

## ATTACHMENT 1

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

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

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

The proposed amendment applies to 10 Dolerite Drive, Kings Meadows which is zoned Light Industrial and is subject to several overlays within the Tasmanian Planning Scheme - Launceston. The proposed planning scheme amendment complies with the SPP requirements for an LPS.

*(b) is in accordance with section 32*

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

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The proposed amendment includes a new Site Specific Qualification to allow General Retail and Hire use class to be Discretionary on the property, with no qualification. It is considered the proposed amendment will meet Section 32(4)(b) due to its spatial qualities discussed below:

- The site is uniquely located, within an operating commercial node of the Connector Park estate, and the residential areas of Oakden Park residential estate to the south, and Mount Pleasant Estate to the north;

- It is readily accessible from both the Midland Highway and Kings Meadows Connector, noting it is located in close proximity to these roads;
- The site is located in close proximity (8.0m) north of a future pedestrian and cycle link;
- Is the southern most lot within the industrial Connector Park estate, with only one privately owned adjoining land parcel to the north, ensuring limited land use conflict.

These attributes are unique to this parcel of land, and encourage the implementation of a SSQ so that the land may be developed. Therefore it is considered that the proposed amendment meets the test under sections 32(4)(a).

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

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

<b>Part 1 Objectives</b>	<b>Planning Assessment</b>
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The site currently sits cleared and vacant within an urban area, with no natural or physical resources, nor is there any ecological or genetic diversity located on the site.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The proposed amendment will allow a supermarket to be constructed that ensures sustainable development or air, land, and water. The site is able to connect into the reticulated servicing systems.
<i>(c) to encourage public involvement in resource management and planning</i>	The statutory process for the assessment of a planning scheme amendment involves a public notification period. Any representations received will be formally considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.

<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The applicant provided a Retail Assessment to assist in the assessment of the relevant policies. The report concluded that the proposed small supermarket could be supported within the catchment without viably impacting on existing supermarket traders within the sub-regional catchment. Noting the surrounding catchment includes an employment node (Connector Park) and the residential estate, the amendment will directly facilitate economic development.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	Community, industry, and other government agencies will have the opportunity to comment on the proposed planning scheme amendment during the public notification period.
<b>Part 2 Objectives</b>	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government</i>	The proposal is considered to be compliant with the relevant sections of the NTRLUS, ensuring sound strategic planning.
<i>(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</i>	The SSQ does not remove any existing planning requirements as set out within the SPPs or LPS. The new instrument will be an SSQ that will assist in the development of the land.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	The SSQ will not impact on the environment, nor will it compromise and social or economic inputs.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i>	The proposal is consistent and compliant with all relevant policies at state, regional and municipal levels. This compliance is set out section 4.1 of Part 1.

<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i>	The application is made under 40T, which allows for the combined scheme amendment and development application concurrently.
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation</i>	The amendment seeks to allow a use that will promote pleasant, efficient, and safe working environments.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	There will be no impacts to any buildings, historical or otherwise.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i>	The site is able to connect into all reticulated services, and has easy vehicular access. The site has the ability to connect into a new pedestrian and cycle path in the future.
<i>(i) to provide a planning framework which fully considers land capability.</i>	Land capability is not a consideration for this assessment.

**(d) is consistent with each State policy;**

The state policies are listed below, noting that none are applicable for the assessment of this amendment.

<b>State Policy</b>	<b>Planning Assessment</b>
<b>State Policy on the Protection of Agricultural Land 2000</b>	The policy looks to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.
	As the property is not within the agricultural estate, it is not applicable to the assessment of this application.

<b>State Policy on Water Quality Management 1997</b>	The proposed amendment will not result in an increase in sediment transport to surface waters. The proposal is therefore consistent with the policy.
<b>State Coastal Policy 1996</b>	The policy only applies to the coastal zone, which is waters within one kilometre inland from the high-water mark. As the site is not located within the area, the policy is not applicable.
<b>National Environmental Protection Measures</b>	<p>There are no known contamination issues associated with the land. Should any contamination issues be discovered in the future, these would be addressed under C14.0 Potentially Contaminated Land Code.</p> <p>The provisions of the applicable zone, the Natural Assets Code, the Attenuation Code, the <i>Urban Drainage Act 2013</i>, and the <i>Environmental Management and Pollution Control</i> deal with issues related to environmental protection measures.</p>

**(da) satisfies the relevant criteria in relation to the TPPs;**

The Tasmanian Planning Policies have not yet been implemented.

**(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;**

The applicable regional land use strategy for Launceston is the Northern Tasmanian Regional Land Use Strategy.

The site is located within a Supporting Consolidation Area (Urban Growth Area), as identified in the Regional Framework Map D.1. The key principals of a Supporting Consolidation Area consists of:

- *Comprising land in established suburbs which is separate from Priority Consolidation Areas as shown in the Regional Framework Plan Maps D.1, D.2 and D.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;*
- *Comprise a suitable and complementary mix of land uses to support the Regional Settlement Hierarchy and the Regional Activity Centre Hierarchy.*

The site is separated from Priority Consolidation Areas, and is uniquely located to support reliable and effective access, whilst also allowing a reduction in vehicle dependency. The amendment will allow a new type of service for a cohesive community, and does not detract or compromise the existing activity centre hierarchy.

Comments against the relevant NTRLUS policies and actions are provided below:

E3 - REGIONAL ACTIVITY CENTRE NETWORK POLICY

Specific Policies and Actions		Planning Assessment
Policy	Action	
Specific Policies and Actions		
RAC-P9	RAC-A11	The amendment would allow a supermarket to be developed on a site where it is currently prohibited. The concurrent

<p><i>Discourage 'out-of-centre' development and provide for new development that supports the Regional Activity Centres Network and the integrated transport system. Development applications that are 'out of centre' will only be considered if all of the following criteria are adequately addressed:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Community need;</i></li> <li>▪ <i>No adverse impact on existing activity centres; and</i></li> <li>▪ <i>Synergy with existing employment hubs (i.e. health, education, research). Overall, community benefit must be demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the RLU.</i></li> </ul>	<p><i>Undertake master planning for the major regional activity centres, taking into account the Regional Activity Centres Network and supporting policies to encourage in-centre developments. Master plans should include a detailed development capacity audit, public consultation, opportunities and constraints assessment, methods to improve urban amenity and an economic development strategy and address other activity centre principles. Master plans should enhance accessibility of the higher order activity centres through good layout and good pedestrian movement.</i></p> <p><b>RAC-A12</b> <i>Require any proposed 'out of centre' developments are to undertake a detailed economic impact assessment that addresses how the 'out of centre' proposal complies with the strategic directions and policies of the RLU.</i></p>	<p>development application is applying a small supermarket with 979sqm total floor area. Notwithstanding, the policy allows such development to occur where criteria is able to be met. The applicant provided a Retail Assessment to assist in demonstrating compliance with the NTRLUS.</p> <p><b>Community need</b> As concluded by the retail assessment:</p> <ul style="list-style-type: none"> <li>• There are currently no supermarket or convenience retailers operating within the subject sites primary catchment.</li> <li>• The total catchments population is currently of a scale that can support another small supermarket in this location, with further growth projected in line with the ongoing development of adjacent residential estates</li> </ul> <p><b>No adverse impact on existing activity centres</b> The scale or floorspace and type of retail goods that would be offered will not directly compete with the major supermarkets located in Kings Meadows, which would remain the highest order centre. This is supported by the findings of the retail assessment.</p> <p><b>Synergy with existing employment hubs (i.e. health, education, research). Overall, community benefit must be demonstrated through a social and economic impact assessment to reflect the strategic directions and policies of the RLU.</b></p> <p>As concluded by the retail assessment:</p>
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		<ul style="list-style-type: none"><li>• The proposal is estimated to deliver a net community benefit, with higher number of jobs (FTE) and value-added delivered to the economy compared with light industrial uses. Importantly, the proposal would provide accessible and convenient retail amenity for the growing resident and worker base in the primary catchment.</li></ul> <p>Accordingly, there is a demonstrated community need for such a use in this location, which will not adversely impact on the existing activity centres. This is reflected in the retail assessment, and is compliant with the relevant strategic directions and policies of the NTRLUS.</p>
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**E5 - REGIONAL ECONOMIC DEVELOPMENT**

<b>Specific Policies and Actions</b>		<b>Planning Assessment</b>
<b>Policy</b>	<b>Action</b>	
<b>Industrial Land</b>		
<i>ED-P2</i> Provide for land use planning and infrastructure networks to support the development of: <ul style="list-style-type: none"><li>▪ High value agriculture and food products;</li><li>▪ Digital economy (including the NBN);</li><li>▪ Vibrant, creative and innovative activity</li></ul>	<i>ED-A3</i> Identify suitably located land within planning schemes to be zoned for industrial and employment purposes, consistent with the Northern Tasmania Industrial Land Study (2014) and provide for the region to be well placed to capture economic opportunities.	<p>The proposed SSQ does not change the industrial zoning of the land. It does allow for a use that will not substantially impact on the existing industrial supply of land within the region or the municipality.</p> <p>The SSQ will allow a use to occur that is currently prohibited, noting however that its spatial qualities and economic return place the site is a prime position for a supermarket use to operate.</p>



<p><i>centres as places of employment and lifestyle; and</i></p> <ul style="list-style-type: none"><li>▪ <i>Diverse tourism opportunities ED-P3</i> <i>Provide a 10 year supply of industrially zoned and serviced land in strategic locations</i></li></ul>	<p><b>ED-A4</b> <i>Analyse industrial land demand to 2040 and provide a sufficient supply of land zoned for industrial purposes, supported by adequate infrastructure and network requirements (transport, water, sewerage and energy)</i></p>	<p><i>The Connector Park estate still contains vacant sites with opportunity for industrial use to occur. There will be no land use conflicts with the proposed supermarket occurring within close proximity to existing or future industrial uses. The Connector Estate also contains multiple properties where future subdivision is possible, allowing further land to be available for future industrial uses. It is considered that the site is better suited for a supermarket use based on spatial and economic qualities, noting the reduction of this lot for industrial purposes is appropriate.</i></p>
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***(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates***

The municipal strategic plan is the City of Launceston Corporate Strategic Plan 2014-2024: 2019 Review (the CSP). The CSP details the following strategic priorities:

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

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

The proposed draft amendment aligns with the strategies by:

- If initiated, the community and region at large will have the opportunity to comment on the amendment;
- The amendment will facilitate greater opportunity to develop the site for economic benefit, supported by a retail assessment that has identified the property as an opportunity for growth, based on a supermarket use;
- The new use will serve the community and provide a service currently lacking within the catchment.

**(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;**

The subject site is not located adjacent to a shared municipal boundary.

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

The site is not located in the vicinity of the gas distributor pipeline.