
From: Mea Quartararo <mquartararo@abetzcurtis.com.au>
Sent: Monday, 15 June 2026 5:48 PM
To: Barlund, Paola; TPC Enquiry
Cc: Marc Edwards; Alexander McKenzie
Subject: Launceston draft amendment PSA-LLP0011 and permit DA0124-2023
Attachments: Representor's further submissions 26.06.15 (including Michelle Schleiger zone comparison).pdf



Dear Paola,

DRAFT AMENDMENT PSA-LLP0011 AND PERMIT DA0124-2023

Please find **attached** written submission on behalf of the representor Mr French, in response to the Commission's direction of 1 June 2026.

I note I have copied the other parties' representatives into this correspondence.

Regards,

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Written Submissions on behalf of Michael French (Representor)
in response to Commission correspondence of 1 June 2026

1. Introduction

- 1.1. This submission is filed in response to the Commission's request, by letter to the parties dated 1 June 2026, for submissions on:
- (a) the suitability of applying the Local Business Zone (**LBZ**) to the site; and
 - (b) whether such application would meet the LPS criteria under section 34(2) of the Act.
- 1.2. For reasons which are expanded upon below, the representor submits that the LBZ is not appropriate for the site, and applying that zone to the site would not meet the LPS criteria.
- 1.3. The submission proceeds by addressing:
- (a) first, some procedural matters to be taken into account if the proposed SSQ were to be converted to a rezoning;
 - (b) second, the effect of applying the LBZ to this site, the Commission's Section 8A guidelines, and the general suitability of that zone for this site; and
 - (c) finally, some comments on the ability of such a proposal to demonstrate compliance with the LPS criteria in s. 34(2) of the *Land Use Planning and Approvals Act 1993* (**the Act**).

2. Procedural matters

- 2.1. Pursuant to s. 40N(1) of the Act, the Commission can make certain modifications to a draft amendment or direct the planning authority to make such modifications. Per s. 40N(1)(c), the Commission may reject a draft amendment and direct the planning authority to:
- (a) submit a substitute draft amendment to the Commission; or
 - (b) substantially modify a part of the draft amendment of the LPS and submit that part, so modified, to the Commission.
- 2.2. Per s. 40N(1)(d), the Commission may alternatively substantially modify the draft amendment itself, and notify the planning authority of that modification.
- 2.3. Changing the fundamental nature of the amendment from a proposal to insert a new site specific qualification (**SSQ**), to a proposal to rezone land, is not a 'modification' of the draft amendment, and so could only be considered by way of a substitute draft

amendment under s. 40N(1)(c)(i) of the Act. This would have to be publicly exhibited in accordance with s. 40P of the Act, the planning authority would need to prepare a new report under s. 40K of the Act, and a fresh hearing would inevitably be required, supported by fresh expert evidence.

- 2.4. It is submitted that such a direction should not be made unless there is good evidence presently available that the substituted draft amendment is *likely* to be appropriate, given that it is not something that was applied for by the parties, and will effectively result in a doubling (at least) of legal costs and expert's fees for all parties involved in this matter.
- 2.5. The evidence presently before the Commission in fact indicates the opposite – that a rezoning is almost certainly *inappropriate* for this site.
- 2.6. The possibility of applying the LBZ to this site was already considered and ruled out by both the proponent and the Council. Mr Walker's evidence was:

Rezoning the site to Local Business is not considered to be sound strategic planning on the basis that, whilst the zone would allow for the supermarket use, it would also allow the (potential) introduction of sensitive (and other potentially conflicting) uses within the Connector Park industrial precinct including residential (unqualified Discretionary use), Visitor Accommodation (unqualified Discretionary use) and schools (unqualified Permitted use). The SSQ is therefore a superior amendment mechanism to address the need for a convenience supermarket in this location without adversely impacting on adjoining and adjacent industrial activity.¹

- 2.7. Ms Welch similarly commented on this possibility, saying:

In the TPS, the Local Business Zone, 14.2 Use Table, would facilitate uses that would preferably not be located within an established industrial precinct, including residential and visitor accommodation. Sensitive Uses in the precinct would not be appropriate, as discussed previously they could require assessment in response to the Attenuation Code.²

- 2.8. The representor did not lead any evidence in respect of a rezoning, or seek to cross-examine the other parties' experts in relation to the appropriateness of a rezoning, because that was not the scheme amendment applied for and in light of the above comments from Mr Walker and Ms Welch, all parties appeared to agree that applying the LBZ to the site would not be appropriate.
- 2.9. If a rezoning were now to be seriously considered, procedural fairness necessitates re-exhibition, the opportunity to lead fresh evidence and the opportunity to be heard in a further Commission hearing. That ought to be weighed against the prejudice (by way of cost and time) to the parties involved in the amendment process until now, and the likelihood of the Commission actually approving a rezoning following a further hearing process.

¹ George Walker 10 February 2026 statement of evidence, at [3.2.2].

² Jen Welch 1 December 2025 statement of evidence, at p. 10.

3. The effect of rezoning to LBZ

- 3.1. Annexed to this submission is a preliminary comparison table prepared by Michelle Schleiger, which summarises the key similarities and distinctions between the Light Industrial Zone (**LIZ**) which currently applies to the site, and the LBZ.
- 3.2. The following differences are particularly significant in the context of this site, and weigh heavily against the application of the LBZ.

Residential & Visitor Accommodation uses

- 3.3. Residential use is currently prohibited in the LIZ, but is permitted in the LBZ if located either above ground floor level or to the rear of premises.³ In fact, 'encouraging' Residential Visitor Accommodation use to support the viability of activity centres is one of the zone purposes within the LBZ. Ms Schleiger notes that the subject site is large enough to accommodate multiple residences.
- 3.4. The risk of land use conflict between Residential use on this site and industrial uses elsewhere within the industrial precinct is high. Residential use is a sensitive use, and the introduction of a sensitive use into the existing industrial precinct is likely to significantly restrict the development of new industrial uses within the surrounding precinct. By virtue of cl. C9.5.1 of the scheme, activities with the potential to cause emissions are not permissible in proximity to sensitive uses, unless they are able to demonstrate compliance with the performance criterion P1.
- 3.5. Like Residential use, Visitor Accommodation uses are currently prohibited in the LIZ, but are permitted in the LBZ if located either above ground floor level or to the rear of premises. Visitor Accommodation may also be a sensitive use,⁴ and consequently trigger the provisions of the Attenuation Code.

Other permitted uses with high potential for land use conflict

- 3.6. Beyond Residential and Visitor Accommodation uses, there are several other types of use which are permitted or no permit required within the LBZ, and which are clearly unsuited to the area. Without attempting to be exhaustive, some notable examples include:
 - (a) Educational and Occasional Care – this is currently discretionary in the LIZ *if* for an employment training centre or alterations or extensions to existing Educational and Occasional Care, and is otherwise prohibited. It is permitted, without qualification, in the LBZ. Examples of this type of use include a childcare centre, kindergarten, primary school, or secondary school, among others. The introduction of such a use to the subject site would be highly undesirable, given:
 - (i) the examples just mentioned are almost certain to be sensitive uses (childcare centre is specifically listed as an example of a sensitive use in

³ If not located above ground floor level or to the rear of premises, Residential use is 'no permit required' if for a home-based business, and otherwise discretionary.

⁴ See *ACEN Robbins Island Pty Ltd v Circular Head Council* [2024] TASCAT 48 at [115]-[116].

Table 3.1 of the scheme), triggering the application of the Attenuation Code and thereby restricting new industrial uses within the industrial zone; and

(ii) such uses would inevitably draw more children into an industrial precinct. Given both traffic experts ultimately agreed that the road network around the subject site is unsafe for pedestrians and cyclists, increasing the presence of children in the area can only have negative – and potentially disastrous – consequences.

(b) Hotel Industry – this is currently prohibited in the LIZ, but is permitted, without qualification, in the LBZ. This use class encompasses the use of land to sell liquor for consumption on or off the premises, and examples include a hotel, bar or nightclub (among others). Again, given the traffic experts were agreed that this area is unsafe for pedestrians to travel, the potential introduction of greater numbers of *intoxicated* pedestrians can only make that situation worse.

(c) Community Meeting and Entertainment – this is currently discretionary in the LIZ, but is permitted in the LBZ. Ms Schleiger notes that there is a high risk of land use conflict between Community Meeting and Entertainment and surrounding industrial uses due to potential vehicle numbers and numbers of pedestrians.

3.7. Because these uses would be permitted in the LBZ, the planning authority would have little ability to prevent the introduction of such uses, no matter how undesirable they are on this site.

Subdivision/strata potential

3.8. Within the LBZ, subdivision is permissible (by way of acceptable solutions) down to a minimum lot size of only 200m². As Ms Schleiger notes, based on land area alone, that means the subject site could be subdivided into 22 lots. Vehicle access and other considerations may reduce that number, but there is clearly potential for this lot to be subdivided into a *cluster* of LBZ lots, if the LBZ were applied to the subject site.

3.9. Even without that potential for subdivision, acceptable solutions within the LBZ allow General Retail and Hire uses (which are ‘no permit required’ within the LBZ), if the gross floor area *per tenancy* is not more than 250m². Thus, applying the LBZ to this site would open the door for the future development of a multi-tenancy retail complex on this site, and not just a supermarket such as that currently proposed.

3.10. As a result, applying the LBZ to the subject site has significant potential to turn it into a new activity centre in a relatively short span of time, and without any strategic work having been done by the planning authority to plan for, or justify, such an outcome.

3.11. It was noted during the hearing that RAC-P4 within NTRLUS allows for the development of new neighbourhood and local centres. It does, but only “*where appropriate*”.

3.12. It is notable that both the council and the proponent sought to justify the proposed SSQ primarily on the basis that this area has in the past been developed in an ad hoc way, through individual development applications, and without any overall strategic

work or forward planning. For that reason, it was argued, the Council must now 'retrofit' a solution to the residential growth which has already occurred. However, the solution to that problem is not *more* ad hoc development undertaken on a site-by-site basis with potential for unintended consequences – it is investment in the kind of longer-term strategic planning which was apparently not done the first time around, and which has still not been done now.

- 3.13. There is an obvious theme to all the parts of NTRLUS which deal with the activity centre network, and it is that activity centres are not intended to come into being by accident. They must be planned, designed, integrated with essential infrastructure and strategically located to best serve the relevant community. Applying the LBZ to the subject site would undermine that purpose.

4. Assessment against the LPS criteria and section 8A guidelines

- 4.1. The representor has not had an opportunity to consult fully with his expert witnesses regarding the application of the LPS criteria to a rezoning of this site. If the Commission chooses to direct the planning authority to prepare a substitute amendment in those terms, then expert evidence regarding the LPS criteria would inevitably be led as part of that process.
- 4.2. Additionally, if the Commission were to consider a rezoning instead of an SSQ, the section 8A guidelines would have to be taken into account. These were also not the subject of evidence led during the hearing.
- 4.3. However, at this preliminary stage, the following comments can be made regarding the application of the LPS criteria and s. 8A guidelines to a rezoning in this case:
- 4.4. **First**, all of the representor's submissions in relation to the NTRLUS which were previously made in respect of the SSQ apply equally to a rezoning of this site. For instance, RAC-P9 would still be relevant, as would all NTRLUS policies targeted at protecting existing activity centres and encouraging safe and efficient pedestrian, cycling and public transport options.
- 4.5. **Second**, certain other NTRLUS policies may also become more relevant when considering a rezoning, compared to their relevance to the proposed SSQ. For example:
- (a) RAC-A2 provides that "*zoning and land use planning provisions are to minimise potential for decentralisation of functions outside of the Regional Activity Centres Network and reinforce the spatial hierarchy, role and function of centres*";
 - (b) RAC-A16 directs the planning authority (or in this case the Commission) to "*have regard to the location of activity centres relative to existing or proposed principal public transport corridors in the consideration of planning scheme amendments, including rezoning proposals, as appropriate*"; and
 - (c) RAC-P4 has been mentioned above in relation to the creation of new neighbourhood and local centres, "*where appropriate*".

4.6. These policies in NTRLUS are not *irrelevant* to the proposed SSQ, but they must assume a greater significance when considering a rezoning to LBZ given the range of uses that would allow and the potential it would create for the unplanned emergence of a new activity centre in this location.

4.7. **Finally**, s. 8A of the Act provides that the Commission, with the approval of the Minister, may issue guidelines to assist planning authorities in respect of the preparation of draft LPSs and draft amendments of LPSs, and the implementation and operation of the Tasmanian Planning Scheme. The Commission's zone application guidelines, issued under that section, are considered briefly below.

LBZ 1 The Local Business Zone should be applied to land within urban settlements which provides, or is intended to provide, for the business, commercial and community functions within:

(a) local shopping strips; or

(b) town centres for some smaller settlements.

4.8. Comment: the site is not intended to provide for the business, commercial and community functions within local shopping strips or town centres.

LBZ 2 The Local Business Zone may be applied to:...

(b) Local or Minor Centres and the Neighbourhood or Rural Town Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and...⁵

4.9. Comment: The subject site is not a local, minor, or neighbourhood centre. The planning authority has not indicated any intention for it to become such a centre, and no planning assessment has been done to support the merit or desirability of such an outcome.

LBZ 3 The Local Business Zone may be used for groups of local shops and businesses in existing residential areas where there is a strategic intention to maintain such uses, and the provisions of the surrounding residential zone are not appropriate.

4.10. Comment: As noted above, applying the LBZ to this site would pave the way for a group of local shops and businesses to be established, but neither the planning authority nor the proponent have indicated that that outcome is intended or desirable for this site. This is not a site within an existing residential area, and there is no strategic intention to create such an outcome on this site.

LBZ 4 The Local Business Zone should not be used for individual, isolated local shops or businesses within residential areas, unless:

⁵ Paragraphs (a) and (c) omitted as they are not relevant for present purposes.

- (a) *they are a use, or are of a scale, that is more appropriate for the Local Business Zone and there is an intention to maintain the use; or*
- (b) *there is a strategic intention to expand the existing retail or business area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

- 4.11. Comment: The proponent's intention with the proposed amendment is, apparently, to create an individual, isolated local shop. This is not a residential area, however the general intention evidenced by this guideline remains relevant.
- 4.12. There is no evidence indicating that the proposed supermarket is a use, or is of a scale, that is more appropriate for the LBZ – on the contrary, the proponent and the Council both led evidence that the LBZ would be an inappropriate way of enabling the proposed supermarket.
- 4.13. There is no mechanism which would ensure the proposed supermarket is actually developed even if a permit were granted, or to ensure that if it is developed, it is also maintained in the long term rather than the land being redeveloped for other purposes in future.
- 4.14. Additionally, there is no strategic intention to expand the existing retail or business area in this location, let alone any intention supported by more detailed local strategic analysis endorsed by the relevant council.

5. Permit Application

- 5.1. Finally, no detailed assessment of the proposed supermarket against the applicable standards of the LBZ has been undertaken as part of the process undertaken thus far. Ms Schleiger has included some preliminary comments in relation to that in her comparison table. In particular she has noted that the performance criterion in relation to retail impact would apply to the proposal, and requires an assessment of the degree to which the proposed supermarket would compromise or distort the activity centre hierarchy.
- 5.2. Ms Schleiger observes that this standard requires an assessment of the existing commercial or retail choice within “*the area*”, and the scheme does not define “*the area*” or the types of commercial or retail offerings which are to be taken into account (e.g. it is unclear whether existing bulky goods uses are to be included in the assessment of commercial choice when assessing a new general retail and hire use).
- 5.3. Again, it is not possible to properly consider the merit of the proposed supermarket against the applicable standards of the LBZ by way of written submissions. The parties would need an opportunity to properly consider the proposal, tender expert evidence, and cross-examine the relevant witnesses, for this matter to be properly assessed.
- 5.4. However, for the reasons detailed above, the representor submits that there are enough factors clearly weighing against the application of the LBZ to this site, that it is unnecessary for the TPC to continue further down that line of inquiry.

6. Conclusion

- 6.1. For those reasons, the representor submits that the possibility of rezoning the site LBZ raises significant new issues and does not warrant further consideration by the Commission at this point in time. The suggested rezoning:
- (a) has already been considered by the proponent's and council's experts, and their conclusion was that such a rezoning was inappropriate;
 - (b) is not supported by the kind of strategic analysis necessary to make such a significant change to the area, particularly given the risk that rezoning would result in the emergence of a new activity centre in this location without any strategic planning to indicate that that is an acceptable or desirable outcome;
 - (c) gives rise to new and very significant issues of land use conflict within an established industrial precinct, and risks introducing permitted uses to this site which are completely inappropriate for the surrounding industrial area and road environment.
- 6.2. The result is that even if the Commission went down the (costly and time-consuming) path of directing the planning authority to prepare a substitute amendment in these terms, it is extremely doubtful that the Commission would ultimately be in a position to actually approve such an amendment.

Dated 15 June 2026

Catherine Scott
Counsel for the Representor

&

Mea Quartararo
Solicitor for the Representor

June 2026

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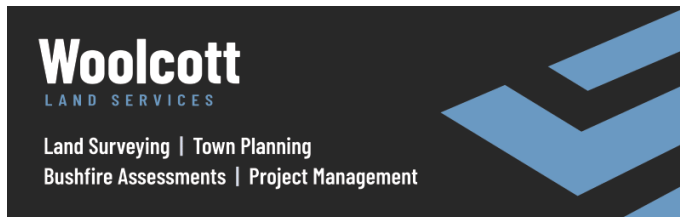
Reviewed by

Please find a comparative table of zones on the following pages showing the Light Industrial Zone and the Local Business Zone.

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Light Industrial Zone Zone Purpose	Local Business Zone Zone Purpose	Comparison
To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.	To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.	Both zones primarily provide for commercial or business type uses but the sector focuses are different and entail different activities.
To provide for use or development that supports and does not adversely impact on industrial activity.	To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.	The LIZ focus is to maintain the use of the land for industrial purposes. The focus for the LBZ is to maintain the activity centre hierarchy. Given the attention paid to the activity centre hierarchy, the purpose of the LBZ is pertinent.
	To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.	The encouragement of activity at pedestrian levels should be questioned in particular regard to the road setting of the site.
	To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.	The encouragement of residential and visitor accommodation to the site should be questioned given that the neighbouring sites are for light industry. There is no guideline to direct the LIZ to be near residential use and development, but the LBZ should be applied to land within urban settlements, indicating that the LBZ is intended to have some level of compatibility with residential use and development.
No Permit Required	No Permit required	Comparison
	Business and Professional Services	No crossover of use
	Food Services	Discretionary in the LIZ
	General Retail and Hire	Discretionary in the LIZ and qualified to existing development only – no new discrete development.
Natural and Cultural Values Management Passive Recreation	Natural and Cultural Values Management Passive Recreation	
	Residential <i>If for home-based business.</i>	Residential use in the LIZ can only occur only if shown as subservient to another allowable use.
Utilities	Utilities <i>If for minor utilities.</i>	
Permitted	Permitted	
	Bulky Goods Sales	Discretionary and qualified in LIZ
	Community Meeting and Entertainment	Discretionary in LIZ – potential high risk of land use conflict due to potential vehicle numbers and pedestrians.
	Educational and Occasional Care	This could allow such uses as a childcare centre on the site which could exacerbate vehicle and pedestrian use to the site. The use is discretionary and qualified in the LIZ to be associated with employment training. As an unqualified use, there is a high risk of land use conflict due to vehicle movements and nature of the use being for young people.
Emergency Services	Emergency Services	
Equipment and Machinery Sales and Hire		
	Hotel Industry	Hotel Industry is permitted in the LBZ and prohibited in the LIZ. The potential for this use and development as a permitted use on the site would bring many of the issues already discussed related to traffic and

		land use conflict. There is a high risk of land use conflict at the site due to these factors. If the use included overnight accommodation, nearby uses with nuisance factors (such as noise) and use of the access road, may cause conflict. Examples given for Hotel Industry are: a hotel, bar, nightclub, adult entertainment venue and tavern.
Manufacturing and Processing		Manufacturing and processing is permitted under the current zone and could be a neighbouring use and development to the subject site. This could bring noise or other nuisance factors that require distance to sensitive uses. The ability to undertake manufacturing and processing without potential complaint from sensitive uses could be compromised. See Comment for Attenuation Code.
Port and Shipping	Pleasure Boat Facility <i>If for a boat ramp.</i>	
Recycling and Waste Disposal <i>If for a container refund facility</i>		Recycling and waste disposal usually needs a large site and distance to sensitive uses. The activity can be very noisy and unpleasant.
Research and Development	Research and Development	
	Residential If: a. located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and b. not listed as No Permit Required.	A residence is permitted in the zone if built to the rear of a premises, or as a second storey. The site is sizeable and could accommodate more than one residence, either as a second floor, or by sacrificing car parking to the rear of the supermarket building. Further, if the supermarket was not developed, or demolished in the future, the lot could be developed to more intense residential use as permitted, under the right development circumstances.
Service Industry Storage		See Comment for Attenuation Code.
		Depending on the type of Storage, this can be compatible, but the use is not qualified, so can also include heavy vehicle haulage at all hours. Medium risk of land use conflict due to traffic.
Transport Depot and Distribution		As above, can include heavy vehicle haulage and at all hours. Medium risk of land use conflict due to traffic.
Vehicle Fuel Sales and Service		
	Visitor Accommodation <i>If located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises.</i>	As with residential use, Visitor Accommodation may be built and could be built together with the supermarket building. Depending on the nature of the use and open times etc, nuisance factors such as odour, light spill and noise can create land use conflict.
Discretionary		
Bulky Goods Sales <i>If for:</i>		

a. a supplier for Extractive Industry, Resource Development or Resource Processing; b. a garden and landscaping materials, trade or hardware supplier; or c. a timber yard.		
Community Meeting and Entertainment		
Crematoria and Cemeteries		The attenuation buffer is 300m under C9.0 Attenuation Code.
Domestic Animal Breeding, Boarding or Training		The attenuation buffer is 300m under C9.0 Attenuation Code.
Educational and Occasional Care		
If for: a. an employment training centre; or b. alterations or extensions to existing Educational and Occasional Care.		
	Equipment and Machinery Sales and Hire	Permitted in LIZ
Food Services		No permit required in LBZ
General Retail and Hire		
If for alterations or extensions to existing General Retail and Hire.		
	Manufacturing and Processing	Permitted in LIZ
Recycling and Waste Disposal		Depending on the nature of development, this can be a noisy use, and can cause high levels of nuisance to sensitive uses. Attenuation distances are dependent on the type of activity undertaken but can be up to 500m.
If for a: a. scrap yard; or b. waste transfer station, if not a container refund facility.		
	Residential	Although discretionary, residential use is achievable in the zone if not to the rear or second floor of a premises.
Resource Processing	Resource Processing	
	If for food or beverage production.	
	Service Industry	Permitted in the LIZ
Sports and Recreation	Sports and Recreation	
	Storage	Permitted in the LIZ
	Tourist Operation	Depending on the nature of development, this could represent a high level of land use conflict, although examples given are unlikely to occur on this site.
	Transport Depot and Distribution	This is permitted in the LIZ.
	If for:	As a discretionary use it would not be achievable as it would be the only lot in the zone, unless it was for a public transport facility.
	a. a public transport facility; or	
	b. distribution of goods to or from land within the zone.	
Utilities	Utilities	
	If not listed as No Permit Required.	
	Vehicle Fuel Sales and Service	Permitted in the LIZ
Vehicle Parking	Vehicle Parking	

	Visitor Accommodation <i>If not listed as Permitted.</i>	Depending on the volume of rooms, this could attract a high level of land use conflict. Apart from traffic, visitor accommodation can also generate high levels of pedestrian traffic as visitors may not have personal vehicles. As there is no public transport to the site, this could lead to undue pedestrian activity within the area.
Prohibited All other uses	Prohibited All other uses	
		Although there is some crossover, the Permitted uses in the LIZ generally become Discretionary in the LBZ, but the LBZ can provide for residential use, visitor accommodation and Hotel Industry. Arguably, providing accommodation where there is an employment node is merited and allows for several conveniences and efficiencies, but the site is already well located in proximity to residential and accommodation use and development. Allowing these sensitive uses on the site would bring greater land use conflict in terms of vehicle and pedestrian movements, and residential amenity could not be protected within reason if industrial uses are allowed to continue <i>as of right</i> in the neighbouring zone.
Use Standards	Use Standards	Comparison
All Uses	All uses	
Acceptable solutions	Acceptable solutions	
Hours of operation within 50m of a residential zone 7am – 9pm Mon-Sat 8am-9pm Sunday	Hours of operation within 50m of a residential zone 7am – 9pm Mon-Sat 8am-9pm Sunday	Use standards are comparable and generally aim to protect any nearby residential uses.
External lighting within 50m of a residential zone must not operate within the hours: 11pm – 6am And security lighting must be baffled from direct light to an adjoining residential property.	External lighting within 50m of a residential zone must not operate within the hours: 11pm – 6am And security lighting must be baffled from direct light to an adjoining residential property.	
Commercial vehicle movements to a site within 50m of a residential zone confined to 7am – 9pm Mon-Sat 8am-9pm Sunday	Commercial vehicle movements to a site within 50m of a residential zone confined to 7am – 9pm Mon-Sat 8am-9pm Sunday	
Discretionary Uses	Discretionary Uses	
Performance criteria only	Performance criteria only	
A use listed as Discretionary must not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off site impacts, having regard to: a. the characteristics of the site; b. the size and scale of the proposed use; and c. the function of the industrial area.	A use listed as Discretionary must: a. not cause an unreasonable loss of amenity to properties in adjoining residential zones; and b. be of an intensity that respects the character of the area.	The LIZ aims to protect the use of the land and surrounding land for industrial activities. The LBZ aims to protect residential amenity and be of a compatible intensity.

	Retail impact	
	Acceptable solution	
	The gross floor area for Bulky Goods Sales and General Retail and Hire uses must be not more than 250m ² per tenancy.	The supermarket included to the application is greater in area than 250m ² and the Performance criteria would apply.
	Performance criteria	
	Bulky Goods Sales and General Retail and Hire uses must not compromise or distort the activity centre hierarchy, having regard to: a. the degree to which the proposed use improves and broadens the commercial or retail choice with the area; b. the extent that the proposed use impacts on other activity centres; and c. any relevant local area objectives contained within the relevant Local Provisions Schedule.	The commercial and retail choice in the area would be improved (if the supermarket is developed), however, questions arise over what is 'the area' and do the existing bulky goods establishments become a part of that area? Does this then compound on the degree to the area distorting the activity centre hierarchy?
Development Standards for Buildings and Works	Development Standards for Buildings and Works	
Building height	Building height	
Acceptable solutions	Acceptable solutions	
Building height must be not more than 10m.	Building height must be not more than 9m.	Standards for building height are comparable.
Building height: a. within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or b. within 10m of an Inner Residential Zone must be not more than 9.5m.		
Setbacks	Setbacks	
Buildings must have a setback from a frontage of: a. not less than 5.5m; b. not less than existing buildings on the site; or c. not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	Buildings must be: a. built to the frontage at ground level; or b. have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	Standards for setbacks are reasonably comparable, however buildings in the LBZ are encouraged to have no setbacks and promote interaction between the public realm and the premises. This would not be ideal in the setting where the roads are for through traffic and heavy vehicles.
Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone of not less than: a. 4m; or b. half the wall height of the building, whichever is the greater.	Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, of not less than: a. 4m; or b. half the wall height of the building, whichever is the greater.	
Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance	Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than	

of not less than 10m from a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone	10m from a General Residential Zone, Inner Residential Zone or Low Density Residential Zone.	
Fencing	Fencing	
Performance criteria	Performance criteria	
Common boundary fences with a property in a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Village Zone must not cause an unreasonable loss of residential amenity, having regard to: a. their height, design, location and extent; and b. the proposed materials and construction.	A fence (including a free-standing wall) within 4.5m of a frontage must contribute positively to the streetscape, having regard to: a. its height, design, location and extent; b. its degree of transparency; and c. the proposed materials and construction.	
	Common boundary fences with a property in a General Residential Zone, Inner Residential Zone or Low Density Zone, if not within 4.5m of a frontage, must: a. have a height above existing ground level of not more than 2.1m; and b. not contain barbed wire.	
Outdoor storage areas	Outdoor storage areas	
Acceptable solution	Acceptable solution	
Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.	Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.	
Landscaping		
Acceptable solution		
If a building is set back from a road, landscaping treatment must be provided along the frontage of the site: a. to a depth of not less than 5.5m; or b. not less than the frontage of an existing building if it is a lesser distance.		A development in the LBZ would not be made to landscape the frontage.
	Dwellings	
	Acceptable solution	
	A dwelling must have private open space that has an area not less than: a. 24m² with a minimum horizontal dimension of not less than 4m; or b. 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.	Dwellings are allowed in the LBZ. There are no standards for density, overshadowing or privacy/overlooking from multiple dwellings and vehicle access. The subject site is 4416m² which would allow for several family sized homes, or high density residential development types, such as apartments.

		Residential is permitted if to the rear of a premises or above ground floor. The zoning could allow for multiple tenancies (retail etc.) on the site with second storey dwellings or dwellings to the rear of the site, as a mixed use scenario. While this represents excellent land use efficiencies in urban areas, the development potential would bring a high level of vehicle movements to the site and residential amenity would be compromised due to the neighbouring zones, (heavy vehicle use at all times and as-of-right) and proximity to the major road (Midland Highway). In the event that the supermarket is developed under this zone, the site would allow for other tenancies to be developed under lease or strata arrangement, further increasing urban activity to the site.
	Each dwelling must be provided with a dedicated and secure storage space of not less than 6m ³ .	
Development Standards for Subdivision	Development Standards for Subdivision	
Lot design	Lot design	
Acceptable Solutions	Acceptable Solutions	
Each lot, or a lot proposed in a plan of subdivision, must: a) have an area of not less than 1,000m² and: i. be able to contain a minimum area of 15m x 20m clear of: a. all setbacks required by Clause 18.4.2 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and ii. existing buildings are consistent with the setback required by Clause 18.4.2 A1 and A2	Each lot, or a lot proposed in a plan of subdivision, must: a) have an area of not less than 200m² and: i. be able to contain a minimum area of 10m x 12m clear of: a. all setbacks required by clause 14.4.2 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and ii. existing buildings are consistent with the setback required by clause 14.4.2 A1 and A2;	Under the LBZ, lots of 200m² could be made. This is the standard applied to the Inner Residential Zone. The lot is 4416m² and based on land area alone could allow 22 lots, however, appropriate vehicle access and servicing may not allow for this but the land could be further developed under the zone, and any allowable use applied for.
		The LBZ is generally applied to allow local needs and services to be provided in proximity to residential areas, for convenience and to allow residents to access these needs on foot, or without a great deal of travel. The LBZ allows for a blend of residential and commercial uses, at scales that allow harmony between uses. That is, shops are generally smaller in scale and generate activity compatible with residential areas. The development potential afforded by the zone on this site is significant. If subdivided, multiple lots could be created, with the dependencies being on vehicle access and service connection. If not subdivided, multiple tenancies and residential development could be developed with shared access and service connections, and a lease or strata arrangement. There would be no need for any development to have regard to the LIZ, as there is no provision for this in the purpose of the zone or in any standards.

C9.0 Attenuation Code		Comment
Sensitive use within an attenuation area	Sensitive use within an attenuation area, must not interfere with or constrain an existing activity listed in Tables C9.1 or C9.2, having regard to: a) the nature of the activity with potential to cause emissions including: i. operational characteristics of the activity; ii. scale and intensity of the activity; and iii. degree of hazard or pollution that may be emitted from the activity; b) the nature of the sensitive use; c) the extent of encroachment by the sensitive use into the attenuation area; d) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity; e) any advice from the Director, Environment Protection Authority; and f) any advice from the Director of Mines.	Within the LIZ, uses with attenuation areas may be developed. They may not be existing at the time of a development application on the site at 10 Dolerite Drive, but if sensitive use was to occur on this site, future uses in the LIZ may be curtailed, or create a level of conflict due to the permitted status of a given development or for a discretionary use, which may also be affected by an attenuation buffer to a sensitive use. Attenuation distances for the following examples of listed activities, and the use class they may fall under, include: ▪ Abrasive blasting – 100m (potentially part of Manufacturing and processing – Permitted) ▪ Bakery – 200m ▪ Beverage production (non-alcoholic) – 300m ▪ Brewery or distillery – 200m ▪ Ceramic Works – 300m (potentially part of Manufacturing and processing – Permitted) ▪ Cidery – 300m or 500m (Resource Processing – Discretionary) ▪ Crematoria – 300m (Discretionary in the LIZ) ▪ Fibreglass manufacture – 300m (Manufacturing and processing – Permitted) ▪ Joinery – 200m (Manufacturing and processing – Permitted) ▪ Motor bodyworks – 100m (Service Industry) ▪ Pre-mix bitumen plant – 500m (Manufacturing and processing) (Assuming not Level 2 which would be 1000m). ▪ Surface coating – 300m (Service Industry) ▪ Textile bleaching and dying – 500m (Manufacturing and processing) Existing residential development at the north of the LIZ area will already curtail some types of development. Sensitive use at the south of the LIZ, and within the industrial park, will further inhibit the use of the LIZ land.