

TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Hobart Interim Planning Scheme 2015
Amendment	PSA-20-2 - Insert Vehicle Parking as a discretionary use class under Table 11.0
Planning authority	City of Hobart
Applicant	Ireneinc Planning & Urban Design on behalf of the City of Hobart
Date of decision	3 June 2021

Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.



Sandra Hogue
Executive Commissioner

Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

REASONS FOR DECISION

Background

Amendment

The applicant sought a draft amendment rezoning part of 321-323A and 325 Elizabeth Street from the Inner Residential Zone to General Business Zone to facilitate future expansion of the public car parking arrangements in North Hobart via the public car park in Lefroy Street.

The planning authority modified and certified the draft amendment. Rather than a rezoning, the certified amendment was in the form of a site-specific qualification to modify the Inner Residential Zone Use Table to include Vehicle Parking as a discretionary use with the qualification 'only if at 321- 323A Elizabeth Street (CT 137808/1 and 2); or 325 Elizabeth Street (CT 176661/1 and CT 137807/1); or 16A Lefroy Street (CT 112639/1 and CT 112639/2)'.

Site information

The subject site includes both 321-323A and 325 Elizabeth Street and is currently developed with four existing commercial buildings, an outbuilding and a rear open yard used for vehicle parking access via right of carriageway from Elizabeth Street.

The car park use is a non-conforming use. It adjoins the public car park at 16A Lefroy Street managed by the City of Hobart. The Providence Gully Rivulet lies between the subject site and the car park.

The site includes four titles. That land having frontage to Elizabeth Street is split zoned with the General Business Zone applying to the Elizabeth Street frontage and the Inner Residential Zone to the rear portion of the lot.

The site is partially within the Elizabeth Street Heritage Precinct, partially within the North Hobart Specific Area Plan and wholly within the Royal Hobart Hospital Helipad Airspace Specific Area Plan. It is also within the attenuation area of a late night music venue.

Issues raised in representations

One representation was received from TasWater. TasWater does not object to the amendment and has no formal comments for the Tasmanian Planning Commission in relation to the amendment and does not require to be notified of nor attend any subsequent hearings.

Planning authority's response to the representations

The planning authority advised that no representations were received, other than the TasWater correspondence, and requested the Commission to endorse the draft amendment as presented.

Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. One representations was received and after consultation under section 40(2A) of the Act, the Commission dispensed with holding a hearing.
3. The amendment has been initiated and certified by the City of Hobart, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.

4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
 - (ea) must not conflict with the requirements of section 300;
 - (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.
5. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.
6. Section 300 includes that:
 - (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, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
7. The draft amendment has no implications for any common provisions and section 32(1)(e) is not considered relevant to the draft amendment as the land does not adjoin an adjacent municipal area.

Regional Land Use Strategy

8. The relevant regional strategy under section 300(1) is the Southern Tasmania Regional Land Use Strategy 2010-2035, most recently amended 19 February 2020 (the regional strategy).
9. The planning authority considered the draft amendment to be consistent with the regional strategy, in particular because it:
 - adequately manages the risk from flooding (policy MRH2);
 - maximises the efficiency of existing physical infrastructure (policy P12);
 - contributes to transport choices (policy LUTI1); and
 - provides for a future sustainable and compact pattern of residential development, utilising the Inner Residential Zone to facilitate higher density residential and mixed use development (LUTI 1.2). p.1010-1

Commission's consideration

10. The Commission agrees with the planning authority that the draft amendment is, as far as is practicable, consistent with the regional strategy

Land use conflict

11. The applicant initially applied to rezone the rear part of the properties at 321-323A Elizabeth Street and 325 Elizabeth Street, North Hobart from the Inner Residential to the General Business Zone. The planning authority raised concerns regarding the variety of uses that may then operate from the subject site and may cause disturbance to the amenity of the local area.
12. The planning authority considers that:

‘the proposed rezoning to ‘General Business’ will enable a wider range of non-residential uses within the existing buffer area between the established surrounding residential and the commercial areas along Elizabeth Street. The proposed rezoning facilitates development that is not built to the street edge and is not aligned with the Desired Future Character Statements for the ‘ General Business’ zone.’

13. The planning authority modified the draft amendment to better suit the proposed use and development. The draft amendment for a site-specific qualification, providing for Vehicle Parking as a discretionary use, limits the allowable uses. The impacts of a future car parking use will be managed by the planning scheme standards.

Commission’s consideration

14. The Commission agrees with the planning authority that no significant impacts to surrounding land uses would be caused by vehicle parking at the subject site. The intensity of vehicle parking may be restricted to an appropriate level by the relevant requirements of the Hobart Interim Planning Scheme 2015 or State Planning Provisions when effective for the City of Hobart.

State Policies and Resource Management and Planning System Objectives

15. The Commission finds that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Decision on draft amendment

16. Taking into account the matters above, is the Commission considers that the draft amendment for a site-specific qualification allowing for Vehicle Parking on the subject land is acceptable for the locality.
17. The Commission finds that the draft amendment is in order and gives its approval subject to minor modification to the title references to reflect the terminology of folio of the Register rather than CT (see Annexure A).

Attachments

Annexure A – Modified Amendment

Annexure A

Amendment PSA-20-2, Hobart Interim Planning Scheme 2015

Amend 11.2 Use Table under 11.0 Inner Residential Zone of the Hobart Interim Planning Scheme 2015 by inserting the use class 'Vehicle Parking' after 'Utilities' in the discretionary section of the table, with the following qualification:

'Only if at:

- 321-323A Elizabeth Street (folio of the Register 137808/1 and 2); or
- 325 Elizabeth Street (folio of the Register 176661/1 and 137807/1); or
- 16A Lefroy Street (folio of the Register 112639/1 and 112639/2)'.