
9.3 Amendment 71 - Partial Rezoning of Land at Launceston Golf Club, 27-99 Opossum Road, Kings Meadows from Recreation to General Residential and DA0760/2021 to Subdivide One Lot into Three Including the Construction of a Road

FILE NO: DA0760/2021

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

GENERAL MANAGER APPROVAL: Dan Ryan (Community and Place Network)

DECISION STATEMENT:

1. To decide whether to reject or exhibit Amendment 71 for a partial rezoning of land at Launceston Golf Club at 27-99 Opossum Road, King Meadows from Recreation to General Residential of the Launceston Interim Planning Scheme 2015 to allow subdivision and residential use; and
2. To determine Development Application DA0760/2021 to subdivide one lot into three including the construction of a road.

PLANNING APPLICATION INFORMATION:

Applicant: Woolcott Surveys
Area of the Site: 27-99 Opossum Road, King Meadows (CT198059/1)
Existing Zone: Recreation
Existing Use: Launceston Golf Club
Receipt Date: 16 December 2021

RELEVANT LEGISLATION:

Land Use Planning and Approvals Act 1993
Launceston Interim Planning Scheme 2015

PREVIOUS CONSIDERATION:

Council - 2 December 2021 - Agenda Item 9.1 - Initiated Draft Amendment 68 to the Launceston Interim Planning Scheme 2015, to partially rezone land at Launceston Golf Club at 27-99 Opossum Road, Kings Meadows from Recreation to General Residential, and approve Development Application DA0506/2021 to subdivide two lots into fourteen lots and associated works, road, drainage and electricity infrastructure at 27-99 Opossum Road, Kings Meadows (CT198059/1 and CT4964/1)
Council - 24 February 2022 - Agenda Item 9.1 - Amendment 68 - Partial Rezoning of Land at Launceston Golf Club - 27-99 Opossum Road, Kings Meadows from Recreation to General Residential Development - Subdivide Two Lots into 14 Lots (SF7379)

Amendment 68 (DA0506/2021 and SF7379), affecting land on the western side of the Launceston Golf Course accessed off Negara Street, Norwood has been previously initiated and exhibited and is currently with the Tasmanian Planning Commission pending final decision. Other than being located on the site of the golf course these applications are not related.



2. pursuant to the former section 35(1) of the *Land Use Planning and Approvals Act 1993*, certifies the draft amendment 71;
3. in accordance with former section 38(1)(a) of the *Land Use Planning and Approvals Act 1993* determines the period for public exhibition to be 28 days;
4. pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0760/2021 to subdivide one lot into three including the construction of a road 27-99 Opossum Road, King Meadows (CT198059/1) subject to the following conditions:

1. ENDORSED PLANS AND DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Manager City Development unless modified by a condition of the Permit:

- a. Subdivision Proposal Plan, prepared by Woolcott Surveys, Job No. L191207, Edition V03, Sheet 2/7, dated 07/02/22.
- b. Stage 2: Opossum Road Lot Access Road and Concept Services Plan, prepared by Hydrodynamica, Drawing No. 332.31-SK02, Revision D, dated 23/03/2022.
- c. Stage 2: Opossum Road Lot Access Road & Concept Services Plan, prepared by Hydrodynamica, Drawing No. 332.31-SK03, Revision A, dated 23/03/2022.
- d. Stormwater Report, prepared by Hydrodynamica, dated 31/03/2022.
- e. Traffic Impact Assessment, prepared by AH, Revision B, dated December 2021.
- f. Bushfire Hazard Exemption Report, prepared by Woolcott Surveys, Version 1.0, date 02/12/2021.

2. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

3. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/02264-LCC, 06/01/2022 and attached to the permit.

4. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7am and 6pm

Saturday - 9am to 6pm

Sundays and Public Holidays - 10am to 6pm

5. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of the Manager Infrastructure and Engineering is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

6. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements and the Council's policy - 27-Rfx-012 - Standards for Surface Reinstatement of Works in the Road Service. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

7. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

- a. allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. location of adjoining roads, impervious surfaces, underground services and existing drainage.
- c. location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. the estimated dates for the start and finish of the works.
- f. the erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
- g. the sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. timing of the site rehabilitation or landscaping program.
- i. outline of the maintenance program for the erosion and sediment controls.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the General Manager Infrastructure and Assets Network. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

8. FACILITIES AND HIGHWAYS BY-LAW

Prior to the placement of any skip bin, security fencing, hoarding, shipping containers, site offices or amenities within a local highway, the person, corporation or other legal entity must seek and have issued a permit pursuant to the Facilities and Highways By-Law (No. 1 of 2021). No such items are to be placed within the road reserve without approval.

9. CONSENT PURSUANT TO SECTION 14 OF THE *URBAN DRAINAGE ACT 2013*

Prior to the commencement of any works, the applicant must apply for, and be issued with the General Manager's consent to undertake works affecting the watercourse being part of the public stormwater system pursuant to section 14 of the *Urban Drainage Act 2013*.

The applicant must provide a written description of the proposed works and any associated plans.

10. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - i. Electricity infrastructure including street lighting.
 - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
 - iii. Evidence of assessment by TasGas Networks re provision of reticulated gas network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
 - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

11. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve including a gross pollutant trap and all necessary works at the proposed discharge to Kings Meadows Rivulet to prevent erosion and scour,
 - ii. Provision of a suitably sized connection to the lowest point of Lot 1,
 - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.

- b. Roads
 - i. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages with a constructed turning head, complete with KC type kerb and channel,
 - ii. Provision of a 1,500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
 - iii. Provision of a single vehicular crossing for each lot within the subdivision,
 - iv. Provision of all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
 - i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
 - ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. Construction requirements,
- b. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c. Construction Audit inspections,
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

12. EASEMENTS

Easements are required over all the Council's and third party services located in private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

13. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Assets Network, of the Certificate under section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

14. COMPLETION OF WORKS

All works must be carried out to the Council's standards and to the satisfaction of the General Manager Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to the Council's standards will be required prior to issue of the Certificate of Practical Completion.

15. AS CONSTRUCTED PLANS

An *as constructed* plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

16. NO BURNING OF WASTE

No burning of any waste materials, including removed vegetation, generated by the development process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (eg. Launceston Waste Centre), reclaimed or recycled.

17. PROTECTION OF PUBLIC OPEN SPACE

The Public Open Space is to be protected from damage during the construction works by ensuring that:

- a. prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
- b. no building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
- c. no excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of the Council to maintain, the Public Open Space.
- d. no access to the subject site is permitted via the Public Open Space without express written consent from the General Manager Infrastructure and Assets Network.
- e. where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.

18. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan of Survey, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots (Lot 1) shown on the final plan. The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

19. STREET LANDSCAPING PLAN

Prior to the commencement of works, a landscape plan must be prepared by a suitably qualified person and submitted to the Council. Once approved by the Council, it will form part of this permit. The approved landscaping of the site must:

- a. be completed prior to the sealing of the Final plan of Survey.
- b. provide shade trees on one side of the road of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) and at an average spacing of one per 20m of frontage.
- c. have each shade tree provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal.
- d. be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

20. FINAL PLAN OF SURVEY

The Final Plan will not be sealed until all conditions have been complied with.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0760/2021. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.

The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

Note: Councillors are advised that under Schedule 6 - Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015 - Parts 2A and 3 of the former provisions remain in force until a Local Planning Schedule comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.

1. REPORT:

PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT

1.1 Introduction

An application was lodged under sections 31(1) and 43A of the former *Land Use Planning and Approvals Act 1993* (the Act), by Woolcott Surveys, for:

- an amendment to the Launceston Interim Planning Scheme 2015, proposing to partially rezone land from the Recreation zone to General Residential zone; and
- a planning permit seeking approval to subdivide one lot into three lots, including the construction of a road lot.

The *Section 43A - Planning Scheme Amendment and Development Application, Partial Rezone and subdivision of land at 27-99 Opossum Road, Kings Meadows*, prepared by Woolcott Surveys, dated December 2021 is contained in Attachment 2. This will be referred to as the *Planning Submission* throughout the report.

The specialised reports forming part of the application are also contained in Attachment 2. These reports will be referred to individually as required.

The *Launceston Interim Planning Scheme 2015* will be generally referred to as *the Scheme* in this report.

1.2 Act Requirements

The legislation allows for a combined application for a permit and a planning scheme amendment to be considered jointly in accordance with section 43A of the *Land Use Planning and Approvals Act 1993*.

43A. Application for a permit when amendment requested

- (1) A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- (2) Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

The amendment must be decided under section 33(3) which reads:

33. Request for amendment of planning scheme

- (3) A planning authority must, within 42 days of the receipt of a request or such longer time as the Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request notice of its decision within 7 days of making the decision.*
- (3AA) If the planning authority decides under subsection (3) to initiate an amendment of a planning scheme after receipt of a request from a person under subsection (1), it must –*
 - (a) initiate the amendment under section 34; and*
 - (b) certify the draft amendment under section 35 –*
within 42 days of receiving the request or such longer time as the Commission allows.

The matters which the Council must consider when making a decision whether to reject or exhibit the application are listed in sections 32 and 43C of the Act and are set out in detail in this report.

Section 38 of the Act sets out that after making a decision on an application made under section 43A it is to be publicly advertised for a period of 28 days:

38. Public exhibition of draft amendment

- (1) After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in section 32, the planning authority must –*

- (a) *cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*
- (b) *advertise, as prescribed, the exhibition of the draft amendment.*
- (2) *If the period referred to in subsection (1)(a) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the planning scheme to be amended applies, that period is to be extended by the number of those days.*

2. Subject Site and Surrounding Uses

The subject site is located at 27-99 Opossum Road, Kings Meadows and comprises of a single title 42.34ha in size. The irregular shaped site contains frontages to Negara Street and Opossum Road. It should be noted that the Launceston Golf Club also contains another title, however, that title does not form part of this application.

The site is home to the Launceston Golf Club, a public golf course with associated facilities. Primary access is gained via Opossum Road.

The site is located south of Launceston CBD in the suburb of Kings Meadows. The surrounding area is of a mixed use nature. To the north are residential areas and Punchbowl recreation reserve. To the east is more residentially zoned land. To the southern is Carr Villa and to the west is a mix of residential, retail, commercial and industrial zoned land. The Kings Meadows activity centre is located along Hobart Road to the west.

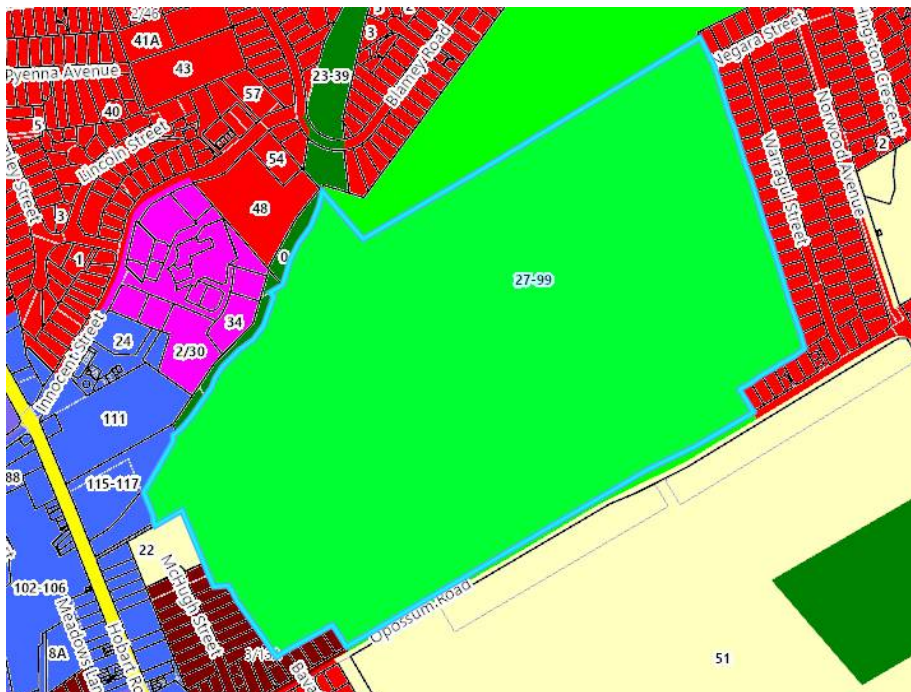


Figure 1 - Subject site and zoning (source: SAM mapping)



Figure 2 - Subject site aerial (source: SAM mapping)

3. Existing Conditions on the Site

3.1 Heritage Values

The site is not listed in the *Local Historic Heritage Code* under the Scheme or within a state listed property on the Tasmanian Heritage Register. There is no identified or known Aboriginal or cultural heritage on the site or adjoining land.

3.2 Scenic Values

The subject site is located within the Local Scenic Management Area - Carr Villa and Punchbowl Reserve Precinct 4.

3.3 Natural Values

No biodiversity value is identified on the site.

3.4 Land Capability

The site is not subject to any land capability assessment.

3.5 Environmental Hazards

3.5.1 Bushfire

Whilst the site contains bushfire prone vegetation, the proposed area of development is outside of this area.

3.5.2 Flood Hazard

The development area of the subject site is not shown as being subject to a flood risk on the Scheme overlay maps.

3.5.3 Landslip

The subject site is shown on the Hazard Planning Maps produced by the Department of Premier and Cabinet to be subject to Low and Medium hazard bands (refer to Figure 3).



Figure 3 - Landslide Risk (source: SAM mapping)

3.5.6 Infrastructure

The subject site is located within an area that is serviced by reticulated sewerage, water and stormwater infrastructure.

3.5.7 Waterway

There is a water feature buffer along the Kings Meadows Rivulet, as shown within the image below:

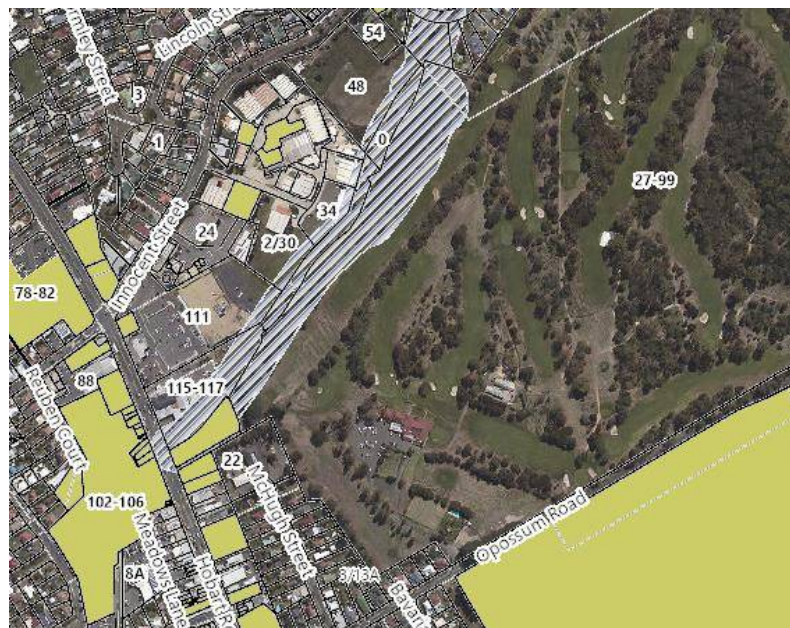


Figure 4 - Water Feature Buffer (source: SAM mapping)

4. Proposal

The proposal seeks:

- to amend the Launceston Interim Planning Scheme 2015 (the Scheme), rezoning a portion of the land from the Recreation zone to General Residential zone; and
- a planning permit to subdivide one lot into three, including the creation of a new road lot (refer to Figure 5).



Figure 5: Proposed Plan of Subdivision

The subdivision plan identified three lots:

- Lot 1: 1.28ha
- Lot 2: 40.9ha
- Lot 3: 1,844m²

Lot 1 is proposed to be rezoned to General Residential, to allow for future residential use. The balance lot (Lot 2) as well as the road lot (Lot 3) will retain recreation zoning. A rezoning plan is identified in Figure 6 below:



Figure 6: Rezoning plan

The road lots will be upgraded to comply with the relevant road standards at the time of construction.

4.1 Landowner Consent

The land is owned by Launceston Golf Club Ltd and consent was provided 12 December 2021.

4.2 Considerations for an Amendment

The relevant requirements of section 32 (1) of the Act are outlined below:

32. Requirements for preparation of amendments

- (1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –*
 - (a)
 - (b)
 - (c)
 - (d)
 - (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
 - (ea) *must not conflict with the requirements of section 300; and*
 - (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

Response: (e) The subject site is in a location where there is an established residential character. Rezoning of a portion of land to allow for a large, single residential lot is consistent with the surrounding character. The reduction in recreation land from the golf course is considered acceptable to permit this new compatible use.

The proposed amendment will avoid the potential for land use conflicts with the adjacent area.

In regard to (ea), Section 30O is considered in detail below.

30O. Amendments under Divisions 2 and 2A of interim planning schemes

- (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
- (2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –*
 - (a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
 - (b) the amendment does not revoke or amend an overriding local provision; and*
 - (c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
- (3) Subject to section 30EA, an amendment may be made to a local provision if –*
 - (a) the amendment is to the effect that a common provision is not to apply to an area of land; and*
 - (b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
- (4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
- (5) Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –*
 - (a) taking an optional common provision out of the scheme; or*
 - (b) taking the provision out of the scheme and replacing it with another optional common provision.*

Response: (ea) The amendment concerns a local provision of the Scheme. An assessment of the Northern Tasmania Regional Land Use Strategy (NTRLUS) June 2018 has been undertaken, where it is determined to be consistent.

The amendment does not propose to modify, remove or insert a common provision. The proposed rezoning is considered to be a local provision and is able to be amended under Division 2 or 2A.

The amendment must also consider the requirements of section 20(1) of the Act as set below:

- (1) *A relevant decision-maker, in preparing, accepting, declaring or making a relevant scheme, or giving approval in relation to the making or approving of a relevant scheme, must, in the opinion of the relevant decision-maker –*
 - (a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme;*
 - (b) *prepare the scheme in accordance with State Policies made under section 11 the State Policies and Projects Act 1993; and*
 - (c) *.....*
 - (d) *have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and*
 - (e) *have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

Additionally, the planning authority must also have regard to section 43C with respect to the proposed subdivision.

43C. Applications referred to in section 43A

- (1) *In determining an application referred to in section 43A, a planning authority, in its opinion –*
 - (a) *must seek to further the objectives set out in Schedule 1; and*
 - (b) *must take into consideration such of the prescribed matters as are relevant to the use or development subject of the application.*

Section 20(1) and 43C(1)(a) requires the objectives set out in Schedule 1 to be considered. A response to the objectives is provided below:

Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania

- (a) ***to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity***

Response: The land in question is not mapped as having any ecological value.

- (b) ***to provide for the fair, orderly and sustainable use and development of air, land and water***

Response: The area to be rezoned adjoins Inner Residential developed land to the west, noting that this is proposed to be General Residential under the new State-wide planning scheme. This will maintain a fair and sustainable use of air, land and water.

(c) to encourage public involvement in resource management and planning

Response: The public will have the opportunity to comment on this proposal during the exhibition period which will run for three weeks, should the Council decide to exhibit the application. The public has the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

Response: The development will allow the creation of 1.28ha residential lot, with the potential for future subdivision or multiple dwelling development. This will stimulate economic growth through the construction industry and purchasing of the land. At a time where housing is in high demand, the development of new, vacant residential lots is highly encouraged to help stimulate the economy.

(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

Response: This application was referred to TasWater. There are no other relevant agency referrals required. If initiated the amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

Schedule 1, Part 2 - Objectives of the planning process established by the Act

The objectives of Part 2 must also be considered -

(a) to require sound strategic planning and co-ordinated action by State and local government

Response: The amendment is consistent with the objectives of the NTRLUS, Launceston Residential Strategy 2009-2029 and the Scheme. Being within the urban growth area, its development is contiguous to a residential neighbourhood.

(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

Response: An application made pursuant to section 43A of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The application of the General Residential Zone will enable the land to be assessed against the relevant provisions of the Scheme.

(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

Response: The assessment of the proposed amendment and subsequent subdivision have considered the effects on the natural values of the subject site and water resources.

- (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**

Response: The proposed amendment is consistent with the local, regional and State policies as assessed by this report.

- (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**

Response: The application is made under former section 43A of the Act and includes a rezoning of land to the Scheme to facilitate consideration of the proposed subdivision. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

- (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**

Response: The amendment facilitates housing choice and diversity through the development of a large, single residential lot.

- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value**

Response: The site is not listed as a local heritage place by the Tasmanian Heritage Council or by the City of Launceston.

- (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**

Response: As part of the application all new lots will connect into existing infrastructure in a sustainable manner. Comments and conditions from TasWater will help form part of the permit conditions and will allow these connections to occur sufficiently.

- (i) to provide a planning framework which fully considers land capability.**

Response: The land is within an urban area and will not be utilised for agricultural purposes.

4.3 State Policies

State Policy on the Protection of Agricultural Land 2009

The policy only applies to rural land. The subject site is located outside of the rural area and is therefore not applicable.

State Coastal Policy 1996

The State Coastal Policy applies to Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the *Living Marine Resources Management Act 1995*) and all land to a distance of 1km from the high water mark. The subject site is located outside of this distance and, therefore, is not applicable.

State Policy on Water Quality Management 1997

The provisions of this Policy are reflected in the E9.0 Water Quality Code in the planning scheme and is considered as part of the assessment of the proposed planning permit application. The assessment of the application addresses this Code to achieve the objectives of this Policy.

National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The Codes within the planning scheme deal in detail with the relevant matters listed above.

5. City of Launceston Corporate Strategic Plan 2014-2024

The City of Launceston Corporate Strategic Plan 2014-2024 (LSP) is prepared under the *Local Government Act 1993* (Tas). The assessment of the application has had regard to the LSP and is generally consistent with the principles and goals:

- To promote Launceston as a unique place to live, work, study and play;
- To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards;
- To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions;
- To develop a strategic and dedicated approach to securing economic investment in Launceston;
- Supports housing choice and diversity in a planned location;
- Stimulates population growth in the municipal area; and
- Considers the impacts on the natural values of the site.

The amendment and development proposed will assist in achieving these goals. This will occur by:

- Developing new vacant residential land within an attractive and liveable environment;
- Ensuring all natural values of the development area are considered; and
- Invest in the local community by creating a new vacant residential lot which will allow future development to occur, as well as increase population numbers.

6. Gas Pipelines Act 2000

The gas pipeline is not available in proximity to the site. Therefore, the *Gas Pipelines Act 2000* is not applicable to the proposed development.

7. Planning Strategies

7.1 Launceston Residential Strategy 2009-2029

The Launceston Residential Strategy 2009-2029 (LRS) provides a strategy for housing within the Launceston municipality over 20 years. The strategy 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 current zoning of the land is Recreation, which prohibits residential use. A partial change to the General Residential zoning would allow residential development to occur through application. The site is within a fully serviced area.

The site is located within the area of Kings Meadows, noted as a major district centre and is within proximity to identified centres. The rezoning and location is considered to meet this tier, as it is within proximity to public transport and centre nodes and is providing a vacant, large residential lot that has the ability to provide for higher density development either through future subdivision or multiple dwelling development. This is encouraged within this area, being an appropriately located lot close to services.

The current demand for residential lots has not been predicted by the strategy. However, projections for a high level growth scenario estimate a general population of 72,903 by 2024, whereas, the population of Launceston, in 2021 has reached 80,916 according to the last census (*Australian Bureau of Statistics, 2020*). Accordingly, identifying underutilised development sites such as this that are fully serviced land accessible to identified centres, helps meet the requirements of the strategy.

It is evident that a growing population is a current trend and the provision of suitable land for residential development is paramount.

7.2 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy (NTRLUS) provides the strategic direction for the region (made up of eight municipal areas), over a 20 year time frame until 2032 and supports residential opportunities in appropriate locations.

The site is located within the Supporting Consolidation Area, an urban growth area, within the regional framework. This is land within the developed urban settlement or in areas intended for urban development. G2.1.1 of the strategy identifies this area as:

- Comprising land in established suburbs which is separate from Priority Consolidation Areas as shown in the Regional Framework Plan Maps G.1, G.2 and G.3;
 - Support reliable and effective transportation and reduce vehicle dependency;
 - Physically connect new urban settlements to existing communities wherever possible, or otherwise provide new development with direct transport linkages to established urban areas;
 - Promote cohesive communities;
 - Support a wide range of services and facilities;
 - Support access to existing or planned activity centres; and
 - Comprise a suitable and complementary mix of land uses to support the Regional Settlement Hierarchy and the Regional Activity Centre Hierarchy.
-

In order to ensure the above is considered, there are a number of policies and actions within the strategy. Relevant to this assessment:

- Regional Settlement Networks
- Housing Dwellings and Densities
- Integrated Land use and Transport
- Regional Infrastructure Network
- Regional Environment Policy

The Planning Submission has assessed the policies and actions relevant to the amendment in detail, referencing specialised reports and strategic information. The relevant policies and actions in the NTRLUS are detailed as follows:

**E2. Regional Settlement Network Policy
E2.4 Specific Policies and Actions**

Regional Settlement Networks	
<p>RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</p>	<p>RSN-A1 Provide an adequate supply of well-located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the NTRLUS, land capability, infrastructure capacity and demand.</p> <p>RSN-A2 Land supply will be provided in accordance with the Key Principles through local strategy for Urban Growth Areas which include:</p> <ul style="list-style-type: none"> • Priority Consolidation Areas • Supporting Consolidation Areas • Growth Corridor • Future Investigation Areas. <p>RSN-A3 Apply zoning that provides for the flexibility of settlements or precincts within a settlement and ability to restructure underutilised land.</p>

RSN-P2

Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance quality of life.

RSN-A4

Provide for the long term future supply of urban residential land that matches existing and planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity - both residential and industrial.

RSN-A5

Provide a diverse housing choice that is affordable, accessible and reflects changes in population, including population composition. Ageing populations and single persons should be supported to remain in existing communities as housing needs change; *ageing in home* options should be provided.

RSN-A6

Encourage urban residential expansion in-and-around the region's activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater public transport use and services.

RSN-A7

Ensure all rural and environmental living occurs outside Urban Growth Areas.

RSN-A8

Identify areas with existing mixed land use patterns, and/ or 'Brownfield' areas adjacent to activity centres, for mixed use redevelopment, and apply zones that provide for flexibility of use to support the activity centre and the role of the settlement

Response:

The proposal is for a change to residential zoning to allow a pathway for a large, single residential lot. This lot will be serviced by the existing reticulated systems. Being within a supporting consolidation area, the site is identified as an urban growth area. By permitting the General Residential Zone within this area, there will be a greater flexibility to restructure the existing under utilised land. The amendment is deemed to be consistent with the policies and actions detailed in the above table.

Housing Dwellings and Densities	
<p>RSN-P5 Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.</p>	<p>RSN-A10 Apply zoning provisions which provide for a higher proportion of the region's growth to occur in suitably zoned and serviced areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations.</p>
<p>RSN-P7 In new development areas include a diversity in land uses, employment opportunities and housing types at densities that support walkable communities, shorter vehicle trips and efficient public transport services.</p>	<p>RSN-A12 Encourage well-designed new urban communities through detailed planning provisions.</p>

Response:

The proposal is for a single 1.28ha General Residential lot. There are few lots of this size and this zone left within the municipality. There are even fewer that are located in such an accessible and well established area. Such a lot will be capable of supporting diversity in dwelling types, including single or multiple dwellings.

The General Residential zone provisions will need to be adhered to in future development applications, ensuring that the development pattern of the area remains consistent, whilst adding more land supply to meet the current residential demand. The site is conveniently located to take advantage of walkable areas, shorter vehicle trips and taking advantage of existing local public transport. The amendment is deemed to be consistent with the policies and actions.

Integrated Land use and Transport	
<p>RSN-P8 New development is to utilise existing infrastructure or be provided with timely transport infrastructure, community services and employment.</p>	<p>RSN-A14 Prioritise amendments to planning schemes to support new Urban Growth Areas and redevelopment sites with access to existing or planned transport infrastructure. This will support delivery of transit oriented development outcomes in activity centres and identified transit nodes on priority transit corridors.</p>

Response:

The proposal is within an existing growth area, with easy access to existing transport infrastructure. The amendment is deemed to be consistent with the policies and actions detailed in the above table.

**E.4 Regional Infrastructure Network Policy
E4.4 Specific Policies and Actions**

<p>RIN-P6 Facilitate and encourage active modes of transport through land use planning.</p>	<p>RIN-A10 Roads created in new subdivisions are to be designed and constructed to meet the needs of all users and to reinforce the function, safety and efficiency of the road.</p> <p>RIN-A11 Future subdivision design is to allow for permeability and connectivity in the transportation network.</p> <p>RIN-A16 Facilitate increased use of active transport modes for short trips by providing for subdivisions that allow for pedestrian connectivity to open spaces, trails and cycle and bus routes.</p>
<p>RIN-P7 Facilitate an efficient and convenient public transport system through land use planning.</p>	<p>RIN-A18 Provide for future higher density residential areas, mixed use developments and new commercial areas to be integrated with public transport services.</p> <p>RIN-A22 Encourage residential densities in new urban development that supports more cost effective delivery of public transport services.</p> <p>RIN-A23 Provide for new urban development to be located adjacent to existing, and preferably mixed-use areas to reduce travel requirements and distances.</p>

	<p>RIN-A24 With reference to the Regional Framework Plan Maps D.1, D.2 and D.3 identify higher density residential areas, mixed-use development and new commercial areas to support greater access and use of public transport services, particularly in areas that have higher frequency services.</p>
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Response:

To access the new residential lot, as part of the development application a new 70m long public road will be created. This new road will allow more defined public access and connectivity into the transportation network. The surrounding public transport routes include bus stops along Hobart Road within the Kings Meadows activity precinct, approximately 500m to the west.

The General Residential Zone is considered to be appropriate for the area. Whilst there are no known future public transport upgrades, it is considered that by providing new residential land as an extension of the existing suburban area, there will be more opportunity for upgrades to occur in the future.

The amendment is deemed to be consistent with the policies and actions detailed in the above table.

E.7 Regional Environment Policy

E.7.4 Specific Policies and Actions

Landscape and scenic amenity	
<p>LSA-PO1 Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local circumstances, as well as the:</p> <ul style="list-style-type: none"> • Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity; • Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and 	<p>LSA-A02 Develop a regionally consistent approach to determining scenic corridor overlays around identified tourism routes.</p> <p>LSA-A03 Include performance criteria in planning schemes for development within scenic corridor overlays that address following considerations:</p> <ul style="list-style-type: none"> • The impact of development skylines, ridgelines and prominent locations; • The establishment and/or retention of existing vegetation to provide screening in combination with other requirements for hazard management; • The bulk and form of buildings and earthworks and the ability of development to blend with the landscape;

<ul style="list-style-type: none"> • Need to protect skylines and prominent hillsides from obtrusive development/works. <p>LSA-PO2 Protect specific topographic or natural features of significant scenic/landscape significance.</p>	<ul style="list-style-type: none"> • The impact of materials, finishes and colours of buildings on the landscape setting; and • Whether existing native or significant exotic vegetation within the corridor is managed to retain the visual values of the tourism route. <p>LSA-A04 Planning schemes may identify visually significant topographic, natural features and landscapes (eg. Cataract Gorge) in an overlay, including objectives and discretionary criteria relating to the visual impact of use and development.</p>
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Response:

The entirety of the site is located within a Scenic Management area, specifically the Carr Villa and Punchbowl Reserve Precinct 4, as identified on the Planning Scheme overlay mapping.

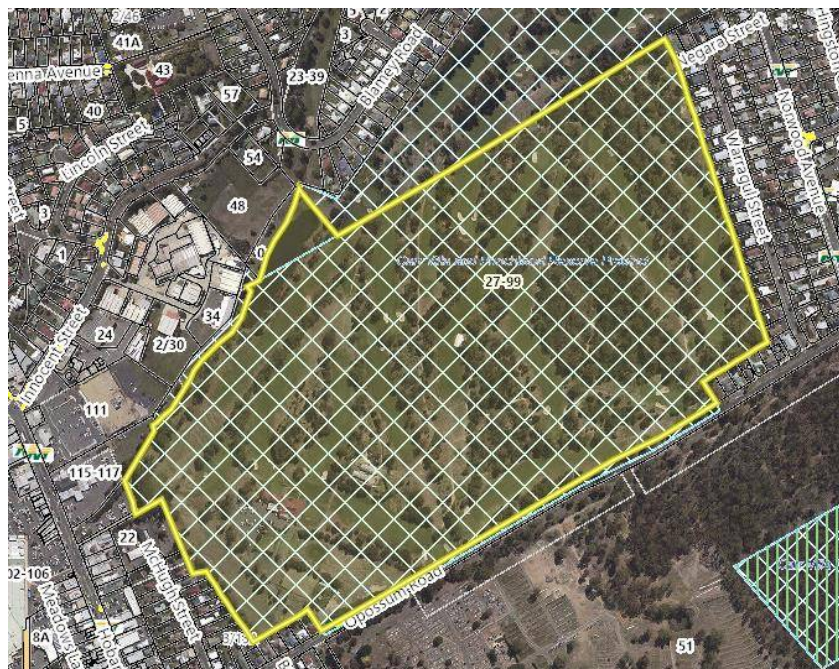


Figure 7 - Scenic Management area is blue hatching (Source: SAM GIS Mapping)

Assessment against the provisions of the Scenic management Code has been undertaken in Part B of this report.

To summarise, there is no vegetation proposed to be removed as part of this development, and accordingly there will be no impact on the visual and scenic amenity of the site or the area.



Future development will also be subject to this code should development be lodged prior to the commencement of the Tasmanian Planning Scheme, noting the scenic overlay is being removed.

8. Referral Agencies

8.1 TasWater

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice (TWDA 2021/02264-LCC) dated 06/01/2022, in support of the proposal subject to conditions.

PART B. DEVELOPMENT APPLICATION

9. Planning Scheme Requirements

The assessment against the Launceston Interim Planning Scheme 2015 is detailed in Attachment 1.

10. CONCLUSION

The application seeks to partially rezone land at 27-99 Opossum Road, Kings Meadow from the Recreation zone to General Residential zone under the Launceston Interim Planning Scheme and to facilitate a three lot subdivision.

The amendment and planning permit application has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

The planning permit application satisfies all the relevant provisions of the Scheme including the code provisions and the performance criteria.

RISK IMPLICATIONS:

Not considered relevant to this report.

ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 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
Launceston Interim Planning Scheme 2015

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. DA0760/2021 - Amendment 71 - Section 43A Report Planning Assessment - 2 June 2022 [**9.3.1** - 9 pages]
2. Amendment 71 - Application Documents - 90 Opposum Road, Kings Meadows - 2 June 2022 [**9.3.2** - 58 pages]
3. Amendment 71 - Draft Instrument - 90 Opposum Road, Kings Meadows - 2 June 2022 [**9.3.3** - 1 page]
4. Amendment 71 - TasWater SPAN - 90 Opposum Road, Kings Meadows - 2 June 2022 [**9.3.4** - 4 pages]