



LATROBE COUNCIL

Our Ref:
Your Ref:

21 March 2022

Latrobe Council
170 Gilbert St
LATROBE 7307

By email: submissions@latrobe.tas.gov.au

Latrobe Council Representation to the Latrobe Draft Local Provisions Schedule

Pursuant to section 35E of the *Land Use Planning & Approvals Act 1993*, Council is making a representation to its own *Latrobe Draft Local Provisions Schedule* (LPS).

The Latrobe Council submitted the endorsed *Latrobe Draft Local Provisions Schedule* (Draft LPS) to the Tasmanian Planning Commission (TPC) on 27 April 2020. The TPC issued its notices under section 35(5)(b) and Schedule 6 of the *Land Use Planning & Approvals Act 1993* (the Act) to modify the submitted Draft LPS on 1 October, 27 October and 23 November, 2021. Council must modify its Draft LPS in accordance with those notices, prior to public exhibition.

The Draft LPS was placed on statutory public exhibition for a period of 60 days, commencing 17 January 2022.

Due to the extensive nature of the process to develop and submit a Draft LPS, which includes liaison with the TPC during its initial assessment phase and the provision of further information to enable public exhibition, Council has further examined the content of the exhibited Draft LPS and considers that additional modifications should be made. Through the review of its submitted Draft LPS, Council has developed a greater understanding of some of the potential outcomes of the proposed zoning of land and code overlays, such that it now considers that there are issues that warrant a more detailed scrutiny and response for better, longer-term outcomes.

The issues and suggested modifications are outlined below.





1. C9.0 Attenuation Code

Latrobe Speedway:

The Local Provisions Schedule Requirements at LP1.7.7 provides for an LPS to contain an overlay map showing attenuation areas for spatial application of the Attenuation Code. In the absence of an overlay map, the standard attenuation distances contained in Table C9.1 apply to the activities listed. 'Motor racing or performance trials' is a listed activity in Table C9.1 with a 3000 metre attenuation distance.

The Latrobe Speedway is classified as this activity which means that the associated attenuation distance at 3000 metres has an extensive reach over most of the Latrobe township. This is indicated approximately as the blue circle in the map at Figure 1 below.

This attenuation area has a significant impact on the regulatory environment for sensitive uses, which includes residential, visitor accommodation, aged care and schools, such that all new or intensified sensitive uses are subject to a discretionary assessment under performance criteria and must demonstrate that they do not 'interfere with or constrain' the operation of the speedway.

In the context of an established settlement and the long-standing presence of the Latrobe Speedway, this is considered to be an unreasonable imposition on normal use and development within the Latrobe township for residential, tourist and school uses.

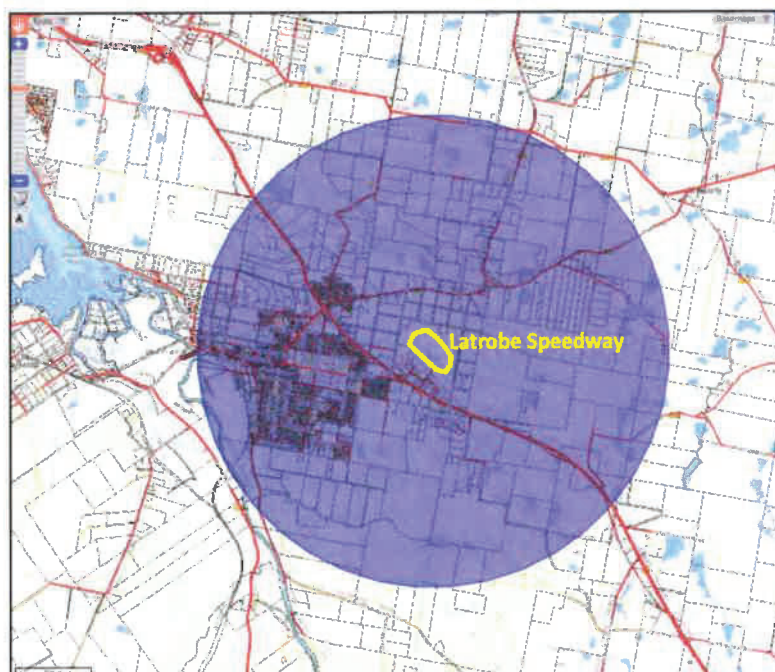


Figure 1: 3000m attenuation distance for the Latrobe Speedway.

Council has commissioned a noise assessment undertaken by Pitt & Sherry, which has modelled the noise impacts of a race meeting in December 2021 (attached). The noise modelling provides a contour map that takes into account the topography and buffering by buildings. The noise contour map in Figure 2 below highlights the 45dB(A) band which corresponds to the Tasmanian Environmental Protection Policy (Noise) guideline value for the avoidance of sleep disturbance, the main risk associated with activities at the Latrobe Speedway, noting that there are approximately 13 meetings per year.



The noise assessment also highlights that the ambient noise of the high traffic environment of the Bass Highway may affect the appreciation of noise for those residences that are located within the contour bands above 45dB(A).

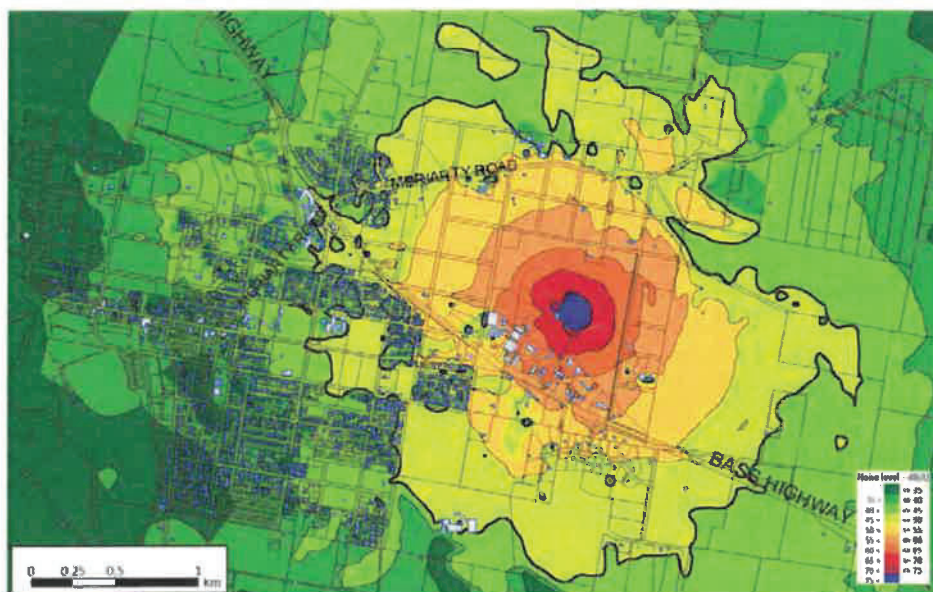


Figure 2: Noise Contour Map – Pitt & Sherry, Dec 2021

Council considers that there is sufficient information in the noise assessment to support significantly reducing the attenuation area around the speedway through a map overlay that reflects the concentration of noise impacts to the north of the Bass Highway.

When considering:

- the long-standing co-existence of the township with the speedway,
- the high ambient noise environment of the Bass Highway;
- the limited number of race meetings per year; and
- contemporary new-building requirements that include noise mitigating elements such as insulation and double glazing for habitable buildings,

it is reasonable to limit the attenuation area to the 50dB(A) contour to the north of the Bass Highway. Figure 3 below indicates an approximate suggested outline for a mapped attenuation area.

Council has commissioned further noise modelling taking into account the ambient noise of the Bass Highway to explore its practical effect on the appreciation of noise from the speedway.

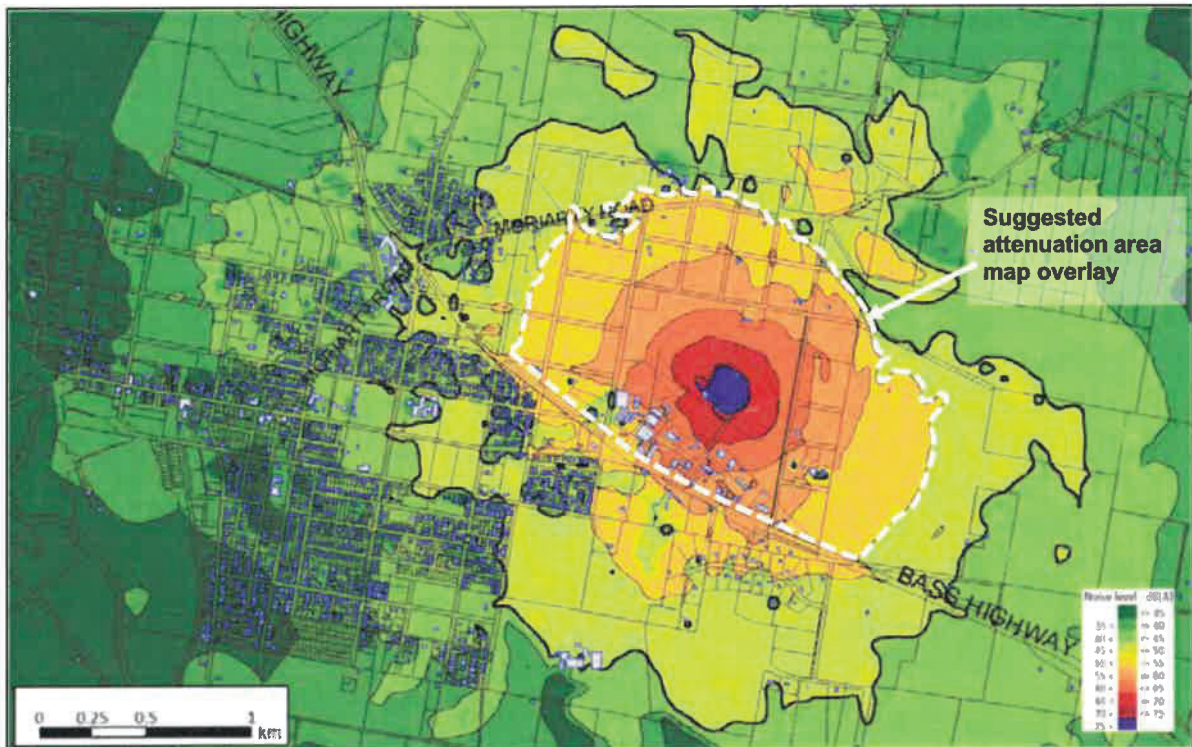


Figure 3: Proposed revision of attenuation area for Latrobe Speedway to be included as a map overlay.

Taswater Sewerage Treatment Plants

The attenuation distances for sewerage treatment plants (STP) are listed in Table C9.2 and are based on the design capacity of the plant and the type of treatment process. The classification for the STP's at Latrobe and Port Sorell are unknown and depending on which attenuation distance applies, the regulatory imposition on new or intensified sensitive uses could be significant in regard to expert reporting on Taswater STP's that will be required for development applications. In addition, applications within the attenuation area will be effectively obtaining the same expert reports, likely at substantial cost to the applicant.

It is noted that most STP's have operating conditions set by the EPA whereby the plant cannot cause a nuisance at the nearest sensitive receptor or beyond the boundaries of the STP site. This would make the scheduled distances in Table C9.2 redundant.

Council submits that STP's should have mapped attenuation distances that are reasonably reflective of the context and allowable impacts.

Figures 4 and 5 below show the extent of a 700m and 1400m STP attenuation distance for Latrobe and Port Sorell.



Figure 4: STP attenuation distances at 700m and 1400m at Latrobe.

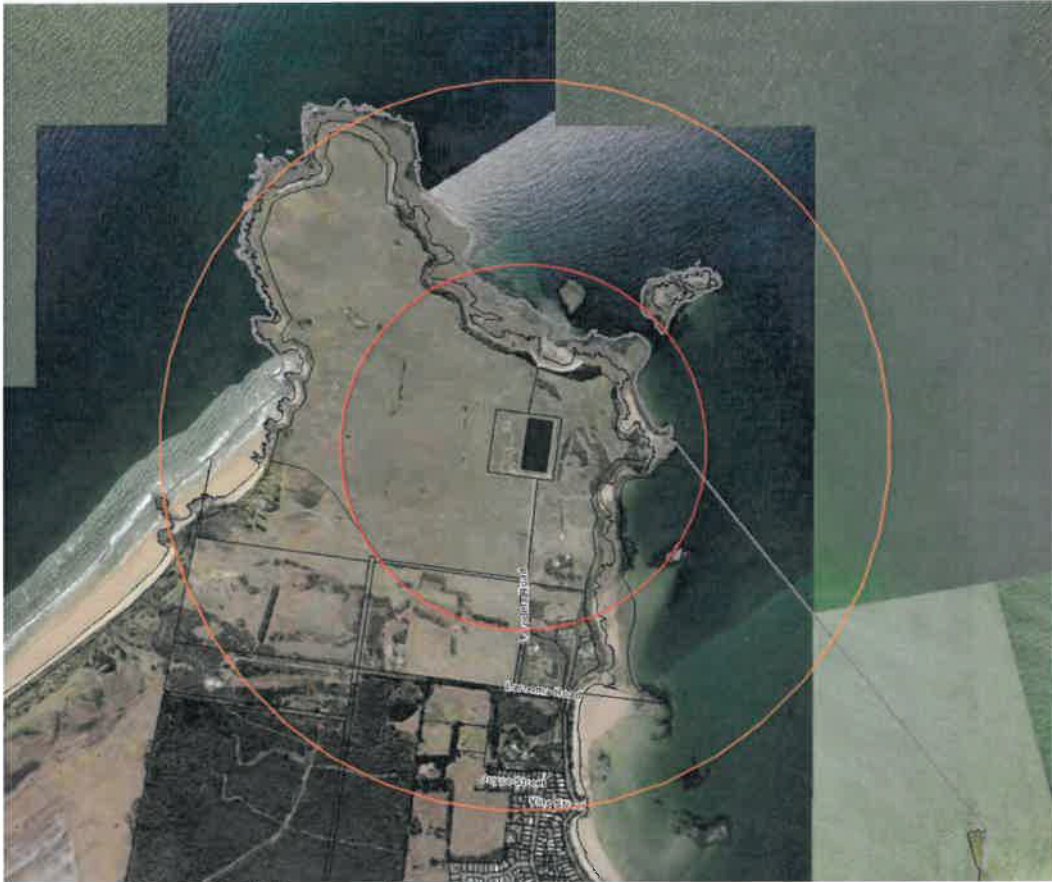


Figure 5: STP attenuation distances at 700m and 1400m at Port Sorell.

2. Rural Living Zone – Spreyton

The Draft LPS proposes two different zones for a strip of land at Spreyton, located between the Mersey Main Road and the railway line, that is largely subject to similar land use characteristics (Refer Figure 6 below). Of concern is the disparity in the allowable uses between the Rural and Rural Living zones which has a reduced range of land use opportunities available in the Rural Living Zone, yet is constrained for residential use due to the 50 metre attenuation distance for the railway line. The proposed Rural Living Zone is incongruous with the extent of Rural zoning proposed for this locality.

Due to its changing nature over time, this area is however, under consideration by Council for a more refined approach through provisions in the LPS.

The current character of the area is that of a interspersed mixture of residential, rural and commercial/industrial uses. There is no apparent pattern of land use or homogenous scale, form or location of buildings. However, Council considers that this section of the Mersey Main Road has a degree of visual amenity evident in the established gardens of dwellings and remnant, mature trees, the landscaped frontages of significant commercial operations such as the Fonterra site and the visual attractiveness of orchards and vineyards to the northern side of Mersey Main Road.



Photo 1: View southeast along Mersey Main Road at the municipal boundary with Devonport Council showing landscaped frontage to Fonterra plant at left and existing industrial development at right. (Google Streetview 2016)



Photo 2: View southeast along Mersey Main Road, 650 metres from the the municipal boundary with Devonport Council. (Google Streetview 2010)



Photo 3: View southeast along Mersey Main Road, 1.1 kilometres from the the municipal boundary with Devonport Council, near junction with Cornicks Road. (Google Streetview 2010)



Photo 4: View east along Mersey Main Road, 1.6 kilometres from the the municipal boundary with Devonport Council. (Google Streetview 2010)



Figure 6: Proposed Latrobe Draft LPS zoning.

The location of this land forms a gateway to the Latrobe municipality that Council considers warrants additional provisions to protect and enhance visual amenity, whilst allowing reasonable flexibility for land uses on a number of smaller titles that are suited to non-residential uses.

The most effective way to achieve this is to consistently zone the land Rural Zone and include a Specific Area Plan (SAP) over the properties to either side of the Mersey Main Road to require landscaping treatment to the frontages to mitigate the effects of building bulk and the more utilitarian nature of commercial/industrial buildings and car parks. To be effective, the landscaping requirements would need to specify a certain number of trees to achieve a minimum height together with lower-level plantings.

Impacts of new uses on existing residential uses can be addressed in a similar way as in the business and commercial zones, whereby there is a proximity standard where adjoining a residential zone for plant etc.

The properties indicated in Figure 7 below are proposed to be subject to a SAP, the purpose of which is to require landscaping treatment to the frontage where new and expanded use and development is proposed and to consider the impacts of non-residential uses on existing residential uses. The Use Table and standards of the Rural Zone will apply, but with additional standards for frontage landscaping treatment and setbacks/treatments where adjoining a residential use through the SAP.

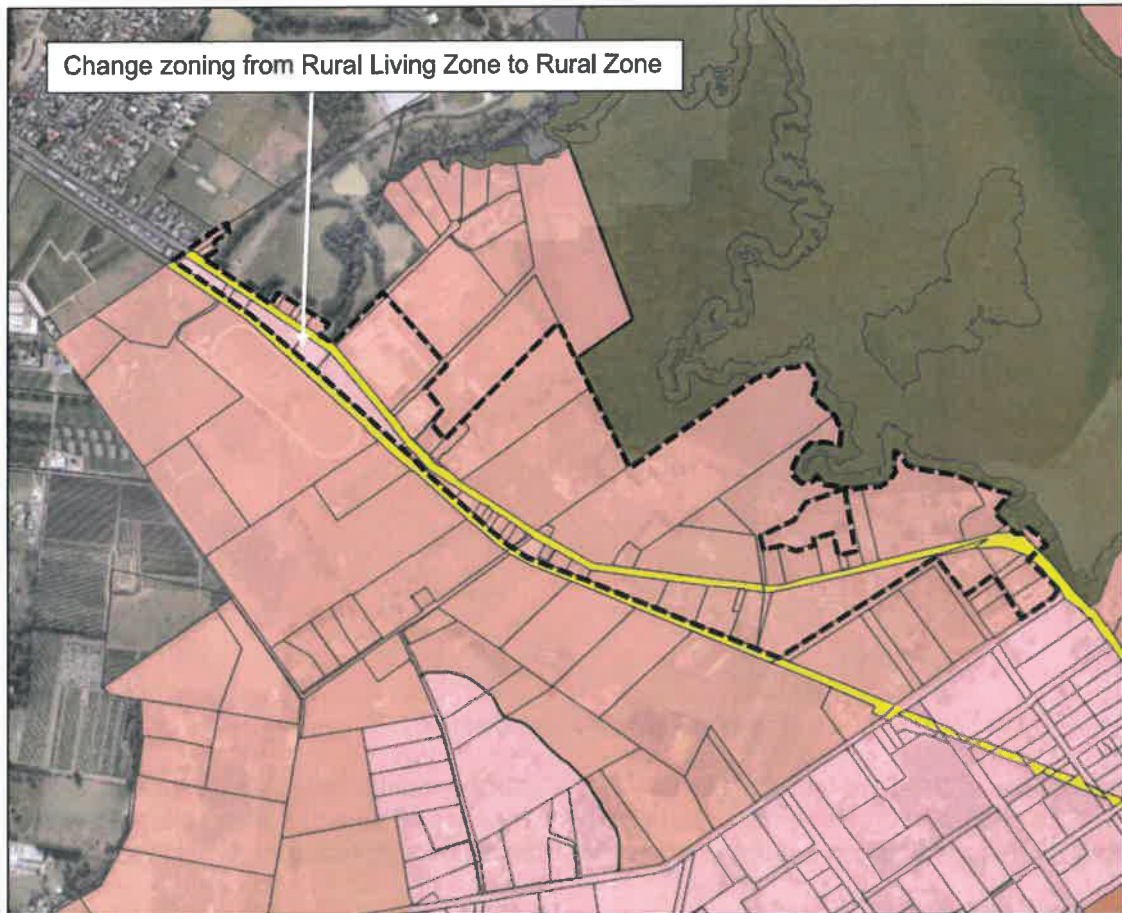


Figure 7: Proposed SAP area in dashed outline. Note: Applicable area for landscaping is along the frontages of the Mersey Main Road only.

The submitted standards for the SAP are:

Visual Amenity

Objective:	That use/development enhances the visual amenity of the road corridor along Mersey Main Road through a landscaped frontage.	
Acceptable Solution	Performance Criteria	
<p>A1</p> <p>Landscaping treatment must be provided within 8 metres of the frontage and include:</p> <ul style="list-style-type: none"> a) trees that will achieve a mature height of not less than 6 metres, located at a rate of not less than one tree per 10 metres; and b) perennial vegetation that will achieve a mature height of not less than 500mm to a minimum of 30% of the length of the frontage. 	<p>P1</p> <p>Use/Development is to provide for visual amenity of the Mersey Main Road corridor having regard to:</p> <ul style="list-style-type: none"> a) the design of buildings and works when viewed from the road; b) the retention of existing established vegetation; c) safety and efficiency of vehicular access; and d) the location of car parking. 	



Impact on Residential Uses

Objective:	That uses do not cause an unreasonable loss of amenity to adjoining residential uses.	
Acceptable Solution	Performance Criteria	
A1 Non-residential activities must: <ul style="list-style-type: none"> a) be located 20 metres from the boundary with an adjoining residential use; b) operate within the hours of 7am to 9pm Monday to Saturday; and c) not require external floodlighting. 	P1 Non-residential activities must not cause an unreasonable loss of amenity to adjoining residential uses having regard to: <ul style="list-style-type: none"> a) the timing and duration of vehicle movements; b) noise, lighting or other emissions; c) measures to mitigate the impacts of noise or light; and d) the location of car parking and vehicular movements on the site. 	

3. Port Sorell Environmental Management Zone – Site Specific Qualification for Existing Dwellings

Three existing lots containing dwellings (138437/1, 34428/1 & 166652/1) are proposed to be zoned Environmental Management Zone which will unreasonably constrain potential for visitor accommodation or tourist use, due to the structure of the Coastal Erosion and Coastal Inundation Hazard Codes. This is despite the buildings being mapped as subject to the same degree of hazard and risk as many titles that are located in the adjoining General Residential or Particular Purpose zones. The proposed zoning is shown below in Figure 8 with the subject titles outlined in blue.



Figure 8: Proposed Draft LPS zoning at the eastern edge of Port Sorell.

The provisions of the coastal hazard codes stipulate that uses in a high and medium hazard band in a 'non-urban' zone must rely on a coastal location to fulfil its purpose. The titles are mapped as including both high and medium hazard bands (Refer Figures 9 and 10). The Environmental Management Zone is a non-urban zone and visitor accommodation, as well as other tourism focussed uses, will not be able to demonstrate that they rely on a coastal location. This constraint on existing building fabric is inconsistent with other buildings nearby in the same hazard band, but located in an 'urban zone'.

One way to resolve the inconsistency is to include these titles in the adjoining General Residential Zone. However, the highlighted titles will not be protected by the barrage and as such Council considers that the zoning is appropriate, yet the provisions of the codes are unreasonably restrictive for economic opportunity for buildings that already exist.

Council proposes a site-specific qualification be added for the 3 affected titles that enables consideration of visitor accommodation and tourist operation uses as discretionary uses, substituting clauses C10.5.2 and C11.5.2 of the coastal codes and applying the tolerable risk provisions for the low hazard band instead.



Figure 9: Coastal Erosion Hazard Overlay Map



Figure 10: Coastal Inundation Hazard Overlay Map



4. Rural Zoning – Various Locations

The stated purpose of the Rural Zone is to provide for a range of use and development in a rural location where agricultural use is limited. The zone enables a substantial number of industrial and commercial type uses. However, the provisions of the zone do not enable consideration of the appropriateness of the location of particular uses in regard to areas that may have a rural residential character, or areas that may be sought due to a cost advantage over zoned industrial land.

A review of numerous areas proposed for Rural zoning has raised concerns regarding the potential for inappropriate uses to locate in these locations that would potentially constrain strategies for rural residential housing growth and township expansion and would be incompatible with existing residential areas or areas with scenic value.

Council is proposing modifications to the following areas:

Latrobe:

Figure 11 below shows the areas of concern circled in blue. The land north of River Road is steep, vegetated slopes having scenic value. Numerous titles in the Rural Zone are owned by Council and are contiguous to the Open Space Zone and should be similarly zoned. The balance of titles mostly contain dwellings on large lots, or are surrounded by dwellings, consistent with the purpose of the Rural Living Zone.

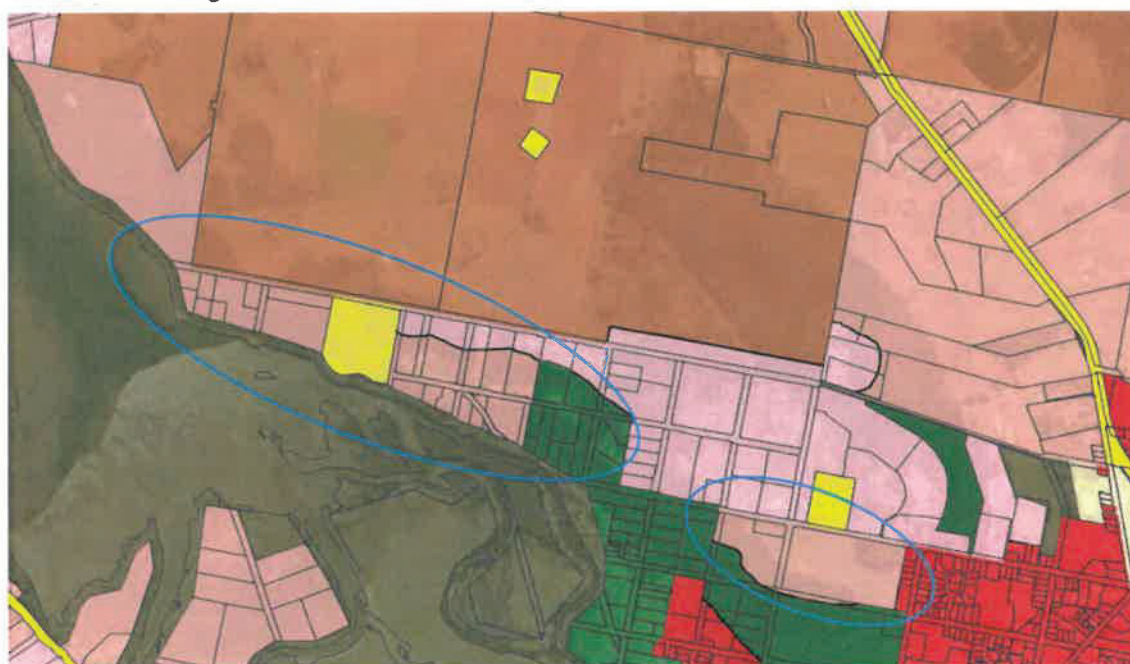


Figure11: Proposed Draft LPS zoning.

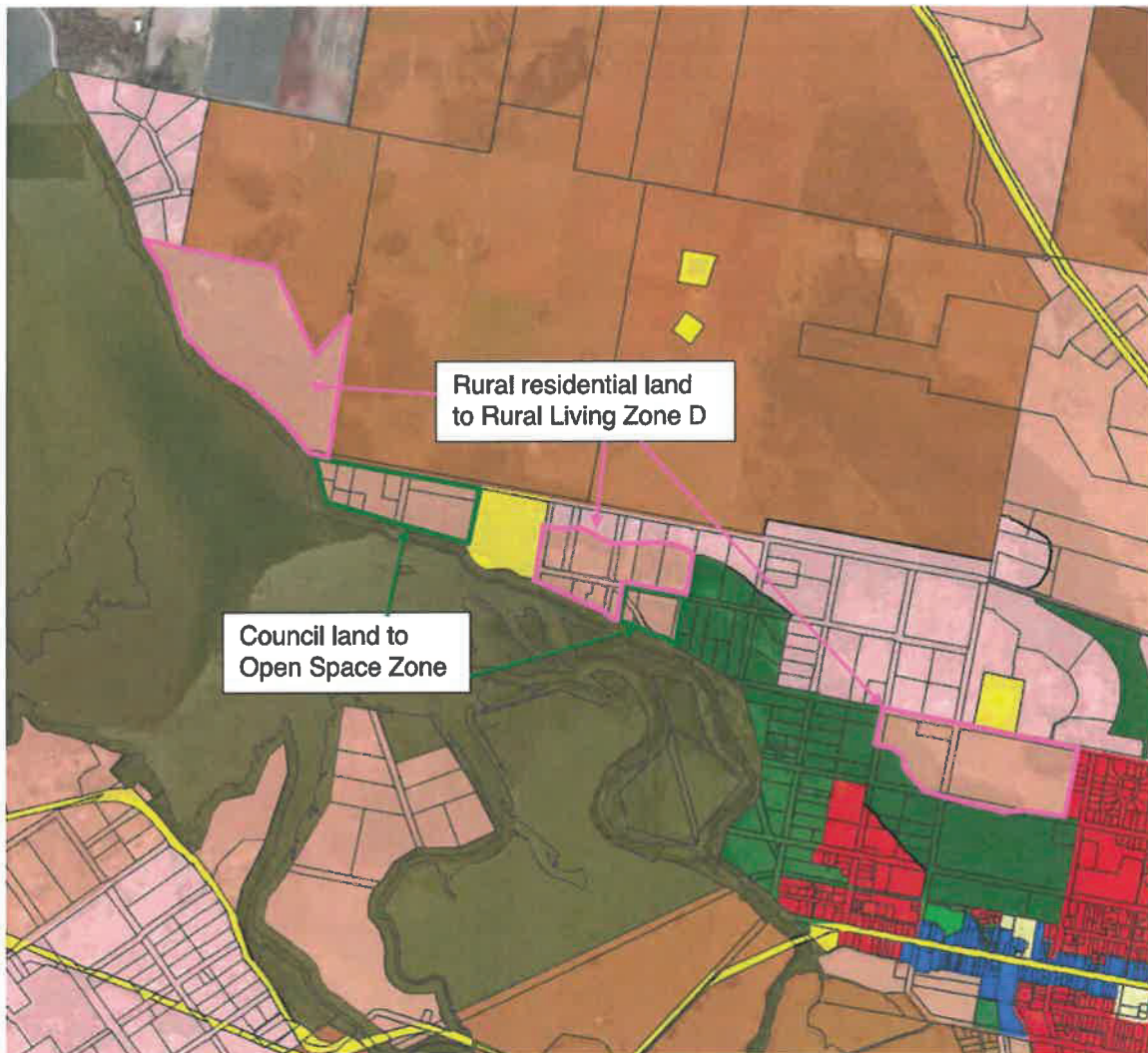


Figure 12: Proposed zoning modifications.

Figure 13 below shows areas of concern at the flood prone southern periphery of Latrobe township, circled in blue. The land is under investigation for urban expansion with the development of flood levees in the future, which will be severely compromised by the range of allowable commercial and industrial uses were to establish (noting that non-sensitive uses are not subject to the provisions of the Flood Prone Areas Code).

The land is currently used for grazing and Council submits that Agriculture Zone is the most appropriate zone for this location due to its restraint on non-agricultural uses and that it is reflective of current land use.

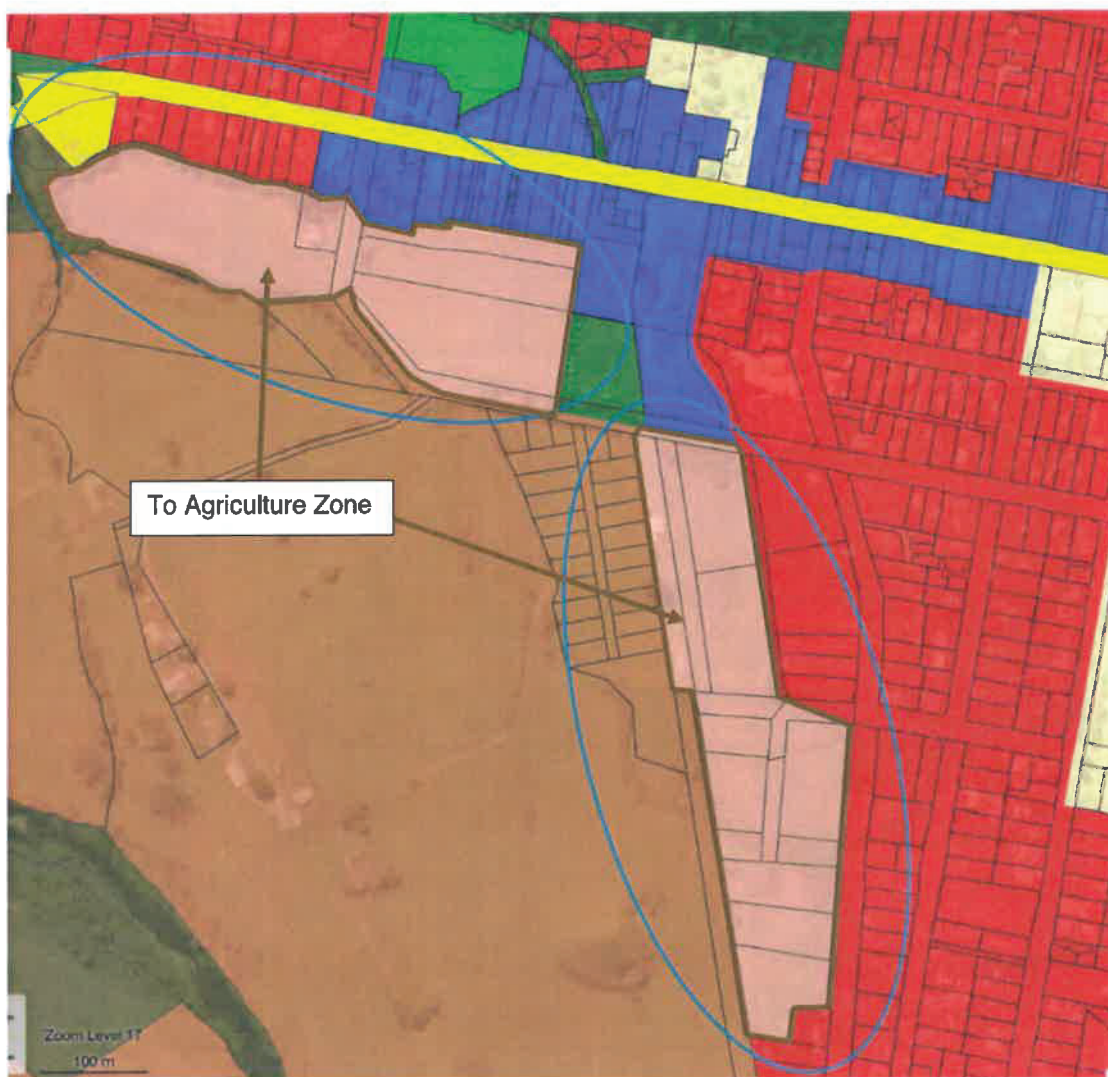


Figure 13: Proposed change to Agriculture Zone.

Tarleton:

Tarleton is characterised by rural residential uses in the Rural Living Zone. The lots circled in blue in Figure 14 below adjoin numerous lots in the Rural Living Zone, with 2 of the 3 lots containing dwellings. The character of the lots is rural residential in nature which is best reflected by the Rural Living Zone. The proximity of these lots to numerous established residential properties renders them unsuitable for the range of uses allowable in the Rural Zone, when there are no tests of impacts on adjoining residential amenity.

Council has not yet revised its rural residential land use strategy. Until such time as this is completed, it is considered appropriate to apply the Rural Living Zone D to limit subdivision as a form of 'holding pattern' until further strategic work is completed.

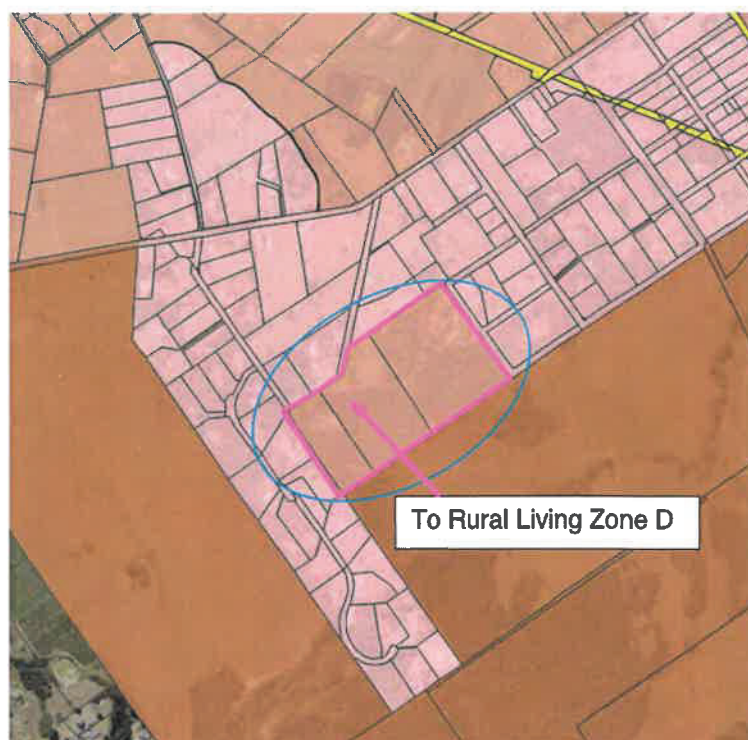


Figure 14: Proposed zone change to Rural Living Zone D.

Port Sorell:

There are numerous areas of concern at Port Sorell that are effectively infill areas in a broader rural residential environment. These are circled in blue in Figures 15 and 16 below. Rural zoning of this land risks intrusion of industrial type uses that would be highly inappropriate in this setting due to incompatibility with landscape character and surrounding residential uses.

As discussed above for Tarleton, applying the Rural Living Zone D reflects the prevailing character of land use, however until such time as Council's rural residential strategy is reviewed and updated, it is considered appropriate to apply the Rural Living Zone D to limit subdivision as a form of 'holding pattern' until further strategic work is completed.

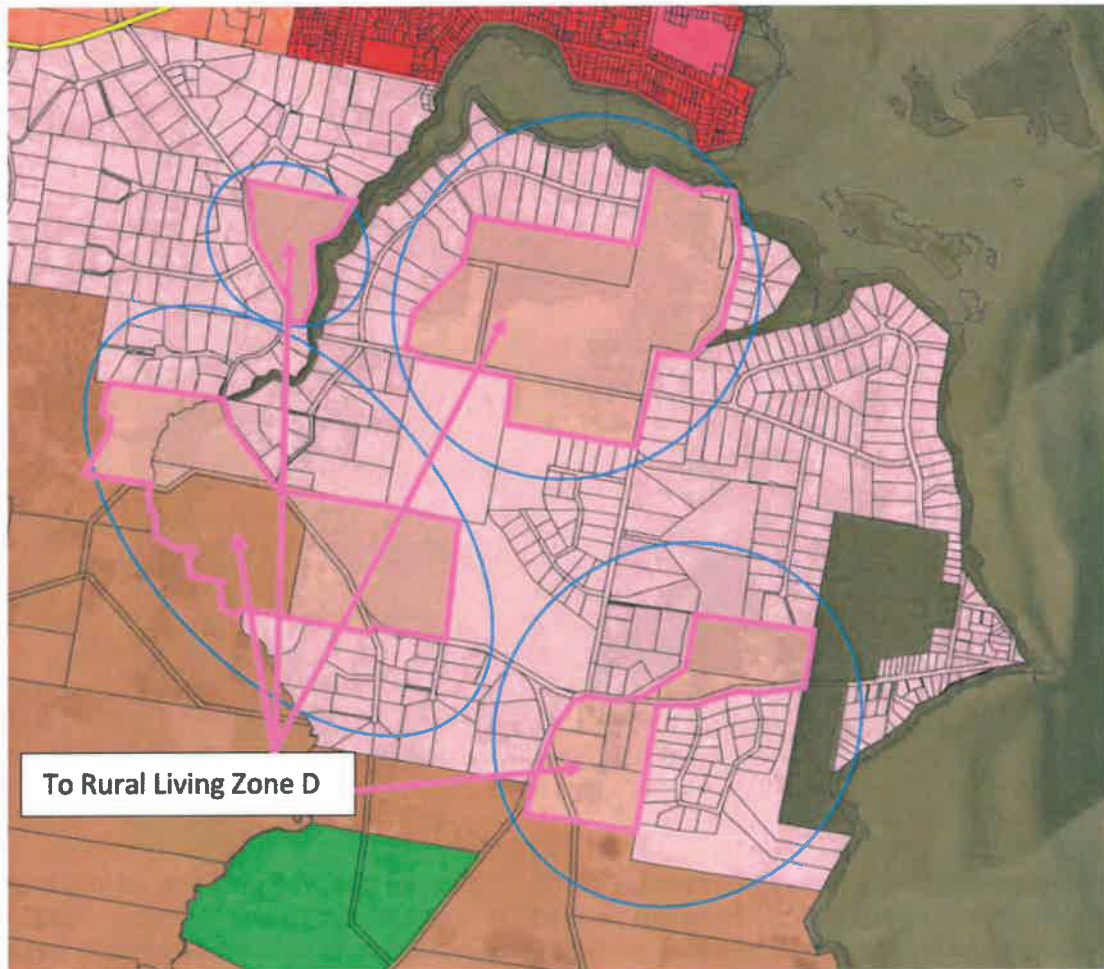


Figure 15: Proposed zone change to Rural Living Zone D.

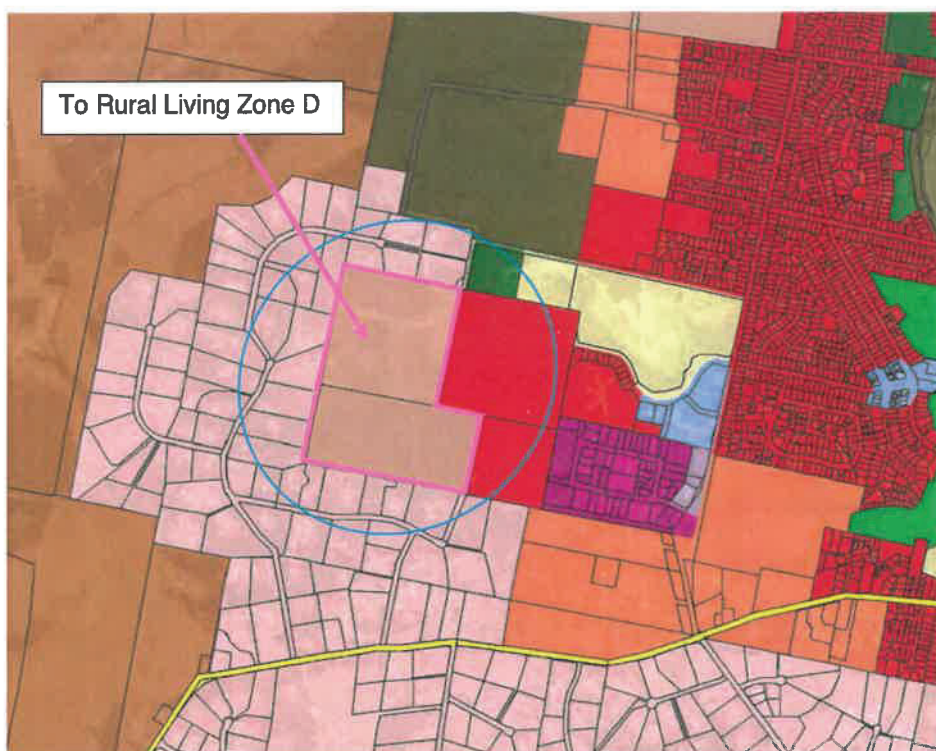
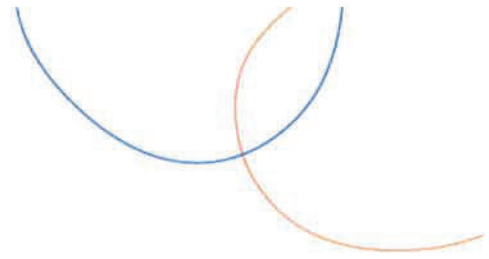


Figure 16: Proposed zone change to Rural Living Zone D.

Yours sincerely

Gerald Monson
GENERAL MANAGER

Enclosures: Latrobe Speedway Noise Assessment, Pitt & Sherry 2021



Memo

To Jo Oliver *Terra Firma Planning*
From Douglas Ford *pitt&sherry*
Date 16 December 2021
RE **DRAFT Latrobe Speedway Noise Assessment**

This noise assessment has been prepared to assist Council to make a representation to the proposed Tasmanian Planning Scheme - Latrobe Local Provisions Schedule in regard to mapping an appropriate attenuation distance around the Latrobe Speedway.

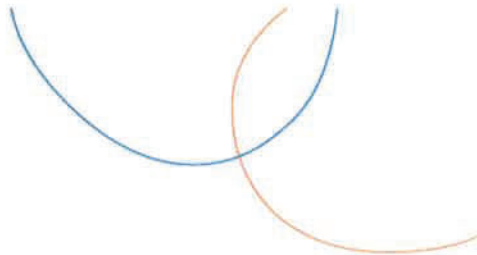
Noise logging was carried out during the race meeting held at the Speedway on Saturday the 4th of December 2021. The noise logger was located adjacent to the northern corner of 13-19 Speedway Drive, approximately 240 metres from the centre of the race track as shown in Figure 1 below. Elevated noise levels associated with the race meeting can be seen between 5:30PM on December 4 and 1AM on December 5 (shaded blue) in Figure 2 below which is a graph of the noise levels measured verses time. In this graph red is the maximum noise level, blue the L_{eq} or continuous equivalent noise level and grey the background noise level, measured at 10 minute intervals. L_{eq} can be thought of as a time weighted average of the varying noise levels over a period of time. The measurements were made in accordance with the Tasmanian DEPHA *Noise Measurement Procedures Manual*, 2008.

The L_{eq} for the time covering the duration of the race meeting was 68.1 dB(A). This compares with an L_{eq} of 49.9 dB(A) for the entire period that the logger was in place, from the 3rd to the 5th of December. Note that the end of year fireworks planned for this race meeting did not take place, so the noise level recorded should be representative of typical race meetings, of which around 13 are programmed each year.

The level of the noise emissions from the Speedway has been predicted at other locations across Latrobe and surrounding areas by using this noise measurement to inform a noise model created with SoundPlan noise modelling software. This allows noise attenuation due to distance and shielding by buildings and topography to be taken into account.

Modelling assumptions and settings include:

- The ISO 9613-2 noise calculation standard was used within SoundPlan.
- Existing buildings, roads and other permanent structures and features were included within the model. All building footprints were sourced from theList.
- Existing terrain topography was obtained from 1 metre LIDAR data sourced from the ELVIS online elevation database. Some areas of 5 metre LIDAR data were required to supplement areas of the model where 1 metre data was unavailable.
- Ground absorption factors were set to 50% soft for residential and other areas with a mixture of hard paved surfaces and vegetation and 100% hard for road surfaces, industrial areas and the Speedway.
- Noise emitted by the speedway track was represented as a line source around the Speedway Track with a



sound power level of 126dB(A) distributed across the length.

The results are shown as a noise level contour map in Figures 3 and 4 below.

As race meetings are typically held on Saturday evenings, the most serious impact on the amenity of nearby residents is likely to be sleep disturbance. In Figure 4, the 45 dB(A) contour has been highlighted. 45 dB(A) corresponds to the *Tasmanian Environmental Protection Policy (Noise)* guideline indicator value for the avoidance of sleep disturbance, as measured outside an open bedroom window. Occupants of residences outside of this contour are unlikely to have their sleep disturbed by noise from the speedway. Residents inside this contour are more likely to be adversely affected, although noise from other sources should also be considered in order to make a comprehensive evaluation. For example residences close to the Bass Highway will experience traffic noise at comparable levels. The noise emissions from the Speedway may not make an appreciable difference to the overall noise already experienced. By contrast more rural residences to the north of the speedway are likely to be strongly effected.



Figure 1 - Noise Logger Location

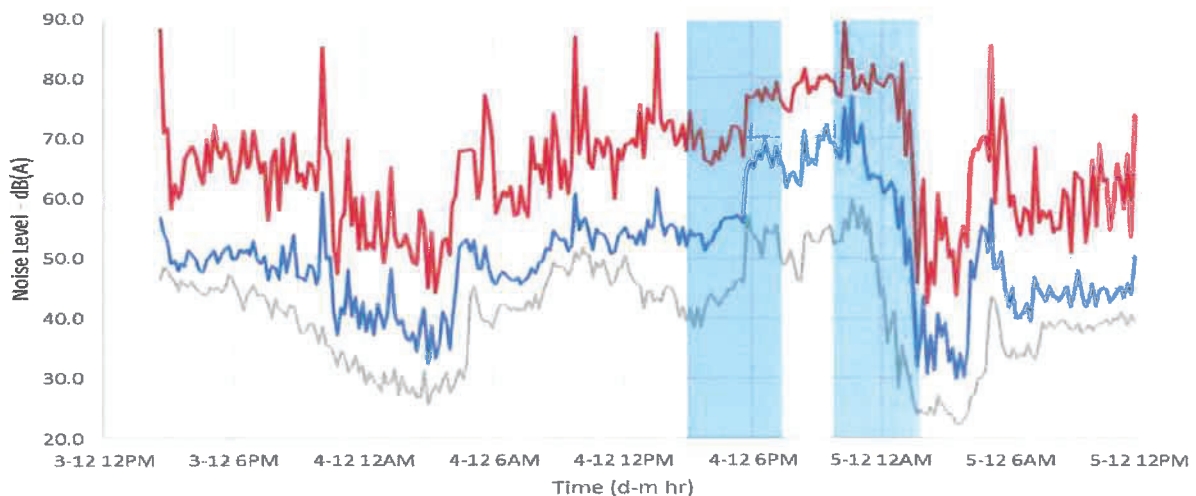


Figure 2 – Noise Logging Results

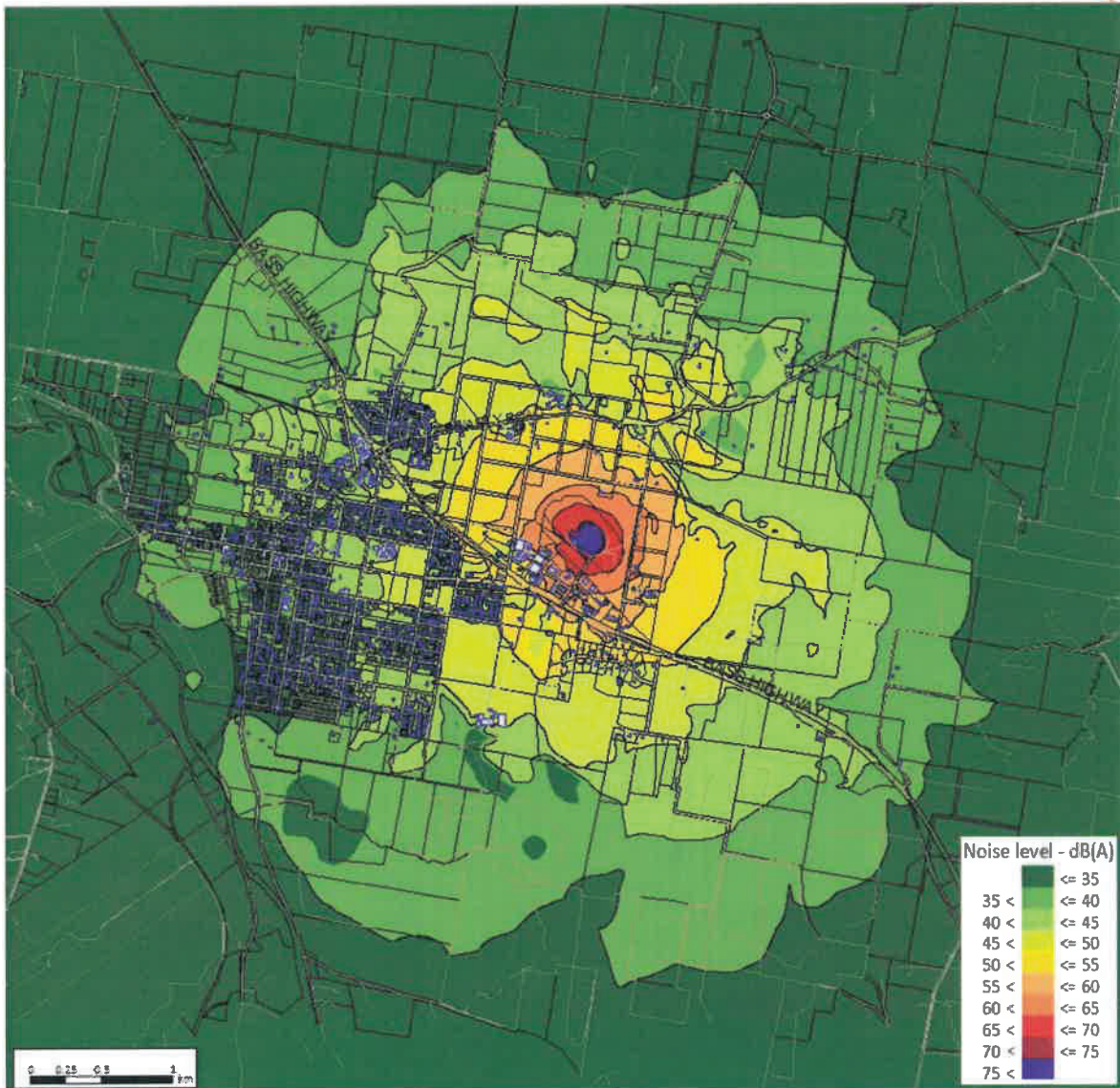


Figure 3 - SoundPlan Noise Contour Map of Latrobe Speedway Noise Emissions – $L_{eq,7.5hrs}$.

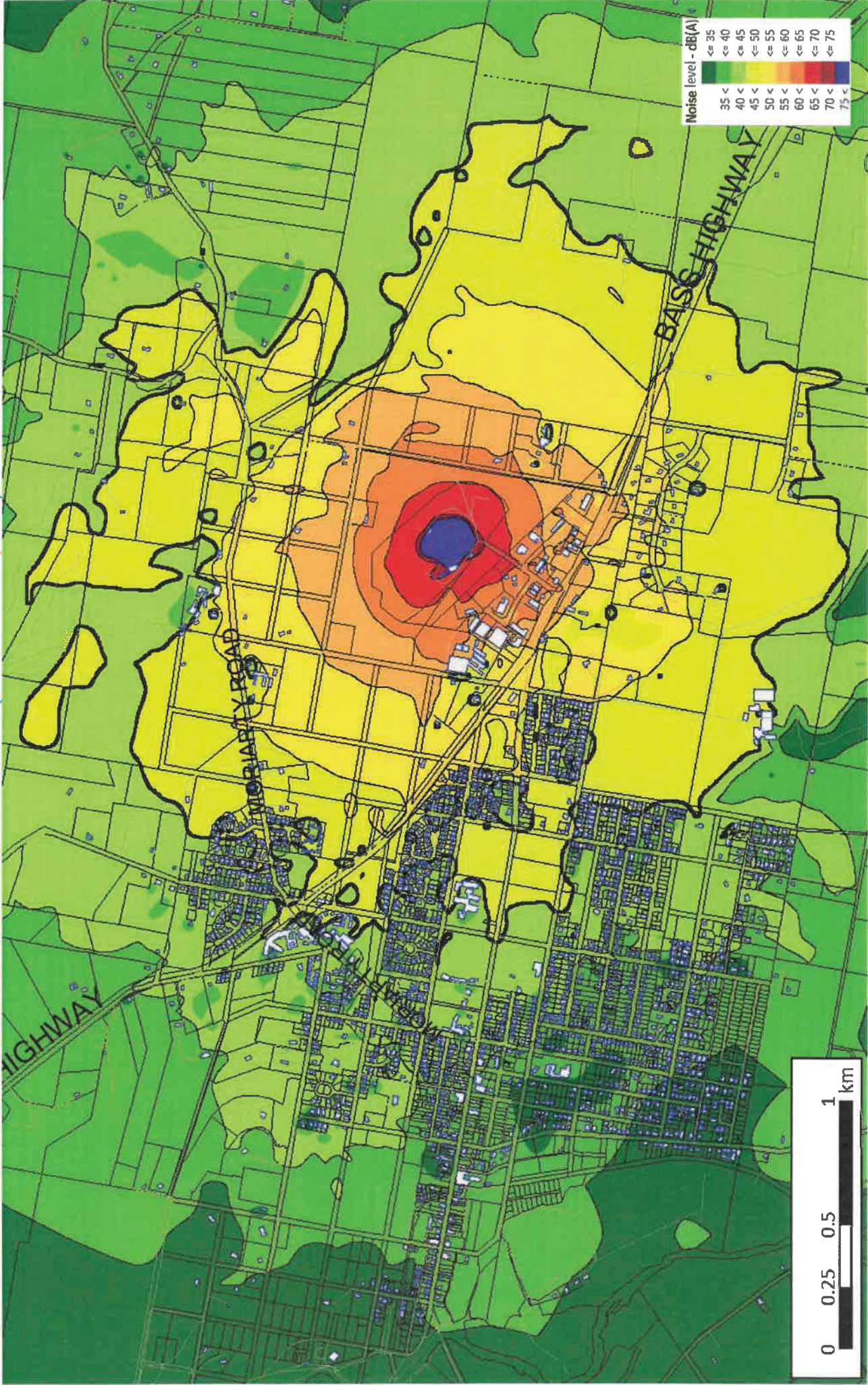


Figure 4 – Closeup SoundPlan Noise Contour Map of Latrobe Speedway Noise Emissions – $L_{eq,7.5hrs}$.