



16 February 2023

Tasmanian Planning Commission
GPO Box 1691
HOBART 7001

By email: tpc@planning.tas.gov.au

Cc: Gerald Monson, General Manager Latrobe Council
Louise Blyth, TPC

Attn: Claire Hynes, Delegate (Chair)

Dear Claire

Tasmanian Planning Scheme - Latrobe - Draft Amendment 8-2023, 9 Conservatory Rd, Sassafras

On behalf of Latrobe Council, please find below a response to your correspondence of 9 February 2024, relating to Draft Amendment 8-2023, prepared and notified pursuant to the TPC's notice under section 35.KB(1) for substantial modification, issued as part of the TPC decision on the Latrobe Draft Local Provisions Schedule.

I note that your correspondence highlights issues with this amendment and draws attention to the text included at Site Specific Qualification (SSQ) LAT-21.2. Your correspondence identifies that the hearing will consider whether:

1. the provisions of the SSQ were intended; and
2. the provisions are in error.

It is clear that the provisions of LAT-21.2, as drafted in the TPC notice directing Council to notify each amendment in accordance with the content specified in TPC Attachment 3, represent an error in the TPC's drafting of this particular provision, contained in the decision and attachment.

Council's proposed SSQ, contained in its report under section 35F of the LUPAA on the representations to the Draft LPS, is clearly accepted by the TPC panel in its decision on the Latrobe Draft Local Provisions Schedule, extracted as follows...

342. The Commission accepts the evidence given by the planning authority and representor that customised planning provisions are required for management of the established use and development on the land. The Commission is satisfied that the proposed Site-specific Qualifications comply with section 32(4) of the Act [my emphasis]. The land has an established

use and development that contributes economically to the municipal area and is a well-known attraction. The Commission considers it reasonable the use and development should be recognised with Site-specific Qualifications and provided the opportunity for a degree of expansion given the advantageous location of the land and the unique building on the site.

Council's 'proposed' SSQ in its section 35F Report, provides for Food Services and General Retail and Hire uses as 'permitted' uses. Council reiterates submissions made in that report and at the TPC hearing, that this use categorisation is important and appropriate on this unique site. Council again submits that no third parties are adversely affected by permitted status and the zone and code standards of the Tasmanian Planning Scheme appropriately manage use and development on the site.

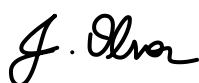
Council reiterates its support for the SSQ it proposed in the Section 35F Report (below) and submits that the Tasmanian Planning Scheme – Latrobe, can, and should, be amended accordingly.

Proposed Site-Specific Qualification:

Reference Number	Site Reference	Folio of the Register	Description	Relevant Clause in State Planning Provisions
LAT- 21.1	9 Conservatory Road, Sassafras	213008/1	In substitution for Discretionary Use on this site: (a) Food Services; and (b) General Retail and Hire, are Permitted Use classes.	Agriculture Zone - 21.2 Use Table
LAT- 21.2	9 Conservatory Road, Sassafras	213008/1	An additional Permitted Use Class for this site is: Community Meeting and Entertainment.	Agriculture Zone - 21.2 Use Table

If you have queries regarding the above, please do not hesitate to contact me on the mobile number or email address above.

Yours Sincerely



Jo Oliver
Director and Town Planner