
9.4. PSA-LLP0012 - Planning Scheme Amendment - New Properties onto the Local Heritage List and New Datasheets

FILE NO: PSA-LLP0012

AUTHOR: Jess Horton (Place and Heritage Officer) and Iain More (Senior Planner Policy and Projects)

APPROVER: Chelsea van Riet (General Manager Community and Place)

DECISION STATEMENT:

To decide whether to reject or agree to initiate and exhibit Amendment PSA-LLP0012 to the Launceston Local Provisions Schedule of the Tasmanian Planning Scheme.

PLANNING APPLICATION INFORMATION:

Applicant: City of Launceston
Address: 18/28 St John Street, Launceston Tas 7250
Existing Zones: Multiple zonings
Existing Use: Multiple uses

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-LLP0012, to the Launceston Local Provisions Schedule, to:
 - a. insert 11 property datasheets for existing listings within Appendix A: Local Historic Heritage Code Datasheets, as shown in Attachment 2 to this report; and
 - b. add 38 new properties to the local heritage listings within LAU-Table C6.1 Local Heritage Places, as shown in Attachment 3;
 - c. create 38 new datasheets within Appendix A: Local Historic Heritage Code Datasheets, as shown in Attachments 4; and
 - d. introduce 38 new properties into the local heritage listing place overlay map, as shown in Attachment 5.
 2. Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies draft amendment PSA-LLP0012; and
 3. Sections 40G and 40H of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition be 28 days.
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REPORT: APPLICATION FOR PLANNING SCHEME AMENDMENT

1. EXECUTIVE SUMMARY

The City of Launceston has identified the need to update and introduce properties onto the local heritage list. This will include updating and introducing new heritage datasheets that will provide detail of the local historic heritage significance of a place to better assist in their protection.

The current iteration of the Launceston Local Heritage Register was prepared for the *Launceston Planning Scheme 1996*, with minor additions. As the list is now almost 30 years old, numerous heritage items, precincts, significant trees, and areas of archaeological significance have since been identified; recommended for local listing.

The necessity for an update to the Launceston local heritage register was recognised in 2007, with Heritage Architect, Paul Davies, commissioned for a *Launceston Heritage Study*. This report reviewed the existing local heritage listing of the city, whilst identifying additional properties recommended for insertion into the local heritage list.

The Paul Davies report was utilised as the basis for an ongoing program by Council officers, and supporting Heritage Consultants, to individually review, and prepare datasheets for, proposed local heritage listings. This ongoing program stems from the commitment by City of Launceston to conserve and promote its heritage assets. The purpose of this amendment is to ensure:

- Existing locally listed properties are afforded datasheets to ensure the existing character and significance of the site is reflected within the Scheme; and
- Additional properties, which have cultural or historical significance, are inserted into the local list, ensuring their new datasheets reflect their local heritage value.

1.1. HERITAGE STUDY AREA

The study area for the project is the entirety of the Launceston municipality. There were over 1,100 properties identified to be reviewed. Attachments 1, 2, and 3 describe the properties that form part of this amendment.

The properties subject to this amendment are scattered throughout the urban areas of the municipality, primarily located on residential land. Various overlays effect the properties including natural values, bushfire, flooding, landslip, and contamination. The controls within the Scheme are able to evaluate the risk by these overlays and assist in ensuring development into the future is able to be assessed appropriately.

1.2. WHAT IS A LISTING?

A listed property is considered to be a local heritage place as defined within C6.3.1 of the scheme. A local heritage place is:

a place that is listed, and the specific extent identified, in the local heritage places list in the relevant Local Provisions Schedule.

The scheme allows Councils to identify local heritage places and place them on a local register. This then requires those places consider the provisions of C6.0 Local Historic Heritage Code when development is proposed. Locally listed places do not consider uses.

1.3. WHAT IS A DATASHEET?

For a 'local heritage place' or 'local heritage precinct' to be entered within the Launceston Local Provisions Schedule of the Tasmanian Planning Scheme, a statement of significance must be provided. This statement of significance must address one or more of the local historic heritage significance criteria as outlined under Section C6.3.1 of the Tasmanian Planning Scheme - State Planning Provisions as follows:

Local historic heritage significance means significance in relation to a local heritage place or a local heritage precinct or local historic landscape precinct, and its historic heritage values as identified in the relevant list, in the relevant Local Provisions Schedule, because of:

- a. *Its role in, representation of, or potential for contributing to the understanding of:*
 - i. *Local history;*
 - ii. *Creative or technical achievements*
 - iii. *A class of building or place; or*
 - iv. *Aesthetic characteristics*

- b. *Its association with:*
 - i. *A particular community or cultural group for social or spiritual reasons; or*
 - ii. *The life or works of a person, or group of persons, of importance to the locality or region.*

As identified in the relevant list in the relevant Local Provisions Schedule, or in a report prepared by a suitably qualified person, if not identified in the relevant list.

A datasheet is therefore prepared for each local heritage place, addressing each of these criteria. In addition, the datasheet would provide the site address, description, specific site extent, photographs, and any supporting figures such as historical images.

1.4. INFORMAL CONSULTATION

In March 2023, City of Launceston engaged in informal, targeted public consultation in the form of a letter mail-out to all potentially impacted landowners whose properties had been identified for new local listing, delisting, or amendment to existing listing (i.e. preparation of a datasheet).

Of the letters sent out:

- 33 agreed with the changes or inclusion of the property on the list;
- 54 agreed but suggest amendments to the datasheets;
- 148 disagreed with the findings; and
- 886 did not respond.

Response	No. of responses	Percentage of responses (%)
No response	815	72.1%
Opposed to listing	141	12.5%
Supportive of listing	73	6.4%
Supportive of listing, with amendments	36	3.2%
Hesitant to listing / RFI	66	5.8%
Total	1,131	100%

Table 1: Response to mail out

As a result of the findings of this consultation, it was decided to stage the heritage list review. This would ensure that where there was little or no disagreement between the findings, that an initial amendment would allow the list to be amended. Where there was contention, disagreement, or further investigation required, it was decided that a further stage will deal with those properties in question.

The current application includes those properties where the owners agreed with the findings. Those properties where the owners agreed but with suggested changes have been reviewed as part of this process. This included contacting the owners to discuss the listing, and making changes were necessary.

1.5. SUMMARY

A considered approach has resulted in an amendment that will ensure the historical heritage significance of identified properties will remain intact.

This report and attachments provide details of the amendment and the sites involved. The strategic outcomes of the proposal are outlined, having regard to matters of local, regional and State importance.

If the proposed planning scheme amendment is initiated, the next steps in the process are as follows:

- The amendment will be exhibited for 28 days.
- The proposed planning scheme amendment will be brought back to a council meeting, where the Planning Authority will consider any recommendations and modifications can be made. In response to any representations, the Planning Authority could also recommend that the TPC does not approve the amendment.
- The Tasmanian Planning Commission will assess and decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

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:

- insert 11 property datasheets for existing listings within Appendix A: Local Historic Heritage Code Datasheets, as shown in Attachment 2 to this report; and
- add 38 new properties to the local heritage listings within LAU-Table C6.1 Local Heritage Places , as shown in Attachment 3;

- c. create 38 new datasheets within Appendix A: Local Historic Heritage Code Datasheets, as shown in Attachments 4; and
- d. introduce 38 new properties into the local heritage listing place overlay map, as shown in Attachment 5.

The Launceston Local provisions Schedule forms part of the Tasmanian Planning Scheme - Launceston. Part of this schedule is LAU-Table C6.1 Local Heritage Places. This table lists all current local heritage listings for Launceston. Further to the local schedule is Appendix A: Local Historic Heritage Code Datasheets. The Appendix provides datasheets for listed properties, noting that not all properties have datasheets. The datasheets provide information about property listings, including statements of local historic heritage significance and historic heritage values. There are currently 143 datasheets within the Appendix.

This amendment is the first of a proposed series of amendments pertaining to cultural heritage.

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 the local heritage list reflects the existing situation on properties with heritage or cultural significance. The change is considered consistent with all levels of policy and will encourage appropriate design and development on sites to protect their cultural heritage.

3. STRATEGIC OUTCOMES

3.1 LOCAL STRATEGIES AND IMPACTS

3.1.1 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 1 includes an assessment against the Corporate Strategic Plan.

3.1.2 Infrastructure Impacts

The changes will not affect infrastructure requirements for any site.

3.1.3 Environmental Impacts

The proposed amendment will have no negative environmental impacts. Vegetation removal will be a consideration under the Local Historic Heritage Code if any datasheets identifies it as having heritage significance.

3.1.4 Amenity Impacts

The purpose of the amendment is to protect the historic significance of identified properties. This will mean that heritage amenity is able to be retained.

3.1.5 Social and Economic Impacts

The proposed amendment is considered to have positive social and economic impacts. This will be achieved by protecting what can be considered a social identity within the Launceston community. Heritage protection ensures social heritage amenity is maintained, and will attract like-minded persons to the region.

3.2 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

All identified heritage sites are within the urban area.

The detailed assessment against the relevant principles, policies and actions of the NRLUS is provided in **Attachment 1** to this report.

3.3 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 1** also includes an assessment against the objectives of Schedule 1 of LUPAA and the State Policies.

The only applicable state policy is the State Coastal Policy 1996 as some sites are located within 1km of the high tide mark. This policy has been assessed in **Attachment 1**.

3.4 Statutory Considerations

3.4.1 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 an LPS.

3.4.2 Section 32 - Land Use Planning and Approvals Act 1993

Section 32 of LUPAA provides for the contents of a Local Provisions Schedules (LPS), and Section 34 outlines the LPS Criteria. **Attachment 1** 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.

3.4.3 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. The application was referred to TasWater on 28/06/2024.

3.4.4 Landowner Consent

As Council is initiating the amendment by their own motion, consent is not required.

4. CONCLUSION

The proposed planning scheme amendment seeks to introduce new properties onto the local listings, introduce new datasheets for the new listings, and provide datasheets for existing listings. This first step in a line of scheme amendments will ensure that the local heritage significance of local places is retained.

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
Northern Tasmania Regional Land Use Strategy

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. PSA LLP0012 s 40D Report Heritage Listing July 2024 [9.4.1 - 10 pages]
2. Attachment 2 - Instrument 1 - 11 datasheets [9.4.2 - 26 pages]
3. Attachment 3 - Instrument 2 - 38 new properties [9.4.3 - 2 pages]
4. Attachment 4 - Instrument 3 - 38 datasheets [9.4.4 - 82 pages]
5. Attachment 5 - Instrument 4 - Overlay mapping [9.4.5 - 41 pages]