

PLANNING REPORT

FOR Abwoon Properties Pty Ltd

Change of use

152 Bathurst St Launceston

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Executive Summary

The proposal seeks approval to use the building heritage building located at 152 Bathurst Street Launceston for a mixed-use purpose of 'visitor accommodation' and 'business and professional services' specifically massage therapy.

The proposal involves no development or works and therefore has no heritage impact.

As the site is situated in the centre of a commercial area on a main road that is serviced by public transport, the proposal is consistent with the car parking provisions of the Launceston Interim Planning Scheme 2015.

1 Introduction

Johnstone McGee and Gandy Pty Ltd (JMG) have been engaged by Abwoon Properties Pty Ltd to prepare a development application for a Change of Use at 152 Bathurst Street Launceston.

This report serves to provide an assessment of the proposal against the relevant provisions of the *Launceston Interim Planning Scheme 2015* ('the Scheme').

2 Site Location

The site is located within one of six existing town houses located at 152 Bathurst Street, Launceston. The location is on the major arterial road entering Launceston, where the Midlands Highway splits and divides into Bathurst Street (north bound) and Wellington Street (south bound).

Table 1 - Titles Subject to Change of Use

Property	Title Reference	Owner	Notification/Consent
152 Bathurst Street Launceston	PID: 6668191 CT: 58490/3	C. Bates	Section 52.1(c) Land Use Planning and Approvals Act 1993



Figure 2.1: Subject site of the proposed change of use outlined green, and the surrounding zoning (source: LIST Map)

The Site is listed as on the State Heritage register and is subject to the provisions of the *Historic Cultural Heritage Act 1993*.



Figure 2.2: 152 Bathurst Street is the dark grey central terrace unit. (source Google Street View: image capture Oct 2019)

3 The Proposal

The proposal seeks approval for use of the site for the purposes of short- or medium-term accommodation and with the current tourism climate it also seeks approval to diversify and use the site for massage therapy.

The property has been operating under the believe that visitor accommodation had been exempt from requiring a planning permit under the provisions of *Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes (PD.6)*, not realising that whilst the definition applied, the exemption did not apply to the Commercial zone. This application seeks to rectify that situation.

No works or development is proposed as part of this application.

4 Policy Assessment

The site is subject to the Launceston Interim Planning Scheme 2015.

As the proposal includes visitor accommodation the application is subject to the *Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes (PD.6)*, for the definition only.

The site is zone Commercial.

The Zone Purpose Statements are:

1. To provide for large floor area retailing and service industries.

2. To provide for other large area uses, such as car yards, bulky goods sales, warehouse and showrooms in the areas of high traffic volume and high passing visibility.
3. To ensure uses support and do not threaten the established activity centre hierarchy.

4.1 Launceston Interim Planning Scheme 2015

Use Class

The Planning Scheme's definition of visitor accommodation is superseded by the *Planning Directive No.6 - Exemption and Standards for Visitor Accommodation in Planning Schemes* (PD.6), which defines visitor accommodation as:

Use of land for providing short- or medium-term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential and serviced apartment.

Whilst the proposal meets this definition, the provisions of PD.6 are not applicable to the Commercial Zone and therefore the assessment relies on the provisions of the zone within the Planning Scheme, which lists visitor accommodation as discretionary.

To diversify the visitor accommodation, the rooms are to be utilised for the purposes of massage therapy. It is anticipated that this will be utilised for such purposes that can be considered more than occasional or subservient to visitor accommodation; therefore, it to be jointly approved as two use classes in accordance with Clause 8.2.5.

The Launceston Interim Planning Scheme 2015 does not provide a clear definition on what use class a massage therapy fits within Table 8.2 Use Classes to provide a clear pathway on how to progress such an activity. However, in accordance with Clause 8.2.4 if a use or development does not readily fit any use class, it must be categorised into the most similar use class. The most appropriate use class under Table 8.2 is that of the Business and Professional Services:

use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.

The specific points here are *similar activities* to consulting rooms or medical centre, which the Scheme defines as;

Consulting rooms - means use of land by a registered practitioner of any therapeutic art or science, other than service provided by a medical centre.

Medical centre - use of land to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.

A physiotherapist deals with out-patients and would be classified as a medical centre and thus business and professional services use class. A physiotherapist and a massage therapy are similar in terms of land use planning: although, the nature of the qualified service is acknowledged to be different. To reiterate the definition of Business and Professional Services is similar activities to the listed examples.

Visitor Accommodation Use Class and Business and Professional Services Use Class are both listed as a discretionary use class within the Commercial Zone, without qualification under the Launceston Interim Planning Scheme 2015.

Use Standards - Clause 23.3

There are three Use Standards within the Commercial Zone that apply to the assessment of discretionary uses listed within Table 23.2, which are:

- Clause 23.3.1 External storage of goods,
- Clause 23.3.2 Emissions impacting sensitive uses,
- Clause 23.3.3 Retail impact,

In accordance with Table 23.3, Clauses 23.3.1 and Clause 3.3.2 apply to both use classes being applied for and Clause 23.3.3 applies to Business and Professional Services Use Class.

Clause 23.3.1 External storage of goods

No external storage of goods is required for either use class that will be visible from any road or public open space adjoining the site; therefore, the proposal is consistent with the Acceptable Solution of Clause 23.3.1 A1.

Clause 23.3.2 Emissions impacting sensitive uses

There are no emissions to air, land and water generated from either the Visitor Accommodation Use or the Business and Professional Services Use that are detrimental to the amenity of sensitive uses. Therefore, the Clause 23.3.2 is not applicable for the assessment of this proposal.

Clause 23.3.3 Retail impact

The objective of Clause 23.3.3 Retail Impact is to ensure that the impact of retail and business use and development is appropriate. As noted in Table 23.3 this clause does not apply to the Visitor Accommodation Use or the site. Business and Professional Services is a discretionary Use under Table 23.2 thus automatically relies on the Performance Criteria, which states:

Uses must have acceptable impacts on the viability of the activity centre hierarchy, having regard to:

- (a) *the nature, scale and intensity of the use;*
- (b) *the products and services sold;*
- (c) *the proximity to the Central Business zone or the activity centres of Mowbray and Kings Meadows; and*
- (d) *the proximity to a major road and public transport system that links activity centres.*

In accordance with Part A Purpose and Objectives Clause 3.2 of the Launceston Interim Planning Scheme 2015 the Principal Activity Centre within the region is Launceston with the Central Business District (CBD) being the dominant centre.

The location of the site is on the major arterial road entering into Launceston where the north and south bound lanes of the Midlands Highway splits and divers into Bathurst Street (north bound) and Wellington Street (south bound). This location is approximately 700m to the south of the Launceston Central Business zone and in the northern third of the Commercial zone that runs lineal to Bathurst Street and Wellington Street. The Midlands Highway, Wellington Street, and Bathurst Street are each serviced by public transport at this location.

Having regard to the location of the site being on a major road serviced by public transport and consistent with the Launceston activity centre hierarchy zoning, the size and intensity of the proposed business and professional service use class associated with the proposal is of a scale that will have no adverse effect on the viability of the Principal Activity Centre.

Therefore, the use of 152 Bathurst Street Launceston for visitor accommodation and business and professional services whilst discretionary use classes are both consistent with the Use Class provisions and the Purpose Statements of the Commercial Zone.

Development Standards

The proposal is for a change of use only and does not involve any works or development as defined under the *Land Use Planning and Approvals Act 1993* or the *Historic Cultural Heritage Act 1995*. Therefore, provisions listed under Clause 23.4 Development Standards are not applicable to the assessment of this proposal.

No signage is proposed as part of this application; therefore, the Signs Code E.18 of the Scheme is not triggered.

5 Impact Assessment

5.1 Car Parking

The site is existing and additional onsite parking cannot be provided to the heritage property. Two (2) car parking spaces have been established at the rear of the property as seen in Figure 5.2.1. Public parking is also available on the street and both Bathurst and Wellington Streets are public transport routes.

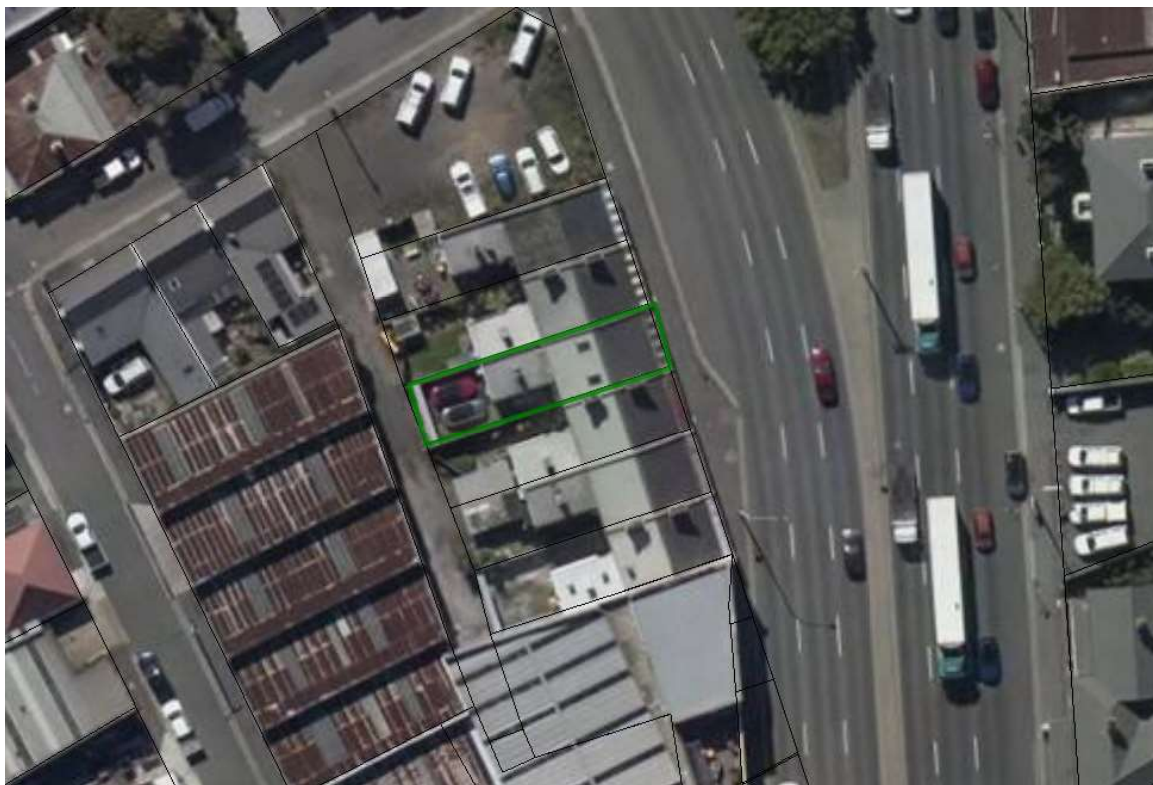


Figure 5.2.1 - aerial image shows that two carparking spaces can be used when required at the rear of 152 Bathurst Street, Launceston when required.

In accordance with the Parking and Sustainable Transport Code (E.6), Clause E6.5.1 sets out the following carparking space requirements by referencing Table E6.1, which requires:

- visitor accommodation - 1 space per self-contained accommodation unit, allocated tent, or caravan space, or 1 space per 4 beds, whichever is the greater,
- Business and Professional Service (consulting rooms) 4 spaces per registered practitioner

Both uses have no bicycle requirement.

Only two rooms are allocated for visitor accommodation and only two rooms are to be allocated to being Business and Professional Services. The nature of the massage therapy consulting is different to that of a medical centre without the requirement for large support staff and customer weighting; therefore, having regard for the two existing parking spaces on site, the nature of the use, and the availability of both on-road parking and public transport plus the location being close to the Central Business zone and in the Commercial zone, the current parking arrangement is adequate for the location and have no adverse effect on the street.

5.2 Heritage

The site is listed within both the Local Historic Cultural Heritage Code (E.13) of the Launceston Interim Planning Scheme 2015, and the Tasmanian Heritage Register. As this application is purely change of use involving no heritage works as defined by the Historic Cultural Heritage Act 1993 the application does not trigger an assessment against the Development Standards Clause E13.6 of the Code. As there are no use standards under Clause E13.5 the assessment of a change of use to Visitor Accommodation and Business and Professional Service is not applicable to this Code, nor does it warrant approval by the Tasmanian Heritage Council.

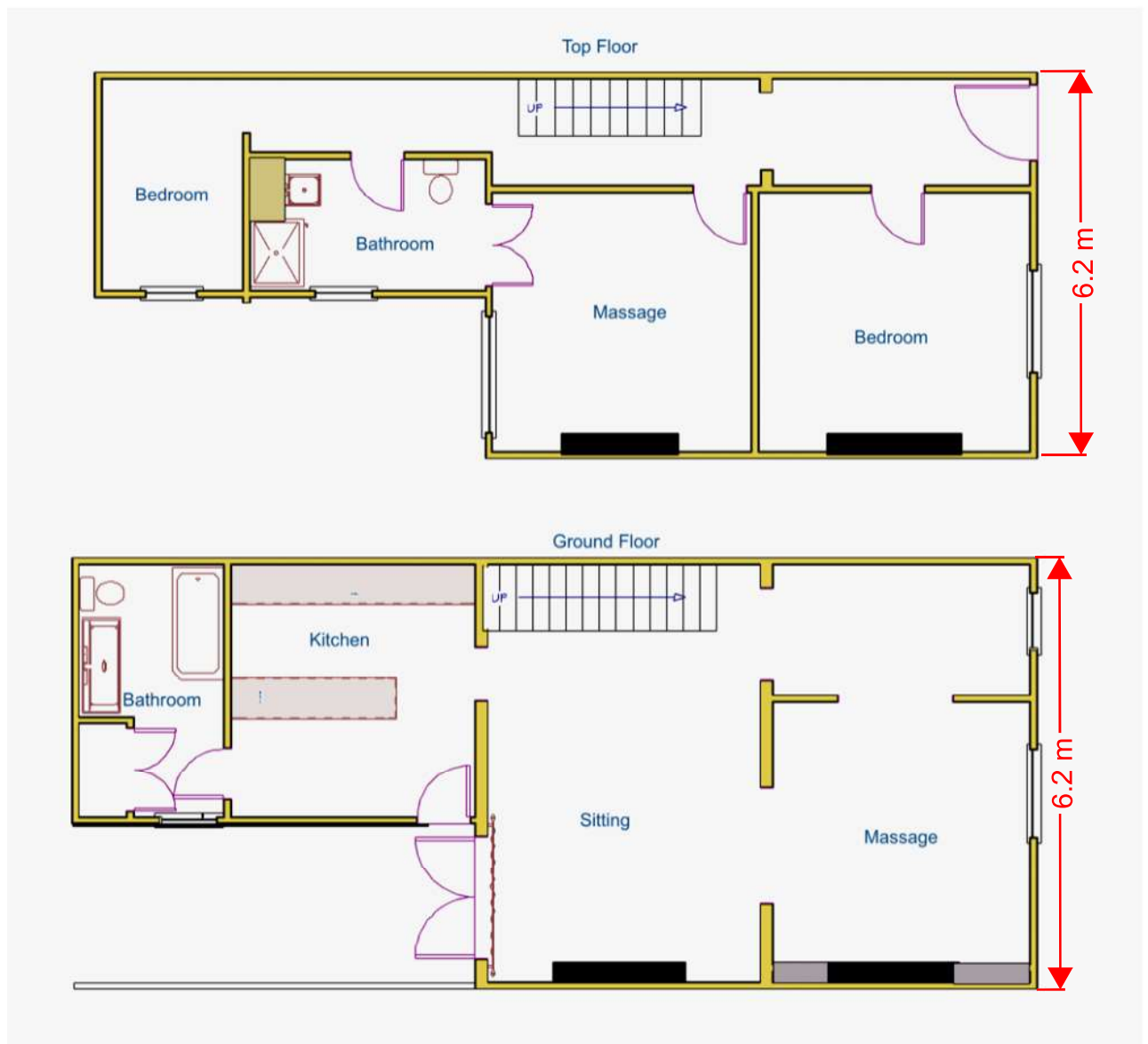
Conclusion

The proposal to use the building 152 Bathurst Street, Launceston, for the purpose of short to medium accommodation and massage therapy, complies with the relevant use class provisions of the Commercial Zone and the Launceston Interim Planning Scheme 2015.

The site is situated in a location that is in the centre of a commercial area and on a main road that is serviced by public transport, as a result the size and scale of the proposal will have no adverse impact on the activity centre and is consistent with the commercial zone purpose statements.

APPENDIX B

Building Floor Plan



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