Against LPS Criteria

34(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS



The proposed rezoning has no impact on provisions required to be contained in an LPS.

(b) is in accordance with section 32

Under section 32:

(3) An LPS may, if permitted to do so by the SPPs, include

(a) a particular purpose zone...

(b) a specific area plan, being a plan consisting of –

(i) a map or overlay that delineates a particular area of land; and

(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs.

(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

The General Residential Zone applies to the subject site. The draft amendment seeks to insert a site-specific qualification. As advised in the application:

The purpose of the proposed draft amendment is to enable consideration of a development application for construction of a new building associated with the Evandale Market [currently located adjacent to the site]. The building would be used to house indoor market stalls to expand the existing Sunday market. The intention is to expand the market offerings and meet demand for additional undercover market stalls, as these are less impacted by poor weather.

The spatial qualities of the site relate to its proximity to the existing Evandale Market and demonstrate the draft amendment is in accordance with section 32.

(c) furthers the objectives set out in Schedule 1

Schedule 1, Part 1 – Objectives of the Resource Management and Planning System of Tasmania

a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity

The site is a General Residential zoned lot, surrounded by a range of urban uses. The area impacted by the proposed Site Specific Qualification is mostly cleared and contains limited natural resources. Any future development of the site is likely to have minimal impact on the maintenance of ecological processes and genetic diversity.

b) to provide for the fair, orderly and sustainable use and development of air, land and water

The amendment process gives due consideration to these matters and the subject site does not contain any particular natural or cultural values that require special consideration. The draft amendment presents a logical expansion of the market site and forms a natural linkage between the established market car park, walkway and Falls Park market area, without impacting on existing retail and service provisions within the town. The proposal is consistent with this objective.

c) to encourage public involvement in resource management and planning

If the draft amendment is certified by the planning authority, it will be placed on public notification in accordance with the Land Use Planning and Approvals Act, allowing for representations to the draft amendment to be submitted.

d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The draft amendment seeks to allow for an extension of the existing Evandale Market onto adjoining land and facilitate additional undercover area for stallholders, ameliorating the impact of adverse weather. The market is a key economic driver for the township and facilitates economic development across a range of local businesses.



e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Notice of the draft amendment has been given to relevant agencies and State authorities.

Schedule 1, Part 2 – Objectives of the Planning Process Established by this Act

a) to require sound strategic planning and co-ordinated action by State and local government

The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy that identifies Evandale as a satellite suburb, described as providing an extensive urban area independent of the Greater Launceston Urban Area with key local retail, commercial, and community service functions. The amendment does not seek to change the underlying zone but will allow for strategic development of the site given its location in relation to the established market site and adjoining car park. The site is already constrained for residential use, given the lack of road frontage, limited services and siting within an Attenuation area of the Evandale Wastewater Treatment Plant, but presents an opportunity to further promote a key local attraction to the township that is integral to the towns identity, being the Evandale Market.

b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land

Consistent with that system, the planning authority determines whether to prepare the draft amendment and approve the application for planning permit.

c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land

Given the urban location and semi-developed (cleared) nature of the site, the proposed draft amendment is unlikely to have any significant impact on environmental values of the site.

As noted in the application, the future use and development that will be facilitated by the proposed draft amendment for an expansion of the Evandale Market, will have a net community benefit from an economic and social perspective. The market has been operating consistently since approximately 1975, and runs every Sunday, in all weather. Visitor numbers to the market each week average 3000 people (up to 5000 at peak times) along with approximately 150 stallholders (Examiner, 2017). Providing all weather facilities is important in providing security for stallholders and subsequent patronage to the market and other retail outlets within the town.

d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels

The proposed amendment is consistent with relevant local, regional and state policies, as discussed later in this report.

e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals

The proposed planning scheme amendment is requested under section 37(1) of the Act.

f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation

The proposal allows for a use that is consistent with this objective, given the established and popular nature of the Evandale market with both locals and visitors to the town.

g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value

The subject site is not an area or place of scientific, aesthetic, architectural or historical interest.



h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The draft amendment will not have a negative impact on public infrastructure. The site has limited access to existing services.

i) to provide a planning framework which fully considers land capability.

LIST Map shows that the site was excluded from the study area of the land potentially suitable for agriculture zone and is not subject to the State Policy on the Protection of Agricultural Land.

(d) is consistent with each State policy

State Policy on the Protection of Agricultural Land 2009

LIST Map shows that the site was excluded from the study area of the land potentially suitable for agriculture zone. The draft amendment does not impact on the State Policy on the Protection of Agricultural Land.

Tasmanian State Coastal Policy 1996

The subject site is not in a coastal zone and the Coastal Policy does not apply.

State Policy on Water Quality Management 1997

Although not currently connected, the site has access to the existing reticulated stormwater and sewerage services and capacity to dispose of on-site subject to further assessment. The draft amendment is consistent with this State policy.

National Environmental Protection Measures (NEPMs)

In accordance with the State Policies and Projects Act 1993, a NEMP is taken to be a State Policy. The following NEMPs are therefore State policies:

- Air Toxics*
- Ambient Air Quality*
- Assessment of Site Contamination*
- Diesel Vehicle Emissions*
- Movement of Controlled Waste between States and Territories*
- National Pollutant Inventory*
- Used Packaging Materials*

None of the NEPMs apply to the subject site and proposed amendment.

(da) satisfies the relevant criteria in relation to the TPPs

There are no TPPs currently in effect; therefore, it is considered this criteria is met.

(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

The subject site is identified as being within the Urban Growth Area land use category of the Northern Tasmania Regional Land Use Strategy (NTRLUS). Urban Growth Areas comprise land within the developed urban settlement or in areas intended for urban development as identified in a Priority Consolidation Area, Supporting Consolidation Area or Growth Corridor shown in the Regional Framework Plan Map. Map D.3 identifies the site as being within a supporting consolidation area, defined as follows:



Supporting Consolidation Areas

- Comprising land in established suburbs which is separate from *Priority Consolidation Areas* as shown in the Regional Framework Plan Maps D.1, D.2 and D.3;
- Support reliable and effective transportation and reduce vehicle dependency;
- Physically connect new urban settlements to existing communities wherever possible, or otherwise provide new development with direct transport linkages to established urban areas;
- Promote cohesive communities;
- Support a wide range of services and facilities;
- Support access to existing or planned activity centres; and
- Comprise a suitable and complementary mix of land uses to support the *Regional Settlement Hierarchy* and the *Regional Activity Centre Hierarchy*.

Evandale is classified as a Satellite Settlement within the Regional Settlement Hierarchy and as a Neighborhood or Town Centre in the Regional Activity Centre Hierarchy. The proposal is consistent with the Key Activity Centre Network Strategies detailed at section E.3.3 of the NTRLUS and the associated Specific Policies and Actions, as further detailed in the Planning Submission report.

The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy.

(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

The current strategic plan for the Northern Midlands is the Northern Midlands Council Strategic Plan 2021-2027. The plan focusses on the unique elements of the Northern Midlands, an enviable place to live, work and play. The Plan is based upon four key priorities:

Lead: Serve with honesty, integrity, innovation and pride

Progress: Economic health and wealth – grow and prosper

People: Cultural and society – a vibrant future that respects the past

Place: Nurture our heritage environment

Each priority is supported by four strategic outcomes that describe what the Council aims to achieve, and that are consistent with its vision.

Actions and projects to achieve these outcomes will be included in the Council's Annual Plan. Performance measures will be included in the Annual Plan to enable the Council to track its progress against each of the strategic outcomes.

(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

While the site is not in close proximity to another municipal area, the draft amendment's consistency with the RLUS ensures a similar consistency and co-ordination with the LPSs of adjacent municipal areas.

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

The site is not in the vicinity of the Tasmanian Gas Pipeline.



5 ASSESSMENT OF PLANNING APPLICATION

A permit application is not proposed under section 40T of the *Land Use Planning and Approvals Act*; therefore, assessment against the zone and NOR-S5.0 Evandale Specific Area Plan is not relevant. A summary of the relevant Code provisions is provided below.

CODES		
E1.0	Signs Code	N/a – no development proposed. Future development of the site will be subject to the Signs Code if signage is proposed.
E2.0	Parking and Sustainable Transport Code	Code applies to all use and development. Future use and development of the site will be subject to the provisions of the Code.
E3.0	Road and Railway Assets Code	Code applies to use and development specified in clause C3.2.1. Future use and development of the site may be subject to the provisions of the Code.
E4.0	Electricity Transmission Infrastructure Protection Code	N/a
E5.0	Telecommunications Code	N/a
E6.0	Local Historic Heritage Code	N/a
E7.0	Natural Assets Code	N/a
E8.0	Scenic Protection Code	N/a
E9.0	Attenuation Code	The site is within the Attenuation Distance of the Tasmanian Gun Club on Nile Road and the Evandale sewerage lagoons. Future use and development will need to consider the requirements of the code, however, the use proposed by draft amendment will not be subject to the application of the Code under clause C9.2.1.
E10.0	Coastal Erosion Hazard Code	N/a
E11.0	Coastal Inundation Hazard Code	N/a
E12.0	Flood-Prone Areas Hazard Code	N/a
E13.0	Bushfire-Prone Areas Code	The site is mapped as Bushfire Prone and future use and development of the site will be subject to the provisions of the Code.
E14.0	Potentially Contaminated Land Code	N/a
E15.0	Landslip Hazard Code	N/a
E16.0	Safeguarding of Airports Code	The subject site is within the Airport obstacle limitation area with 211m AHD. Future use and development of the site will be subject to the provisions of the Code.

PARTICULAR PURPOSE ZONES		
NOR-P1.0	Particular Purpose Zone – Campbell Town Service Station	Not applicable
NOR-P2.0	Particular Purpose Zone – Epping Forest	Not applicable

GENERAL PROVISIONS		
7.1	Changes to an Existing Non-conforming Use	Not applicable
7.2	Development for Existing Discretionary Uses	Not applicable
7.3	Adjustment of a Boundary	Not applicable
7.4	Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place	Not applicable



7.5	Change of Use from an existing lawful use to another use in the same use class	Not applicable
7.6	Access and Provision of Infrastructure Across Land in Another Zone	Not applicable
7.7	Buildings Projecting onto Land in a Different Zone	Not applicable
7.8	Port and Shipping in Proclaimed Wharf Areas	Not applicable
7.9	Demolition	Not applicable
7.10	Development Not Required to be Categorised into a Use Class	Not applicable
7.11	Use or Development Seaward of the Municipal District	Not applicable
7.12	Sheds on Vacant Sites	Not applicable

6 FINANCIAL IMPLICATIONS TO COUNCIL

Assessing planning scheme amendments is within budget allocations.

7 OPTIONS

Decision in relation to request

The planning authority can:

- decide to agree to the amendment and prepare a draft amendment of the LPS; or
- decide to refuse to prepare the draft amendment of the LPS.

Preparation of draft amendment

If the planning authority decides to agree to the amendment, it must prepare a draft amendment. A draft amendment has been prepared as shown in the recommendation of this report.

Certification of draft amendment

- The planning authority must consider whether it is satisfied that the draft amendment meets the LPS criteria, see section 4.7.
- If the planning authority is satisfied that the draft amendment meets the LPS criteria, it must certify the draft as meeting the requirements of the Land Use Planning and Approvals Act; or
- If the planning authority is not satisfied that the draft amendment meets the LPS criteria it must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

8 DISCUSSION

As discussed in this report, the draft amendment is in accordance with the LPS criteria. It is recommended that the planning authority certify the draft amendment. The draft amendment will then be placed on public exhibition and any representations received considered by the planning authority before providing a report on the representations to the Tasmanian Planning Commission.

9 ATTACHMENTS

1. NMC - Planning Application Form 03-07-23 [11.1.1 - 1 page]
2. TPC owner consent form completed [11.1.2 - 2 pages]
3. Folio plan [11.1.3 - 1 page]
4. 23.163 - Final Planning Submission - Evandale Market [11.1.4 - 30 pages]
5. SPAN [11.1.5 - 1 page]
6. Response W&I No comment [11.1.6 - 1 page]
7. Tas Networks Response to referral [11.1.7 - 1 page]

PLANNING APPLICATION Proposal

Description of proposal:

Request to Amend Northern Midlands Local Provision Schedule

Site Specific Qualification - Evandale Market

.....
.....
.....
(attach additional sheets if necessary)

If applying for a subdivision which creates a new road, please supply three proposed names for the road, in order of preference:

1..... 2..... 3.....

Site address: Part of Lot 1 Collins Street, Evandale

.....
.....
CT no: 141412/1

Estimated cost of project \$..... nil
(include cost of landscaping, car parks etc for commercial/industrial uses)

Are there any existing buildings on this property? ☒ Yes / No ☐ Outbuilding
If yes – main building is used as

If variation to Planning Scheme provisions requested, justification to be provided:

.....
See planning report attached
.....
.....
.....
(attach additional sheets if necessary)

.....
No
Is any signage required?
(if yes, provide details)

TASMANIAN PLANNING COMMISSION

Form No. 1

Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

Jacqui Tyson
6tyo Pty Ltd

Email address

jtyson@6ty.com.au

Contact number:

0417 557 224

2. Site address:

Address:

Lot 1 Collins Street, Evandale

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT141412/1
PID 3615502

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner : Peter Woof

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT141412/1 and PID 3615502

Position
(if applicable):

Signature:  Date: 11/8/2023

Registered owner
(please print): Peter Woof

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position
(if applicable):

Signature: Date:

Registered owner
(please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position
(if applicable):

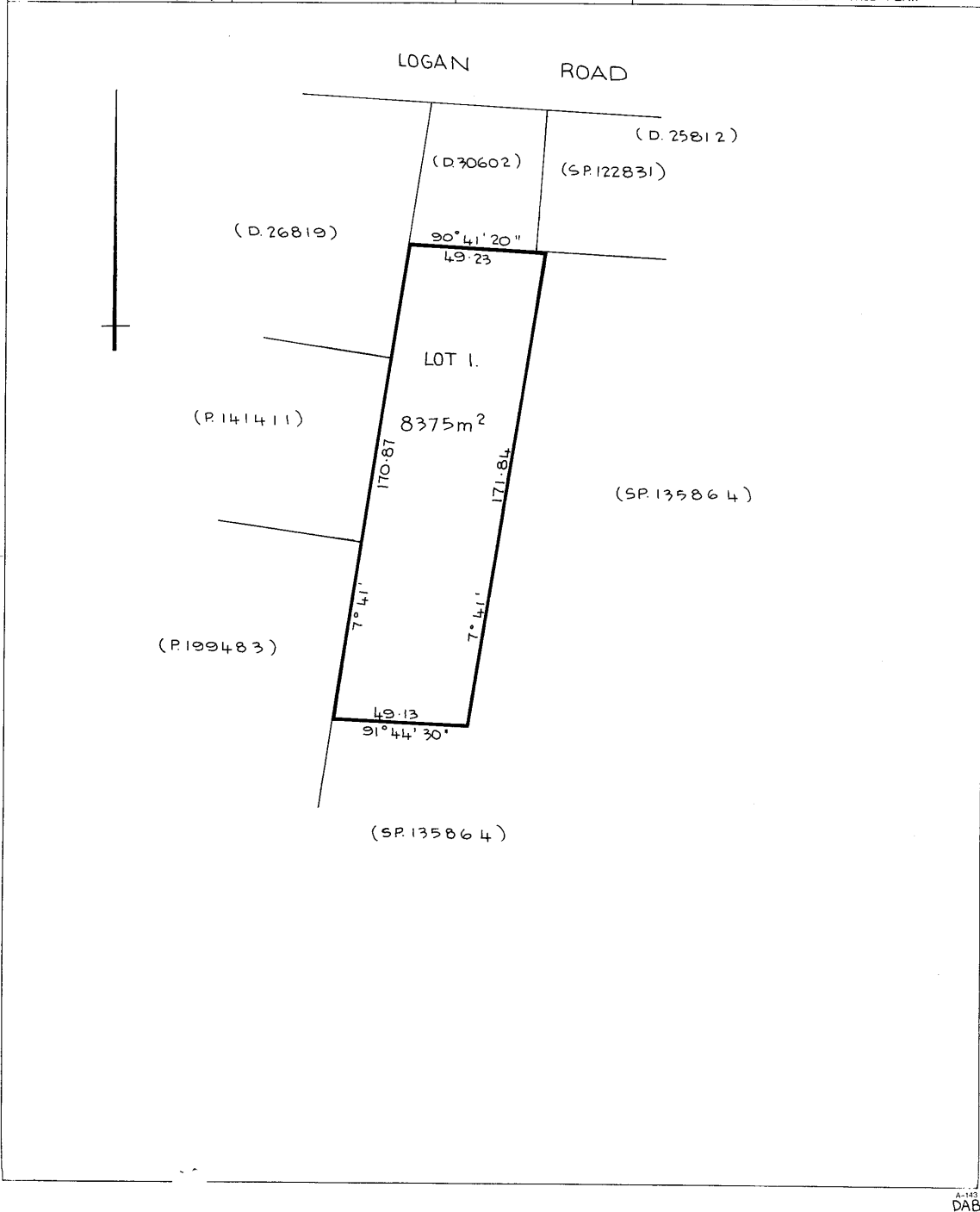
Signature: Date:

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

OWNER LAND TITLES ACT 1980		PLAN OF TITLE		REGISTERED NUMBER P141412
FOLIO REFERENCE A.18670		LOCATION TOWN OF EVANDALE		APPROVED <u>2 AUG 2004</u> <i>Alice Kawa</i> Recorder of Titles
GRANTEE PART OF 31A-3R-18P GTD. TO HENRY JENNINGS & WILLIAM DAWSON GRUBB		FIRST SURVEY PLAN No. 50/35 D.O. COMPILED BY L.D.R.B. SCALE 1: 1250 LENGTHS IN METRES		
MAPSHEET MUNICIPAL CODE No. 5239-21 (123)	LAST UPI No 4700665	LAST PLAN No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



A-143
DAB



Planning Submission

Section 37(1) *Land Use Planning and Approvals Act 1993*

Request to Amend the Northern Midlands Local Provisions Schedule

36 Collins Street, Evandale

Prepared for:

Northern Midlands Council





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Issue	Final
Date	August 2023
Project Name	Evandale Market
Project Number	23.163
Author	Jacqui Tyson

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Appendix A

Certificate of Title

1.0 Introduction

1.1 Purpose of the Report

6ty° Pty Ltd has been engaged by Peter Woof to prepare an application for a draft amendment to the Local Provisions Schedule of the *Tasmanian Planning Scheme – Northern Midlands* (“the Scheme”) in accordance with Section 37(1) of the *Land Use Planning and Approvals Act 1993* (“the Act”).

The draft amendment seeks to introduce a Site-Specific Qualification to the Northern Midlands Local Provision Schedule to allow for use and development of a building associated with the Evandale Market on part of Lot 1 Collins Street, Evandale. The subject property is in the General Residential Zone under the Scheme.

The purpose of the proposed draft amendment is to enable consideration of a development application for construction of a new building associated with the Evandale Market. The building would be used to house indoor market stalls to expand the existing Sunday market. The intention is to expand the market offerings and meet demand for additional undercover market stalls, as these are less impacted by poor weather.

The proposed use and development would not be possible under the Scheme without the proposed draft scheme amendment.

This report forms the basis of the application and has been prepared having regard to the relevant requirements and objectives of the Act and relevant strategic planning documents including:

- Northern Tasmania Regional Land Use Strategy;
- State Policies;
- Northern Midlands Strategic Plan 2021-2027; and
- Tasmanian Planning Scheme – Northern Midlands.

1.2 Application Overview

Subject Land	
Location	Part of 36 (Lot 1) Collins Street, Evandale
Title Information	Certificate of Title Volume 141412 Folio 1
PID	3615502
Title Area	8360m ²
Current Zoning	General Residential
Overlays	Attenuation Code Airport Obstacle Limitation Area Bushfire-prone Area
Statutory References	
Planning Instrument	<i>Tasmanian Planning Scheme – Northern Midlands</i>
Planning Authority	Northern Midlands Council
Legislative Instrument	<i>Land Use Planning and Approvals Act 1993</i>

1.3 Proposed Draft Amendment

The proposed draft amendment seeks to introduce a Site-Specific Qualification ("SSQ") to the Northern Midlands Local Provision Schedule to allow for use and development of a building associated with the Evandale Market.

The SSQ would apply to the northern part of 36 Collins Street, Evandale as identified in Figure 1 below. The identified area for the SSQ is approximately 1800m².

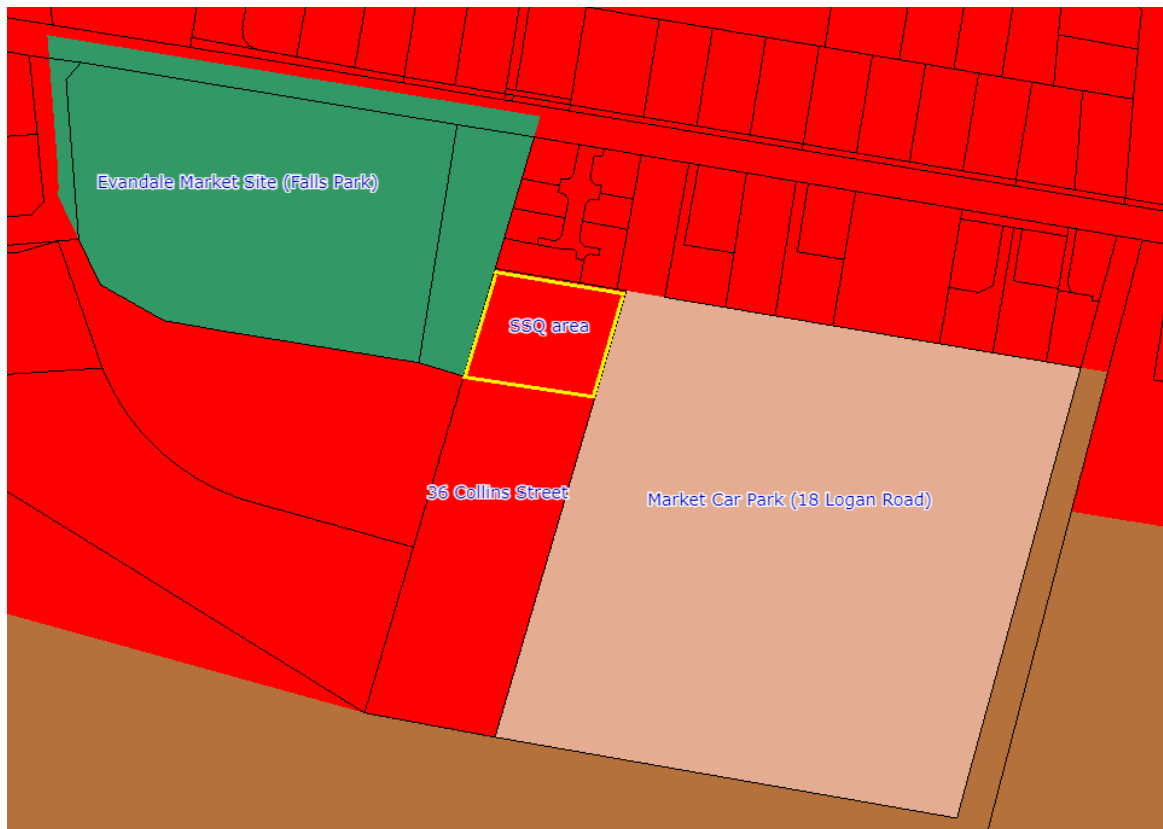


Figure 1: Area of 36 Collins Street, Evandale subject to proposed Site-specific qualification identified in yellow.

The proposal will amend the Northern Midlands Local Provision Schedule NOR – Site-specific Qualifications table by inserting the following line:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
NOR-8.3	Shown as NOR-8.3 on the overlay maps (Part of 36 Collins)	141412/1	An additional Discretionary Use Class for this site is: General retail and hire with the qualification "If for a market and directly	General Residential Zone – clause 8.2 Use Table

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	Street, Evandale)		associated with the Evandale market.”	
--	----------------------	--	--	--

1.4 Statutory Overview

Section 32(3)(c) of the Act provides that a Local Provisions Schedule (LPS) may, if permitted to do so by the SPP's, include a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

Section 32(4) further provides that an LPS may only include a provision referred to in subsection (3) in relation to an area of land if certain requirements are met, as addressed further in Section 3.1 of this report.

Section 38(1) of the Act requires that the Planning Authority must satisfy themselves that a draft amendment will meet the Local Provisions Schedule (LPS) criteria set out in section 34 of the Act. The following table provides an overview of the LPS criteria pertinent to the proposed draft amendment.

Section 34(2) LPS Criteria		
The LPS criteria to be met by a relevant planning instrument are that the instrument –		
Sub-clause	Requirement	Response
(a)	contains all the provisions that the SPPs specify must be contained in an LPS.	<i>The proposed draft amendment seeks to amend the LPS by way of introducing a new Site-specific qualification.</i> <i>All provisions that the State Planning Provisions (SPPs) specify will continue to apply to the site.</i>
(b)	is in accordance with section 32.	<i>The proposed draft amendment will satisfy the matters specified in section 32 of the Act, addressed further in Section 3.2 of this report.</i>
(c)	further the objectives set out in Schedule 1.	<i>Assessment of the proposed draft amendment against the objectives set out in Schedule 1 of the Act is provided in Section 3.1 of this report.</i>
(d)	is consistent with each State policy.	<i>Assessment of the proposed draft amendment against each State Policy is provided in Section 3.3 of this report.</i>
(da)	satisfies the relevant criteria in relation to the TPPs.	<i>There are no Tasmanian Planning Policies in effect in which to consider the proposed draft amendment against.</i>
(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	<i>Assessment of the proposed draft amendment against the Northern Tasmania Regional Land Use Strategy is provided in Section 3.5 of this report.</i>

Section 34(2) LPS Criteria		
The LPS criteria to be met by a relevant planning instrument are that the instrument –		
Sub-clause	Requirement	Response
	to which the relevant planning instrument relates.	
(f)	has regard to the strategic plan, prepared under section 66 of the <i>Local Government Act 1993</i> , that applies in relation to the land to which the relevant planning instrument relates.	<i>Assessment of the proposed draft amendment against the relevant parts of the Northern Midlands Strategic Plan 2017-2027 is provided in Section 3.6 of this report.</i>
(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.	<i>In this instance, the site does not adjoin and is not located adjacent to, land that is governed by another LPS within a different municipal area. Accordingly, the proposed draft amendment satisfies section 34(2)(g) of the Act.</i>
(h)	has regard to the safety requirements set out in the standards prescribed under the <i>Gas Safety Act 2019</i> .	<i>The site is located approximately 10km north-east of the nearest applicable Gas Pipeline Corridor. The proposed draft amendment will therefore not affect, or could be affected by, the requirements set out in the standards prescribed under the <u>Gas Safety Act 2019</u>.</i>

2.0 Site and Surrounds

2.1 The Site

The site comprises the northern part of an internal lot known as 36 Collins Street, Evandale. The site is owned by Peter Woof, the operator of the Evandale Market.

The land identified for application of the SSQ (Figure 1) is approximately 1800m² and is positioned between the main Evandale Market site at Falls Park and the car park associated with the market at 18 Logan Road (Figure 1). The car park is subject to an existing Site-specific Qualification allowing for the Vehicle Parking use on the site.



Figure 1 - Aerial image illustrating the spatial area of the site

Source: base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

The site is currently developed with a shed in the north-western corner and a fenced walkway along the northern boundary, providing access between the car park and the market site, as shown in Figure 2 and Photo 2 below.



Figure 2: Evandale Market – walkway location

Source: base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

The remainder of the site is vacant, with a large, grassed area in the middle and mature trees around it. There is a hedge row established on the eastern side, separating the subject site from the adjacent car park. Photos 1, 2 and 3 below further illustrate the features and context of the site.

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Photo 1 - photograph illustrating the location of the site including the existing outbuilding – looking west towards Falls Park

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Measured form and function



Photo 2 - photograph of the walkway crossing the Site between Falls Park and the market car park

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Measured form and function



Photo 3 - photograph of the market car park (18 Logan Road)

2.2 Zoning and Overlays

The site is assigned to the General Residential Zone under the Scheme. Other zones within proximity to the site include Open Space, Rural, Agriculture and Utilities. The spatial allocation of land use zones is shown in Figure 3 below.

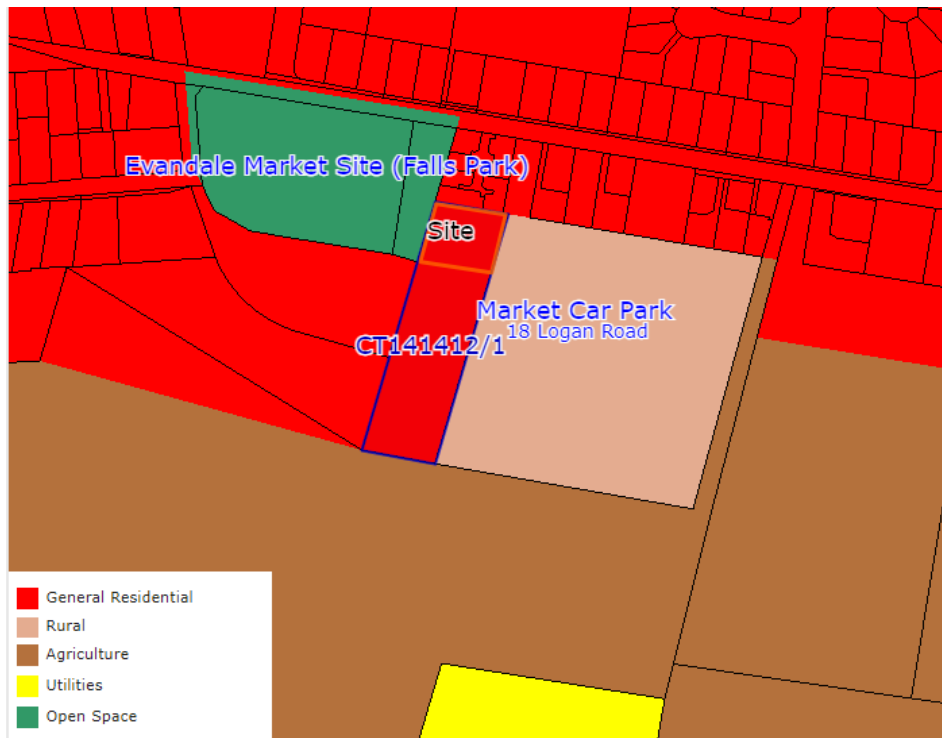


Figure 3 - Zoning of the site and surrounding area

Source: base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

The site is shown within the Bushfire Prone Area, Airport Obstacle Limitation Area and Attenuation Area on the Scheme overlay maps.

2.3 Natural Values and Hazards

Bushfire Hazard

The site is located within a Bushfire Prone Area. The proposal is for a SSQ to make the General retail and hire use class a Discretionary use on the site, with the qualification "If for a market and directly associated with the Evandale market."

The Bushfire-Prone Areas Code would not apply to any future application made under the SSQ, as a market is not a vulnerable or hazardous use and would not require subdivision.

Any bushfire requirements would be addressed through approvals under the *Building Act 2016*.

Potentially Contaminated Land

The site is used and developed with a fitness centre which is not a use listed in Table C14.2 and the site is not known to be potentially contaminated.

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Landslide Risk

The site is not identified within any landslide hazard bands on the Scheme overlay maps.

Flood Hazard

The site is not shown as being subject to a flood risk on the Scheme overlay maps.

Scenic Values

The site is not subject to any scenic values mechanisms in the Scheme.

Biodiversity Values

The site is modified and is identified as urban and agricultural land in TasVeg 4.0 mapping. The site does not contain some mature trees however it is not identified as having biodiversity or other similar natural values.

Waterway and Coastal Values

The site is not near the coast and does not contain any waterways.

2.4 Local Context

2.4.1 Site and surrounds

The site is an internal lot located immediately to the east of the existing Evandale Market Site at Falls Park. Falls Park is owned by the Northern Midlands Council and used by the Evandale Market under a lease arrangement. Falls Park is in the Open Space Zone and is used as a self-contained caravan and motorhome stop over during the week.

The land to the east of the subject title, addressed as 18 Logan Road, is in the same ownership as the subject site and is developed with a car park that serves the Evandale Market. This land is in the Rural Zone and is subject to a Site Specific Qualification that allowed for the use and development of the site as a car park under the Vehicle Parking use class.

The site is adjoined by General Residential zoned land to the north and west. The parcel to the north is developed with multiple dwellings and the land to the west is developed with a heritage listed property known as Briars Lane. Land to the south of the site is a farm in the Agriculture Zone. The Evandale wastewater treatment ponds operated by Taswater are approximately 150m south of the southern boundary of the subject title.

2.4.2 Northern Tasmanian Land Use Strategy Summary

Evandale is identified as a Satellite Settlement within the Northern Tasmanian Regional Settlement Hierarchy and is a Neighbourhood/Town Centre under the Activity Centres Network (refer to the NRLUS discussion in Section 3.5 of this report).

2.4.3 Infrastructure

The site is not connected to reticulated services.

A sewer main (150mm) crosses the north-western corner of the site and the nearest reticulated water main (100mm) is located on the southern side of Logan Road.

2.4.4 Road Network

The site is an internal lot and does not have direct frontage or access from any road.

The title is currently addressed as 36 Collins Street, though it is not connected to a road physically and does not appear to have right of way or other means of access.

Logan Road is the closest road to the subject site and the adjoining title (18 Logan Road), which is in the same ownership, does have direct access from Logan Road, used for the Evandale Market car park. Logan Road is under the local authority of the Council.

3.0 Draft Amendment Statutory Assessment

3.1 Objectives of the *Land Use Planning and Approvals Act 1993*

Section 34(2)(a) of the Act requires that an amendment furthers the Objectives set out in Schedule 1. The following sections detail how the proposed draft amendment furthers these objectives.

3.1.1 Schedule 1 Objectives – Part 1

PART 1 – Objectives of the Resource Management and Planning System of Tasmania	
Objective	Response
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	<i>The site is in an urban zone (General Residential Zone) and is predominantly grass lawn, with some mature trees around the edges of the site that will not be disturbed by the proposal. There are no communities or species of conservation significance recorded on or close to the site. The site does not contribute significantly to ecological processes or genetic diversity within the local area and region.</i>
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	<i>The draft amendment will provide for fair, orderly and sustainable use and development. It will provide an opportunity to use a parcel of land for an extension of the established Evandale Market. This is compatible and logical within the context of the established market site and car park and can be achieved without compromising or distorting the activity centre hierarchy. There are no particular natural or cultural values associated with the land.</i>
(c) to encourage public involvement in resource management and planning; and	<i>Public involvement will be undertaken through the exhibition of the proposed amendment.</i>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	<i>The draft amendment will facilitate economic development by allowing for an expansion of the established Evandale Market and meet a demand</i>

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PART 1 – Objectives of the Resource Management and Planning System of Tasmania	
Objective	Response
	<i>to increase the space available for undercover stalls. This will provide better economic outcomes for the Evandale Market and stallholders as the impact of seasonal weather on market visitation is reduced.</i>
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	<i>The amendment process represents a sharing of responsibility for resource management and planning between Council the Commission, stakeholders and the community.</i>

3.1.2 Schedule 1 Objectives – Part 2

PART 2 – Objectives of the Planning Process Established by this Act	
Objective	Response
(a) to require sound strategic planning and co-ordinated action by State and local government; and	<p><i>The proposed draft amendment is consistent with the Regional Land Use Strategy of Northern Tasmania.</i></p> <p><i>The proposed SSQ will provide an opportunity to develop a specific parcel of land with a building for the established Evandale Market, which has been operating for over 40 years.</i></p> <p><i>The site is strategically located between the existing market site (Falls Park) and the car park for the market. The site is already developed with a formed walkway that provides safe and coordinated pedestrian access between the car park and market.</i></p> <p><i>The proposal will not change the underlying zoning of the land as General Residential. The site is constrained in terms of residential development due to being an internal lot without direct frontage to a road and proximity to the Agriculture Zone and Evandale wastewater treatment plant.</i></p> <p><i>It therefore represents coordinated and sound strategic planning.</i></p>
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and	<p><i>The amendment process is part of the system involved in establishing and reviewing planning instruments.</i></p> <p><i>The draft amendment will involve applying a Site Specific Qualification to part of an existing title.</i></p> <p><i>The relevant Zone and Code provisions will continue to apply to the site in relation to the</i></p>

PART 2 – Objectives of the Planning Process Established by this Act	
Objective	Response
	<i>proposed development application that will be facilitated by the proposed draft amendment.</i>
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and	<p><i>The proposed draft amendment will not have a significant impact on environmental values associated with the land and water resources within the site and surround.</i></p> <p><i>The future use and development that will be facilitated by the proposed draft amendment for an expansion of the Evandale Market, will have a net community benefit from an economic and social perspective.</i></p>
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and	<i>The proposed draft amendment is consistent with the relevant State, regional and local strategy and policy directions which broadly seek to achieve sustainable development that does not compromise environmental, social, economic, conservation and resource management objectives.</i>
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and	<i>The proposed planning scheme amendment is considered under section 37(1) of the Act.</i>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	<p><i>The proposed draft amendment will provide the ability for the site to be developed with an extension of the well-established Evandale Market, which is popular with both locals and tourists.</i></p> <p><i>The proposal contributes to ensuring a pleasant, efficient and safe environment for working, living and recreating in northern Tasmania.</i></p>
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	<i>The draft amendment will not result in any impact on a place listed or known to be significant for its scientific, aesthetic, architectural, historical or cultural value.</i>
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	<i>The site is capable of being serviced by road, sewer, water, stormwater and electricity infrastructure with capacity.</i>
(i) to provide a planning framework which fully considers land capability.	<i>The site is not subject to the Protection of Agricultural Land Policy, as addressed further in Section 3.3.2 of this report.</i>

3.2 Section 32 of the Land Use Planning and Approvals Act 1993

Section 32(3) of the *Land Use Planning and Approvals Act 1993* states the following in relation to the contents of the Local Provisions Schedule (LPS).

- (3) *Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –*
- (a) ...
 - (b) ...
 - (c) *a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.*

Then, at sub-section (4) states that –

- (4) *An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
- (a) *a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
 - (b) *the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The proposed draft amendment seeks to apply a Site Specific Qualification (SSQ) over part of a title, as described above. The SSQ is intended to allow use development for a market on this site, specifically for a new building to house undercover market stalls for the Evandale Market. The proposal is assessed against the requirements of Section 32(4) in the table below.

Section 32(4) Contents of LPS		
An LPS may only include a provision referred to in subsection (3) in relation to an area of land if -		
Sub-clause	Requirement	Response
(a)	A use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or	<p><i>The Evandale Market is a popular Sunday market that has been operating at Falls Park, Evandale for over 45 years.</i></p> <p><i>The market has a significant social and economic benefit with an average visitation of 3000 people each week, with more in the summer months. There is an average of 100 stalls each week, peaking in the summer period. The market stalls sell a variety of goods including fresh local produce, crafts, second hand goods such as furniture, tools, clothes and collectables, baked goods and preserves and food/drinks.</i></p> <p><i>The total economic turnover is not collated for the stalls. As an approximation - if each of the</i></p>

Section 32(4) Contents of LPS		
An LPS may only include a provision referred to in subsection (3) in relation to an area of land if -		
Sub-clause	Requirement	Response
		<p>3000 visitors per week spend a modest \$10 each, that would equate to \$30,000 each week.</p> <p>Other businesses in Evandale also benefit from the influx of visitors each Sunday. Evandale is an historic village, known as a great destination for antique and collectable shopping and cafes.</p> <p>The proposed draft amendment seeks to amend the LPS by way of inserting a Site Specific Qualification (SSQ) within the Northern Midlands Local Provisions Schedule.</p> <p>The SSQ will allow for a market, under the General Retail and Hire use class to be considered as a Discretionary use on the identified site, directly associated with the established Evandale Market.</p> <p>The Evandale Market has identified an increase in demand for indoor market space. The proposed amendment would allow for use and development of a dedicated building on the identified site, between Falls Park and the existing car parking area. Increased space for undercover stalls is desired to reduce the impact of poor weather on patron numbers. Also currently, indoor stall holders are required to completely pack up their stalls in the Falls Park Pavilion for the Glover Art Prize event each year. A dedicated space will not be subject to this requirement.</p> <p>The proposal will allow for an expansion of indoor stalls, providing security for stall holders and reduction of the impact of poor weather. The additional space will allow for increased number and variety of stalls, contributing to the overall success of the Evandale Market.</p>
(b)	the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.	The area of land is selected for the position between the main market venue, Falls Park, and the established car park (18 Logan Road), which makes it particularly suited for the intended purpose.

3.3 State Policies

The following section assesses the draft amendment against each of the current State Policies.

3.3.1 Tasmanian State Coastal Policy 1996

The site is located more than 1km from the coastal zone, which is defined by reference to State Waters, and the State Policy therefore does not apply.

3.3.2 State Policy on the Protection of Agricultural Land 2009

The provisions of the State Policy are reflected in the Rural and Agriculture Zones in the Scheme. The site is currently zoned General Residential and no change to the underlying zoning is proposed.

Accordingly, the site is not contemplated by the provisions of the Protection of Agricultural Land Policy.

3.3.3 State Policy on Water Quality Management 1997

The provisions of the State Policy on Water Quality Management 1997 are reflected in the Natural Assets Code in the Scheme. The site is not subject to any component of the Natural Assets Code.

Notwithstanding, permit conditions are capable of being applied to ensure appropriate performance measures are implemented to protect water quality, limit runoff during construction phases and address stormwater discharge from the site associated with the proposed use and development that is facilitated by the proposed draft amendment. The draft amendment is therefore consistent with the State Policy.

3.3.4 National Environmental Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure is taken to be a State Policy.

The National Environmental Protection Measures (NEPMs), which have been adopted as State Policies, relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled waste between States and Territories and the national pollutant inventory. The NEPMs therefore relate to matters that are not affected by the proposed amendment.

3.4 Tasmanian Planning Policies

Section 34(2)(da) of the Act requires an amendment to satisfy the relevant criteria of a Tasmanian Planning Policy ("TPP"). There are no TPPs currently in effect and on that basis the criterion is met.

3.5 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy ('NTRLUS') was originally declared by the Minister for Planning in accordance with the relevant provisions of the Act on 27 October 2011. The current version was amended on 23 June 2021 and provides a framework for the sustainable use of land in the region.

The NTRLUS is a strategic regional land use plan for the eight (8) council areas in the north and north-east of Tasmania. It has a 20-year time horizon to 2032 for integrated infrastructure, land use development and transport planning, and is underpinned by economic development, social and environmental strategies.

The NTRLUS defines three key land use categories to direct the allocation of all land in the Region. These categories are:

- Urban Growth Areas
- Rural Areas
- Natural Environment Areas

Urban Growth Areas comprise land within developed urban settlements or areas intended for urban development as identified in a Priority Consolidation Area, Supporting Consolidation Area or Growth Corridor on the Regional Framework Maps.

The Regional Framework Plan for the Northern Townships (Map G.3 in the NTRLUS) identifies the site within a Supporting Consolidation Area within Evandale (see Figure 4).

It is noted that for the purposes of the Activity Centre Hierarchy, Evandale is classified as a Neighbourhood or Town Activity Centre and in the Regional Settlement Hierarchy Evandale is classified as a Satellite Settlement.

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Map G.3 Regional Framework Plan: Northern Townships
(Longford, Perth and Evandale)



Figure 4 – Map G.3 Regional Framework Plan: Northern Townships (Longford, Perth and Evandale), with the approximate location of the site marked

The section of the NTRLUS that is relevant to the proposed draft amendment is the Regional Activity Centre Network Policy.

The Key Activity Centre Networks Strategies set out in section E3.3 of the NTRLUS are addressed in Table 1 below.

Table 1 - Key Activity Centre Network Strategies

E3.3 Key Activity Centre Network Strategies	
Planning for and development of the Regional Activity Centre Network should apply the following strategies:	
Strategy	Response
Implement a regional activity centre network to support a wide range of land uses and activities consistent with the role and function of centres described in the Regional Activity Centre Hierarchy (Table E.3).	<p><i>The proposed draft amendment will not alter the established activity centre hierarchy.</i></p> <p><i>The proposal will contribute to the role of Evandale as a Town Activity Centre and assist the growth of the Evandale Market, which is an established attraction in the town.</i></p>
Strengthen the Region's capacity to deliver high order government, community, commercial and private sector services and facilities through an integrated network of activity centres.	<i>The use and development that will be facilitated by proposed draft amendment will support the established integrated network of activity centres within the region.</i>
Support the primacy and role of the Launceston PAC.	<i>The proposed draft amendment will not impact the primacy and role of the Launceston PAC.</i>
Enable the provision and retention of critical services and facilities, particularly in rural areas, by	<i>The proposed draft amendment will not impact established rural activity centres and settlements.</i>

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E3.3 Key Activity Centre Network Strategies	
Planning for and development of the Regional Activity Centre Network should apply the following strategies:	
Strategy	Response
containing the network to a limited number of strategically located rural centres that can be conveniently and widely accessed and efficiently supported.	<i>The proposal will contribute to the growth of an established market in the Satellite Town of Evandale.</i>
Promote accessibility of employment to support sustainable development.	<i>The proposed draft amendment will facilitate direct and indirect impacts upon employment within the Region by supporting the growth and development of the Evandale Market and associated businesses.</i>
Promote efficient land use, transport and infrastructure planning to reduce dependence on private vehicle travel.	<p><i>The proposed draft amendment will facilitate a future development associated with the existing Evandale Market.</i></p> <p><i>The proposal will not detrimentally impact transport and infrastructure planning.</i></p>
<p>Plan the development of each activity centre relative to its identified function, role and anticipated catchment to:</p> <ul style="list-style-type: none"> • Create economic growth by co-locating a mix of land uses; • Concentrate goods and services more efficiently; • Provide appropriate locations for government investment in public transport, health, education, cultural and entertainment facilities; • Provide focus for community and social interaction; • Promote sustainable travel and access to transport infrastructure and networks; • Integrate land use and transport to support walking, cycling and public transport; and 	<p><i>The proposed draft amendment will not impact upon the function, role or anticipated catchment of Evandale within the established activity network hierarchy.</i></p> <p><i>The proposed draft amendment would allow for future development to expand the undercover area available for the Evandale Market. The site is strategically located between the existing market site (Falls Park) and the market car park. The Evandale Market is in close proximity to other businesses and attractions in Evandale, contributing to the economic growth of the broader town.</i></p> <p><i>The proposal will enable the concentration of goods and services within established retail networks.</i></p> <p><i>The future retail development will not affect established and proposed locations for government investment in public transport, health, education, cultural and entertainment facilities.</i></p> <p><i>The proposed draft amendment will support the expansion of the existing Evandale Market, a popular attraction that provides for community and social interaction.</i></p> <p><i>The proposal will not impact the availability of sustainable travel or transport and infrastructure networks.</i></p> <p><i>The use and development facilitated by the proposed draft amendment will not alter the existing walking, cycling and public transport infrastructure.</i></p> <p><i>Evandale is a walkable town with good quality footpaths.</i></p> <p><i>Evandale can be accessed by bus to and from Launceston, 7 days a week.</i></p>

Section 37(1) Application

Measured form and function

E3.3 Key Activity Centre Network Strategies	
Planning for and development of the Regional Activity Centre Network should apply the following strategies:	
Strategy	Response
<ul style="list-style-type: none"> Accommodate higher density residential development and multiple trip-generating activities. 	<i>The proposed draft amendment is not directly related to residential use and development.</i>

Overall, the proposed draft amendment will not compromise, distort or be discordant with the Specific Policies and Actions of the Regional Activity Centre Network Policy set out in section E3.4 of the NTRLUS.

Specific Policies and Actions relevant to the proposal are set out in Table 2 below.

Table 2 - Specific Policies and Actions of the Regional Activity Centre Network Policy.

Specific Policies and Actions		
Policy	Action	Response
RAC-P4 Promote and support the role of lower order activity centres, particularly neighbourhood and rural town centres. This will support and strengthen local communities and encourage a viable population base for regional and rural settlements, while promoting the development of new neighbourhood and local centres within Urban Growth Areas where appropriate.	RAC-A5 Provide for lower order activity centres to be sustained through a local residential strategy or development plans to create vibrant and sustainable regional and rural communities. It should strengthen their role and function, maintaining and consolidating retail attractions, local employment opportunities, public amenities and services.	<i>The proposal will support the role of Evandale as a Town Activity Centre by allowing for the growth of the Evandale Market, which is a well-known and established attraction in the town.</i>
RAC-P5 Provide safe and amenable access to Activity Centres, for all members of the community, by supporting active transport opportunities that encourage people to walk, cycle and use public transport.	RAC-A6 Support the improved use of public transport and alternative modes of transport, pedestrian amenity and urban environments in a coordinated and consistent manner between the higher order activity centre.	<i>The site is located in an area of Evandale which contains footpaths and pedestrian access for the Evandale Market.</i> <i>Locals are able to access the site by active transport methods and there is a bus service to Evandale from Launceston including on weekends.</i> <i>Safe and amenable access will be able to be provided to the site.</i>
RAC-P9 Discourage 'out-of-centre' development and provide for new development that supports the Regional Activity Centres Network and the integrated transport system.	RAC-A11 Undertake master planning for the major regional activity centres, taking into account the Regional Activity Centres Network and supporting policies to encourage in-centre developments. Master plans	<i>The proposed draft amendment is not considered to be an 'out-of-centre' development. The site is located within the urban area of Evandale, which is a Town Activity Centre in the NTRLUS.</i>

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Specific Policies and Actions		
Policy	Action	Response
<p>Development applications that are 'out of centre' will only be considered if all of the following criteria are adequately addressed:</p> <ul style="list-style-type: none"> • Community need; • No adverse impact on existing activity centres; and • Synergy with existing employment hubs (i.e. health, education, research). <p>Overall, community benefit must be demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the RLUS.</p>	<p>should include a detailed development capacity audit, public consultation, opportunities and constraints assessment, methods to improve urban amenity and an economic development strategy and address other activity centre principles.</p> <p>Master plans should enhance accessibility of the higher order activity centres through good layout and good pedestrian movement.</p>	
<p>RAC-P10</p> <p>Provide for a range of land uses to be incorporated into activity centres appropriate to their role and function within the Activity Centres Hierarchy.</p>	<p>RAC-A13</p> <p>Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors</p>	<p><i>The proposed amendment will support and allow for an expansion of the existing Evandale Market, an established land use in the Evandale activity centre. The popular market is a key tourism and economic driver for the town and has been in operation for over 45 years.</i></p>
<p>RAC-P12</p> <p>Regional Activity Centres should encourage local employment. In most instances this will consist of small-scale businesses servicing the local or district areas.</p>	<p>RAC-A15</p> <p>Local policy should provide for home based businesses to support small businesses to establish and operate, while facilitating relocation into activity centres at an appropriate size and scale of operation.</p>	<p><i>The proposed amendment will support and allow for an expansion of the existing Evandale Market.</i></p> <p><i>The market provides for direct and indirect local employment and the attraction brings people that support other businesses in the town and surrounding area.</i></p>

3.6 Northern Midlands Strategic Plan 2021-2027

The Northern Midlands Strategic Plan 2021-2027 (Strategic Plan) is prepared under the Local Government Act 1993. It outlines Council's long-term strategic priorities, vision and mission across a range of operations.

The Strategic Plan set out four key priorities for the Northern Midlands Council:

- 1) *Lead: Serve with honesty, integrity, innovation and pride;*
- 2) *Progress: Economic health and wealth – grow and prosper;*
- 3) *People: Cultural and society – a vibrant future that respects the past; and*
- 4) *Place: Nurture our heritage environment.*

The Vision included in the Strategic Plan is:

Northern Midlands is an enviable place to live, work and play. Connected communities enjoy safe, secure lives in beautiful historical towns and villages. Our clean, green agricultural products are globally valued. Local business and industry is strongly innovative and sustainable.

The relevant Strategic Outcomes are identified and addressed in Table 3.

Table 3 - Relevant Strategic Outcomes of the Northern Midlands Strategic Plan

Progress: Economic health and wealth – grown and prosper	
Strategic Outcome	Response
2.4 Support and attract wealth-producing business and industry	<p><i>The proposed draft amendment will provide a pathway for a subsequent development application for use and development of the site associated with the popular Evandale Market.</i></p> <p><i>The proposal will directly support the growth and expansion of businesses that trade at the Evandale Market.</i></p> <p><i>Increasing the footprint and viability of the Evandale Market (especially during poor weather) by creating additional undercover area for stalls will also indirectly support the broader prosperity of Evandale and the Northern Midlands region by continuing to bring people to the town each Sunday.</i></p>
People: Culture and society – a vibrant future that respects the past	
Strategic Outcome	Response
3.2 Developments enhance existing cultural amenity	<i>The proposed draft amendment will allow for enhancement and expansion of the Evandale Market, which already has a notable cultural benefit for the region as a tourist attraction and activity for locals.</i>
3.4 Towns are enviable places to visit, live and work	<i>The proposed draft amendment will further facilitate the role the popular Evandale Market plays to attract people to visit, live and work in the town and region.</i>

Place: Nurture our heritage environment	
Strategic Outcome	Response
4.4 Our heritage villages and towns are high value assets	<i>The proposed draft amendment will allow for expansion of the Evandale Market in a strategic location between Falls Park and the existing market car park. The proposal will not negatively impact the built heritage of Evandale and will contribute to the continued growth of Evandale Market as a tourist attraction, bringing visitors to the heritage town each week.</i>

3.7 Adjacent Local Government Areas

Section 34(2)(g) of the Act requires the amendment, as far as practicable, to be consistent and coordinated with any LPS applying to adjacent local government areas. The proposed amendment relates to a site-specific qualification that applies to an individual title, which is not directly adjacent to a neighbouring Local Government Area. It will therefore not affect any adjacent LPS.

3.8 Gas Safety Act 2019

Section 34(2)(h) requires the amendment to have regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*. The proposed amendment does not affect the attainment of these requirements because it will not have an adverse impact on any aspect of the gas supply industry.

3.9 Code Summary

Tasmanian Panning Scheme – Launceston		
Clause	Code	Applicability
C1.0	Signs Code	Not Applicable - no development is proposed. The future development will be subject to the requirements of the Code if signage is proposed.
C2.0	Parking and Sustainable Transport Code	Applicable - no development is proposed. The Code applies to all use and development. Future use and development will be subject to the requirements of the Code.
C3.0	Road and Railway Assets Code	Applicable - no development is proposed. The future development will be subject to the requirements of the Code as applicable.

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Tasmanian Panning Scheme – Launceston		
Clause	Code	Applicability
C4.0	Electricity Transmission Infrastructure Protection Code	Not Applicable - the site is not located within an electricity transmission corridor, communications station buffer area or substation facility buffer area.
C5.0	Telecommunications Code	Not Applicable - the proposal does not involve development for a telecommunications facility.
C6.0	Local Historic Heritage Code	Not Applicable - the code is not applicable in accordance with clause C6.2 of the Scheme.
C7.0	Natural Assets Code	Not Applicable - the site is not subject to a watercourse and coastal protection area, coastal refugia area or priority vegetation area.
C8.0	Scenic Protection Code	Not Applicable - the site is not mapped as being within a scenic protection area.
C9.0	Attenuation Code	Applicable - no development is proposed. The site is within known attenuation areas associated with the Tasmanian Gun Club at Nile Road and the TasWater sewerage lagoons. Future use and development will need to consider the requirements of the Code.
C10.0	Coastal Erosion Hazard Code	Not Applicable - the site is not within a coastal erosion hazard area.
C11.0	Coastal Inundation Hazard Code	Not Applicable - The site is not located within a coastal inundation hazard area.
C12.0	Flood-Prone Areas Hazard Code	Not Applicable - The site is not located within a flood-prone hazard area.
C13.0	Bushfire-Prone Areas Code	Applicable - The site is mapped as bushfire prone on the overlay maps. Future use and development will need to consider the requirements of the Code.
C14.0	Potentially Contaminated Land Code	Not Applicable - The site is not known to be located on land which is potentially contaminated.
C15.0	Landslip Hazard Code	Not Applicable - The site is not mapped as being subject to a landslip hazard band.
C16.0	Safeguarding of Airports Code	Applicable – The site is within an airport obstacle limitation area. The AHD height specified for the OLS area is 211m. The future development will be subject to the requirements of the Code.



4.0 Conclusion

The draft amendment seeks to introduce a Site-Specific Qualification to the Northern Midlands Local Provision Schedule to allow for use and development of a building associated with the Evandale Market on part of 36 Collins Street, Evandale.

The purpose of the proposed draft amendment is to enable consideration of a development application for construction of a new building associated with the Evandale Market. The building would be used to house indoor market stalls to expand the existing Sunday market.

The proposed amendment represents coordinated and sound strategic planning and complies with the relevant requirements of the Act.

It is recommended that the proposed planning scheme amendment be initiated and subsequently approved.

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Appendix A

Certificate of Title



Submission to Planning Authority Notice

Council Planning Permit No.	PLN23-0164	Council notice date	19/09/2023
TasWater details			
TasWater Reference No.	TWDA 2023/01302-NMC	Date of response	26/09/2023
TasWater Contact	Phil Papps	Phone No.	0474 931 272
Response issued to			
Council name	NORTHERN MIDLANDS COUNCIL		
Contact details	Planning@nmc.tas.gov.au		
Development details			
Address	Lot 1 COLLINS ST, EVANDALE	Property ID (PID)	3615502
Description of development	Draft amendment to LPS to add General Retail and Hire		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
6ty°	Planning Report / 23.163	--	Aug 2023
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56S(2) TasWater makes the following submission(s):			
1. TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.			
Advice			
General			
For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards			
For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

**REFERRAL OF DEVELOPMENT APPLICATION PLN-23-0164 TO WORKS & INFRASTRUCTURE
DEPARTMENT**

Property/Subdivision No: 201000.161

Date: 19 September 2023

Applicant: 6ty°

Proposal: Draft Amendment 10/2023 to the Northern Midlands Local Provisions Schedule; Site specific qualification to add General Retail and Hire as a discretionary use in the General Residential zone, if on part of folio of the Register 141412/1

Location: 35 Collins Street, Evandale

W&I referral PLN-23-0164, Collins Street, Evandale

Planning admin: W&I fees paid.

No W&I comment

Jonathan Galbraith (Engineering Officer)

Date: 19/9/23

From: Council Referrals <Council.Referrals@tasnetworks.com.au>
Sent: Thursday, 28 September 2023 3:55 PM
To: NMC Planning
Subject: RE: Referral TasNetworks PLN23-0164 35 Collins Street Evandale - CN23-202163

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

Thank you for your email on 19/09/2023 referring the abovementioned development.

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

Kind Regards,

Belinda Lehner
Customer Relationship Specialist
Negotiated Connection Applications Team

Work Hours: Mon/Tue/Thu 8:30 -4:30; Wed & Fri 8:30-3pm.



1 Australis Drive, Rocherlea 7250
PO Box 419, Launceston TAS 7250
www.tasnetworks.com.au
[@TasNetworks](https://twitter.com/TasNetworks) [/TasNetworks](https://facebook.com/TasNetworks)

You may be contacted by CSBA (Customer Benchmarking Australia) to participate in a survey. TasNetworks engages CSBA to survey our customers who have been through the connections process so we can use this valuable feedback to improve your connections journey.

The information contained in this message, and any attachments, may include confidential or privileged information and is intended solely for the intended recipient(s). If you are not an intended recipient of this message, you may not copy or deliver the contents of this message or its attachments to anyone. If you have received this message in error, please notify me immediately by return email or by the telephone number listed above and destroy the original message. This organisation uses third party virus checking software and will not be held responsible for the inability of third party software packages to detect or prevent the propagation of any virus how so ever generated.



11 PLANNING REPORTS

11.1 DRAFT AMENDMENT 10/2023 TO THE NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE: COLLINS STREET, EVANDALE (141412/1)

File: PLN-23-0164
Responsible Officer: Des Jennings, General Manager
Report prepared by: Erin Miles, Project Officer

MINUTE NO. 23/0367

DECISION

Cr Terrett/Cr Goss

1. That, under section 38(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, decide to agree to the amendment to 'insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General retail and hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale' and prepare draft amendment 10/2023 of the Local Provisions Schedule as below.

And

2. That, under section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, certify draft amendment 10/2023 of the Northern Midlands Local Provisions Schedule as meeting the LPS criteria.

Draft Amendment 10/2023 of the Northern Midlands Local Provisions Schedule:

- A. Amend clause NOR-Site-specific Qualifications by inserting the following:

Ref No.	Site Reference	Folio of the register	Description (modification, substitution or addition)	Relevant clause in the State Planning Provisions
NOR-8.3	36 Collins Street, Evandale	141412/1	An additional Discretionary Use Class for this site is: General retail and hire with the qualification "If for a market and directly associated with the Evandale market".	General Residential Zone – clause 8.2 Use Table

- B. Amend the planning scheme maps to show a site-specific qualification on 36 Collins Street, Evandale (folio of the Register 141412/1).

Carried Unanimously

Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss and Cr Terrett

Voting Against the Motion:

Nil

RECOMMENDATION

1. That, under section 38(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority, decide to agree to the amendment to 'insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General retail and hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale' and prepare draft amendment 10/2023 of the Local Provisions Schedule as below.

And

2. That, under section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council as planning authority,



certify draft amendment 10/2023 of the Northern Midlands Local Provisions Schedule as meeting the LPS criteria.

Draft Amendment 10/2023 of the Northern Midlands Local Provisions Schedule:

A. Amend clause NOR-Site-specific Qualifications by inserting the following:

Ref No.	Site Reference	Folio of the register	Description (modification, substitution or addition)	Relevant clause in the State Planning Provisions
NOR-8.3	36 Collins Street, Evandale	141412/1	An additional Discretionary Use Class for this site is: General retail and hire with the qualification "If for a market and directly associated with the Evandale market".	General Residential Zone – clause 8.2 Use Table

B. Amend the planning scheme maps to show a site-specific qualification on 36 Collins Street, Evandale (folio of the Register 141412/1).

1 INTRODUCTION

This report:

- Assesses a draft amendment of the Northern Midlands Local Provisions Schedule to insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General retail and hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale.

The applicant advises that:

The purpose of the proposed draft amendment is to enable consideration of a development application for construction of a new building associated with the Evandale Market. The building would be used to house indoor market stalls to expand the existing Sunday market. The intention is to expand the market offerings and meet demand for additional undercover market stalls, as these are less impacted by poor weather.

The proposed use and development would not be possible under the Scheme without the proposed draft scheme amendment.

2 BACKGROUND

Applicant:

6ty°

Zone:

8.0 General Residential

Classification under the Scheme:

Planning scheme amendment.

Decision Date:

Decision whether or not to agree to the amendment must be made by 18th October 2023.

Owner:

Peter Hickson Woof

Codes/Specific Areas Plans:

C13.0 Bushfire-Prone Areas, C16.0 Safeguarding of Airports - Obstacle Limitation Area, C2.0 Parking and Sustainable Transport, C9.0 Attenuation

Existing Use:

Vacant

Recommendation:

That Council as planning authority agree to, and certify, the draft amendment.



Planning Instrument:

Tasmanian Planning Scheme - Northern Midlands

Preliminary Discussion:

The applicant has held preliminary discussions with council officers on this proposal.

3 STATUTORY REQUIREMENTS

Land Use Planning and Approvals Act 1993

37. Request for amendment of LPSs

- (1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.
- (2) A request under subsection (1) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.
- (3) A request under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land –
 - (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.

38. Decision in relation to request

- (1) A planning authority, before deciding whether to prepare a draft amendment of an LPS in relation to a municipal area in accordance with a request under section 37(1), must be satisfied that such a draft amendment of an LPS will meet the LPS criteria.
- (2) A planning authority, within 42 days after receiving a request under section 37(1) or a longer period allowed by the Commission, must–
 - (a) decide to agree to the amendment and prepare a draft amendment of the LPS; or
 - (b) decide to refuse to prepare the draft amendment of the LPS.

4 ASSESSMENT

4.1 Proposal

The application requests an amendment to the Northern Midlands Local Provisions Schedule as follows:

To insert a Site-Specific Qualification (SSQ) to the existing Northern Midlands Local Provisions Schedule NOR-Site-specific Qualifications table, to allow General Retail and Hire with the qualification "If for a market and directly associated with the Evandale market" as a Discretionary use for 36 Collins Street, Evandale.

The following would be added to the NOR-Site-specific Qualifications table:

NOR-Site-specific Qualifications table

Ref No.	Site Reference	Folio of the register	Description (modification, substitution or addition)	Relevant clause in the State Planning Provisions
NOR-8.3	36 Collins Street, Evandale	141412/1	An additional Discretionary Use Class for this site is: General retail and hire with the qualification "If for a market and directly associated with the Evandale market".	General Residential Zone – clause 8.2 Use Table

4.2 Zone and Land Use

The land is in the General Residential Zone. The site is currently vacant, other than a small shed.

4.3 Subject Site and Locality

The author of this report conducted a site visit on 5th September 2023. The land has a total area of 8375m², however, only a 1800m² portion is proposed to be impacted by the Site Specific Qualification. The site is mostly vacant, with the exception of a shed and vegetation and is relatively level, except for the very eastern side adjacent to the carpark, which gently slopes to the east.

Figure 1 - Photograph of subject site looking south



Figure 2 - Photograph of subject site looking south east





Figure 3 - Photograph of subject site looking west along walkway from market carpark to Falls Park



Figure 4 - Photograph of Falls Park market area looking toward subject site



Figure 5 – Aerial photograph of area



4.4 Permit/Site History

- An application for a dwelling on the site was received in 2018 but expired awaiting further information prior to a decision being made.
- PLN-21-0071 – Dwelling, garage and shed (within attenuation distance of Evandale Sewage Treatment Plant, removal of vegetation) at 35 Collins Street, Evandale (access over 18 Logan Road)

4.5 Notice to agencies and State authorities

If Council as planning authority certifies the draft amendment, before exhibiting the draft amendment of an LPS, Section 40FA of the Land Use Planning and Approvals Act requires the planning authority to notify:

(a) the relevant agencies; and

(b) those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment of the LPS.

TasNetworks

TasNetworks advised on 28/09/2023 that:

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

TasWater

TasWater advised on the 26th September 2023 that it does not object to the draft amendment and has no formal comments in relation to the matter and does not require to be notified of, nor attend any subsequent hearings.

Planning Policy Unit - Department of State Growth

The application was referred to the Planning Policy Unit on 19 September 2023. As of writing, a response has not been received.



Council's Works and Infrastructure Department

Council's Works and Infrastructure Department advised on 19th September 2023 of no comment to make.

Heritage Advisor, David Denman

The site is not within the Evandale Heritage Precinct and does not require referral to Council's Heritage Advisor.

4.6 Notice of exhibition in relation to the draft amendment

Section 40G of the Land Use Planning and Approvals Act requires:

- (1) A planning authority, as soon as practicable after providing to the Commission a copy of a draft amendment of an LPS, must ensure an exhibition notice in relation to the draft amendment of an LPS is published in accordance with this section.*
- (2) The exhibition notice is to be published once before, and once within 14 days after, the first day of the exhibition period, in a newspaper that is published in Tasmania and circulates generally in the area to which the draft amendment of an LPS relates.*
- (3) The exhibition notice is to –*
 - (a) specify the period that is to be the exhibition period in relation to the draft amendment of the LPS; and*
 - (b) specify that the draft amendment of the LPS is or will be –*
 - (i) available for viewing by the public, during the exhibition period, at premises, that are offices of the planning authority, specified in the notice; and*
 - (ii) available for viewing and downloading by the public, during the exhibition period, at an electronic address specified in the exhibition notice; and*
 - (c) contain an invitation to all persons and bodies to, within the exhibition period, make to the planning authority a representation in relation to the draft amendment of the LPS by submitting the representation to –*
 - (i) the premises specified in the notice in accordance with paragraph (b)(i) ; or*
 - (ii) an electronic address specified in the notice.*
- (4) The exhibition period, in relation to a draft amendment of an LPS, is to be a period of 28 days –*
 - (a) beginning on the day on which the draft amendment of the LPS begins to be available for viewing by the public at exhibition premises in accordance with section 40H ; and*
 - (b) excluding any days on which the exhibition premises are closed during normal business hours.*

Any representations received during the exhibition period will be considered by the Council as planning authority for reporting on to the Tasmanian Planning Commission.

4.7 Assessment Against LPS Criteria

34(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The proposed rezoning has no impact on provisions required to be contained in an LPS.

(b) is in accordance with section 32

Under section 32:

- (3) An LPS may, if permitted to do so by the SPPs, include*
 - (a) a particular purpose zone...*
 - (b) a specific area plan, being a plan consisting of –*
 - (i) a map or overlay that delineates a particular area of land; and*
 - (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs.*
 - (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.*
- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –*
 - (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*



The General Residential Zone applies to the subject site. The draft amendment seeks to insert a site-specific qualification. As advised in the application:

The purpose of the proposed draft amendment is to enable consideration of a development application for construction of a new building associated with the Evandale Market [currently located adjacent to the site]. The building would be used to house indoor market stalls to expand the existing Sunday market. The intention is to expand the market offerings and meet demand for additional undercover market stalls, as these are less impacted by poor weather.

The spatial qualities of the site relate to its proximity to the existing Evandale Market and demonstrate the draft amendment is in accordance with section 32.

(c) furthers the objectives set out in Schedule 1

Schedule 1, Part 1 – Objectives of the Resource Management and Planning System of Tasmania

a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity

The site is a General Residential zoned lot, surrounded by a range of urban uses. The area impacted by the proposed Site Specific Qualification is mostly cleared and contains limited natural resources. Any future development of the site is likely to have minimal impact on the maintenance of ecological processes and genetic diversity.

b) to provide for the fair, orderly and sustainable use and development of air, land and water

The amendment process gives due consideration to these matters and the subject site does not contain any particular natural or cultural values that require special consideration. The draft amendment presents a logical expansion of the market site and forms a natural linkage between the established market car park, walkway and Falls Park market area, without impacting on existing retail and service provisions within the town. The proposal is consistent with this objective.

c) to encourage public involvement in resource management and planning

If the draft amendment is certified by the planning authority, it will be placed on public notification in accordance with the Land Use Planning and Approvals Act, allowing for representations to the draft amendment to be submitted.

d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The draft amendment seeks to allow for an extension of the existing Evandale Market onto adjoining land and facilitate additional undercover area for stallholders, ameliorating the impact of adverse weather. The market is a key economic driver for the township and facilitates economic development across a range of local businesses.

e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Notice of the draft amendment has been given to relevant agencies and State authorities.

Schedule 1, Part 2 – Objectives of the Planning Process Established by this Act

a) to require sound strategic planning and co-ordinated action by State and local government

The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy that identifies Evandale as a satellite suburb, described as providing an extensive urban area independent of the Greater Launceston Urban Area with key local retail, commercial, and community service functions. The amendment does not seek to change the underlying zone but will allow for strategic development of the site given its location in relation to the established market site and adjoining car park. The site is already constrained for residential use, given the lack of road frontage, limited services and siting within an Attenuation area of the Evandale Wastewater Treatment Plant, but presents an opportunity to further promote a key local attraction to the township that is integral to the towns identity, being the Evandale Market.



b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land

Consistent with that system, the planning authority determines whether to prepare the draft amendment and approve the application for planning permit.

c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land

Given the urban location and semi-developed (cleared) nature of the site, the proposed draft amendment is unlikely to have any significant impact on environmental values of the site.

As noted in the application, the future use and development that will be facilitated by the proposed draft amendment for an expansion of the Evandale Market, will have a net community benefit from an economic and social perspective. The market has been operating consistently since approximately 1975, and runs every Sunday, in all weather. Visitor numbers to the market each week average 3000 people (up to 5000 at peak times) along with approximately 150 stallholders (Examiner, 2017). Providing all weather facilities is important in providing security for stallholders and subsequent patronage to the market and other retail outlets within the town.

d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels

The proposed amendment is consistent with relevant local, regional and state policies, as discussed later in this report.

e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals

The proposed planning scheme amendment is requested under section 37(1) of the Act.

f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation

The proposal allows for a use that is consistent with this objective, given the established and popular nature of the Evandale market with both locals and visitors to the town.

g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value

The subject site is not an area or place of scientific, aesthetic, architectural or historical interest.

h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The draft amendment will not have a negative impact on public infrastructure. The site has limited access to existing services.

i) to provide a planning framework which fully considers land capability.

LIST Map shows that the site was excluded from the study area of the land potentially suitable for agriculture zone and is not subject to the State Policy on the Protection of Agricultural Land.

(d) is consistent with each State policy

State Policy on the Protection of Agricultural Land 2009



LIST Map shows that the site was excluded from the study area of the land potentially suitable for agriculture zone. The draft amendment does not impact on the State Policy on the Protection of Agricultural Land.

Tasmanian State Coastal Policy 1996

The subject site is not in a coastal zone and the Coastal Policy does not apply.

State Policy on Water Quality Management 1997

Although not currently connected, the site has access to the existing reticulated stormwater and sewerage services and capacity to dispose of on-site subject to further assessment. The draft amendment is consistent with this State policy.

National Environmental Protection Measures (NEPMs)

In accordance with the State Policies and Projects Act 1993, a NEMP is taken to be a State Policy. The following NEMPs are therefore State policies:

- Air Toxics*
- Ambient Air Quality*
- Assessment of Site Contamination*
- Diesel Vehicle Emissions*
- Movement of Controlled Waste between States and Territories*
- National Pollutant Inventory*
- Used Packaging Materials*

None of the NEPMs apply to the subject site and proposed amendment.

(da) satisfies the relevant criteria in relation to the TPPs

There are no TPPs currently in effect; therefore, it is considered this criteria is met.

(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

The subject site is identified as being within the Urban Growth Area land use category of the Northern Tasmania Regional Land Use Strategy (NTRLUS). Urban Growth Areas comprise land within the developed urban settlement or in areas intended for urban development as identified in a Priority Consolidation Area, Supporting Consolidation Area or Growth Corridor shown in the Regional Framework Plan Map. Map D.3 identifies the site as being within a supporting consolidation area, defined as follows:

Supporting Consolidation Areas

- Comprising land in established suburbs which is separate from *Priority Consolidation Areas* as shown in the Regional Framework Plan Maps D.1, D.2 and D.3;
- Support reliable and effective transportation and reduce vehicle dependency;
- Physically connect new urban settlements to existing communities wherever possible, or otherwise provide new development with direct transport linkages to established urban areas;
- Promote cohesive communities;
- Support a wide range of services and facilities;
- Support access to existing or planned activity centres; and



- Comprise a suitable and complementary mix of land uses to support the *Regional Settlement Hierarchy* and the *Regional Activity Centre Hierarchy*.

Evandale is classified as a Satellite Settlement within the Regional Settlement Hierarchy and as a Neighborhood or Town Centre in the Regional Activity Centre Hierarchy. The proposal is consistent with the Key Activity Centre Network Strategies detailed at section E.3.3 of the NTRLUS and the associated Specific Policies and Actions, as further detailed in the Planning Submission report.

The draft amendment is consistent with the Northern Tasmania Regional Land Use Strategy.

(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

The current strategic plan for the Northern Midlands is the Northern Midlands Council Strategic Plan 2021-2027. The plan focusses on the unique elements of the Northern Midlands, an enviable place to live, work and play. The Plan is based upon four key priorities:

Lead: Serve with honesty, integrity, innovation and pride

Progress: Economic health and wealth – grow and prosper

People: Cultural and society – a vibrant future that respects the past

Place: Nurture our heritage environment

Each priority is supported by four strategic outcomes that describe what the Council aims to achieve, and that are consistent with its vision.

Actions and projects to achieve these outcomes will be included in the Council's Annual Plan. Performance measures will be included in the Annual Plan to enable the Council to track its progress against each of the strategic outcomes.

(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

While the site is not in close proximity to another municipal area, the draft amendment's consistency with the RLUS ensures a similar consistency and co-ordination with the LPSs of adjacent municipal areas.

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

The site is not in the vicinity of the Tasmanian Gas Pipeline.

5 ASSESSMENT OF PLANNING APPLICATION

A permit application is not proposed under section 40T of the *Land Use Planning and Approvals Act*; therefore, assessment against the zone and NOR-S5.0 Evandale Specific Area Plan is not relevant. A summary of the relevant Code provisions is provided below.

CODES		
E1.0	Signs Code	N/a – no development proposed. Future development of the site will be subject to the Signs Code if signage is proposed.
E2.0	Parking and Sustainable Transport Code	Code applies to all use and development. Future use and development of the site will be subject to the provisions of the Code.
E3.0	Road and Railway Assets Code	Code applies to use and development specified in clause C3.2.1. Future use and development of the site may be subject to the provisions of the Code.
E4.0	Electricity Transmission Infrastructure Protection Code	N/a



E.5.0 Code	Telecommunications	N/a
E6.0 Code	Local Historic Heritage	N/a
E7.0	Natural Assets Code	N/a
E8.0	Scenic Protection Code	N/a
E9.0	Attenuation Code	The site is within the Attenuation Distance of the Tasmanian Gun Club on Nile Road and the Evandale sewerage lagoons. Future use and development will need to consider the requirements of the code, however, the use proposed by draft amendment will not be subject to the application of the Code under clause C9.2.1.
E10.0 Code	Coastal Erosion Hazard	N/a
E11.0 Hazard Code	Coastal Inundation	N/a
E12.0 Hazard Code	Flood-Prone Areas	N/a
E13.0 Code	Bushfire-Prone Areas	The site is mapped as Bushfire Prone and future use and development of the site will be subject to the provisions of the Code.
E14.0 Contaminated Land Code	Potentially	N/a
E15.0	Landslip Hazard Code	N/a
E16.0 Airports Code	Safeguarding of	The subject site is within the Airport obstacle limitation area with 211m AHD. Future use and development of the site will be subject to the provisions of the Code.

PARTICULAR PURPOSE ZONES

NOR-P1.0	Particular Purpose Zone – Campbell Town Service Station	Not applicable
NOR-P2.0	Particular Purpose Zone – Epping Forest	Not applicable

GENERAL PROVISIONS

7.1	Changes to an Existing Non-conforming Use	Not applicable
7.2	Development for Existing Discretionary Uses	Not applicable
7.3	Adjustment of a Boundary	Not applicable
7.4	Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place	Not applicable
7.5	Change of Use from an existing lawful use to another use in the same use class	Not applicable
7.6	Access and Provision of Infrastructure Across Land in Another Zone	Not applicable
7.7	Buildings Projecting onto Land in a Different Zone	Not applicable
7.8	Port and Shipping in Proclaimed Wharf Areas	Not applicable
7.9	Demolition	Not applicable
7.10	Development Not Required to be Categorised into a Use Class	Not applicable
7.11	Use or Development Seaward of the Municipal District	Not applicable
7.12	Sheds on Vacant Sites	Not applicable

6 FINANCIAL IMPLICATIONS TO COUNCIL

Assessing planning scheme amendments is within budget allocations.



7 OPTIONS

Decision in relation to request

The planning authority can:

- decide to agree to the amendment and prepare a draft amendment of the LPS; or
- decide to refuse to prepare the draft amendment of the LPS.

Preparation of draft amendment

If the planning authority decides to agree to the amendment, it must prepare a draft amendment. A draft amendment has been prepared as shown in the recommendation of this report.

Certification of draft amendment

- The planning authority must consider whether it is satisfied that the draft amendment meets the LPS criteria, see section 4.7.
- If the planning authority is satisfied that the draft amendment meets the LPS criteria, it must certify the draft as meeting the requirements of the Land Use Planning and Approvals Act; or
- If the planning authority is not satisfied that the draft amendment meets the LPS criteria it must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

8 DISCUSSION

As discussed in this report, the draft amendment is in accordance with the LPS criteria. It is recommended that the planning authority certify the draft amendment. The draft amendment will then be placed on public exhibition and any representations received considered by the planning authority before providing a report on the representations to the Tasmanian Planning Commission.

9 ATTACHMENTS

1. NMC - Planning Application Form 03-07-23 [**11.1.1** - 1 page]
2. TPC owner consent form completed [**11.1.2** - 2 pages]
3. Folio plan [**11.1.3** - 1 page]
4. 23.163 - Final Planning Submission - Evandale Market [**11.1.4** - 30 pages]
5. SPAN [**11.1.5** - 1 page]
6. Response W&I No comment [**11.1.6** - 1 page]
7. Tas Networks Response to referral [**11.1.7** - 1 page]