

## 11. PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 11 - Planning Authority.

### 11.1. PSA-LLP0034 Newstead Crescent Local Heritage Precinct

**FILE NO:** PSA-LLP0034

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

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#### **DECISION STATEMENT:**

To decide whether to reject or agree to initiate and exhibit Amendment PSA-LLP0034 Newstead Crescent Heritage Precinct to the Launceston Local Provisions Schedule of the Tasmanian Planning Scheme, in accordance with Sections 51 and 57 of the *Land Use Planning and Approvals Act 1993*.

#### **PLANNING APPLICATION INFORMATION:**

Applicant: City of Launceston

Address: As defined by the Newstead Crescent Heritage Precinct

#### **RELEVANT LEGISLATION:**

*Land Use Planning and Approvals Act 1993*  
Tasmanian Planning Scheme - Launceston  
Northern Tasmania Regional Land Use Strategy  
*Historic Cultural Heritage Act 1995*  
*Local Government Act 1993*  
*Water and Sewage Industry Act 2008*

#### **RECOMMENDATION:**

That Council:

1. initiate Draft Amendment PSA-LLP0034 for the Newstead Crescent Heritage Precinct in accordance with the following requirements of the *Land Use Planning and Approvals Act 1993*, pursuant to:
  - a. Section 40D, of its own motion initiates Draft Amendment PSA-LLP0034 to the Launceston Local Provisions Schedule to:
    - Update LAU-Table C6.2 Local Heritage Precincts to include the Newstead Crescent Local Heritage Precinct as detailed in Attachment 1.

- Amend the Tasmanian Planning Scheme Local Provisions Schedule - Launceston maps to include the identified precinct as shown in Attachment 1 to this report.
  - Insert the datasheet for the listing within Appendix A: Local Historic Heritage Code Datasheets, as shown in Attachment 1 to this report; and
- b. Section 40F, certifies Draft Amendment PSA-LLP0034 identified below and in Attachment 1.
- c. Sections 40G and 40H, determines the period for public exhibition to be 28 days.

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## REPORT: APPLICATION FOR PLANNING SCHEME AMENDMENT

### 1. INTRODUCTION

The City of Launceston has prepared by its own motion, under section 37(1) and section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act), a scheme amendment to the Local Provisions Schedule. The detail of the amendment is as follows:

#### **PSA-LLP0034 - Newstead Crescent Heritage Precinct**

- a. Update LAU-Table C6.3 Local Historic Landscape Precincts to include the Newstead Crescent Heritage Precinct as detailed in the Datasheet in Attachment 1.

#### LAUNCESTON LOCAL PROVISIONS SCHEDULE LOCAL HERITAGE PRECINCT

LAU-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Significance, Historic Heritage Values and Design Criteria / Conservation Policy
LAU-C6.2.#	Newstead	Newstead Crescent	Refer to attached Datasheet LAU-C6.2.#

- b. Insert the datasheet for the Newstead Crescent Heritage Precinct listing within the Appendix A: Local Historic Heritage Code Datasheets, as included in Attachment 1 to this report; and

The Datasheet provides a description and the detail of the local historic heritage significance of the local heritage precinct to meet the definitions of the Tasmanian Planning Scheme and has been prepared in accordance with the Tasmanian Planning Commission, Practice Note 8.

- c. Amend the Tasmanian Planning Scheme, Local Provisions Schedule - Launceston maps to include the Newstead Heritage Precinct in the Local Heritage Precincts as shown in Attachment 1 to this report.

Amend the Tasmanian Local Provisions Schedule maps as below



Figure 1: Newstead Crescent Local Heritage extents

### 1.1 WHY IS THERE A NEED FOR LOCAL HERITAGE PRECINCTS?

Local heritage is managed by local councils and protected under the *Land Use Planning & Approvals Act 1993* (LUPAA) and the *Tasmanian Planning Scheme*. Under Schedule 1 Part 2a of LUPAA, it is Council's duty to 'conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historic interest, or otherwise of special cultural value.'" (Council's website). These amendments contribute to the ongoing conservation of areas of significant architectural and historic interest.

The City of Launceston has committed to an ongoing review of the entirety of the municipality's local heritage listings to:

1. Ensure existing properties on the list are still culturally or historically appropriate to be maintained on that list;
2. Examine existing datasheets to ensure they reflect the existing character and situation of the site;
3. Remove properties which no longer hold cultural or historical values;

4. Add properties and heritage precincts onto the list that have cultural or historical significance; and
5. Add significant trees and places or precincts of archaeological potential.

The proposed amendment is consistent with Council's review and with Objective 2.3(b) of Council's Strategic Plan as follows:

- Ensure that significant heritage elements are respected while addressing the future housing, commerce and recreational needs of the community.

Local Heritage Precincts are implemented through the Tasmanian Planning Scheme - Local Provisions Schedule. The Local Historic Heritage Significance of a Local Heritage Precinct can only be considered for development applications if it is listed in the Local Provisions Schedule. The following definitions of the Scheme are relevant and used throughout this assessment:

- **Local Heritage Precinct:** means an area that has been identified as having particular local historic heritage significance because of the collective heritage value of individual places as a group for their streetscape or townscape values.
- **Local Historic Heritage Significance:** means significance in relation to a local heritage place or a local heritage precinct or local historic landscape precinct, and its historic heritage values as identified in the relevant list, in the relevant Local Provisions Schedule, because of:
  - (a) its role in, representation of, or potential for contributing to the understanding of:
    - (i) local history;
    - (ii) creative or technical achievements;
    - (iii) a class of building or place; or
    - (iv) aesthetic characteristics; or
  - (b) its association with:
    - (i) a particular community or cultural group for social or spiritual reasons; or
    - (ii) the life or works of a person, or group of persons, of importance to the locality or region,as identified in the relevant list in the relevant Local Provisions Schedule, or in a report prepared by a suitably qualified person, if not identified in the relevant list.

A Local Heritage Precinct varies from listings in the scheme for a Local Heritage Place or places on the Tasmanian Heritage Register; a precinct addresses the collective heritage values of the streetscape, where the latter only considers the values of an individual place. There is currently only a single Local Heritage Precinct within the Launceston Local Provisions Schedule; the listing is for the LAU-C6.2.1 Cimitiere Street Precinct. The Local Heritage Precinct proposed as part of this amendment has been identified by Council's Place Making Team and previous heritage studies as having local historic heritage significance, which should be recognised and protected.

## 1.2 NEXT STEPS

This report and associated attachments provide the details of the proposed amendment and the location of the precinct. The strategic outcomes and legislative requirements are outlined below and detailed in Attachment 2, having regard to matters of Local, Regional and State importance.

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

- The amendment will be publicly exhibited for 28 days.
- The amendment may be brought back to a Council meeting, where any representations received will be considered, and any recommendations or modifications can be made. In response to any representations, the Planning Authority could also recommend that the Tasmanian Planning Commission 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.

A Q&A sheet has been included in Attachment 3 in response to anticipated community queries about the Local Heritage Precincts. This Q&A can be updated following public exhibition of the amendment and would be used to communicate with the Community through an update to Council's website heritage page and assist Council officers.

## 1.3 NEWSTEAD CRESCENT LOCAL HERITAGE PRECINCT

The following is an overview of the area proposed to be considered for the Newstead Crescent Local Heritage Precinct. The datasheet included in Attachment 1 includes the detail of the Local Historic Heritage of the Precinct.

### 1.3.1 Location details

The land proposed for the precinct is in Newstead and is as described in Figure 3. The precinct would include most of Newstead Crescent and the following 33 properties;

- 1,3, 4, 5, 6, 7, 8, 9, 10,11, 13, 15, 17, 19, 20, 21, 23, 22-24, 25, 26, 27, 28, 29, 31, 33, 35, 37, 39, 41 and 43 Newstead Crescent
- 21, 25, 27 and 31 Penquite Road.

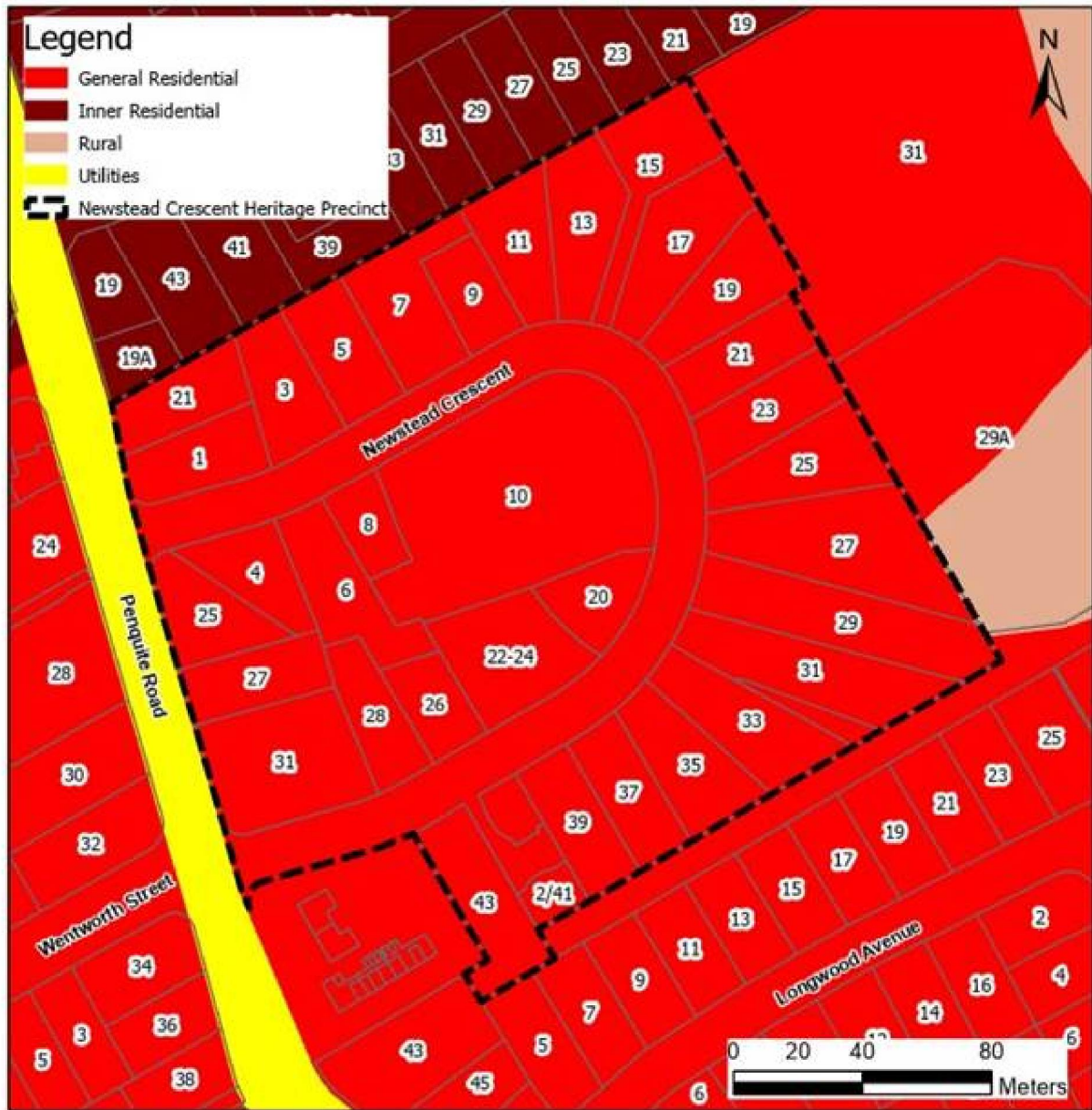
10 Newstead Crescent is listed on the Tasmanian Heritage Register and is subject to the provisions of the *Historic Cultural Heritage Act 1995*. This land is therefore exempt from the standards of the Local Historic Heritage Code.



Figure 3: Aerial Image of Newstead Crescent Local Heritage Precinct

### 1.3.2 Applicable planning provisions

The proposed precinct area is currently entirely mapped within the General Residential Zone, and overlay mapping for the following codes; Natural Assets Code, Landslip Hazard Codes, and Safeguarding of Airports Code. 10 Newstead Crescent is subject to the Local Historic Heritage Code as a Local Heritage Place.



1:2,000

Figure 4: Zone Mapping of Newstead Crescent Local Heritage Precinct

### 1.3.3 Surrounding land

The land to the north western boundary of the proposed precinct is in the Inner Residential Zone and is predominantly developed for free-standing single dwellings.

Land to the north east of the proposed precinct is for large single dwellings in the General Residential and Rural Zones separating the precinct from the North Esk Flood plains.

Land to the southeast and southern corner of the proposed precinct is in the General Residential Zone and is predominantly single dwellings, with some multiple dwelling development. The development is separated from the proposed precinct by Longwood Avenue Lane, a vacant parcel of land in the Authority of Council.

Land to the south west of the proposed precinct is Penquite Road in the Utilities Zone and on the other side of the road is land in the General Residential Zone.

### 1.3.4 Consultation

Council engaged in targeted informal consultation writing to all potentially impacted landowners. The consultation was as follows:

- 31 letters sent out.
- 2 responses received.

The following table summarised the matters raised and provides comment in response to these.

<b>COMMENT - Non-contributory elements</b> <b>Are buildings that are non-contributory elements excluding/exempt a property from the heritage listing?</b>
<b>RESPONSE</b> <i>A non-contributory element is not defined within the Code.</i>  <i>Notwithstanding this, the term is commonly understood to describe a building or element, that by virtue of its location, is within a heritage precinct but does not have values, features, or characteristics of heritage significance. These places are included within a heritage precinct because any development of the place may impact on the cultural heritage significance of the precinct or adjacent significant or contributory places.</i>  <i>A non-contributory item would not be exempt from the Local Historic Heritage Code; the distinction between contributory/non-contributory assists in heritage impact assessment for Development Applications. Guidance has been provided in the datasheet on the interpretation of contributory and non-contributory elements.</i>
<b>COMMENT - Impact on insurance premiums</b> <b>Generally, in favour of the precinct, but raised concern on the impacts on insurance premiums.</b>
<b>RESPONSE</b> <i>Insurance premiums are not considered as a planning matter.</i>

## 2. PLANNING IMPLICATIONS

The proposed amendment to include the land in the Local Heritage Precinct will enable any future development in the precinct to be assessed in response to the standards of the Local Historic Heritage Code.

The following standards of the Tasmanian Planning Scheme will apply, if not otherwise exempted through Section 4.0 of the scheme or as detailed in Table C6.4.1 for Development within a Local Heritage Precinct:

- C6.7.1 Demolition within a local heritage precinct - A1 or P1
- C6.7.3 Buildings and works, excluding demolition - A1, or P1.1 and P1.2; A2 or P2.
- C6.10.2 Lot design for a Local Heritage Precinct or a Local Historic Landscape Precinct - P1.
- C1.6.4 Signs on local heritage places and in local heritage precincts and local historic landscape precincts.

The objectives of the standards essentially enable assessment of whether applications for demolition, buildings and works including new fences, subdivision, and signage in mapped areas would have an unreasonable impact on the local historic heritage significance of the precinct. If the development does not meet the Acceptable Solution it is considered in response to the performance criteria which requires regard to the historic heritage significance of the precinct as detailed in the datasheets. The standards for the Local Heritage Precinct do not require an applicant to provide the advice of a suitably qualified person with an application.

With the exception of subdivision, for all applicable standards there are Acceptable Solutions. Accordingly, future development may not require a permit application in accordance with provision 6.6 No Permit Required Use or Development of the Planning Scheme.

A new dwelling or any visible works that would require a permit would need to demonstrate that they are compatible (in harmony or broad correspondence) with the local heritage precinct. Relevant matters that would be considered would include: streetscape or townscape values, the character and appearance of the surrounding area, height and bulk of other buildings in the surrounding area, setbacks of other buildings in the surrounding area, and any relevant design criteria or conservation policy identified in the datasheets. Council's Fees and Charges 2025/26 includes \$0 fees for the following Planning assessments: Heritage only residential application (where the heritage code is the only trigger for an application) - Advertising Fee is required to be paid. In review of fees for 2026/27 Financial Year a fee waiver has been proposed for non-contributory properties within a heritage precinct, where the heritage code is the only trigger. The change in fee structure will be determined by Council when the fee structure is considered more broadly.

In summary, the amendments would provide greater protection of established developed urban areas that have been identified as a precinct of collective heritage value. Development could proceed without a permit application if it meets exemptions or no permit required standards, detailed heritage impact assessment reporting is not mandatory, and limited costs are transferred to an Applicant where the Local Heritage Precinct Standards are the only applicable standards for residential development.

### **3. STRATEGIC AND LEGISLATIVE OUTCOMES**

The following is an assessment of the strategic and legislative outcomes for the amendments.

#### **3.1 Strategies**

The following is a discussion of how the proposal is consistent with the regional land use strategy and any applicable regional areas as required for amendments to the Local Provisions Schedule (LPS) of Section 34 (2)(c) of the *Land Use Planning and Approvals Act 1993* (LUPAA).

### 3.1.1 Regional Land Use 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.

Goal 2 of the NTRLUS is to promote liveability, and the strategic direction to achieving this is to 'Promote local character values', which will be achieved by the following 'Promote local identification and protection of unique character'.

The detailed assessment against the relevant principles, policies and actions of the NTRLUS is provided in Attachment 2 to this report.

### 3.2 Launceston Heritage Study 2007

The Launceston Heritage Study 2007 was prepared by Paul Davies for City of Launceston and includes an inventory of Places of local heritage significance including heritage precincts. The Newstead Crescent Heritage Precinct is recommended for inclusion as a heritage precinct. The study includes a description of each precinct, a summary of significance, policy recommendations, aerial imagery over time and mapping of the precinct boundaries.

The recommendations of the study have been used to inform further investigation into the precinct by Council's heritage officers and formed the basis of the datasheets that form the proposed amendment.

#### 3.2.1 Launceston National Estate Conservation Study 1977

In 1975, the City of Launceston applied for National Estate funds with which to conduct a conservation study of the city. A grant for this purpose was subsequently received, and a brief for the study was drawn up and approved. Work on the study began early in 1976. The objectives of the study were:

1. To identify all features considered to be of National Estate significance in the Urban Launceston area.
2. To recommend ways in which the preservation, protection and enhancement of identified features may best be achieved.
3. To win community acceptance and support for the necessary conservation policies.

The report recommended a special survey of East Launceston / Newstead to determine outstanding residences.

### **3.2.2 City of Launceston Corporate Strategic Plan 2025-2035**

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 2 includes an assessment against the Corporate Strategic Plan.

## **4. STATUTORY CONSIDERATIONS**

### **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 2 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.

### **4.2 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. Under Section 56S(2) of the same Act, the relevant regulated entity may provide comments during the public notification period.

TasWater will be notified should the amendment be initiated.

## **5. CONCLUSION**

The amendment is considered necessary to ensure that any future development in the Local Historic Precinct can occur in a reasonable manner that preserves and protect significant cultural heritage in established developed urban areas that have been identified as a precinct of collective heritage value

The implementation of the local heritage precinct is consistent with the vision for Launceston as articulated through the goals of Council's Strategic Plan. The draft amendment has been through early consultation, and there will be further opportunities for consultation through the assessment process. The amendment is found to be consistent with the regional land use strategy, the Tasmanian Planning Policies and the objectives of the *Land Use Planning and Approvals Act 1993*,

### **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 General Manager have no interests to declare in this matter.

**ATTACHMENTS:**

1. PSA LLP0034 - Attachment 1 - Planning Scheme Amendment [11.1.1 - 16 pages]
2. PSA LLP0034 - Attachment 2 - Strategic and Legislative assessment [11.1.2 - 9 pages]
3. PSA LLP0034 - Attachment 3 - Q&A [11.1.3 - 3 pages]