

# APPENDIX 5: URBAN MIXED USE ZONE PROJECT REPORT

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# 1 Background

*The Tasmanian Parliament enacted amendments to the Land Use Planning and Approvals Act 1993 (LUPAA) in December 2015 that provide for a single planning scheme for Tasmania, known as the Tasmanian Planning Scheme. The Tasmanian Planning Scheme consists of State Planning Provisions (SPPs) and Local Provisions Schedules (LPSs) for each municipal area. The Minister for Planning and Local Government, the Hon Peter Gutwein MP, approved the draft State Planning Provisions (SPPs) for exhibition in March 2016. The Commission exhibited the draft SPPs for a 60 day period, during which representations were invited. 294 representations were received and a further nine late representations were accepted. After considering the representations, the Commission held hearings in Burnie, Launceston and Hobart between July and October 2016. The Commission considered the draft SPPs and reported to the Minister on 9 December 2016.*

*The Minister considered the Commission's report and has made the SPPs, modifying the draft SPPs that were exhibited. The SPPs include the administrative, zone and code provisions and the requirements for LPSs that are to apply in the Tasmanian Planning Scheme. Although the SPPs came into effect on 2 March 2017 as part of the Tasmanian Planning Scheme, they have no practical effect until an LPS is in effect in a municipal area (Tasmanian Planning Commission, 2018).*

Local councils are required to prepare their LPS to implement local policy a strategic objectives in accordance with Guideline No. 1 Local Provisions Schedule: zone and code application and the LPS Criteria set out in Section 34(2) of LUPAA.

## 2 Project

### 2.1 Project Scope

This report provides analysis and recommendations on the existing spatial extent of the Urban Mixed Use Zone which surrounds the Launceston CBD.

The existing spatial distribution of the Urban Mixed Use Zone will be reviewed taking into account the Zone Application Guidelines to ensure that the existing extent is appropriate for the land use pattern of the area and the future use and development of Launceston. The analysis contained in this report has informed the spatial application of zoning comprised in the LPS.

Basic decision rules have been developed to guide the review of the Urban Mixed Use Zone and also provide justification as to why the existing zone extent may be altered. Any change in zoning is required to demonstrate compliance with the decision rules set out below. Points B-E below reflect the LPS Criteria set out in Section 34(2) of LUPAA. Section 34 of LUPAA reads:

#### 34. LPS criteria

(1) *In this section –*

*"relevant planning instrument" means a draft LPS, an LPS, a draft amendment of an LPS and an amendment of an LPS.*

- (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; and*
  - (b) *is in accordance with [section 32](#) ; and*
  - (c) *furtheres the objectives set out in [Schedule 1](#) ; and*
  - (d) *is consistent with each State policy; and*
  - (e) *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; and*
  - (f) *is consistent with 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; and*
  - (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; and*
  - (h) *has regard to the safety requirements set out in the standards prescribed under the [Gas Pipelines Act 2000](#) .*
- (3) *An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.*

## **2.2 Decision Rules**

### **2.2.1 Zone Application Guidelines**

Assessment against the Zone/Code Application Guidelines prepared by the Tasmanian Planning Commission and Planning Policy Unit will be required to justify a change in zoning.

### **2.2.2 State Policies and Legislation**

Consideration of the applicable State Policies and applicable legislation will be required to justify a change in zoning. Discussion will be provided for each precinct where applicable -

- State Coastal Policy 1986
- State Policy on Water Quality Management 1997
- State Policy on the Protection of Agricultural Land 2009
- National Environment Protection Measures (NEPMs): The NEPMs are automatically adopted as State Policies. They outline common environmental objectives for managing the environment. Current NEPMs include:
  - National Environmental Protection (Used Packaging Materials) Measure;
  - National Environmental Protection (Ambient Air Quality) Measure;
  - National Environmental Protection (Movement of Controlled Waste Between States and Territories) Measure;
  - National Environmental Protection (National Pollutant Inventory) Measure;

- National Environmental Protection (Assessment of Site Contamination) Measure;
- National Environmental Protection (Diesel Vehicle Emissions) Measure; and
- National Environmental Protection (Air Toxics) Measure.
- Gas Pipelines Act 2000 (section 34(2)(h) of LUPAA)
- Consistency with sections 11 and 12 of LUPAA - the recommended zoning changes are intended to bring the zoning into greater conformity with the existing use and development of land. None of the matters listed in section 11(3) need to be separately assessed for each precinct.

### **2.2.3 Northern Regional Land Use Strategy (NRLUS)**

Where the LPS zoning varies from the LIPS, a statement of the reasons why the zoning change is consistent with the NRLUS is required.

The NRLUS is a policy framework that guides land use, development and infrastructure decisions across the northern region by State and Local Government and other relevant infrastructure providers.

The Regional Settlement Network Policy is relevant to consideration of the application of the Urban Mixed Use Zone

Table E.2 of the NRLUS details the indicative residential types, housing density and urban design outcomes. For high density development, the suitable locations are:

- *Established urban areas with good access to facilities and services, including public transport and open spaces.*
- *Within and around urban centres, particularly Activity Centres.*
- *As part of transit oriented developments along public transport routes with high frequency services or around transit stations.*

Conversely, for medium density development, the suitable locations are:

- Established settlement areas, particularly within inner or middle suburbs of Launceston. Proximate to urban centres or regional rural centres.
- In locations with good access to facilities, services, public transport and open space.

The recommended zoning for high density areas is Inner Residential or Urban Mixed Use. The recommended zoning for medium density areas is Inner Residential, Urban Mixed Use or Village.

Consistency can be demonstrated by referring to relevant parts of the NRLUS and identifying:

- (a) those areas of the NRLUS that are relevant;
- (b) any parts of the NRLUS with which the proposed zoning is inconsistent; and
- (c) any alternatives considered to achieve greater consistency with the NRLUS and state why those alternatives were not practicable, noting that maintaining the current zoning is an alternative.

The Urban Mixed Use zoned land in the LIPS is primarily located surrounding the CBD. Other areas of Urban Mixed Use zong are outside of the scope of this report and are proposed to be directly translated into the LPS.

The Urban Mixed Use Zone was separated into the following precincts to assist with the analysis -

- Precinct 1: Margaret Street, Launceston
- Precinct 2: Canning & Charles Streets, Launceston
- Precinct 3: St John & Frederick Streets, Launceston
- Precinct 4: George, York and Tamar Streets, Launceston

#### **2.2.4 Schedule 1 Objectives of LUPAA**

Where a change in zoning is recommended, a statement as to how the changes meet the objectives of Schedule 1 is required.

*Schedule 1, Part 1 -*

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) to encourage public involvement in resource management and planning; and*
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (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.*

*Schedule 1, Part 2 -*

- (a) to require sound strategic planning and co-ordinated action by State and local government; and*
- (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*
- (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*
- (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*
- (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*
- (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*
- (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) to provide a planning framework which full considered land capability.*

- (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*

## **2.2.5 Strategic Plan 2014-2024**

Where a change in zoning is recommended, a statement as to how the recommended changes are consistent with the strategic plan prepared under section 66 of the Local Government Act 1993 [section 34(2)(f)] is required.

The Strategic Plan 2014-2024 seeks to provide direction to the range of operations Council undertakes in their role as the major provider of services and facilities for the City of Launceston. The Strategic Plan essentially indicates the actions and strategies that the Council will implement to deliver on the Greater Launceston Plan goals.

The 10-year goals set out in the Strategic Plan are set out below. An assessment will be provided against the relevant goals for each precinct where applicable -

1. *To foster creative and innovative people and industries.*
2. *To promote Launceston as a unique place to live, work, study and play.*
3. *To ensure Launceston is accessible and connected through efficient transport and digital networks.*
4. *To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities.*
5. *To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards.*
6. *To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions.*
7. *To develop a strategic and dedicated approach to securing economic investment in Launceston.*
8. *To communicate and engage consistently and effectively with our community and stakeholders.*  
*To seek and champion collaboration to address major issues for Northern Tasmania.*

### 3 Urban Mixed Use Zone

The following subclauses provide discussion on the zone purpose statements of each of the zones for analysis, highlighting the variations between the existing LIPS Urban Mixed Use Zone and the SPPs Urban Mixed Use Zone. The purpose statements of the Urban Mixed Use Zone in the SPPs is substantially the same as that in the LIPS 2015, however the specific references in clause 15.1.1.4 are absent in the SPPs purpose statements.

LIPS 2015	SPPs
<p>15.1.1.1 <i>To provide for integration of residential, retail, community services and commercial activities in urban locations.</i></p>	<p>13.1.1 <i>To provide for a mix of residential, retail, community services and commercial activities in urban locations.</i></p>
<p>15.1.1.2 <i>To provide for a diverse range of urban uses and increased intensity of development including residential densities that support the role of activity centres.</i></p>	<p>13.1.2 <i>To provide for a diverse range of use or development that are of a type and scale that support and do not compromise or distort the role of surrounding activity centres in the activity centre hierarchy.</i></p>
<p>15.1.1.3 <i>To encourage residential, visitor accommodation and tourist operation uses as a means of increasing activity outside normal business hours.</i></p>	
<p>15.1.1.4 <i>To create:</i></p> <ul style="list-style-type: none"> <li>(a) <i>activity at pedestrian levels, with active road frontages offering interest and engagement to shoppers; and</i></li> <li>(b) <i>appropriate provision for car parking, pedestrian access and traffic circulation.</i></li> </ul>	

### 3.1 SPPs Zone Legend

	General Residential
	Inner Residential
	Low Density Residential
	Rural Living
	Village
	Urban Mixed Use
	Local Business
	General Business
	Central Business
	Commercial
	Light Industrial
	General Industrial
	Rural
	Agriculture
	Landscape Conservation
	Environmental Management
	Major Tourism
	Port and Marine
	Utilities
	Community Purpose
	Recreation
	Open Space
	Future Urban
	Particular Purpose
	No Zone

### 3 Analysis & Discussion

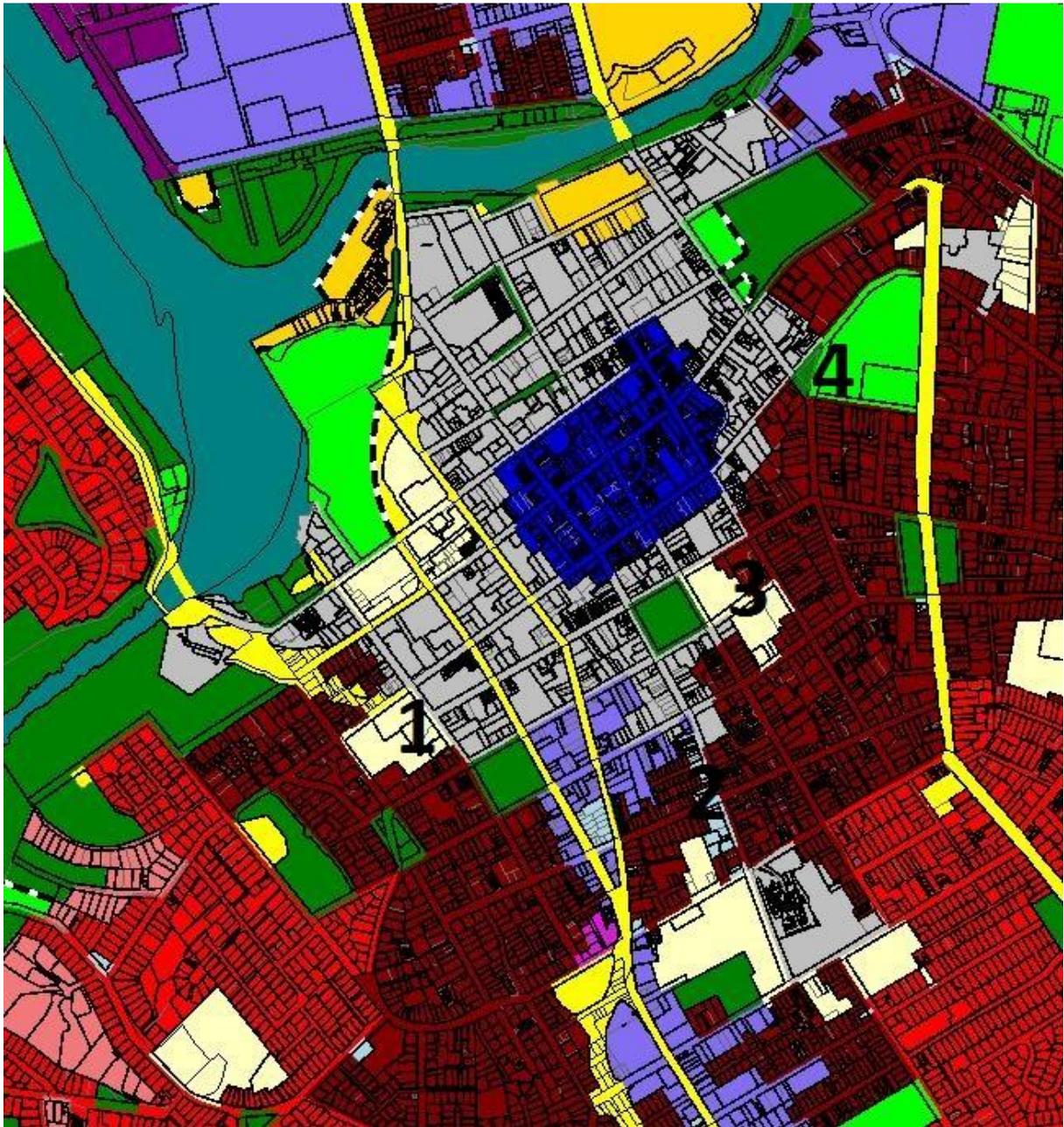
The Urban Mixed Use Zone is spatially distributed around the perimeter of the Launceston CBD. It is not proposed as part of this analysis to evaluate the existing Central Business Zone extent around the CBD. The intent is to analyse the interface with existing Inner Residential zoning to the west, south and east of the Urban Mixed Use Zone boundary.

This task will be broken into precincts identified in the map below as follows:

- Precinct 1: Margaret Street, Launceston
- Precinct 2: Canning & Charles Streets, Launceston
- Precinct 3: St John & Frederick Streets, Launceston
- Precinct 4: George, York and Tamar Streets, Launceston

Starting to the north of the precinct, there is a small pocket of Inner Residential zoning which is bound by West Tamar Road and Margaret Street. There are some 21 titles with frontage to West Tamar Road, Middle Street or Babington Street. 13 of the 21 are locally heritage listed by the City of Launceston, but only 303 West Tamar Rd (listed as "Winsville") is on the State Heritage Register. This pocket of houses, strip of Urban Mixed Use zoning with frontage to Margaret Street as well as the Urban Mixed Use Zoned block to the north is proposed to be located within a future heritage precinct.

The balance of the precinct interface between the Urban Mixed Use and Inner Residential Zones to the south of Sacred Heart School near the Brickfields follows the delineation made clear by Margaret and Frederick Streets. Although there is a café on the corner of Margaret and Frederick Streets, this is an isolated case and is not grounds to consider an extension to the Urban Mixed Use Zone boundary further south. This area is proposed to be included in a future heritage precinct which extends south to Frankland Street.



**Precinct Map for LIPS Urban Mixed Use Zone**

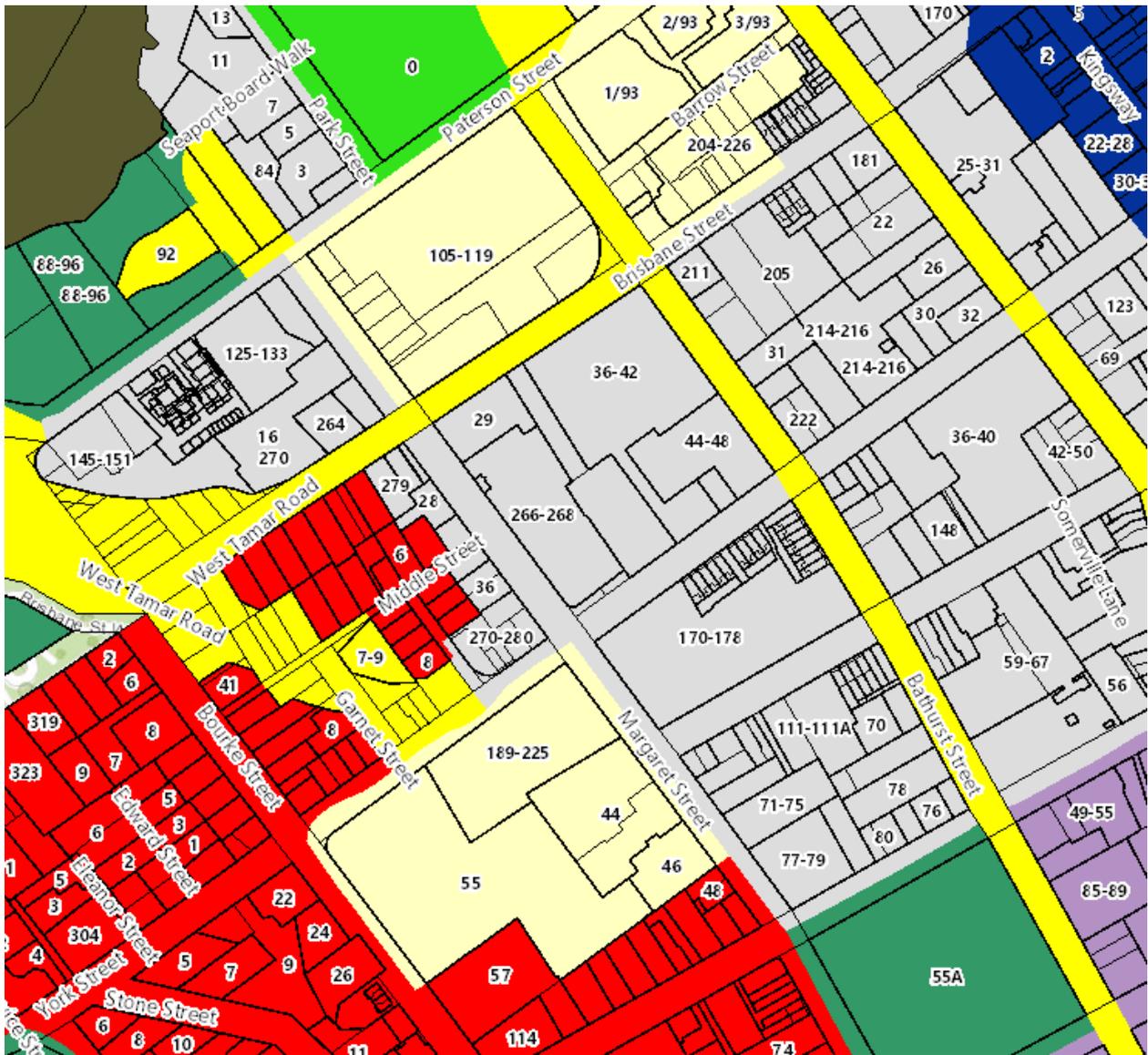
### 3.1 Precinct 1: Margaret Street

#### 3.1.1 Zone Application Guidelines

<b>GUIDELINE:</b>	<b>RESPONSE:</b>
<p><b>UMUZ 1</b>  <i>The Urban Mixed Use Zone should be applied to land within urban settlements:</i>  <i>(a) which have an existing mix of uses, where no particular use dominates, and there is a strategic intention to maintain a mix of uses; or</i>  <i>(b) where there is a strategic intention to create an area with a mix of uses where no particular use dominates.</i></p>	<p>Does Not Comply</p> <p>The pocket of Inner Residential zoned titles are predominantly (if not entirely) houses. The area does not have a mixed character.</p> <p>Does Not Comply</p> <p>The area of Inner Residential zoning further south of the school is characterised by residential dwellings of which some are heritage listed. The area does not have a mixed character.</p>
<p><b>UMUZ 2</b>  <i>The Urban Mixed Use Zone may be applied to urban areas:</i>  <i>(a) along high frequency public transport corridors or key transport hubs such as bus interchanges; or</i>  <i>(b) areas intended for commercial, retail and residential activity with good access to high frequency public transport services.</i></p>	<p>Complies with (a), but Does Not Comply with (b)</p> <p>The area is within three blocks of the CBD and there is a bus stop near the intersection of Middle and Margaret Streets. Notwithstanding, this area is not intended for commercial and retail activity.</p> <p>Complies with (a), but Does Not Comply with (b)</p> <p>There are two bus stops in Frederick Street between Bourke and Margaret Streets. Notwithstanding, this area is not intended for commercial and retail activity.</p>
<p><b>UMUZ 3</b>  <i>The Urban Mixed Use Zone should not be applied to:</i>  <i>(a) commercial strips where commercial and retail activity is intended as the dominant activity (see business zones);</i>  <i>(b) residential areas where residential use is intended as the dominant use (see residential zones); or</i>  <i>(c) smaller rural settlements (see Village Zone).</i></p>	<p>Complies with UMUZ 3(b)</p> <p>Given the heritage listings and the strategic intention to consolidate the area into future heritage precincts, there is no desire to encourage mixed use development. The predominant use is residential for single or multiple dwellings and is better suited for a residential zone.</p>

### 3.1.2 Recommendation

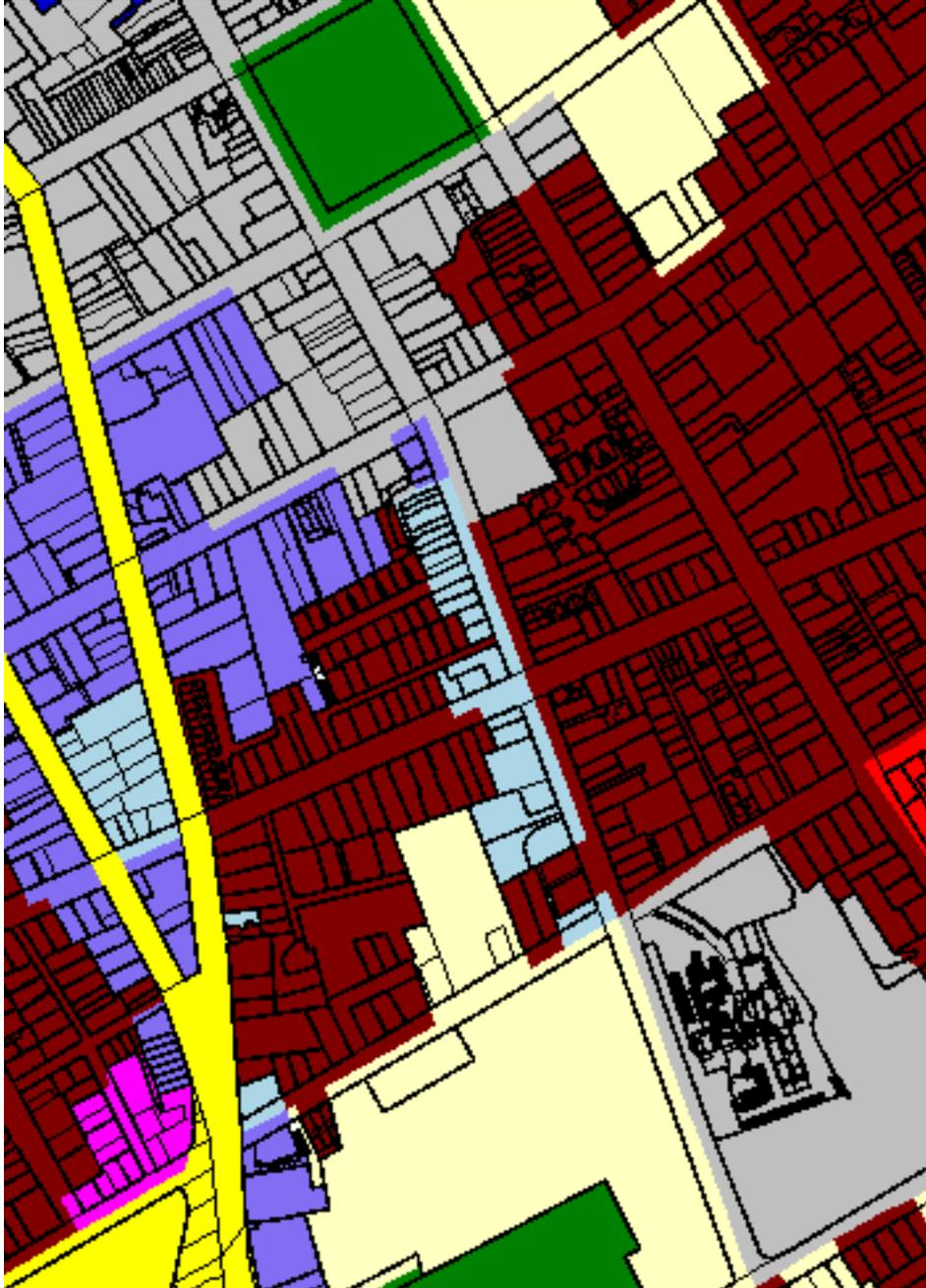
Based on the assessment above, it is recommended that the existing Urban Mixed Use Zone boundary is maintained and unaltered in the LPS.



**Recommended LPS Zoning Map**

### 3.2 Precinct 2: Canning & Charles Streets

The existing Charles Street and Canning Street area is characterized by a mixture of uses ranging from residential, food services, business and professional services to service industry and warehousing in the Commercially zoned area in Canning Street.



**Existing LIPS Zoning Map**

Based on the zone application guidelines, the Charles Street Local Business zoning is better suited to be rezoned to Urban Mixed Use.

There are a number of individual properties or clusters of properties which required investigation in this precinct:

- 218 and 222 Charles Street (corner of Charles/Canning) is a medical centre zoned Commercial. Consider Urban Mixed Use zoning.
- 45, 47 & 49 Canning Street - residential uses zoned Commercial. Consider Urban Mixed Use zoning.
- 39 Canning Street - split zoned Urban Mixed Use and Commercial. Existing mechanic operating. Urban Mixed Use zone prohibits motor repairs or panel beating as part of Service Industry. Notwithstanding, it is recommended that the site be zoned Urban Mixed Use with the ability for the existing use to utilise the existing non-confirming use provisions in clause 7.1 for minor development.
- 54 Canning Street - approved as a medical centre zoned Commercial. Consider Urban Mixed Use zoning.
- 268 & 270 Charles Street - appear to be dwellings (no history of change of use) zoned Inner Residential. These two are the exception to the existing Local Business zoned strip along the western side of Charles Street between Frankland and Canning Streets. Neither property is heritage listed. Consider Urban Mixed Use zoning to align with proposed zoning on the western side of Charles Street.
- 50A & 50B Frankland Street - zoned Inner Residential but are both medical centres of some description. Neither property is heritage listed. Consider Urban Mixed Use Zoning.
- 23-27 Canning Street - zoned Inner Residential and used for a medical centre. Consider maintaining Inner Residential zoning.
- 24 Canning Street - zoned Inner Residential and used for a medical centre. Consider maintaining Inner Residential zoning.
- 26, 30 and 32 Canning Street - zoned Urban Mixed Use. Number 26 and 30 are dwellings, but 32 has a commercial façade. Consider zoning 26 and 30 Inner Residential and retaining no.32 in Urban Mixed Use zone.
- 152 St John Street - zoned Inner Residential and used for a medical centre. Consider maintaining Inner Residential zoning.
- 136, 138, 140, 142 & 144 St John Street - zoned Inner Residential and heritage listed terraces. Consider maintaining Inner Residential zoning.
- 134A St John Street - zoned Inner Residential and is an existing car park. Consider maintaining Inner Residential zoning for future redevelopment potential.
- 159 & 161 St John Street - the outer extent of Urban Mixed Use zoning. 159 appears to be a dwelling. 161 St John appears to be a non-residential use. Approved for an office in 2012 (DA0481/2012 & BA0567/2012). Both properties are heritage listed. Consider maintaining Urban Mixed Use zoning.
- 163, 165, 167, 169, 171, 173, 175 St John Street - Heritage listed Georgian houses currently zoned Inner Residential. Consider maintaining Inner Residential zoning.

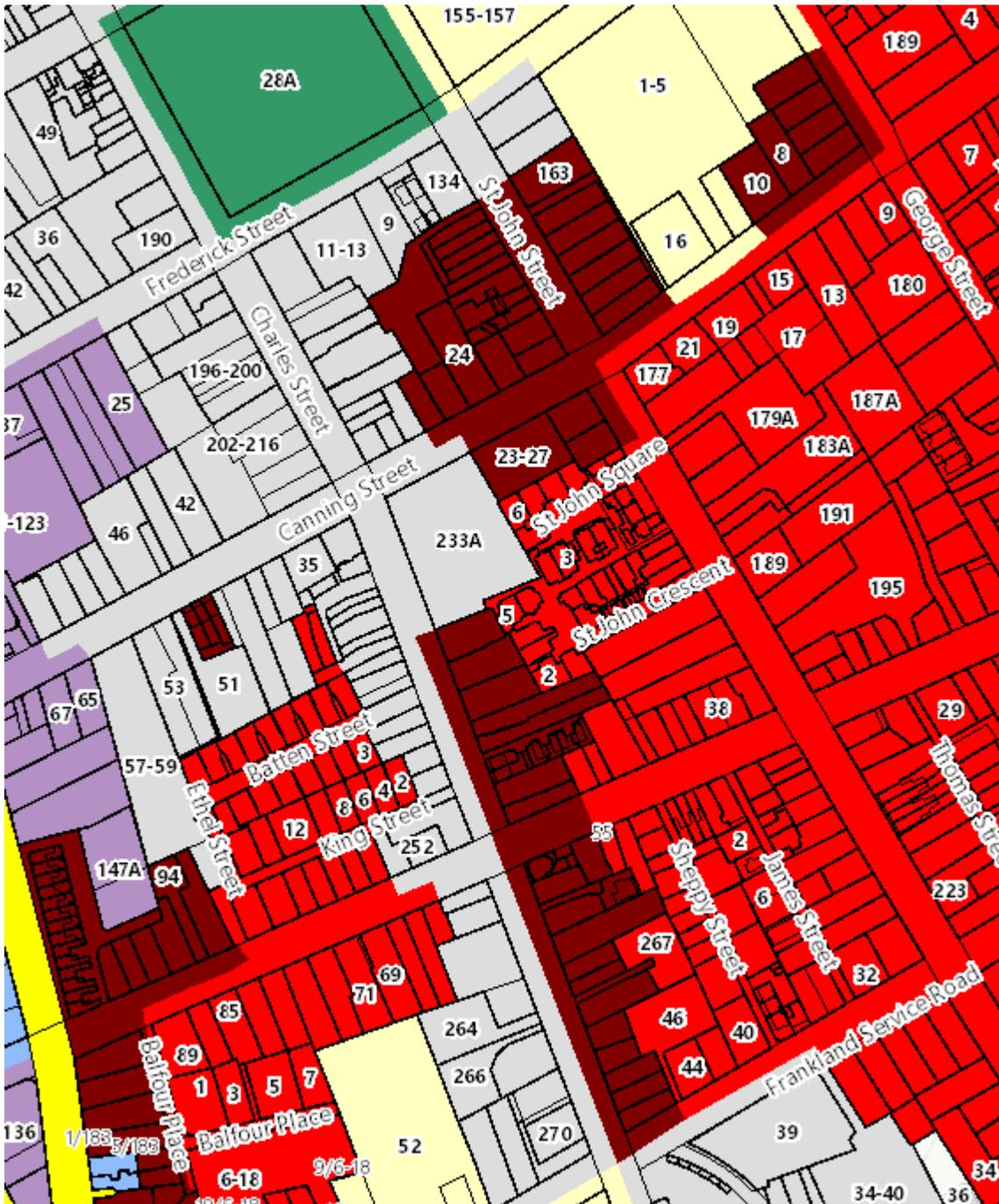
### 3.2.1 Zone Application Guidelines

GUIDELINE:	RESPONSE:
<p><b>UMUZ 1</b>  <i>The Urban Mixed Use Zone should be applied to land within urban settlements:</i>  <i>(a) which have an existing mix of uses, where no particular use dominates,</i></p>	<p>Complies with UMUZ 1</p> <p>This area is of mixed character and serves as a link between the UMU zoning surrounding the CBD and Howick Street</p>

<p><i>and there is a strategic intention to maintain a mix of uses; or</i></p> <p><i>(b) where there is a strategic intention to create an area with a mix of uses where no particular use dominates.</i></p>	<p>to the south. The area is characterised by a mixture of restaurants, cafes, offices, dwellings, consulting rooms and medical centres. The area is an opportunity to develop southern Charles Street as a mixed character area.</p>
<p><b>UMUZ 2</b></p> <p><i>The Urban Mixed Use Zone may be applied to urban areas:</i></p> <p><i>(a) along high frequency public transport corridors or key transport hubs such as bus interchanges; or</i></p> <p><i>(b) areas intended for commercial, retail and residential activity with good access to high frequency public transport services.</i></p>	<p>Complies with UMUZ 2</p> <p>Charles Street is one of the main north south streets which runs through the city. It is well serviced by buses and taxis.</p>
<p><b>UMUZ 3</b></p> <p><i>The Urban Mixed Use Zone should not be applied to:</i></p> <p><i>(a) commercial strips where commercial and retail activity is intended as the dominant activity (see business zones);</i></p> <p><i>(b) residential areas where residential use is intended as the dominant use (see residential zones); or</i></p> <p><i>(c) smaller rural settlements (see Village Zone).</i></p>	<p>Complies with UMUZ 3</p> <p>The area is of mixed character and this is intended to be preserved. The existing Local Business zoning on the western side of Charles Street is not best aligned with the zone application guidelines. Retail activity will continue to be encouraged in the Central Business Zone and this precinct will serve as a lower order mixed use area.</p>

### **3.2.2 Recommendation**

It is recommended that the Urban Mixed Use Zone be applied as shown below -

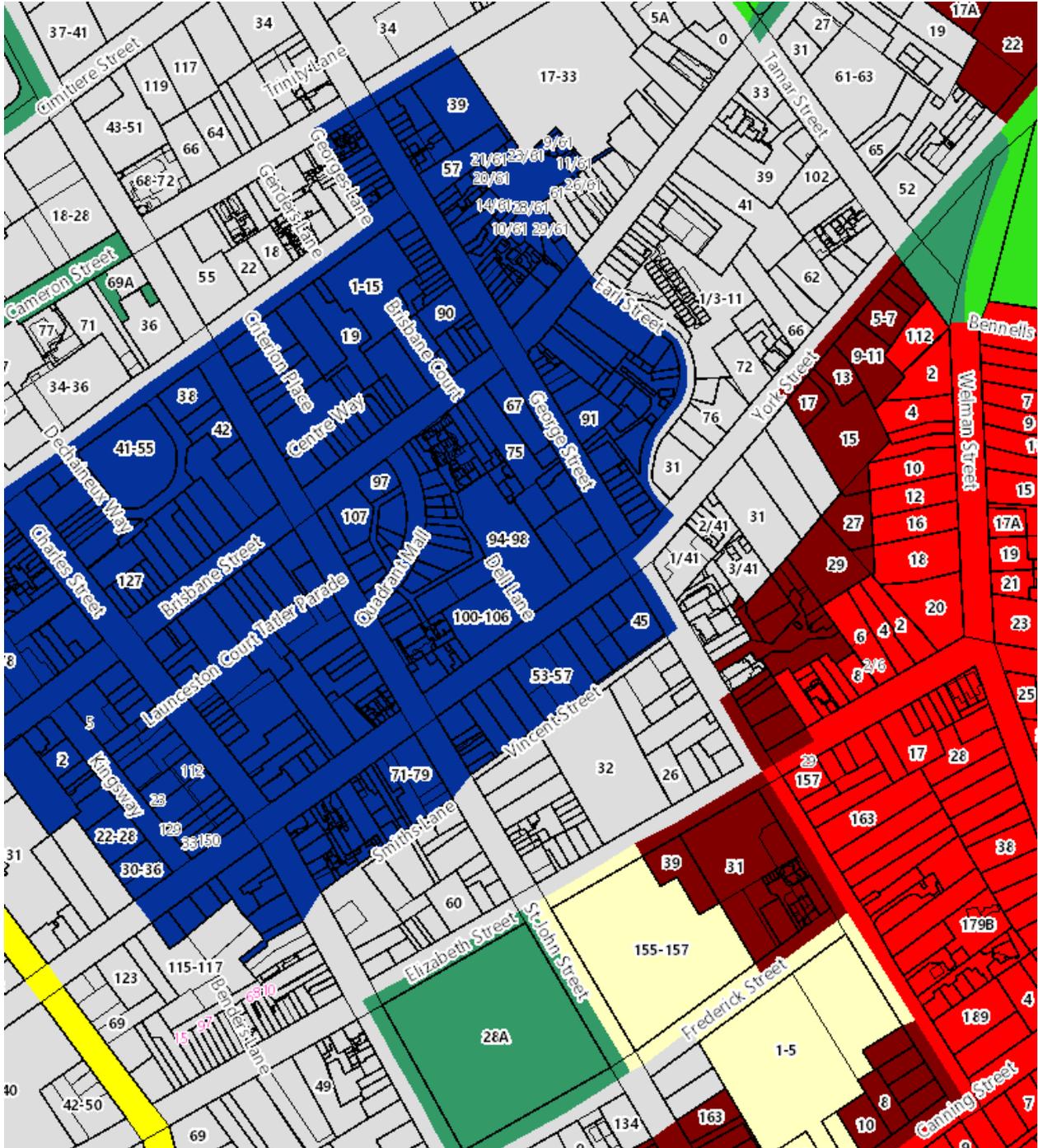


**Recommended LPS Zoning Map**



### 3.3.1 Recommendation

No changes in zoning proposed. The only minor change is the recommended zoning of 31 Elizabeth Street (Colonial Hotel) as Urban Mixed Use (refer to clause 3.2 of the supporting report).



Recommended LPS Zoning Map

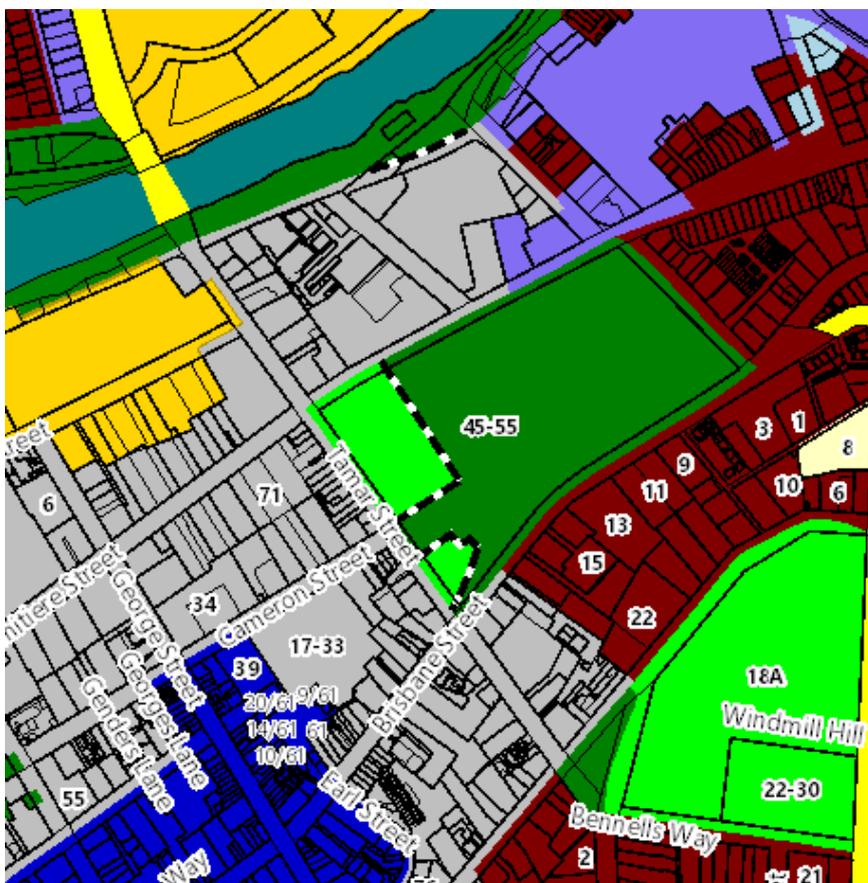
### 3.4 Precinct 4: George, York, Tamar & Lawrence Streets

The properties zoned Inner Residential along York Street between George Street and Welman Street Lane are heritage listed and presumably used for residential uses. The parking exemption area also follows this zoning.

Conversely, the area zoned Urban Mixed Use bound by York, Tamar and Brisbane Streets represents the outer extent of the Urban Mixed Use Zone boundary in this area to the south of the City Park. Site visits to ascertain land use were required. It is also noted that also zoned Urban Mixed Use, the parking exemption area does not extend north east beyond Tamar Street. The following properties are heritage listed and located in the existing Urban Mixed Use Zone:

- 61-63 Tamar Street (CoL & THC)
- 52 York Street (CoL & THC)
- 50 York Street (CoL)

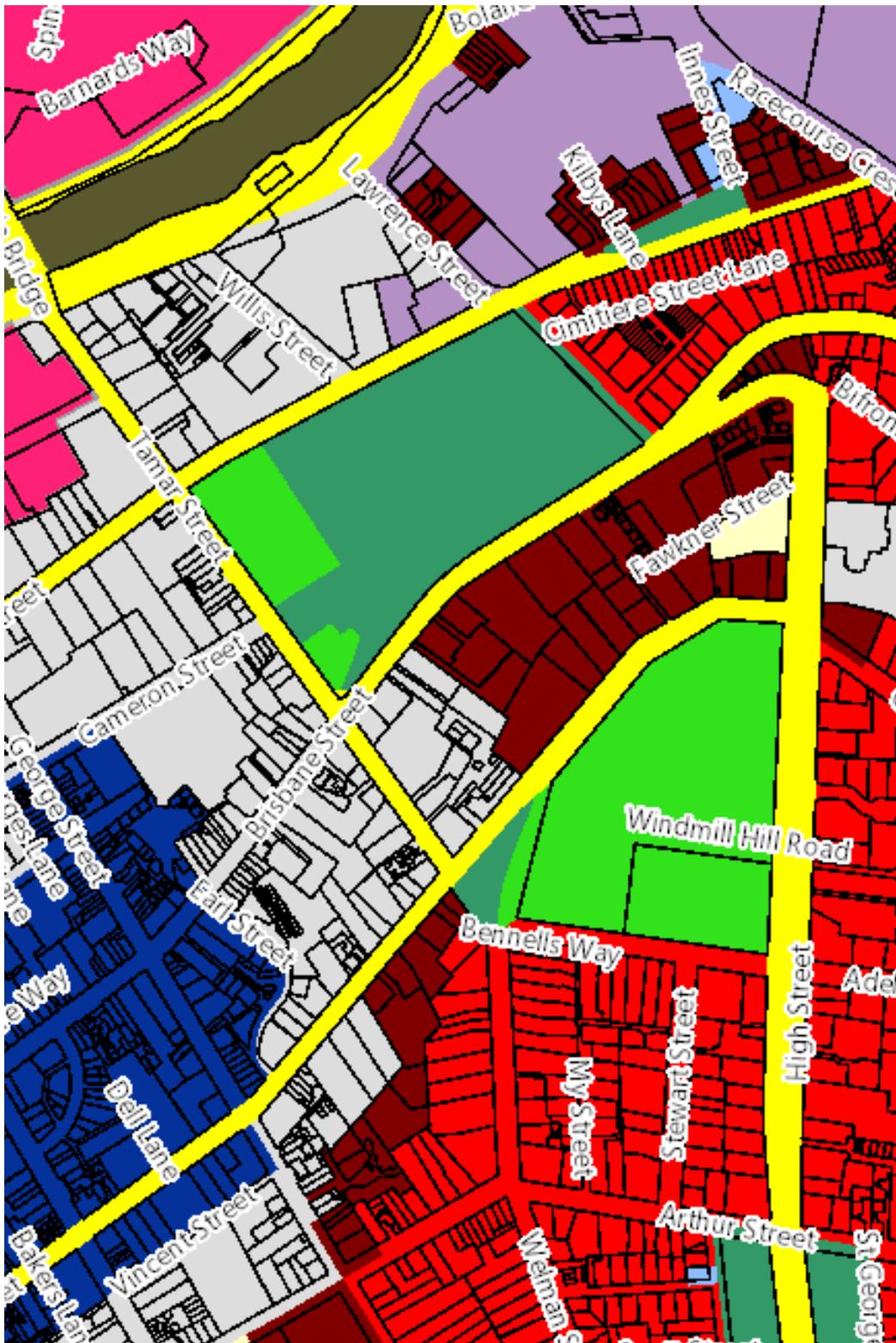
The area zoned Urban Mixed Use to the north of the City Park around Cimitiere, Willis, Boland and Lawrence Streets incorporates the Launceston Gasworks site and also the future UTAS city campus on the previously council-owned carpark in Willis Street. The existing Urban Mixed Use zoning is not recommended to be altered. The small pocket of Inner Residential Zoned properties known as 7, 9, 11-13, 15 and 17 Lawrence Street and 20, 22, 24, 26, 28 and 30 Boland Street are recommended to stay as Inner Residential.



Existing LIPS 2015 Zoning Map

### 3.4.1 Recommendation

No changes in zoning proposed.



Recommended LPS Zoning Map

## **4 Conclusion**

The analysis of the Urban Mixed Use Zone has been undertaken in accordance with Guideline No 1, issued by the Tasmanian Planning Commission, considering the existing character, land constraints, existing and desired density and provision of services within the area. The spatial distribution of each of the above zones has been applied across the City of Launceston based on the analysis within this report.