

11. PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 9 - Planning Authority.

11.1. PSA-LLP0014 30 Merino Street, Kings Meadows - Scheme Amendment - Change of Zone

FILE NO: PSA-LLP0014

AUTHOR: Iain More (Senior Town Planner Policy and Projects)

APPROVER: Chelsea Van Riet (General Manager Community and Place Network)

DECISION STATEMENT:

To decide whether to reject or agree to initiate and exhibit Amendment PSA-LLP0014 to the Launceston Local Provisions Schedule of the Tasmanian Planning Scheme.

PLANNING APPLICATION INFORMATION:

Applicant:	City of Launceston
Address:	30 Merino Street, Kings Meadows (CT132062/1)
Existing Zones:	Light Industrial & Low Density Residential
Existing Use:	Vacant land

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston
Northern Tasmania Regional Land Use Strategy

RECOMMENDATION:

That Council, pursuant to:

1. section 40D of the *Land Use Planning and Approvals Act 1993*, agrees to, and initiates Amendment PSA-LLP0014, to the Launceston Local Provisions Schedule, to:
 - (a) Rezone 3.9ha of land from Light Industrial to Low Density Residential at 30 Merino Street, Kings Meadows; and
 - (b) Insert the priority vegetation overlay map over the rezoned land area.
 2. section 40F of the *Land Use Planning and Approvals Act 1993*, certifies draft amendment PSA-LLP0014; and
 3. sections 40G and 40H of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition be 28 days.
-

TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP0014

Rezoning part of 30 Merino Street, Kings Meadows from Light Industrial to Low Density Residential, as described below:

Titles included: 132062/1

Amend the Tasmanian Local Provisions Schedule maps as below:



Zoning  Low Density Residential Zone

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Sam Johnson
Chief Executive Officer

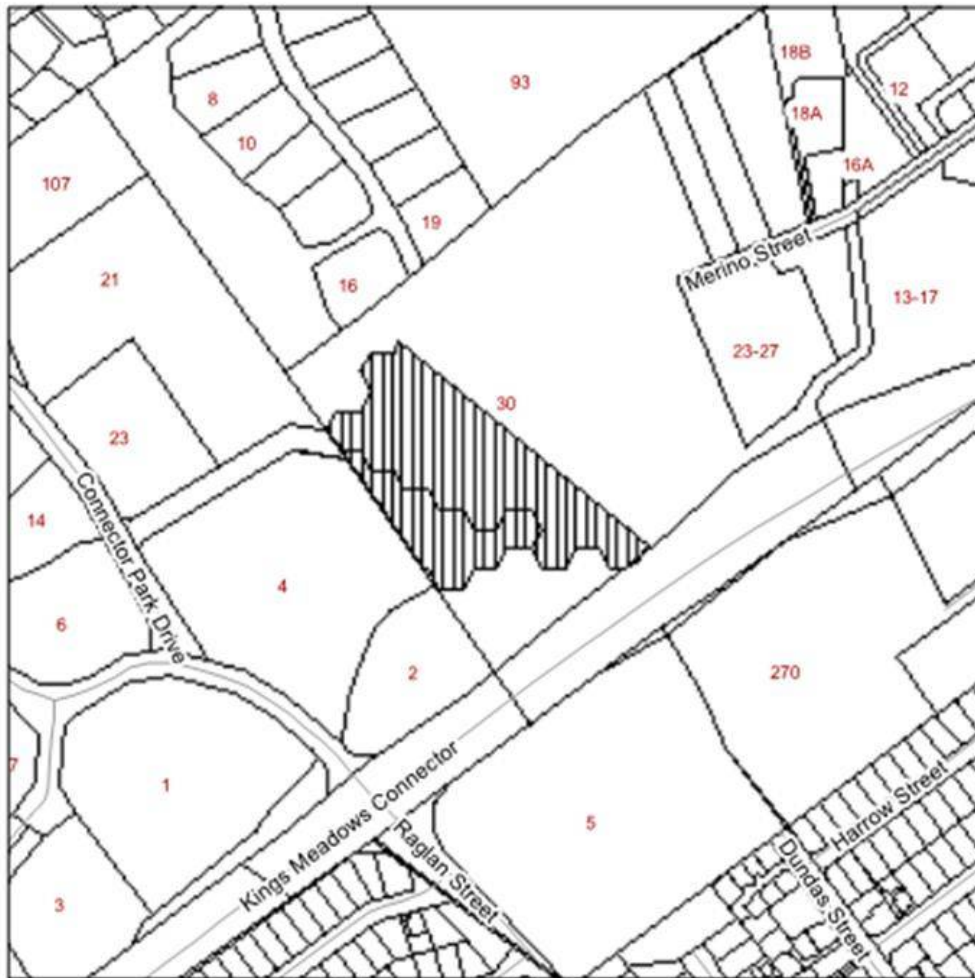
Date

Service Layer Credits: the LIST State of
Tasmania

Instrument 1 - Light Industrial to Low Density Residential

TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP0014

Apply the Priority Vegetation Overlay to part of 30 Merino Street, Kings Meadows,
as described below:
Titles included: 132062/1
Amend the Tasmanian Local Provisions Schedule maps as below:



Code Overlay  Priority Vegetation

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Date

Sam Johnson
Chief Executive Officer

Service Layer Credits: the LIST State of
Tasmania

Instrument 2 - Priority Vegetation Overlay

REPORT: APPLICATION FOR PLANNING SCHEME AMENDMENT

1. EXECUTIVE SUMMARY

The site has been identified as an underutilised parcel of land within the Kings Meadows area. As part of the transition from the Launceston Interim Planning Scheme to the statewide scheme, a Low Density Residential Zone Project was undertaken reviewing sites within the municipality. The report recognised that the subject site warranted further investigation and it was recommended that the split zoning not be retained, however due to transitional timeframes, a rezoning was unable to be implemented. The report did conclude that discussion with the property owner should be entered into to ascertain plans for the future. Being split zoned in its current layout, the site is difficult to develop for sensitive uses noting the constraints that an industrial zone present when working in conjunction with residential uses.

This amendment will ensure the land is able to be fully utilised in the future based on those discussions and compliance with the regional strategy. It has been identified that the 3.9ha area of land located on the western side of the site currently zoned Light Industrial is underutilised, with limited likelihood of being developed for future industrial use due to site constraints. It is considered the rezoning to residential land will allow for larger lots to be developed in the future, which will be well located and serviced, and be of a size that will enable attenuation consideration of the adjoining industrial areas. Existing access is via Merino Street to the east, which connects into Hobart Road and the surrounding transport network. Future development will have the ability to explore other connections.

1.1 Why the site is not suited for Industrial Development

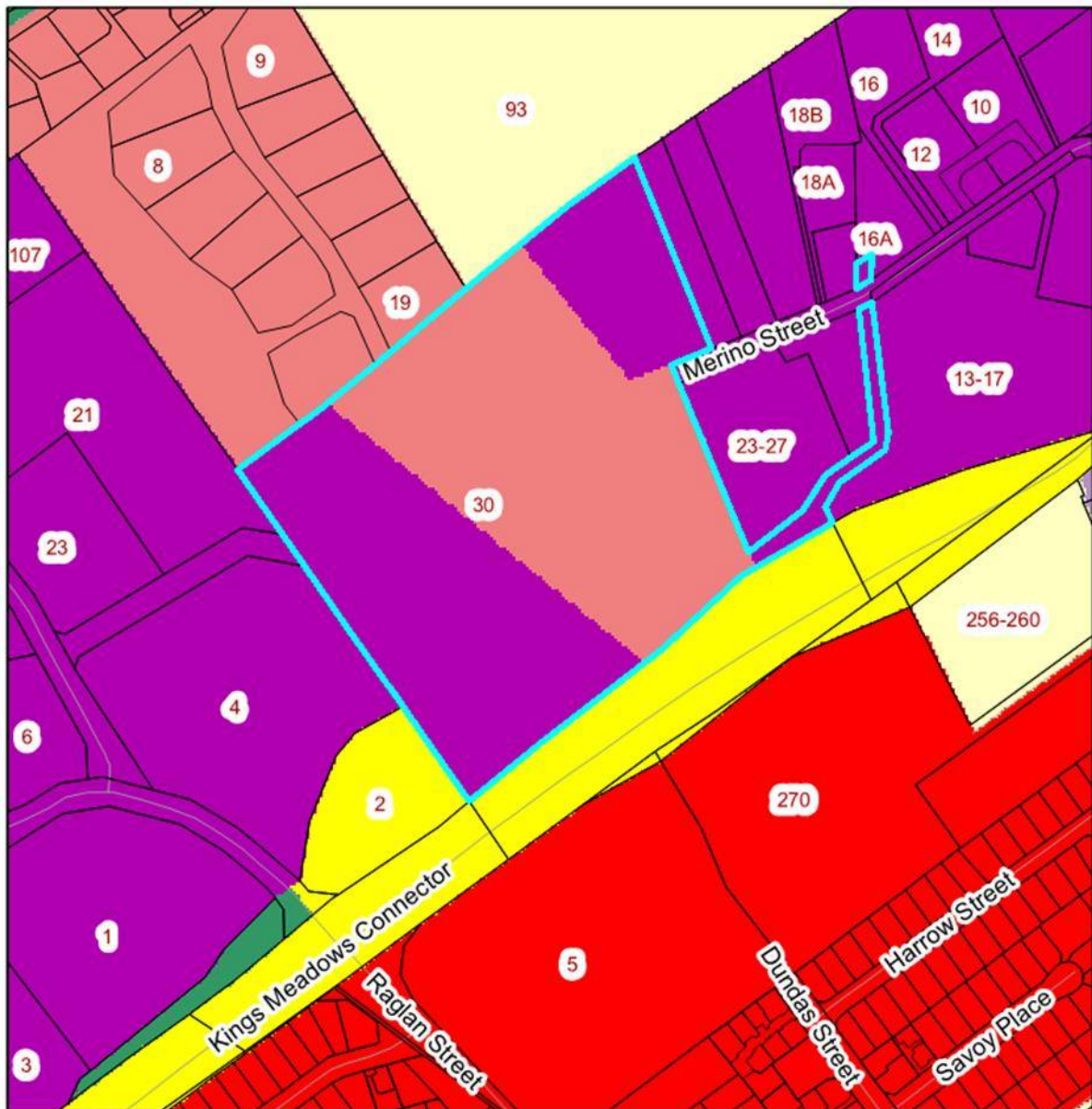
The area of Industrial land to be rezoned from Light Industrial to Low Density Residential is currently unsuitable for industrial development. This is predominantly due to the slope of the site, with a gradient of up to 37 degrees. Industrial development generally requires larger, flat sites to allow for bulkier uses and large vehicle traffic movements. If the area were to be utilised for industrial use, significant works would be required to facilitate such development, and further consideration of the existing residential land to the east would be required to ensure the interface between the industrial and residential uses is managed appropriately. The sites characteristics such as priority vegetation, scenic protections, and proximity to residential uses limit the viability of industrial activity.

1.2 Why the Low Density Residential Zone is preferred

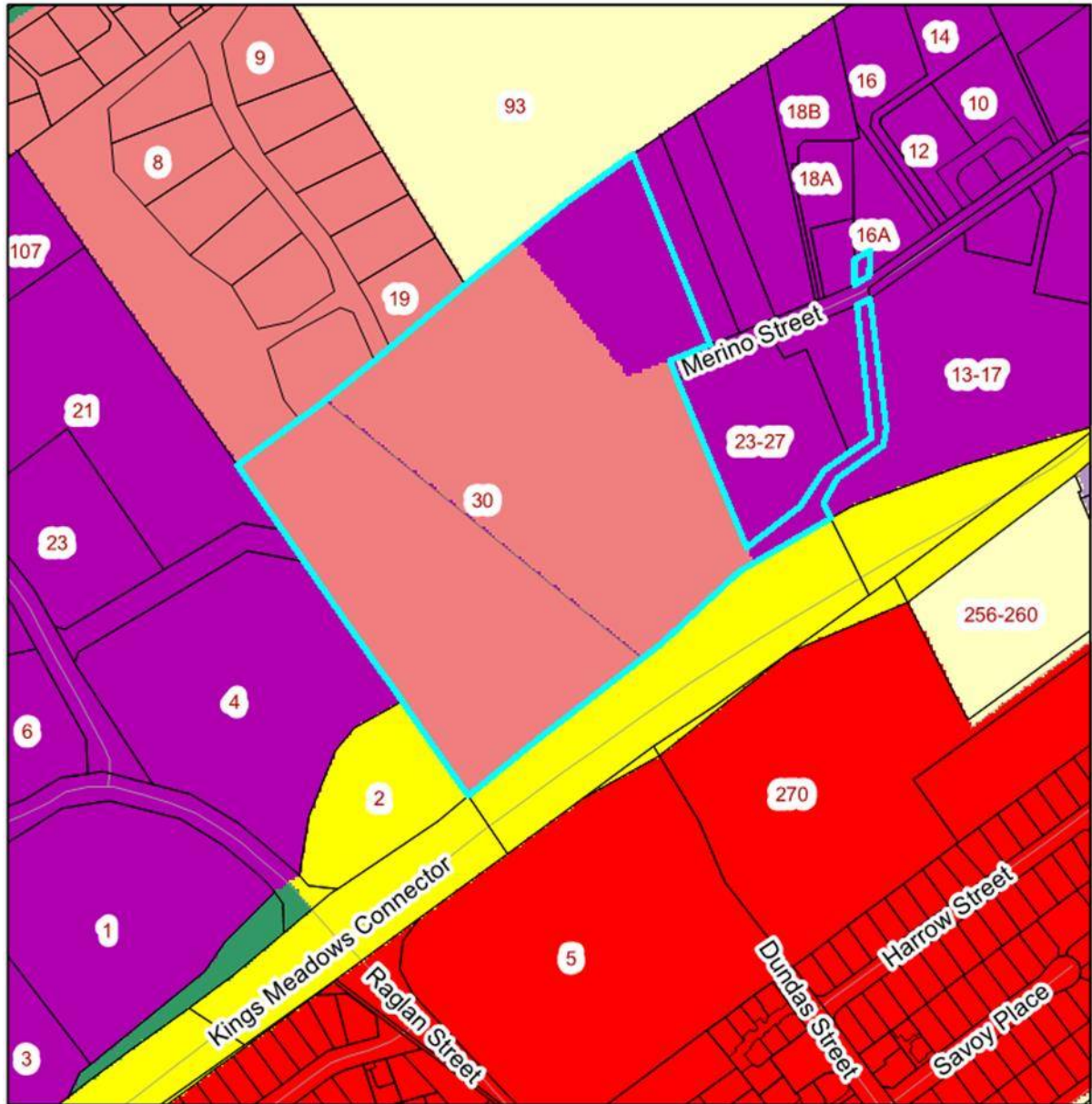
The rezoning from Light Industrial to Low Density Residential is considered an appropriate outcome for the split zoned site. Rather than being a dormant undeveloped parcel of land, the rezoning would allow for an expansion of the existing residential land on the property. This residential expansion would allow a greater opportunity to develop the site noting the industrial buffer constraints to the west and east. Whilst it is unlikely the entirety of the site would be able to be developed due to constraints such as slope, vegetation, and adjoining land uses, the rezoning would allow meaningful development to occur, and be a logical continuation of the Low Density Residential land to the north in Ridgewood Lane, maintaining existing land use patterns of the area. This is further supported by the Northern Tasmania Regional Land Use Strategy, which states that the site is within a supporting consolidation area.

It is recognised that earthworks would also be required to facilitate new residential development, however this could be achieved at a level that is responsive to the site conditions and constraints.

The proposed zoning changes will result in the site having a total of approximately 9.5ha of Low Density Residential zoned residential land, and will retain approximately 1.3ha of Light Industrial zoned land in the north eastern corner of the lot (refer to Figure 1 below). The newly rezoned residential area will also include the priority vegetation overlay.



Current Zoning



New Zoning

Figure 1 - Zoning comparison

Based on the low density zone subdivision provisions, discretion would allow for a theoretical yield of 33 new lots for the proposed rezoned area (3.9ha), and 79 new residential lots for the site in its entirety. However, due to site constraints such as topography and waterways, as well as overlays such as scenic and natural values, bushfire, and further due to the site's proximity to industrial uses and the requirements of buffer areas, it is highly unlikely this yield could be achieved. The provision of infrastructure such as a new road will further reduce its potential yield.

1.3 Why the split zoning should not be retained

The third option is the 'do nothing' option whereby the site retains its split zoning of Low Density Residential and Light Industrial. This essentially quarantines the site from being developed for industrial purposes or residential purposes, or at the very least would only allow minor and conflicting development to occur. Such an option is not considered desirable or appropriate, noting the potential of the site for development.

2. PROPOSED AMENDMENT

The City of Launceston has prepared by its own motion, under section 37(1) and section 40D(b) of *the Land Use Planning and Approvals Act 1993* (the Act), a scheme amendment to:

- a) Rezone 3.9ha of land from Light Industrial to Low Density Residential at 30 Merino Street, Kings Meadows; and
- b) Insert the priority vegetation overlay map over the rezoned land area.

The Tasmanian Planning Scheme - Launceston, will be referred to as the scheme in this report. The Launceston Local Provisions Schedule will be referred to as the LPS in this report.

The amendment will ensure that existing underutilised land will assist in meeting the housing needs of the city. The change is considered consistent with all levels of policy and will encourage appropriate subdivision in an underutilised area of the Launceston municipality, whilst being respectful of the character of the area.

It is important to note that where anomalies and inconsistencies in zoning become known across the municipality, it is best practice to endeavour to find a solution and enact change. In many instances an applicant may lodge an amendment to the Planning Scheme, however the City Development department, on behalf of the City of Launceston, can also prepare amendments in such instances.

3. SITE & SURROUNDS

The subject site is located at 30 Merino Street, Kings Meadows and comprises a single title (CT132062/1) 10.85ha in size. The irregular shaped site contains frontages to Merino Street and Kings Meadows Connector. The site currently sits vacant with heavy vegetation and steep slopes.

The site is located south of the Launceston Central Business District (CBD) in the suburb of Kings Meadows. The site adjoins a residential strata community to the north (Ridgewood Lane) as well as Kings Meadows High School, the Connector Park industrial estate to the west, and another industrial estate to the east. South of the site over the Connector Road is residential land currently being developed, known as Oaken Park Estate.

The site is currently split zoned, with approximately 5.2ha zoned Light Industrial, located along the western boundary and the north eastern boundary of the site. The remaining 5.65ha is zoned Low Density Residential.

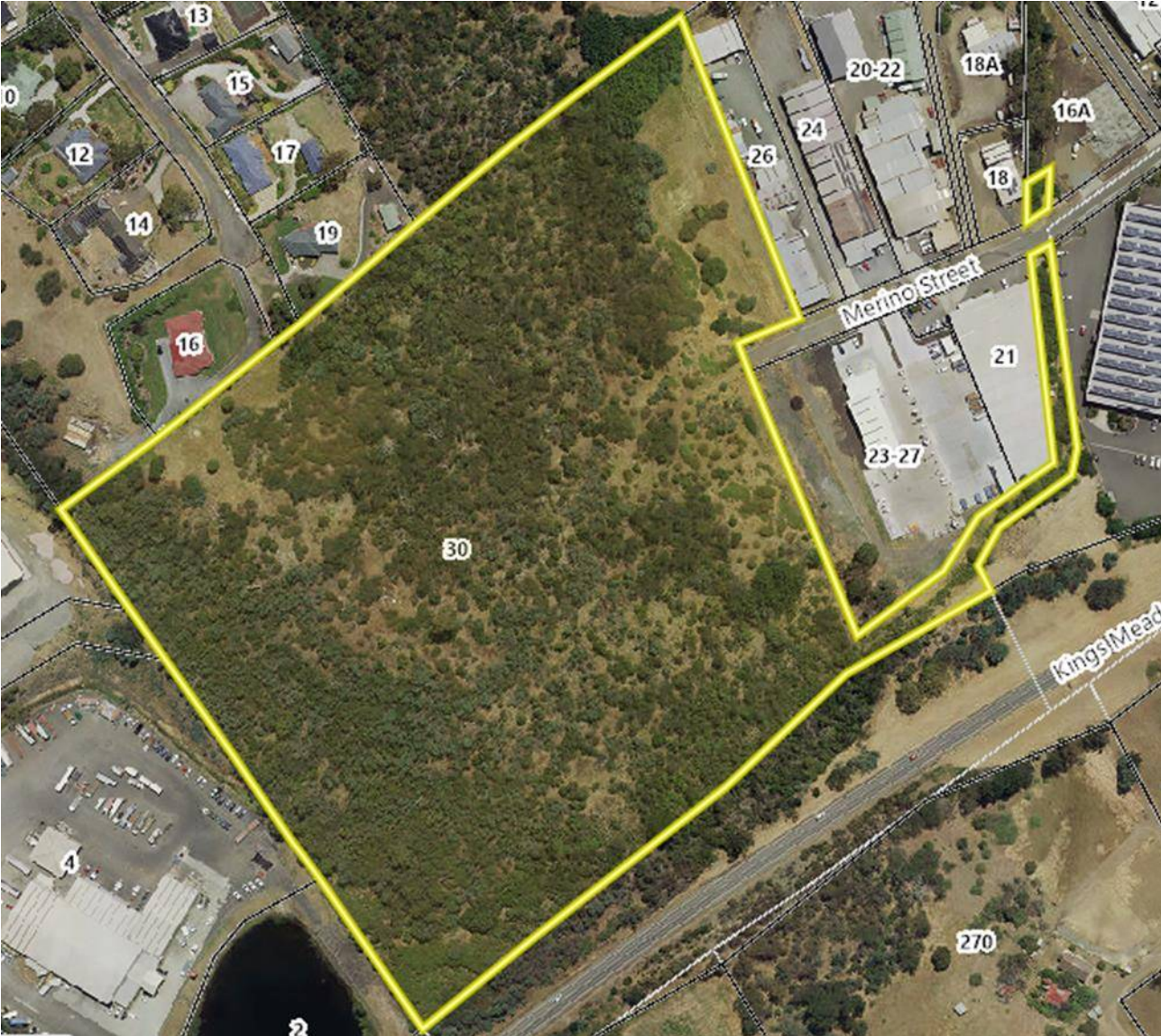


Figure 1 - Subject site aerial (source: SAM mapping)

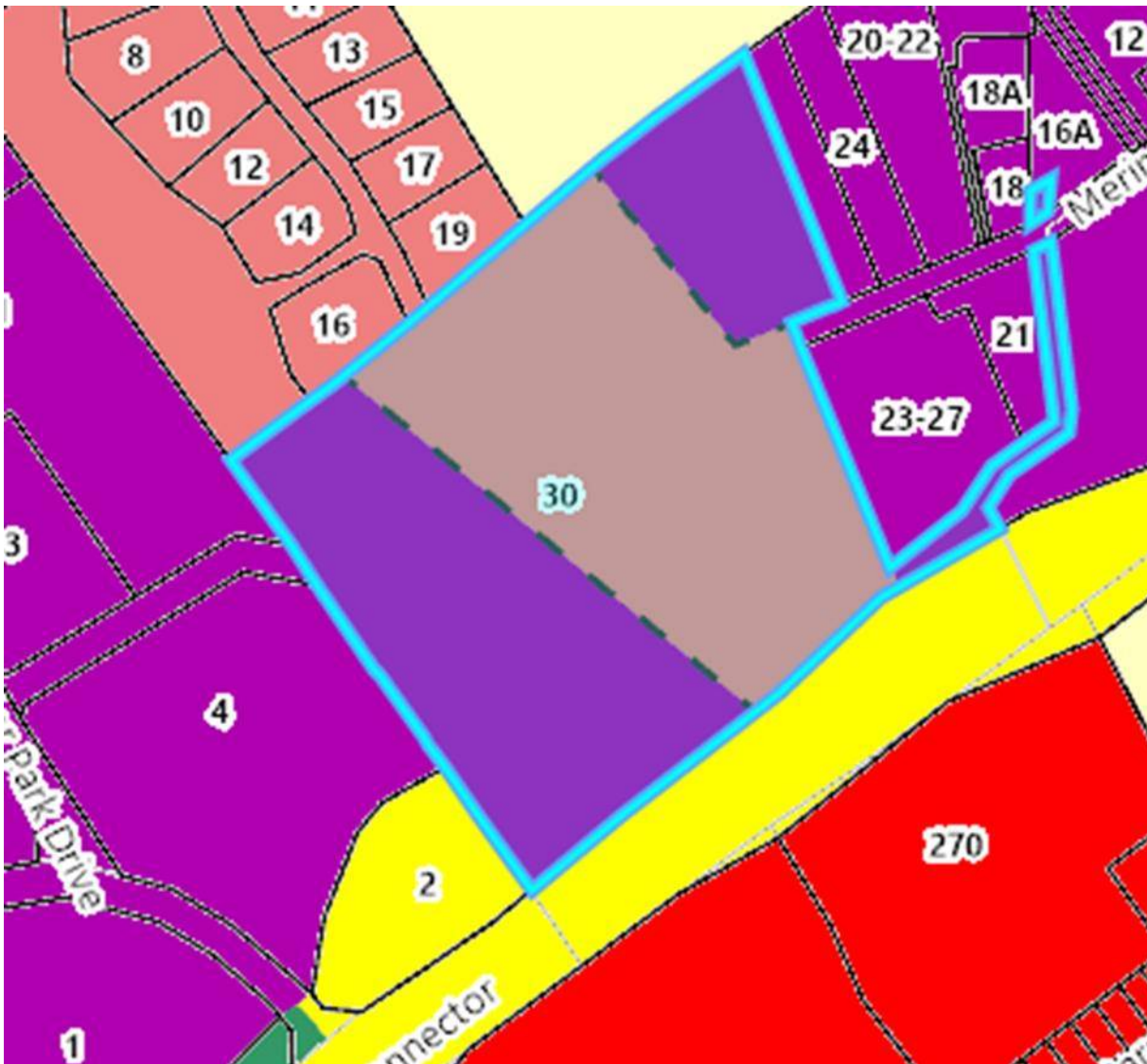


Figure 2 - Subject site and zoning (source: SAM mapping)

3.1 Heritage Values

There are no heritage listings over the site.

3.2 Scenic Values

The southern portion of the site facing the Kings Meadows connector contains the Southern Gateway Specific Area Plan (SAP) which considers scenic amenity. Future development will be subject to compliance against this SAP.

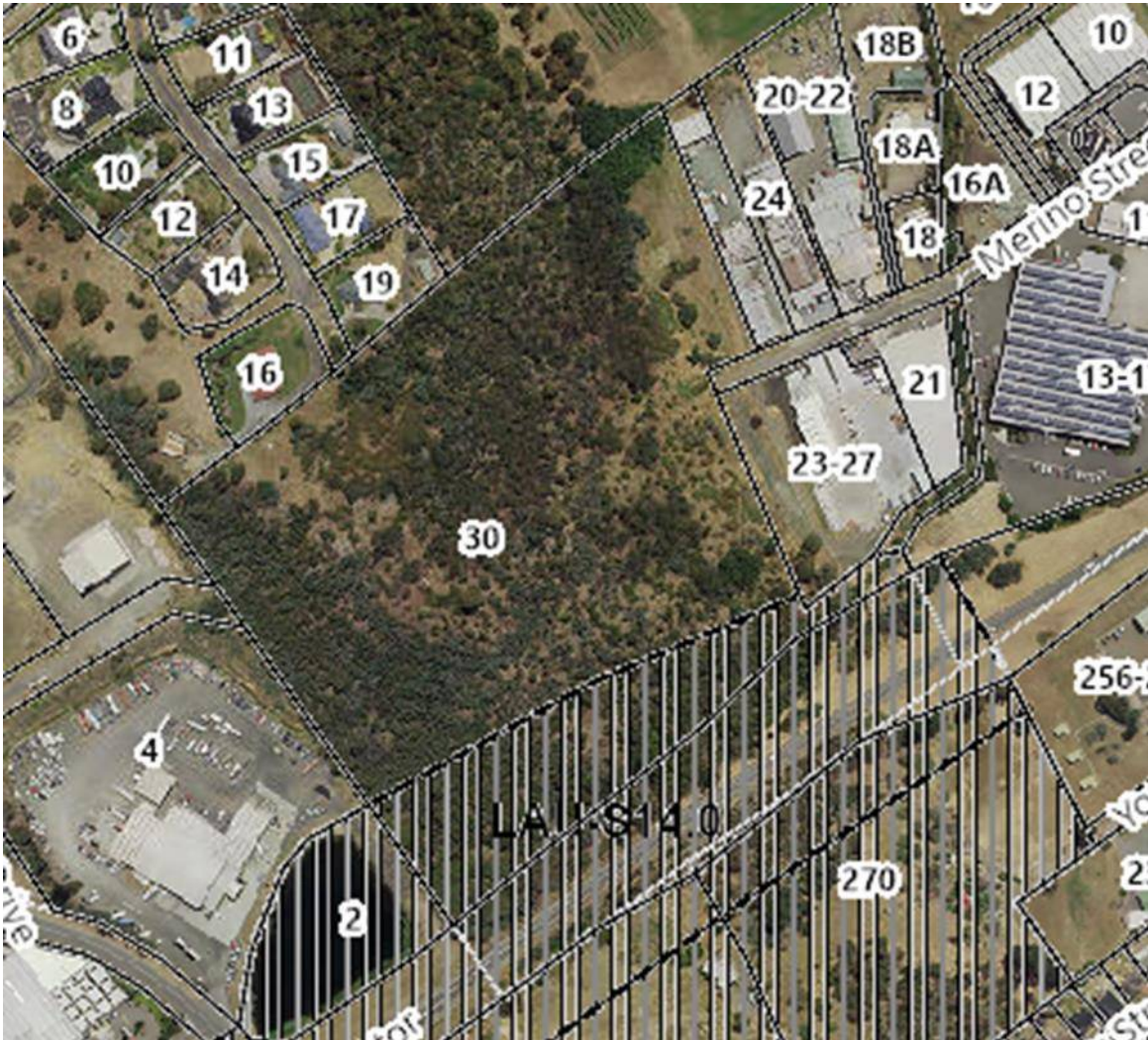


Figure 3 - Specific Area Plan (source: SAM mapping)

The following also provides photographs of the sites existing condition:



Figure 3A - Photo looking west from Merino Street



Figure 3B - Photo looking east from the road reserve off Connector Park Drive



Figure 3C - Photo looking south-east along the Kings Meadows Connector



Figure 3D - Photo looking north from Kings Meadows Connector

3.3 Natural Values

The land over the site currently zoned Low Density Residential contains the priority vegetation overlay. It is noted that the state mapping also has the overlay further extended into the area proposed to be rezoned.

A Threatened Flora and Fauna Assessment, prepared by Peripatus Environmental Services, concluded that the biodiversity of the site is significantly degraded, noting however that where native vegetation is present, that it should be retained and restored where possible. Accordingly, it is recommended that the overlay be retained and expanded on the site, noting that works associated with any future subdivision will be required to minimise adverse impacts on the vegetation.

Code C7.0 Natural Assets Code within the Planning Scheme is able to evaluate any risk, subject to detailed design in any future applications.

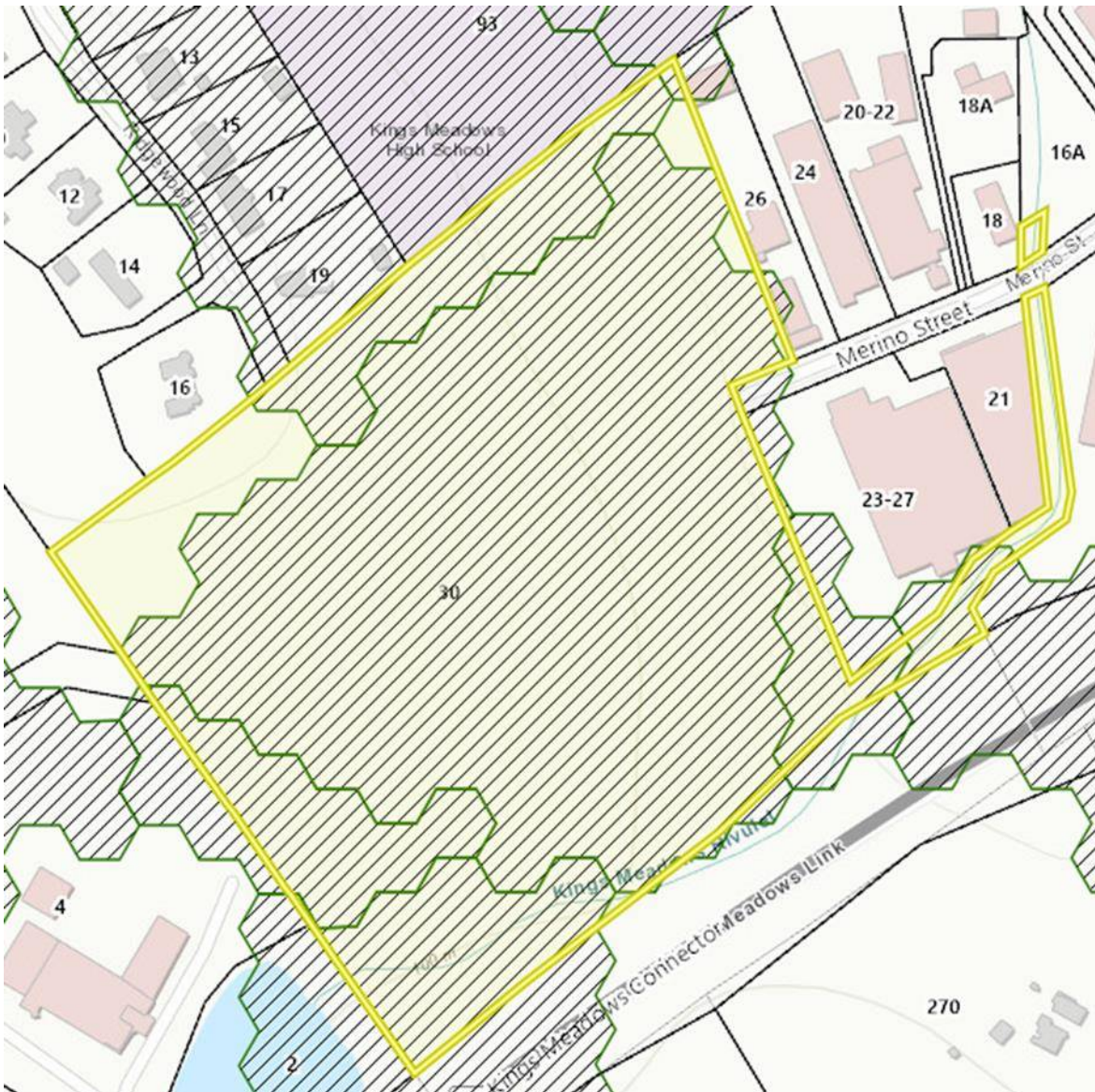


Figure 4 - Priority Vegetation (source: SAM mapping)

3.4 Land Capability

The site is not located within a rural area.

3.5 Contamination

There are no known contaminants over the site.

3.6 Bushfire

The entirety of the study area is mapped within a bushfire prone area. Code C13.0 Bushfire-Prone Hazards Area Code within the Planning Scheme is able to evaluate any risk, subject to detailed design in any future applications.

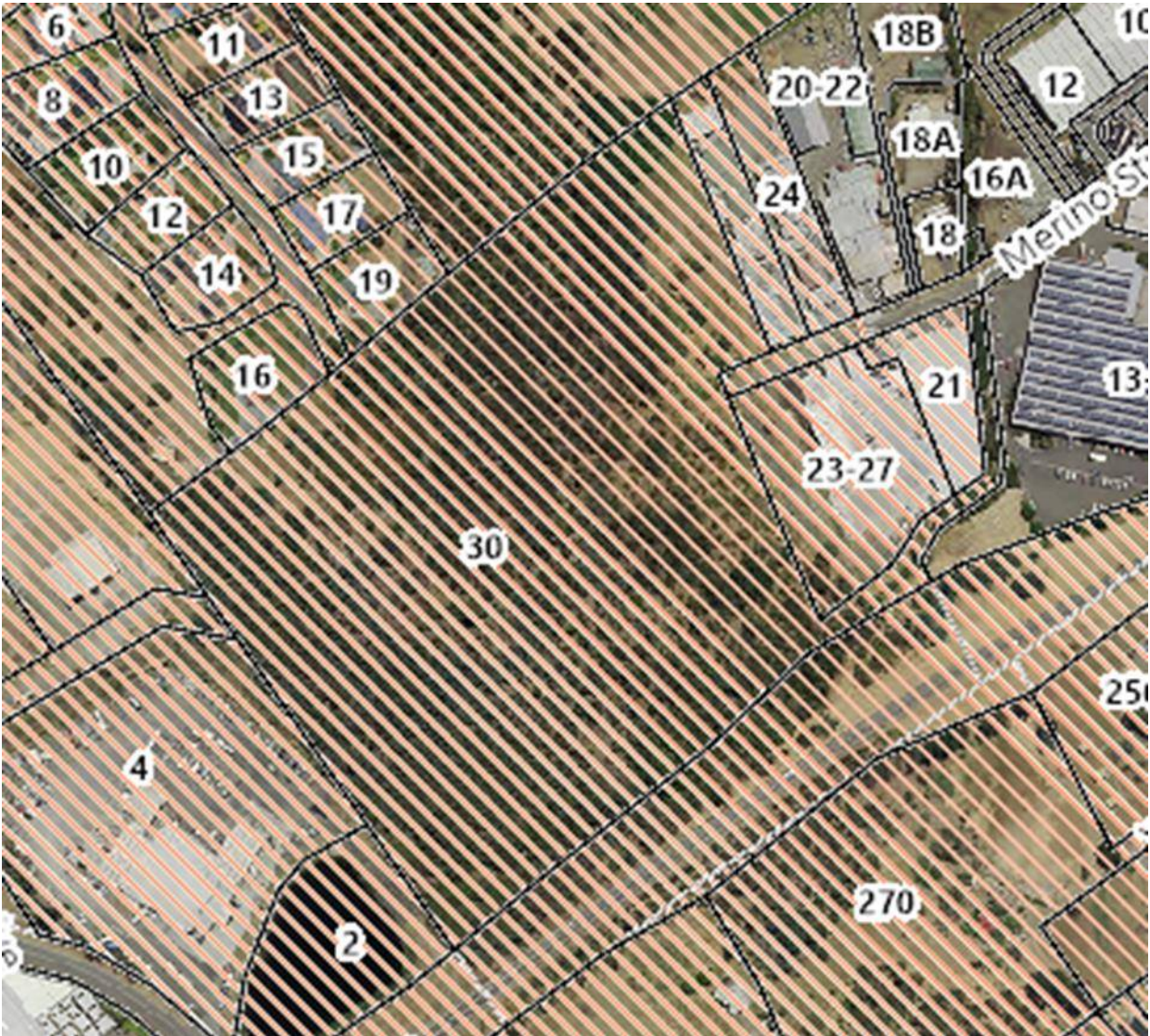


Figure 5 - Bushfire Hazard (source: SAM mapping)

3.7 Flood Hazard

A creek line exists along the southern boundary adjoining the Kings Meadows Connector. Code C7.0 Natural Assets Code within the Planning Scheme is able to evaluate any risk, subject to detailed design in any future applications.

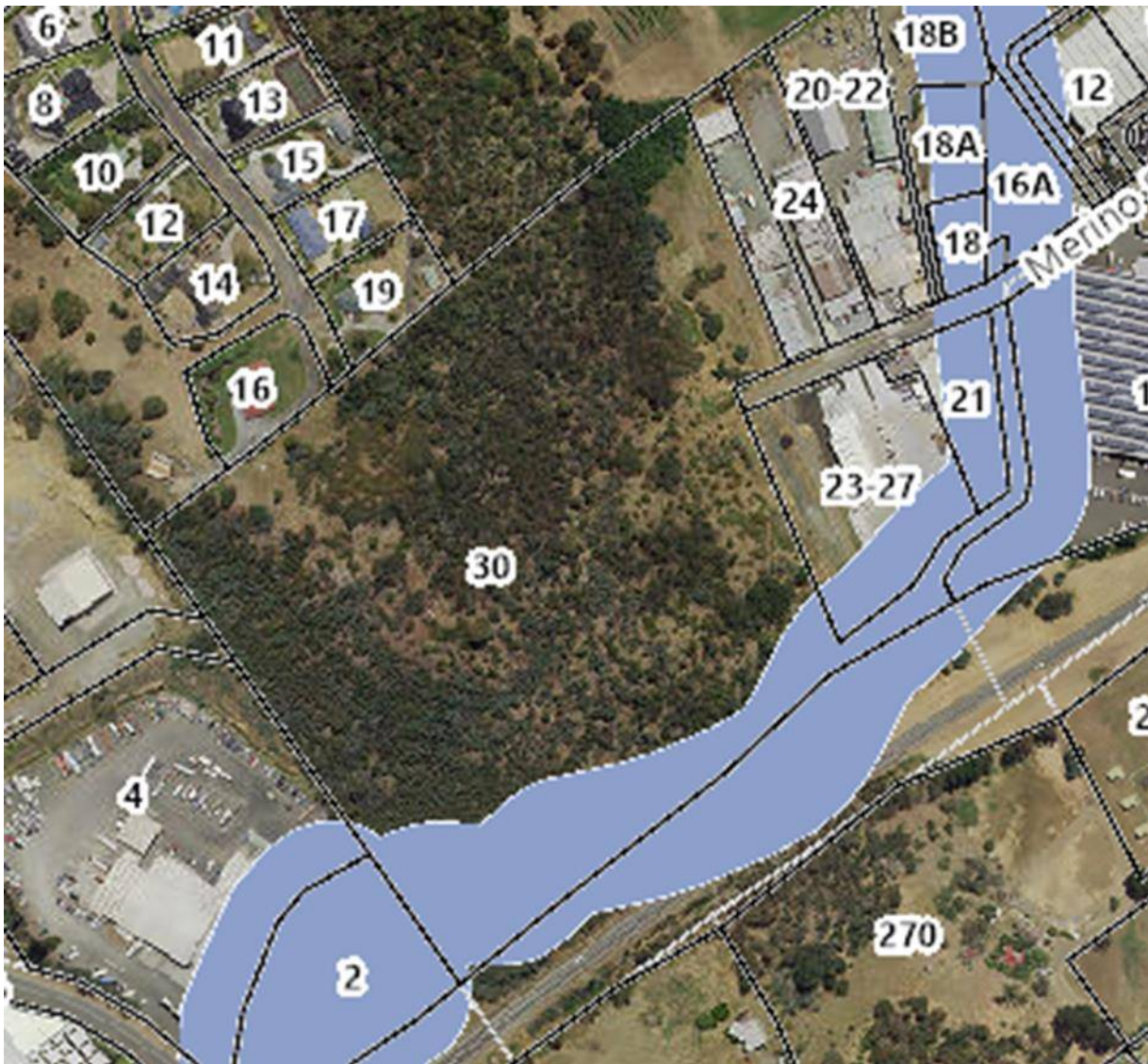


Figure 6 - Waterways (source: SAM mapping)

3.8 Landslip & Slope

The study area contains land subject to low and medium landslip hazard. Code C15.0 landslip Hazard Code within the Planning Scheme is able to evaluate any risk, subject to detailed design in any future applications. It is noted however that the area subject to the rezoning does not contain any areas of identified landslip.

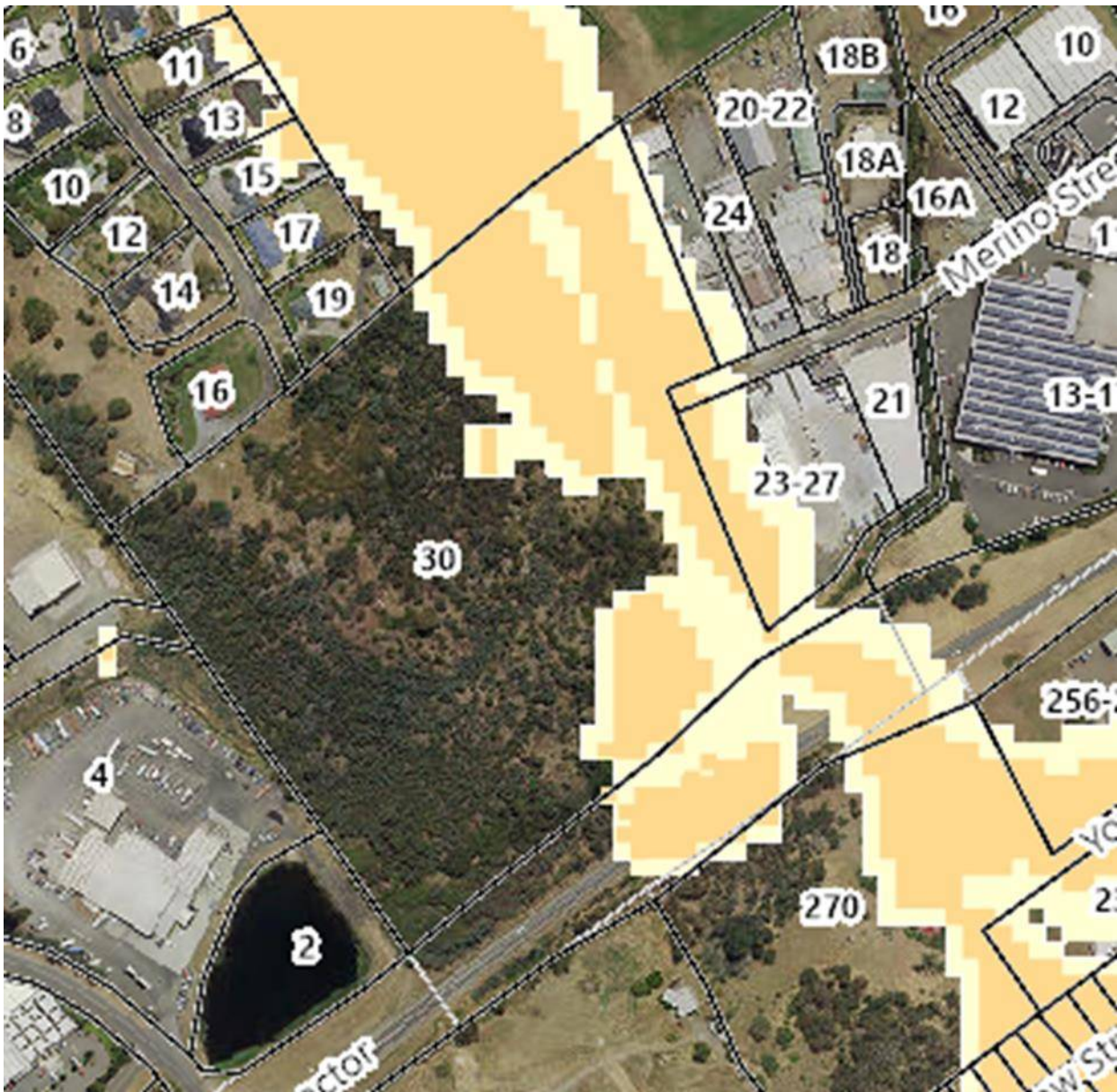


Figure 7 - Landslip (source: SAM mapping)



Figure 8 - Slope (source: SAM mapping)

The site has an uneven topography, ranging from 95m AHD at the south western corner of the site, and 75m AHD at the south eastern corner of the site. This increases to 120m AHD at the north western corner of the site, and 70m at the north eastern corner of the site. The site is 315m in width from Kings Meadows Connector to the northern boundary of the site. This results in the site predominantly sloping downward from north to south, as well as west to east.

3.9 Attenuation

To understand the site and its constraints, it is prudent to also understand the adjoining industrial uses, and the potential buffer areas that would need to be considered under Table C9,1 Attenuation Distances under C9.0 Attenuation Code. These are generalized from the table within the Planning Scheme, noting that future development on the subject site would generally require an attenuation report to understand the impacts and to ensure there are no constraints to existing industrial uses, nor any impact on proposed residential uses.

Address	Use	Buffer (Table C9.1)
2 Connector Park Drive	Drainage Basin	Nil
4 Connector Park Drive	Truck depot and sales yard	Nil
21 Connector Park Drive	Garages and Sheds	Nil
23 Connector Park Drive	Vacant	Nil
23-27 Merino Street	Clennett vehicle hire	Nil
21 Merino Street	Spectran Group vehicle depot	Nil

It is further understood that the site is not suitable for industrial development, and that the site constraints would be better suited to and managed by a residential zone.

4. STRATEGIC OUTCOMES

4.1 Local Strategies and Impacts

4.1.1 Residential Strategy 2009-2029

The aim of the Residential Strategy (LRS) is to create choice, diversity and desirability to sustainably maximise Launceston's housing market.

The LRS provides a strategy for housing within the Launceston municipality over the next 20 years. The LRS focuses on five tiers of development. The most relevant to the current proposal is Tier 1: Urban redevelopment for new houses in accessible locations. The site meets this tier as it will allow for residential development on a vacant site in an accessible location.

The LRS identifies that there are 7 vacant parcels of low density residential land greater than 1ha and it is estimated that between 2614 and 4397 houses will be needed by 2024. The LRS continues that between 96 and 201 additional lots may be sought up to 2024. The LRS anticipates that around 85% of housing would be provided in residential areas.

Furthermore, the dwelling projections detailed in the Council's Draft Residential Land Demand and Supply Assessment (March 2019) establishes the demand to be 4,330 dwellings by 2031 across the Greater Launceston Area.

Noting the established surrounding mixed use nature, and the constraints to develop at higher densities, a rezoning to low density residential is consistent with the purpose of the strategy and through an amendment will achieve the requirements of Tier 1.

4.1.2 Launceston Industrial Strategy 2009-2029

The intent of the Industrial Strategy is to ensure Launceston has a co-ordinated supply of industrial land providing a choice of location to service the Launceston regional centre and to establish Launceston as the industrial centre of choice for new and emerging high technology and research and development industries.

To implement the strategy, the aim is to create opportunities through the planning scheme and by identifying and prioritizing areas within supporting policies and guidance.

The subject site is not recognised in Figure 5: Precinct 8.4 Connector Park. The subject land goes against the key industrial policies in that the subject land is not of high quality, not serviced, not appropriate due to slope, and is therefore inappropriately zoned.

The proposal seeks to remove 3.9ha of Light Industrial land from the current supply.

4.1.3 City of Launceston Corporate Strategic Plan 2014-2024

Section 20(1) of the *Local Government Act 1993* (Tas) requires a planning scheme amendment to have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Act.

Attachment 4 includes an assessment against the Corporate Strategic Plan.

4.1.4 Infrastructure Impacts

In accordance with section 56S(1) of the *Water and Sewerage Industry Act 2008*, the proposal was referred to TasWater for comment. On 16 April 2024 TasWater provided a submission to the Planning Authority noting they have no objection.

The site is relatively constrained in terms of the creation of roads and connections to services for future subdivision. Due to the slope of the site any future subdivision layout would need to carefully consider road and lot layout design to ensure slope is appropriate. The provision of stormwater will also be constrained, noting the water would likely need to be drained to the Kings Meadows Rivulet which may require a significant upgrade of infrastructure outside of the property. This supports Low Density Residential zoning as such zoning allows for and requires larger lots that can assist with on-site absorption.

Notwithstanding, the proposed zoning allows for reticulated connections of on-site servicing through the subdivision provisions. As such, consideration of infrastructure will need to be dealt with at the detailed design stage of any future subdivision, noting the constraints of the site.

Notwithstanding, the current proposal is not for a subdivision, and relevant detailed design would need to be considered at a future subdivision stage.

4.1.5 Environmental Impacts

The proposed amendment will allow development to occur that is less intrusive than the existing industrial zoning. The site has been identified as having natural values, noting that larger lots will enable sensitive design to existing values on site.

4.1.6 Amenity Impacts

The site is located between the Merino Street industrial area to the east, and Connector Park industrial area to the west. Expanding the existing residential zoning of the site will allow for greater buffer areas to ensure reasonable amenity is able to be achieved. The existing Southern Gateway Specific Area Plan will assist in maintaining scenic amenity on the site.

4.1.7 Social and Economic Impacts

The proposed amendment is considered to have positive social and economic impacts by providing an appropriate zoning for an area in close proximity to the commercial and retail area of Kings Meadows. Its location is also in close proximity to the Kings Meadows Connector and Midland Highway, allowing direct access into Launceston City, and other settlements to the south.

4.2 Regional Strategy

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

The NRLUS is a strategic regional plan for the eight 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. It defines three land use categories to direct the allocation of all land in the region:

- Urban Growth Areas
- Rural Areas
- Natural Environment Areas

This site falls within the Supporting Consolidation Area under the land use categories, an identified urban growth area. The proposed rezoning to Low Density Residential aligns with the objectives of the consolidation area by promoting cohesive communities through the continuation of zoning pattern within the area and maintain a residential site with existing access to activity centres.

The detailed assessment against the relevant principles, policies and actions of the NRLUS is provided in **Attachment 4** to this report.

4.3 State Strategy

The amendment furthers the objectives in Schedule 1 of LUPAA, by promoting sustainable and orderly development through more efficient use of underutilised, serviced, highly accessible, urban land. **Attachment 4** also includes an assessment against the objectives of Schedule 1 of LUPAA and the State Policies.

4.4 Statutory Considerations

4.4.1 Section 40D(b) - Land use Planning and Approvals Act 1993

Section 40D allows the Planning Authority, by its own motion, to prepare a draft amendment of a Local Provision Schedule (LPS).

4.4.2 Section 32 - Land Use Planning and Approvals Act 1993

Section 32 of LUPAA provides for the contents of a LPS, and Section 34 outlines the LPS Criteria. Attachment 4 provides a detailed assessment of the amendment against the requirements of these provisions. The amendment is considered to satisfy all the listed considerations and meet the LPS Criteria.

4.4.3 Section 56S - Water and Sewerage Industry Act 2008

Under Section 56S(1) of the *Water and Sewerage Industry Act 2008*, a Planning Authority must refer a draft planning scheme amendment to the relevant regulated entity. Under Section 56S(2) of the same Act, the relevant regulated entity may provide comments during the public notification period. TasWater were referred the application and on 28/06/2024 provided their submission, noting they have no objection and no formal comments.

4.4.4 Landowner Consent

Owner's consent has been provided.

5. CONCLUSION

The proposed amendment seeks to apply a residential zone to an existing vacant light industrial zoned area on a split-zoned site. The zoning is considered appropriate and will allow the currently underutilised site to develop taking into considerations the surrounding land uses and site constraints.

For the above reasons, it is assessed that the proposed planning scheme amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the intent of the Tasmanian Planning Scheme - Launceston and is consistent with the Northern Tasmanian Regional Land Use Strategy and State policies.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Tasmanian Planning Scheme - Launceston contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such the economic, environmental and social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme - Launceston

BUDGET AND FINANCIAL IMPLICATIONS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The Author and General Manager have no interests to declare in this matter.

ATTACHMENTS:

1. PS A- LL P 0014 - Attachment 1 - Planning Scheme Amendment Map LL P 0014 Merino St [**11.1.1** - 1 page]
2. PS A- LL P 0014 - Attachment 2 - Planning Scheme Amendment Map LL P 0014 Merino St Overlay [**11.1.2** - 1 page]
3. PS A- LL P 0014 - Attachment 3 - Natural Values Report [**11.1.3** - 14 pages]
4. PS A- LLP0014 Attachment 4 Response to Requirements for Local Provisions Schedule u [**11.1.4** - 26 pages]