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**11.2. PSA-LLP0030 - Rezoning - Partial Rezoning from Agriculture to Rural at 43 Los Angelos Road, Swan Bay (also described as 729-739 John Lees Drive)**

**FILE NO:** PSA-LLP0030

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

**APPROVER:** Chelsea van Riet (Executive Leader Community Assets and Design)

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**DECISION STATEMENT:**

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

**PLANNING APPLICATION INFORMATION:**

Applicant: Commercial Project Delivery  
Address: 43 Los Angelos Road (also known as 729-739 John Lees Drive, Dilston) CT165889/1  
Existing Zone: Agriculture  
Existing Use: Rural

**RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston

**RECOMMENDATION:**

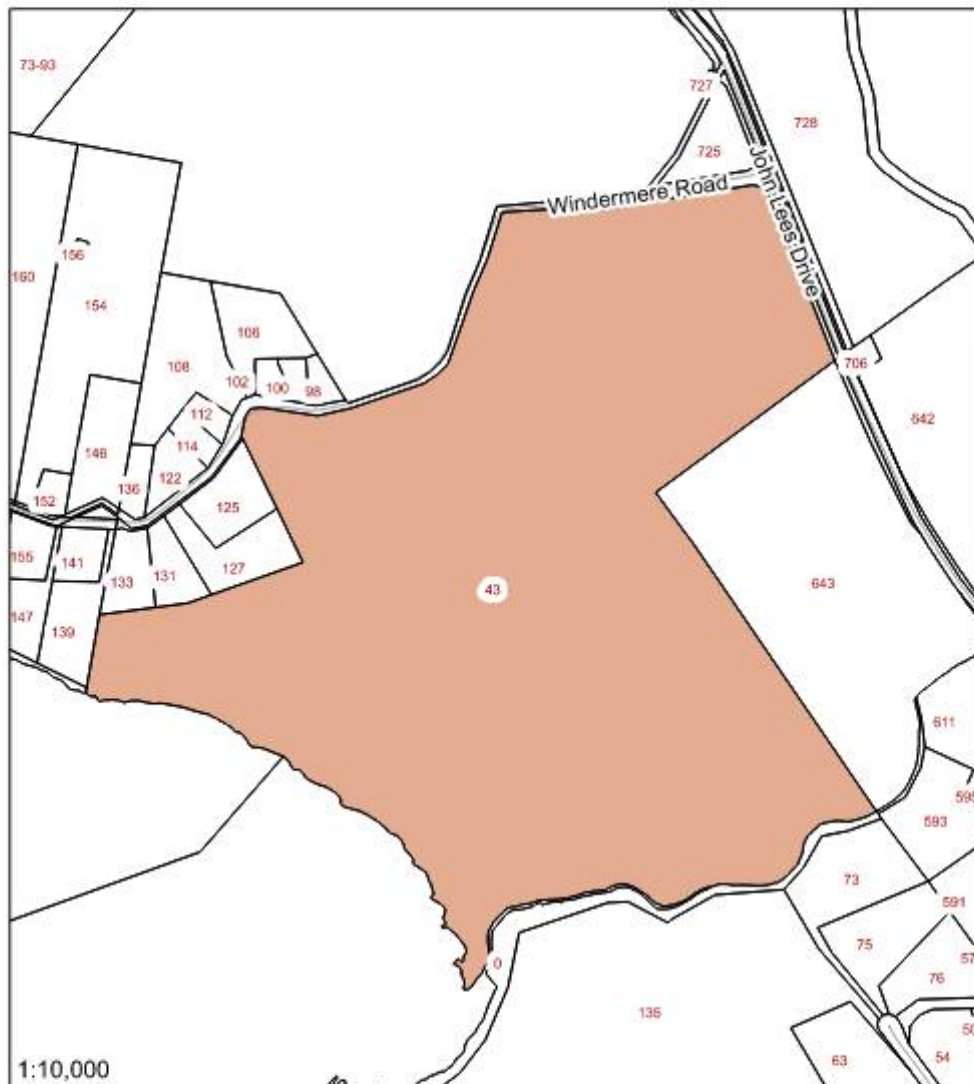
That Council, pursuant to:

1. sections 37 and 38 of the *Land Use Planning and Approvals Act 1993*, agrees to, and initiates scheme amendment PSA-LLP0030 to the Launceston Local Provisions Schedule to:
  - a. rezone the southern portion of land from Agriculture to Rural; and
  - b. apply the Priority Vegetation overlay to the southern portion of the land
2. section 40F of the *Land Use Planning and Approvals Act 1993*, certifies Draft Amendment PSA-LLP0011 identified in Attachment 1.
3. sections 40G and 40H of the *Land Use Planning and Approvals Act 1993*, determines the period for public exhibition be 28 days.

## TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP0030

Rezoning part of 43 Los Angeles Road, Swan Bay (also described as 729-739 John Lees Drive, Dilston), from Agriculture to Rural, as described below: Title included: 165889/1

Amend the Tasmanian Local Provisions Schedule maps as below:



Zoning  Rural Zone

THE COMMON SEAL  
of the City of  
Launceston was  
hereunto affixed in the  
presences of: -

Date

Sam Johnson OAM  
Chief Executive Officer

**Instrument 1 - Rezoning**

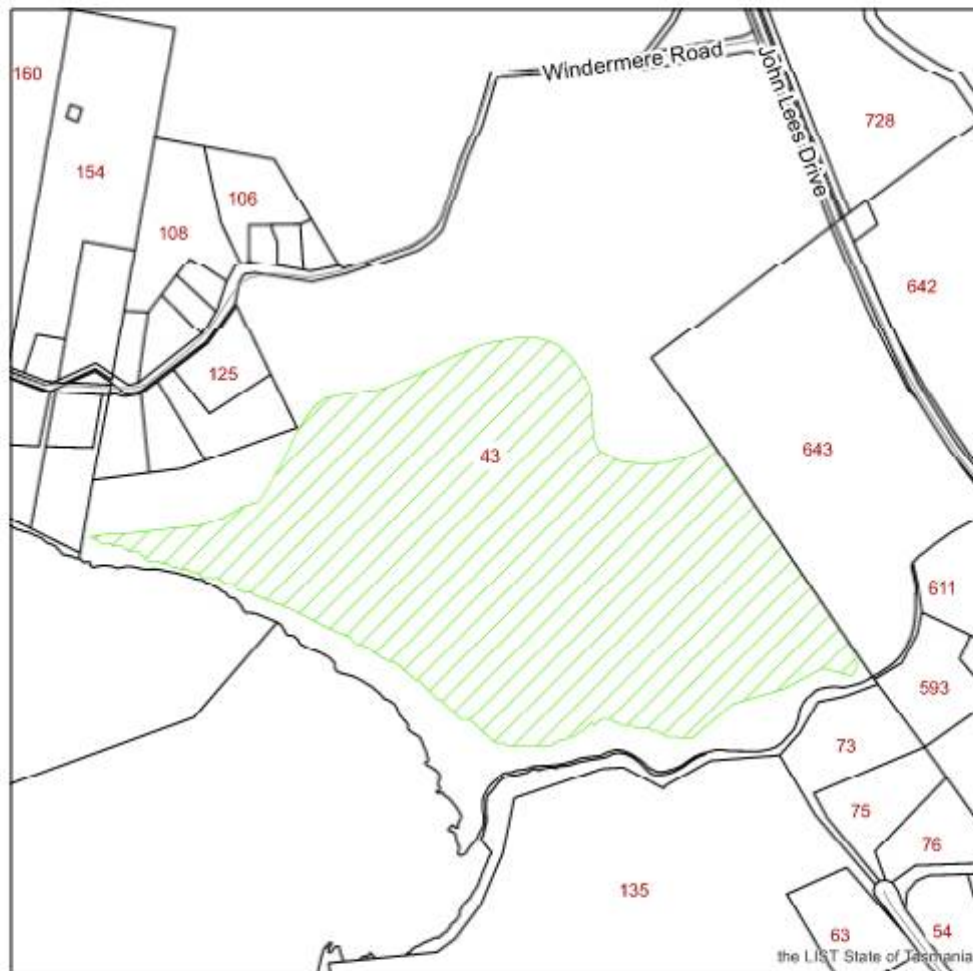
## TASMANIAN PLANNING SCHEME - LAUNCESTON

### Amendment PSA-LLP0030

Insertion of the Priority Vegetation overlay at 43 Los Angeles Road, Swan Bay (also described as 729-739 John Lees Drive, Dilston) as described below:

Title included: 165889/1

Amend the Tasmanian Local Provisions Schedule maps as below:



Code Overlay  Priority Vegetation Area

THE COMMON SEAL  
of the City of  
Launceston was  
hereunto affixed in the  
presences of: -

Date

Sam Johnson OAM  
Chief Executive Officer

***Instrument 2 - Priority Vegetation Overlay***

## REPORT: APPLICATION FOR PLANNING SCHEME AMENDMENT

### 1. EXECUTIVE SUMMARY

Commercial Project Delivery has lodged an application under section 37 of the *Land Use Planning and Approvals Act 1993* to rezone a portion of 43 Los Angeles Road (also known as 729-739 John Lees Drive) CT165889/1 from Agriculture to Rural. The area to be rezoned is approximately 96.2ha in size. Due to the rezoning, and in accordance with Guideline No. 1 published by the Tasmanian Planning Commission, the priority vegetation overlay is also required to be applied to the land being rezoned.

The property is actively farmed for livestock grazing, noting however the southern block is severely constrained and its agricultural potential limited. The property contains multiple accesses from Los Angeles Road and Windermere Road, the latter of which intersects the property, effectively splitting the property into two.

#### 1.1 Why the Rural Zone?

The proposal will allow lower value land to be rezoned to Rural, noting this land is separated from the higher quality agricultural land to the north by Windermere Road.

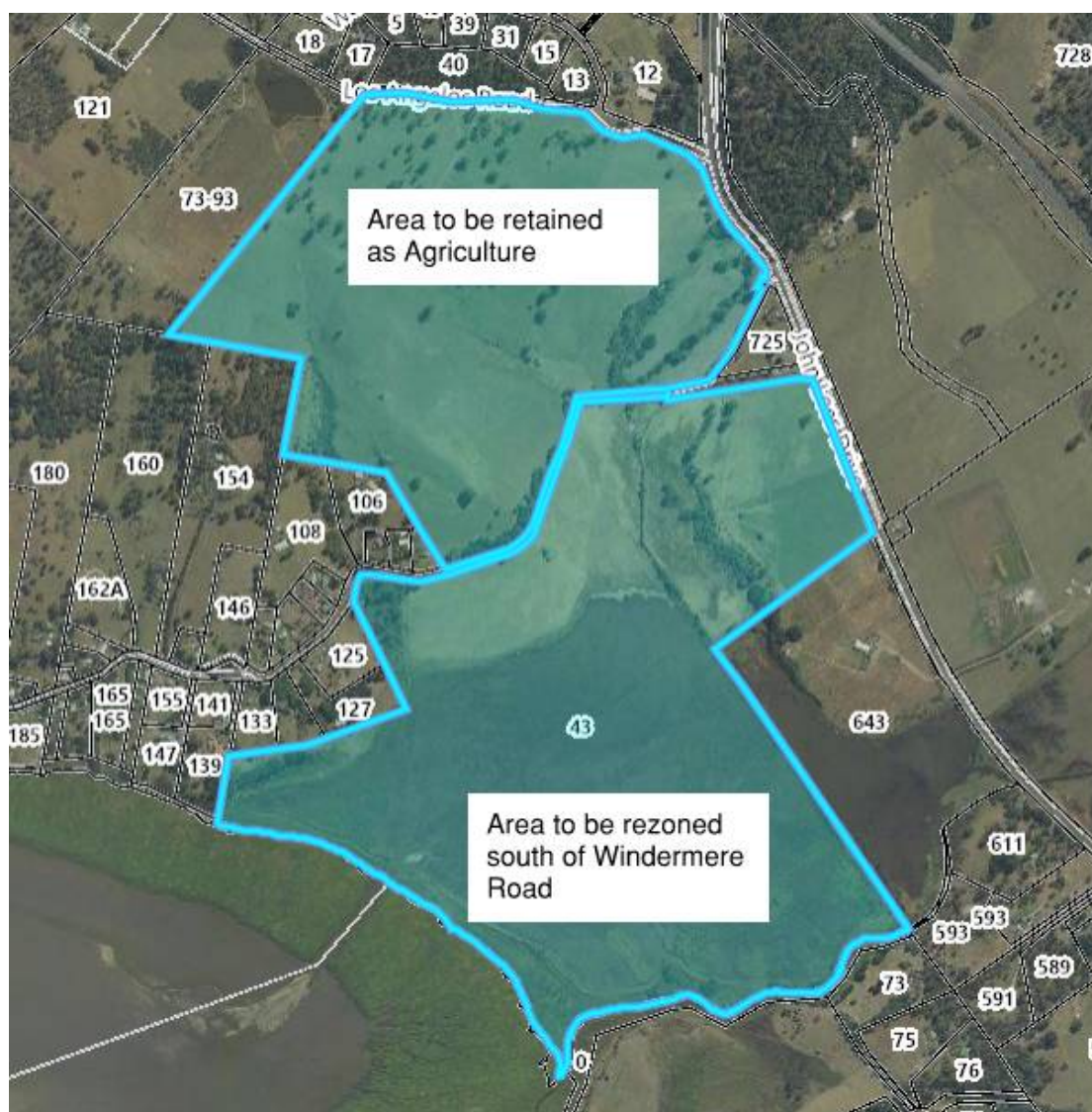


Figure 1 - Subject Site intersected by Windermere Road



The rationale for the rezoning is to allow more flexible uses in the future noting the limited agricultural potential of this southern area due to existing constraints and agricultural viability. An Agricultural Report, prepared by qualified agricultural experts Pinion Advisory, was submitted to support the rezoning. The report reviewed the site and its agricultural value, and concluded the following:

- The majority of the southern block is covered in Class 7 land as a wetland, which is incapable of supporting agricultural land use activity;
- The southern block is constrained for agricultural use due to limitations associated with the land capability, topography, and challenging access to irrigation; and
- The southern block has a negligible level of local and regional significance and contains no strategic infrastructure or resources that would limit productivity of adjacent or nearby agricultural land.

In summary, the southern blocks capacity to maintain any meaningful agriculture is limited, and is not in a position to support any other surrounding agricultural use.

The Rural Zone allows for more uses to occur through a permitted pathway where they can meet certain qualifications. It also allows those uses to be assessed as Discretionary where those qualifications are not met. The Agriculture zone has stricter controls on what can occur on the land as its primary purpose is to protect land for predominantly agricultural use only.

Noting the southern sections significant constraints and lower agricultural value, there is limited agricultural land to protect, and accordingly the change of zoning will allow more appropriate uses to occur on this section of land.

## **1.2 Why Priority Vegetation?**

The southern portion of the site is mapped as Saltmarsh and Wetland under TASVEG 3.0. This mapping is maintained by the state government, and identifies different type of vegetation communities. Guideline No. 1, produced by the Tasmanian Planning Commission, identifies where a property contains such communities, it is necessary to ensure a planning scheme overlay map is located on the property to protect the vegetation. This overlay however only applied to certain zones, noting it does not apply to the Agriculture Zone, but does apply to the Rural Zone. Therefore, due to the proposed rezoning, the priority vegetation overlay also needs to be applied.

## **2. PROPOSED AMENDMENT**

The amendment will change the zoning of the southern portion of the land to Rural, whilst introducing the priority vegetation overlay.

### **2.1 Next Steps**

This report provides details of the amendment and the site. The strategic outcomes of the proposal are outlined, having regard to matters of local, regional and state importance. The report ends with a discussion of the degree of compliance with the legislative requirements.

If the proposed planning scheme amendment is initiated, the next steps in the process are as follows:

- The proposed amendment will be exhibited for 28 days.
- Upon completion of the public exhibition period, the amendment will be brought back to a council meeting if representations are received, or substantial changes proposed. In response to any representations, the Planning Authority could also recommend that the TPC does not approve the amendment.
- The Tasmanian Planning Commission will assess and decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

### **3. SITE & SURROUNDS**

The site is located at 43 Los Angeles Road (also known as 729-739 John Lees Drive) CT165889/1, is 159.4ha in size, and is zone Agriculture. The site straddles the neighbourhoods of Windermere and Swan Bay and is a 15 minute drive north from Launceston. The site is surrounded by active farming properties, as well as larger rural living lots.

The site has several large frontages to Los Angeles Road, Windermere Road, and John Lees Drive. The following overlays apply to the site:

- C7.0 Natural Assets Code
- C8.0 Scenic Protection Code
- C9.0 Attenuation Code
- C11.0 Coastal Inundation Hazard Code
- C12.0 Flood-Prone Areas Hazard Code
- C13.0 Bushfire-Prone Areas Code
- C15.0 Landslip Hazard Code

The property is an active farm (Sheep based livestock grazing) and contains a single dwelling and associated residential and rural infrastructure.



*Figure 1 - Aerial View of Subject Site*



Figure 2 - Waterway and Coastal Protection Area (C7.0 Natural Assets Code)

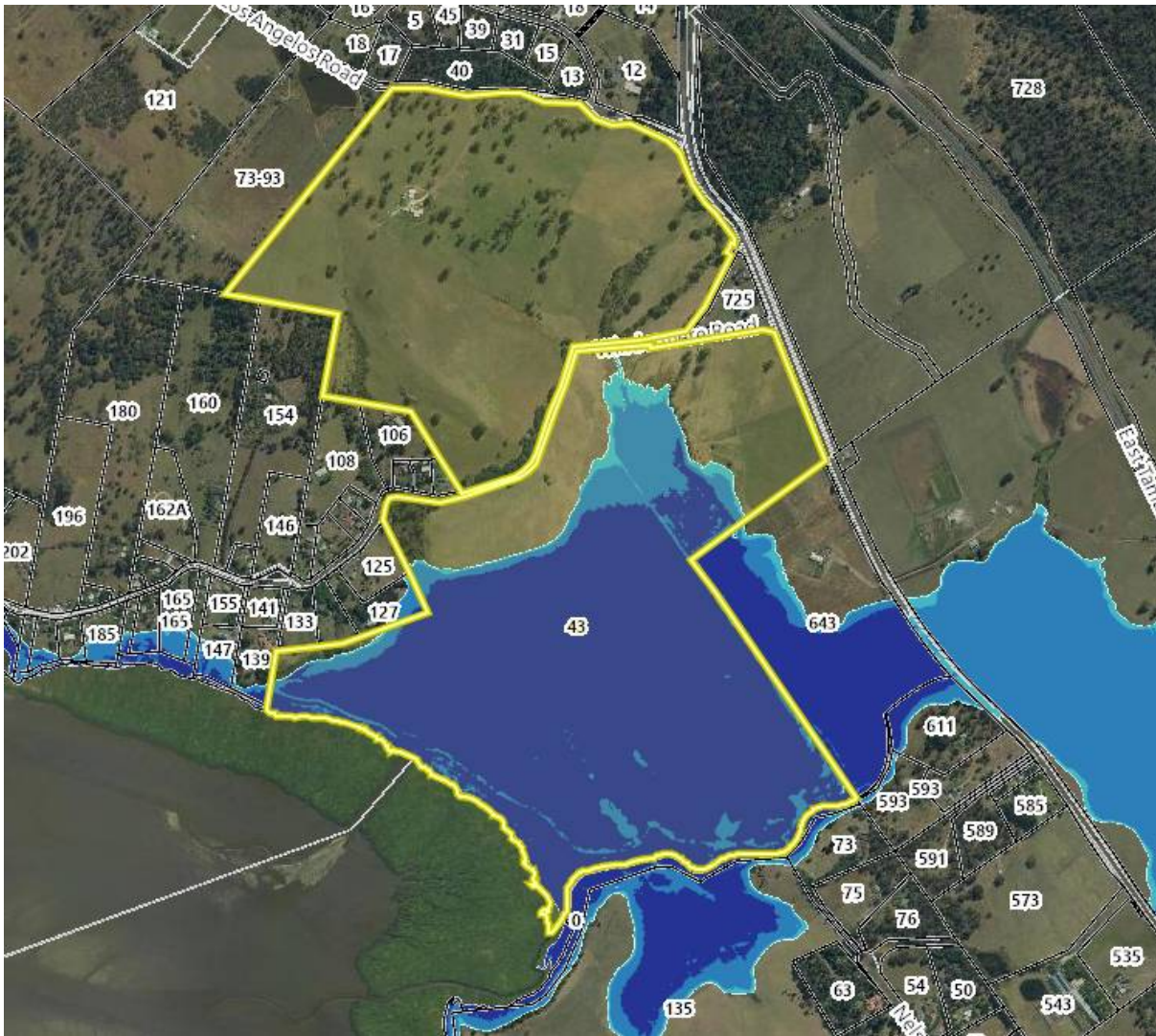






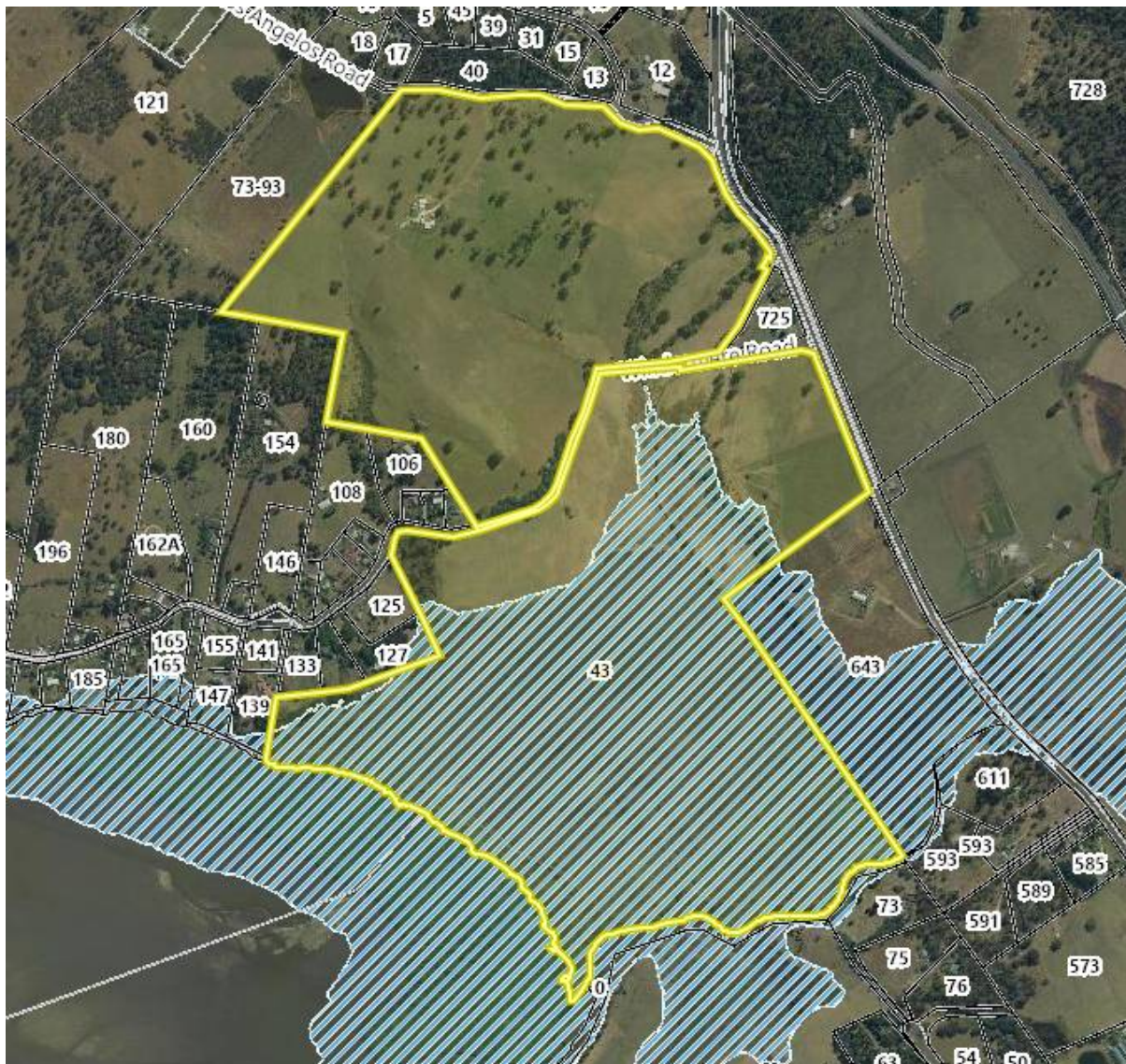


• **Figure 4 - Coastal Erosion Hazard (C11.0 Coastal Inundation Hazard Code)**



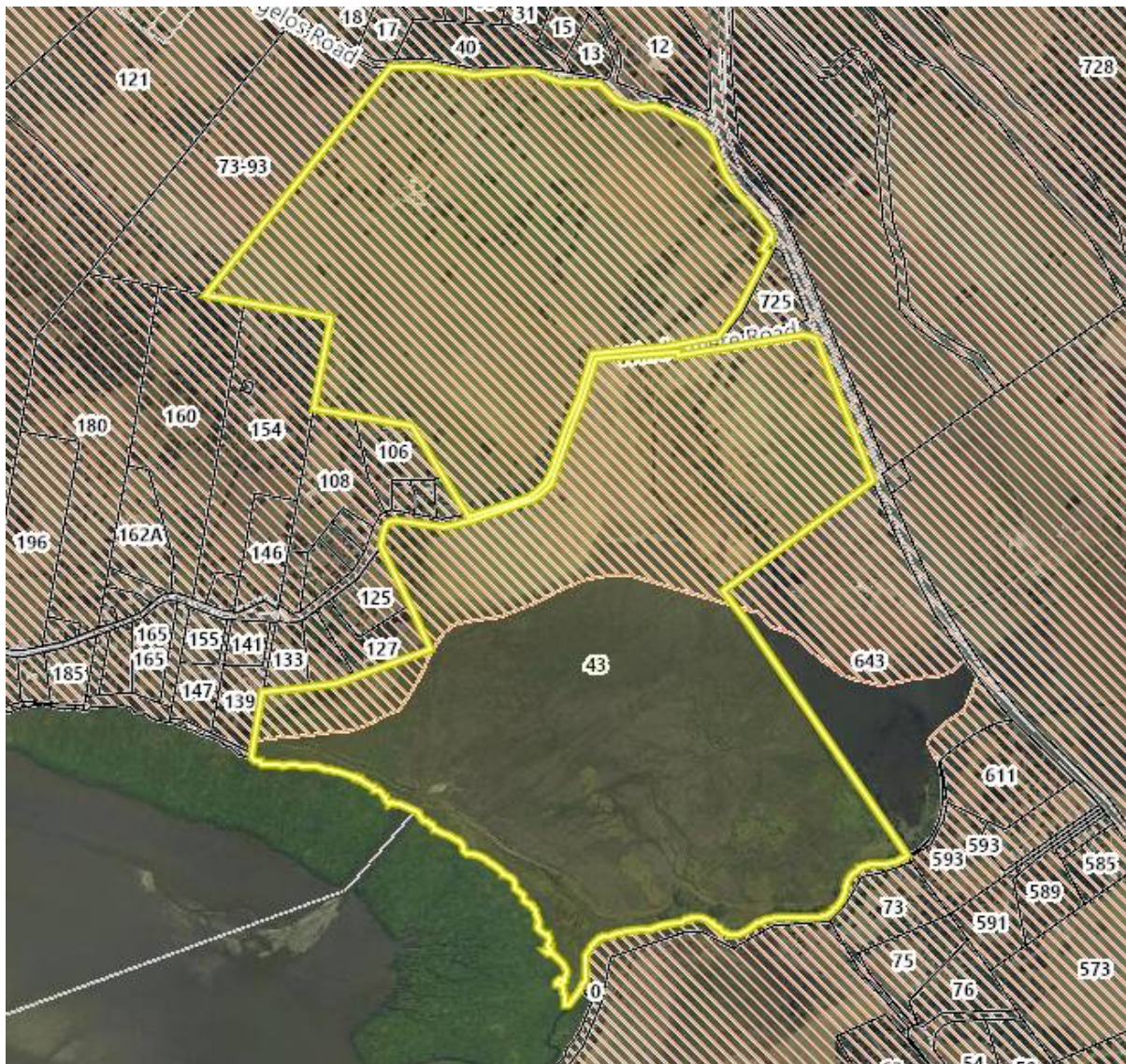
**Figure 5 - Coastal Inundation (C11.0 Coastal Inundation Hazard Code)**





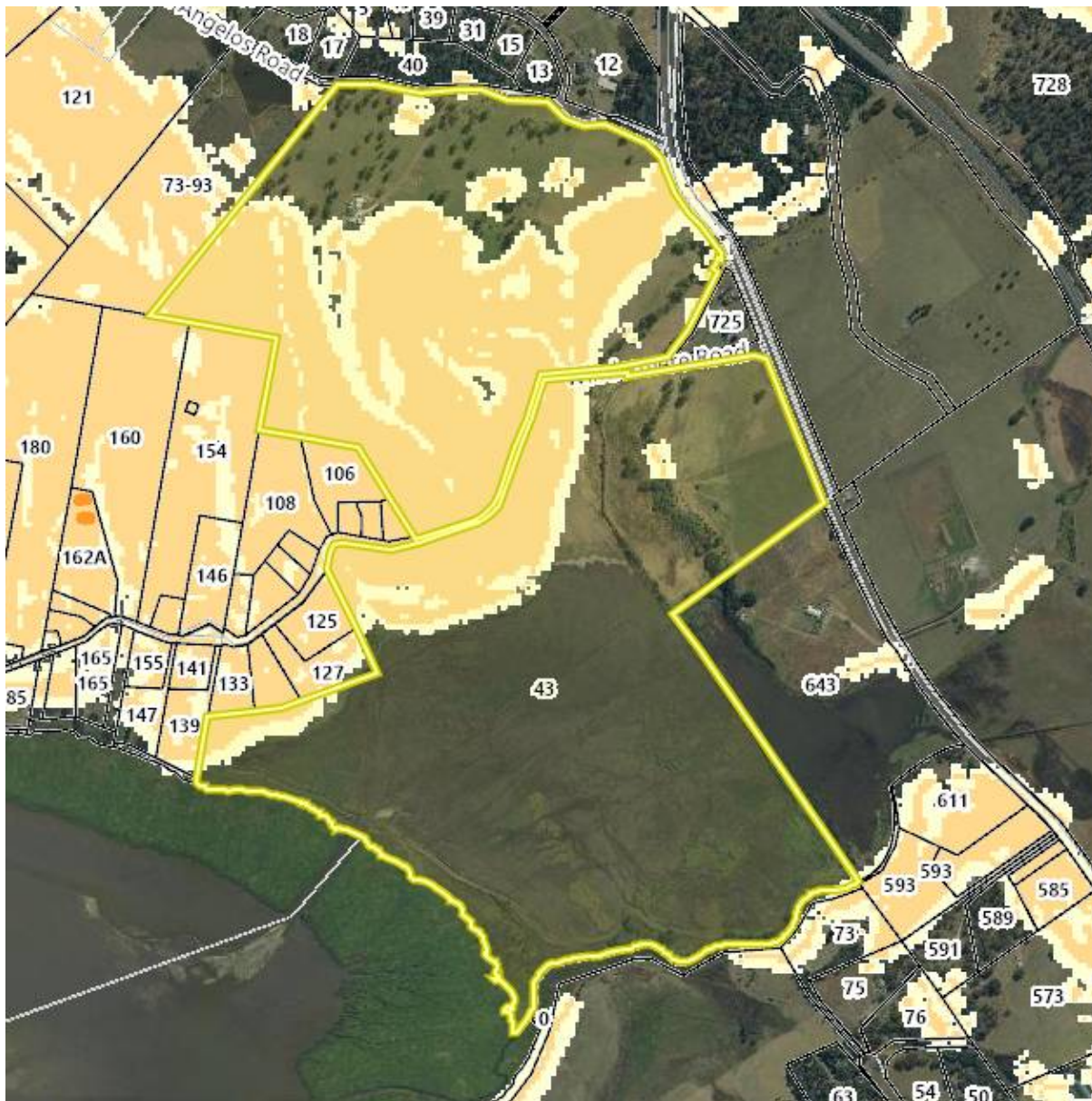
*Figure 6 - Flood hazard (C12.0 Flood-Prone Areas Hazard Code*





**Figure 7 - Bushfire-Hazard Area (C13.0 Bushfire-Prone Areas Code)**





**Figure 8 - Landslip Hazard Area (C15.0 Landslip Hazard Code)**

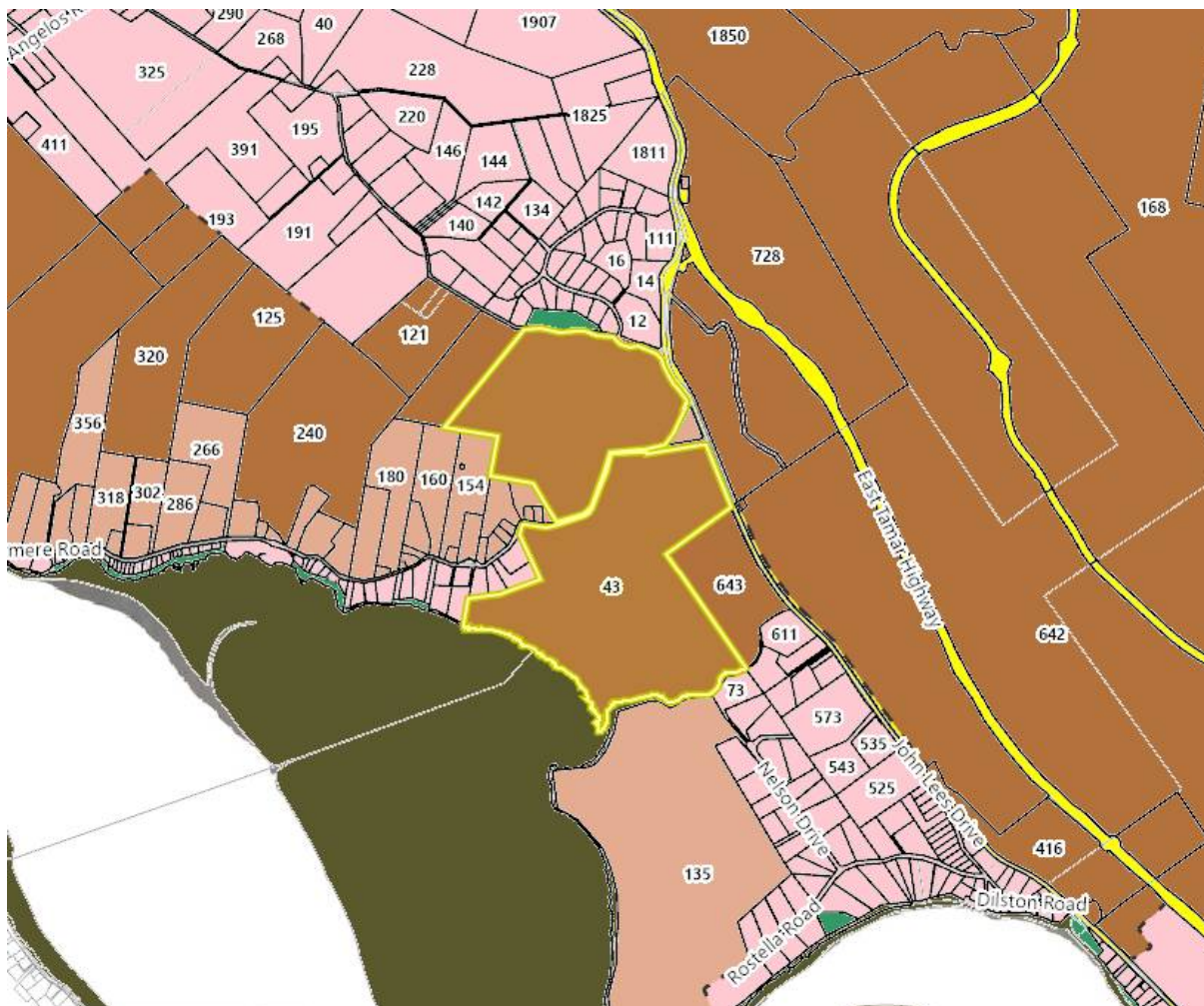


**Figure 9 - TASVEG 3.0**

The site is not currently serviced.

There are varying access points into the site. The main access to the top half and to the dwelling is via crossover from Los Angelos Road. Primary access to the southern half of the site is via a crossover on Windermere Road. There are other various rural accesses existing.





**Figure 10 - Surrounding Zones**

Surrounding farming uses are predominantly active grazing areas. Rural Living lots of varying sizes are located to the north, south, and east. The site shares a boundary with the Kanamaluka/Tamar Estuary, and the East Tamar Highway, approximately 700m east provides connectivity to Launceston to the south, and Georgetown to the north.

#### **4. STRATEGIC OUTCOMES**

##### **4.1 Local and Regional Strategies (S.34(2)(c) LUPPA)**

###### *4.1.2 City of Launceston Corporate Strategic Plan 2014-2024*

Section 20(1) of the *Local Government Act 1993 (Tas)* requires a planning scheme amendment to have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Act.

**Attachment 3** includes an assessment against the Corporate Strategic Plan.



## 4.2 Regional Strategy

The Northern Tasmanian Regional Land Use Strategy (NTRLUS) was originally declared by the Minister for Planning in accordance with the relevant provisions of LUPAA on 27 October 2011. The current version was amended on 23 June 2021 and provides a framework for the sustainable use and development of land within the region.

The NTRLUS is a strategic regional plan for the eight council areas in the north and north-east of Tasmania. It has a 20-year time horizon to 2032 for integrated infrastructure, land use development and transport planning, and is underpinned by economic development, social and environmental strategies. It defines three land use categories to direct the allocation of all land in the region:

- Urban Growth Areas
- Rural Areas
- Natural Environment Areas

This site falls within the Rural Area under the land use categories.

The detailed assessment against the relevant principles, policies and actions of the NTRLUS is provided in **Attachment 3** to this report.

## 4.3 State Strategy

The amendment furthers the objectives in Schedule 1 of LUPAA, by promoting sustainable and orderly development through more efficient use of land. **Attachment 3** also includes an assessment against the objectives of Schedule 1 of LUPAA and the State Policies.

## 4.4 Statutory Considerations

### 4.4.1 Section 32 - Land Use Planning and Approvals Act 1993

Section 32 of LUPAA provides for the contents of a Local Provisions Schedules (LPS), and Section 34 outlines the LPS Criteria.

**Attachment 3** provides a detailed assessment of the amendment against the requirements of these provisions. The amendment is considered to satisfy all the listed considerations and meet the LPS Criteria.

### 4.4.2 Section 56S - Water and Sewerage Industry Act 2008

Under Section 56S(1) of the *Water and Sewerage Industry Act 2008*, a Planning Authority must refer a draft planning scheme amendment to the relevant regulated entity. TasWater provided a Submission to Planning Authority Notice on 14/05/2025, commenting they do not object to the proposed amendment.

### 4.4.3 Landowner Consent

As required under Section 37(3) of LUPAA, written permission of each owner of the land to the making of the request to amend the LPS has been provided.

## **5. CONCLUSION**

The proposed planning scheme amendment seeks to change the zoning of a portion of land from Agriculture to Rural. This change is considered to be appropriate noting the section of properties limitations, and will allow future development to occur on site.

For the above reasons, it is assessed that the proposed planning scheme amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the intent of the Tasmanian Planning Scheme - Launceston and is consistent with the Northern Tasmanian Regional Land Use Strategy and State policies.

### **RISK IMPLICATIONS:**

Not considered relevant to this report.

### **ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACT:**

The Tasmanian Planning Scheme - Launceston 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*  
Tasmanian Planning Scheme - Launceston

### **BUDGET AND FINANCIAL IMPLICATIONS:**

Not considered relevant to this report.

### **DISCLOSURE OF INTERESTS:**

The Author and Executive Leader Community Assets and Design have no interests to declare in this matter.

### **ATTACHMENTS:**

1. PSA LLP0030 Attachment 2 [11.2.1 - 23 pages]
2. Planning Scheme Amendment Map LL P 0030 43 Los Angel Road Overlay [11.2.2 - 1 page]
3. Planning Scheme Amendment Map LL P 0030 43 Los Angeles Road [11.2.3 - 1 page]
4. P D 25 37042 729 - 739 JOHN LEES DR, DILSTON 5 - Submission to Planning Authority Notice - Cond [11.2.4 - 1 page]
5. PS A- LL P 0030 - Application Documents [11.2.5 - 82 pages]