

ATTACHMENT 1
Statutory Assessment - Response to Requirements for Local Provisions Schedule under LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria:

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

The proposed amendment applies to multiple properties subject to differing zones and codes of the Tasmanian Planning Scheme - Launceston. The proposed planning scheme amendment complies with the SPP requirements for an LPS.

(b) is in accordance with section 32

This section identifies the technical aspects of an LPS such as inclusion of zone maps and overlays, and what additional local provisions can be included if permitted to do so under the State Planning Provisions (SPPs), to add to or override the SPPs. Section 32(4) identifies that an LPS may only include these additional local provisions where:

- (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 amendment includes:

- Introducing new properties on the local list including datasheets;
- Updating existing datasheets; and
- Introducing new datasheets to existing locally listed properties

As the amendment does not propose a change identified within 32(3), being a PPZ, SAP, or SSQ, no justification against 32(4) is required.

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Planning Assessment
(a) to promote the sustainable development of natural and physical resources and the	The identified sites are located within a developed urban area, with limited natural values. Where natural

<i>maintenance of ecological processes and genetic diversity</i>	values are applicable, C7.0 Natural Assets Code will be applicable.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The sites are identified within the urban area within the Regional Land Use Strategy. The placement of properties onto the heritage list is considered appropriate to protect and maintain the historical cultural heritage of not just the site, but the region overall. The listings will not alter the sustainable use and development of air, land, or water.
<i>(c) to encourage public involvement in resource management and planning</i>	The public will have the opportunity to comment on this proposal during the exhibition period, which will run for 28 days. The public will have the opportunity to lodge written representations to the application during the exhibition period and they will be considered by the planning authority and referred to the Tasmanian Planning Commission. If any representations are received, the Tasmanian Planning Commission may hold a public hearing to deal with the representations.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The addition of the 38 properties will ensure the heritage values of the city are upheld, and will still allow development to occur subject to the requirements of the heritage code. The datasheets will assist in the preservation of these heritage values.
<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>	Community, industry and other government agencies will have the opportunity to comment on the proposed planning scheme amendment during the public notification period. The application was referred to TasWater on 28/06/2024.
Part 2 Objectives	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government</i>	The amendment is consistent with the objectives of the Northern Tasmania Regional Land Use Strategy and the Scheme
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and</i>	An application made pursuant to section 40D of the Act must be considered against the objectives of the Act and the

<i>controls for the use, development and protection of land</i>	planning system of Tasmania more broadly for compliance. The introduction of new properties on the local heritage register will enable the land to be assessed against the relevant provisions of the Scheme, and the datasheets will assist with this assessment.
<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</i>	The amendment has considered the effects on the natural values of the subject sites and water resources.
<i>(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</i>	The proposed amendment is consistent with the local, regional and State policies as assessed by this report.
<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</i>	No combined planning application is included with the proposed planning scheme amendment. The proposed amendment will facilitate a future development application for land use and development of the land in accordance with the Tasmanian Planning Scheme - Launceston.
<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</i>	The amendment will not constrain a safe working and living environment.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	Any places within the study area listed as having heritage value will benefit from further provisions protecting their cultural significance.
<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</i>	Not Applicable.
<i>(i) to provide a planning framework which fully considers land capability.</i>	Land capability is not a consideration.

(d) is consistent with each State policy;

Assessment of the amendment against the various policies is provided in the following table.

State Policy	Planning Assessment	
State Policy on the Protection of Agricultural Land 2000	The proposal does not involve the conversion of prime agricultural land (PAL) to a non-agricultural use, and reduces pressure on urban expansion.	
State Policy on Water Quality Management 1997	The proposed amendment will not result in an increase in sediment transport to surface waters, and does not increase the potential extent of sediment transport from future development.	
State Coastal Policy 1996	As the land is within the coastal zone, an assessment against the three main principles that guide Tasmania's State Coastal Policy is provided below:	
	Principles	Response
	Natural and cultural values of the coast shall be protected.	The proposed addition of listed properties will have no significant impacts on the natural and cultural values of the coast, as the sites are existing within a developed urban area. The stormwater provisions and the <i>Urban Drainage Act 2013</i> will continue to apply the subject area.
	The coast shall be used and developed in a sustainable manner.	The subject sites are located in an existing developed urban area and the proposed Amendment will not expand into greenfield coastal areas.
Integrated management and protection of the coastal zone is a shared responsibility.	The subject sites are located in an existing developed urban area and will be subject to the flood code and Invermay/Inveresk Flood Inundation SAP where applicable	
National Environmental Protection Measures The National Environment Protection Measures (NEPMs) are automatically adopted as State	There are no known contamination issues associated with the land. Should any contamination issues be discovered in the future, these would be addressed under C14.0 Potentially Contaminated Land Code.	

<p>Policies under Section 12A of the <i>State Policies and Projects Act 1993</i> and are administered by the Environment Protection Authority.</p> <p>The NEPMs relate to:</p> <ul style="list-style-type: none"> • ambient air quality • ambient marine, estuarine and fresh water quality • the protection of amenity in relation to noise (but only if differences in markets for goods and services) • general guidelines for the assessment of site contamination • environmental impacts associated with hazardous wastes • the re-use and recycling of used materials. <p>Principle 5 of the NEPMs states that planning authorities <i>'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use'</i>.</p>	<p>In relation to air and water quality, the provisions of the applicable zone which relate to stormwater, the Natural Assets Code and Attenuation Code, the <i>Urban Drainage Act 2013</i> and the <i>Environmental Management and Pollution Control</i></p>
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(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies have not yet been implemented.

(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 applicable regional land use strategy for Launceston is the Northern Tasmanian Regional Land Use Strategy. Comments against the relevant NTRLUS policies and actions are provided below:

<i>Specific Policies and Actions</i>		<i>Planning Assessment</i>
<i>Policy</i>	<i>Action</i>	
Regional Settlement Networks		
Residential Design		
<p>RSN-P15 In established urban areas where an existing urban or heritage character study has been undertaken and adopted by Council, provide for development that is consistent with that study and reinforces and enhances the strengths and character of the area in which it is set.</p> <p>RSN-P16 Achieve high quality design outcomes for all new prominent buildings and public spaces in the Launceston Central Business District, regional activity centres and transit communities.</p> <p>RSN-P17 Provide accessible and high-quality public open space in all new 'Greenfield' and infill development by creating well designed public places</p>	<p>RSN-A17 Adopt and/or apply within infill and higher residential density areas any medium density guidelines developed by the State. RSN-A18 Develop and support a master plan for the Launceston CBD (being the CAD and inner city core areas as defined by the Launceston City Council planning scheme) to confirm and position the future strategic planning of the city as the Principal Activity Centre for Northern Tasmania.</p>	<p>The amendment seeks to identify properties that contain historic cultural heritage values, and properties where those values remain unidentified. The addition of new properties on the local heritage register and updating the datasheets of existing properties will ensure that the heritage values of individual sites are retained should new development take place within heritage curtilages. This will ensure that the character of heritage places within Launceston are-conserved.</p>
Social Infrastructure and Community Policy		
Cultural Heritage		
<p>CH-P01 Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of</p>	<p>CH-A01 Investigate planning means to recognise and list places, precincts of heritage significance within planning</p>	<p>Whist the amendment does not encompass any sites of archaeological significance, the review has identified new sites, as well as updating existing sites on the list. This will ensure the cultural</p>

<p>place, contribution to our understanding of history.</p> <p>CH-P02 Recognise, manage and preserve regional archaeological values</p>	<p>schemes and spatially define them with associated map overlays.</p> <p>CH-A02 Planning schemes are to require an assessment of impacts on heritage-listed places, precincts and landscapes. CH-A03 Provide for the protection of identified significant cultural heritage and archaeological sites.</p> <p>CH-A04 Ensure that development is undertaken in accordance with an archaeological management plan where soil disturbance within areas of archaeological significance is proposed.</p>	<p>significance of each individual site is protected.</p>
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(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 municipal strategic plan is the City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review (the CSP). The CSP details the following strategic priorities:

- *Strategic Priority 1: We connect with our Community and our Region through meaningful engagement, cooperation and representation.*
- *Strategic Priority 2: We Facilitate Prosperity by seeking out and responding to opportunities for growth and renewal of our regional economy.*
- *Strategic Priority 3: We are a Progressive Leader that is accountable to our governance obligations and responsive to our community.*
- *Strategic Priority 4: We value our City's Unique Identity by celebrating our special heritage and culture, and building on our competitive advantages to be a place where people choose to live, work and visit.*
- *Strategic Priority 5: We Serve and Care for our community by providing equitable and efficient services that reflects needs and expectations of our community.*

- *Strategic Priority 6: We Protect our Environment by caring for our unique natural assets and amenity, and sensitively managing future development opportunities.*
- *Strategic Priority 7: We are a City Planning for our Future by ensuring our approach to strategic landuse, development and infrastructure investment is coordinated, progressive, and sustainable.*

The proposed draft amendment aligns Strategic Priorities 1, 4, and 6 of the CSP by:

- Launceston is the most populous Local Government Area (2019 - ABS) in Tasmania, and is notable for its heritage listed buildings. The addition of new properties on the local heritage register, as well as the updating of existing listings, will ensure the unique heritage value of the properties are retained.
- Any future development over any of the listed properties will be subject to the relevant natural environment codes of the scheme to ensure the properties are protected against the impacts of the natural environment.
- The introduction of new properties and datasheets will be subject to the requirements of the local heritage code. The code will ensure development opportunities are able to be realised whilst maintaining the historic cultural values of the properties.
- The introduction of identified properties onto local heritage places register will allow for investment into culturally significant sites, as well as opening up properties for unfettered development.
- Informal targeted consultation occurred in April 2023, seeking comment from affected landowners. The result of the consultation allowed for a targeted amendment for properties to be added to the list as part of this current amendment.

(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;

The adjacent municipal areas have adopted the Tasmanian Planning Scheme. However, the proposed Amendment to the LPS will not impact the adjacent municipal areas.

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

The *Gas Pipelines Act 2000* is not applicable to the proposed development.

Section 32 of LUPAA sets out the Contents of an LPS

- (3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –***
- (a) a particular purpose zone, being a group of provisions consisting of –***
- (i) a zone that is particular to an area of land; and***
 - (ii) the provisions that are to apply in relation to that zone; or***

- (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; or*
 - (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.*
- (5) *An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.*
- (6) *A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.*
- (7) *A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has not come into effect in relation to the municipal area.*

Response:

Section 32(3) is not applicable to this amendment.

Guideline No. 1

Guideline No. 1 Local Provisions Schedule: zone and code application was issued by the Tasmanian Planning Commission under Section 8A of LUPAA with the approval of the Minister for Planning and Local Government in June 2018 and sets out the application guidelines for the State Planning Provisions.

The proposed amendment references C6.0 Local Historic Heritage Code. The purpose of the code is:

To recognise and protect the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.

How the proposed changes to the local listings adheres to the application guidelines is set out below.

Guideline No. 1 Local Provisions Schedule: Zone and Code Application	
Zone/Code Application Guidelines	Planning Response
<i>LHHC 1 THR places may be listed as local heritage places in the Code list (Table C6.1).</i>	Not Applicable.
<i>LHHC 2 If the planning authority has local historic landscape precincts, local heritage precincts, or places or precincts of archaeological potential, within its municipal area, the LPS must include an overlay map showing these places or precincts for the application of the code</i>	An update to the statutory overlay map will include all new listings.
<i>LHHC 3 Each LPS may contain an overlay map showing local heritage places for the application of the Local Historic Heritage Code</i>	An update to the statutory overlay map will include all new listings.
<i>LHHC 4 Each LPS may contain an overlay map showing significant trees, for the application of the Local Historic Heritage Code.</i>	Not Applicable.
<i>LHHC 5 If including a statement of significance in Table C6.1, C6.2 or C6.3 the information included in the right hand column (titled 'Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values') must address the significance of each place and its historic heritage values, as set out in the definition for local historic heritage significance in the code. The statement of local historic heritage significance must incorporate the historic heritage values of the place. The information may be set out in the table or appear in a separate datasheet. All external documents must be listed in the LPS's Applied, Adopted or Incorporated Documents table</i>	Table C6.1 is the only relevant table. Each new listing, and each updated listing will be included within a separate datasheet.