

# TASMANIAN PLANNING COMMISSION



## DECISION

<b>Planning scheme</b>	Tasmanian Planning Scheme - Latrobe
<b>Amendment</b>	9-2023 - LAT-P5.0 Particular Purpose Zone - Devonport Airport
<b>Planning authority</b>	Latrobe Council
<b>Date of decision</b>	21 March 2024

## Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.

Claire Hynes  
**Delegate (Chair)**

Dianne Cowen  
**Delegate**

## REASONS FOR DECISION

### Background

On 16 March 2023, the Commission decided to modify the draft Latrobe Local Provisions Schedule (draft LPS). The Latrobe LPS (as modified) became effective on 10 May 2023.

As part of the decision, the Commission found that the draft LPS required substantial modification and accordingly, under section 35KB of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directed the planning authority to prepare a series of draft amendments to the Latrobe LPS and to submit the draft amendments to the Commission after the LPS came into effect.

The subject draft amendment is one of nine draft amendments to the Latrobe LPS prepared in response to the Commission's direction.

The Latrobe planning authority has publicly exhibited the draft amendment in accordance with section 40G of the Act and provided the Commission with its section 40K report.

### Amendment

The amendment proposed to insert LAT-P5.0 Particular Purpose Zone – Devonport Airport (PPZ) into the written LPS and apply the particular purpose zone and the defined terms overlay to land at 13 Airport Road, Wesley Vale.

As part of the Commission's decision dated 16 March 2023, it found that the draft LPS required substantial modification and accordingly, under section 35KB of the Act, the Commission directed the planning authority to prepare a draft amendment to the Latrobe LPS and to submit the draft amendment to the Commission after the LPS came into effect.

The subject draft amendment is one of nine draft amendments to the Latrobe LPS prepared in response to the Commission's direction. The Latrobe planning authority has publicly exhibited the draft amendment in accordance with section 40G and provided the Commission with its section 40K report.

### Site information

The property is a 308ha lot owned by Tas Ports and operates as the Devonport Airport. The Utilities Zone applies to most of the land, except for the southwest corner which is in the Light Industrial Zone.

### Issues raised in representations

One representation was received in support of the draft amendment.

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response TasWater advised it had no written representation to submit and noted it had no objection or proposed changes to the draft amendment.

### Planning authority's response to the representations

The planning authority considered the representation and recommended no modifications in response to the representation.

However, the planning authority recommended that the defined term 'primary public access' be modified to enable consideration for any future changes to the location of the public access. The planning authority also noted a typographical error in LAT-P5.6.4 – Objective (c) with a superfluous "and".

## Date and place of hearing

The hearing was held at Latrobe Council Chambers at 170 Gilbert Street, Latrobe on 21 February 2024.

## Appearances at the hearing

Planning authority: Jo Oliver, Terra Firma Town Planning for Latrobe Council

Representors: Fraser Read, TasPorts, Teena Guest, TasPorts.

## Consideration of the draft amendment

### Statutory requirements

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report, any information obtained at a hearing, and any technical matters.
2. A hearing was convened to assist the Commission consider the issues.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
  - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
  - (b) is in accordance with section 32; and
  - (c) furthers the objectives set out in Schedule 1; and
  - (d) is consistent with each State policy; and
  - (da) satisfies the relevant criteria in relation to the TPPs; and
  - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
  - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
  - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;
  - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.
4. Under section 32(4) of the Act, an LPS may only include a particular purpose zone (PPZ) if:
  - (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
  - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.
5. In its decision on the draft LPS the Commission accepted the evidence provided at the time by the planning authority and TasPorts and determined that the PPZ met section 32(4)(b) of the

Act. The Commission's decision acknowledged the Devonport Airport as an established major transport link to the mainland.

### **Editorial changes to the PPZ**

6. In the section 40K report, the planning authority recommended modification to the defined term 'primary public access' and, other minor editorial changes in the PPZ.
7. At the hearing, the planning authority and Mr Fraser Read for TasPorts agreed the defined term 'primary public access' was restrictive to future changes of location of the public access, particularly as it was shown as a mapped overlay. The planning authority suggested changes to the wording of the defined term to enable the inclusion of future public access.
8. Mr Read agreed and suggested the word public be included in any future rewording of the defined term to aid clarification.
9. At the hearing, Mr Read confirmed future public access alternatives were included in the airport masterplan. Mr Read also raised an issue with drafting of specific clauses and requested the removal of a superfluous 'and' from clause LAT-P5.6.4 in line with the suggestion made by the planning authority, and the addition of '...(e) the safe and efficient operation of the airport' to clause LAT-P5.7.1 to enable consideration under the performance criteria.
10. At the hearing, the planning authority agreed with the proposed change to LAT-P5.7.1.

### **Commission consideration**

11. The Commission finds the submitted revision to the definition of 'primary public access' is appropriate and accepts this will allow for consideration of future changes to the location of the public access.
12. The Commission agrees with the planning authority and Mr Read that the 'and' in clause LAT-P5.6.4 is not necessary and its deletion will improve interpretation of the objective.
13. The Commission acknowledges the PPZ does not provide for consideration of the operation of the airport within the applicable subdivision standards. Given the importance of the airport to the area, it is considered reasonable to make every effort to ensure it's safe and efficient operation is not fettered by adjoining land use. Accordingly, the Commission is persuaded that the insertion of the words 'the safe and efficient operation of the airport' to clause P5.7.1 is warranted.
14. The Commission notes that the above mentioned minor editorial changes do not alter policy intent of the PPZ and further clarify the operation of provisions.
15. With consideration of the submitted evidence, the Commission is satisfied that the PPZ in this draft amendment is consistent with the LPS criteria at section 34(2)(b) of the Act. The airport is a major transport link to the mainland and the land has established use and development that contributes economically to the surrounding area through the transfer of people and freight to and from the State. The Commission accepts the PPZ is appropriate because customized planning provisions are necessary to manage the local and unique circumstances of use and development at Devonport Airport.
16. The Commission is also satisfied that application of the PPZ to the subject land is consistent with Guideline No. 1.
17. In its decision on the Latrobe LPS, the Commission considered that the modification was a substantial modification as there may be a public interest. The Commission considers that exhibition of the draft amendment has given sufficient opportunity for any matters of public interest to be raised.

### **Modifications required to draft amendment**

18. Under section 40M of the Act, the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
19. As discussed above the draft amendment is modified as follows:
  1. At clause LAT-P5.3.1, amend the definition of primary public access, to insert the words 'or any new public entry and exit to the Devonport Airport' after 'Figure LAT-P5.1',
  2. At clause LAT-P5.6.4 - objective (c), delete 'and' before the words 'is designed to enhance'; and
  3. At clause LAT-P5.7 P1, insert '(e) the safe and efficient operation of the airport.'

### **Decision on draft amendment**

20. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

### **Attachment**

Annexure A - Modified amendment

## **Annexure A**

Modified amendment AM-LAT-3-2023, Tasmanian Planning Scheme - Latrobe

1. Insert LAT-P5.0 Particular Purpose Zone - Devonport Airport, as follows:

### **LAT-P5.0 Particular Purpose Zone - Devonport Airport**

#### **LAT-P5.1 Zone Purpose**

The purpose of the Particular Purpose Zone - Devonport Airport is:

- LAT-P5.1.1 To provide for aviation, passenger transport, freight, emergency services, utilities and tourism activities directly associated with the Devonport Airport.
- LAT-P5.1.2 To provide for use and development related to aviation industry training.
- LAT-P5.1.3 To provide for use and development that is compatible with, supports, relies on, or enhances the function of the airport as a regional facility for air freight and passenger transport, that does not compromise the role and function of any surrounding Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial and General Industrial zones in the Devonport and Latrobe municipalities.
- LAT-P5.1.4 To provide for use and development that does not adversely impact the operation of the airport.
- LAT-P5.1.5 To provide for use and development of the land that promotes a high level of visual amenity when viewed from the primary public access and surrounding public roads.

#### **LAT-P5.2 Local Area Objectives**

This sub-clause is not used in this particular purpose zone.

#### **LAT-P5.3 Definition of Terms**

- LAT-P5.3.1 In this Particular Purpose Zone, unless the contrary intention appears:

<b>Terms</b>	<b>Definition</b>
primary public access	means the road or the extent of a constructed vehicular access that serves as the public entry and exit to the Devonport Airport and extends to the terminal building and to the entry and exit points of the car parking areas and shown on an overlay map and in Figure LAT-P5.1 or any new public entry and exit to the Devonport Airport.

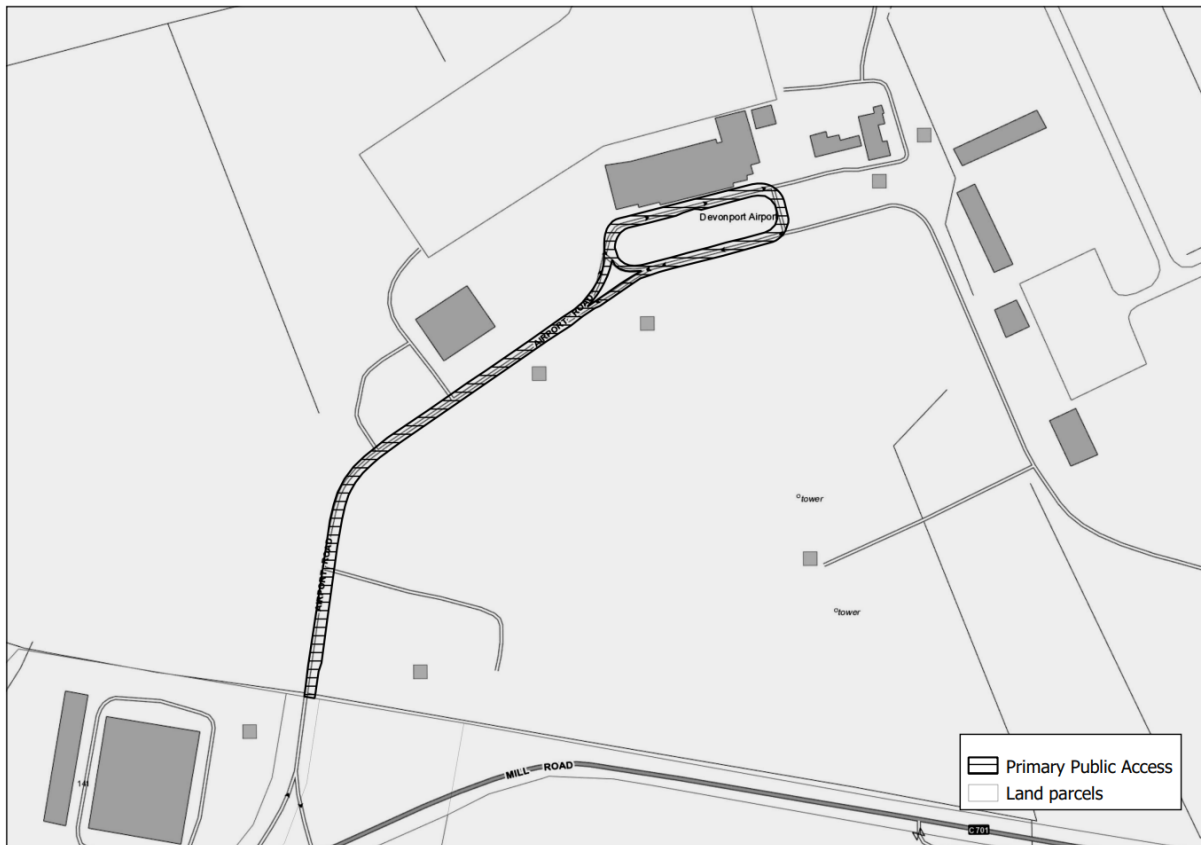


Figure LAT-P5.1 Primary public access as required by clause LAT-P5.6.1 P1, clause LAT-P5.6.2 A1/P1, clause LAT-P5.6.3 A1, clause LAT-P5.6.4 A1/P1

#### LAT-P5.4 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
<b>Permitted</b>	
Bulky Goods Sales	If for motor vehicle sales associated with car hire.
Emergency Services	
Storage	

Use Class	Qualification
Transport Depot and Distribution	
Utilities	If not listed as No Permit Required.
Vehicle Parking	
<b>Discretionary</b>	
Educational and Occasional Care	
Food Services	
General Retail and Hire	
Manufacturing and Processing	
Recycling and Waste Disposal	
Resource Processing	
Service Industry	
Tourist Operation	If for a visitor centre.
Vehicle Fuel Sales and Service	
Visitor Accommodation	
<b>Prohibited</b>	
All other uses	

## LAT-P5.5 Use Standards

### LAT-P5.5.1 All uses

Objective:	That external lighting does not impact on the safety and operation of the airport.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>



<b>A1</b> External lighting for a use must be aligned or baffled so that direct light is not visible to approaching aircraft and does not extend into the operational areas of the airport, unless for the specific provision of aviation light signals required to direct aircraft.	<b>P1</b> No Performance Criterion.
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LAT-P5.5.2 Discretionary uses

Objective:	That discretionary uses support the purpose of the zone.
Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> A use listed as Discretionary, must support the purpose of the zone, having regard to: <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the size and scale of the proposed use;</li> <li>(c) the impact of the use on the operation of the airport;</li> <li>(d) association the use has with, and degree of support it would give to, the primary air freight handling, logistics, tourism and servicing activities of the airport;</li> <li>(e) the extent that the proposed use would support increased product and commodity export through the airport; and</li> <li>(f) whether the use is more appropriately located in other business or industrial precincts in the Devonport or Latrobe municipalities.</li> </ul>

**LAT-P5.6 Development Standards for Buildings and Works**

LAT-P5.6.1 Building height

Objective:	That building height: <ul style="list-style-type: none"> <li>(a) is necessary for the operation of the use; and</li> <li>(b) is compatible with the presentation of the airport site as viewed from the primary public access and surrounding public roads.</li> </ul>
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>Building height must be not more than:</p> <p>(a) 10m; or</p> <p>(b) 15m if for a structure, such as a tower, pole or similar.</p>	<p><b>P1</b></p> <p>Building height must be necessary for the operation of the use and must not be out of character with existing infrastructure and buildings on the site when viewed from the primary public access and surrounding public roads, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the visual character of the area;</p> <p>(c) the topography of the site;</p> <p>(d) the visibility of the building from adjoining roads and public spaces; and</p> <p>(e) any existing or proposed screening by vegetation or other measures.</p>
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LAT-P5.6.2 Setbacks

Objective:	That the siting of buildings:
	<p>(a) minimises potential conflict with use on adjoining sites; and</p> <p>(b) provides an area for landscaping along public roads and the primary public access to promote a high level of visual amenity.</p>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Buildings, excluding light poles, must have a setback from:</p> <p>(a) the frontage to Mill Road of not less than 15m; and</p> <p>(b) the primary public access of not less than 10m.</p>	<p><b>P1</b></p> <p>Buildings must have a setback from the frontage to Mill Road and the primary public access that provides adequate space for landscaping and vehicle access and parking, having regard to:</p> <p>(a) the design and presentation of the development, including the provision of vehicle access and parking;</p> <p>(b) retention of existing vegetation or proposed landscaping;</p> <p>(c) the setback of buildings on adjoining properties; and</p> <p>(d) the safety of road users.</p>
<p><b>A2</b></p> <p>Buildings, excluding structures for communications and light poles, must have a</p>	<p><b>P2</b></p> <p>Buildings must be sited to provide for adequate vehicle access and must not conflict or interfere with adjoining uses, having regard to:</p>

setback from side or rear boundaries of not less than: (a) 5m; or (b) an existing building on the site that fronts the same boundary.	(a) the topography of the site; (b) the size, shape and orientation of the site; (c) the setback of existing buildings on adjoining properties; (d) the bulk and form of proposed buildings; and (e) vehicle access and circulation requirements.
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LAT-P5.6.3 Outdoor storage

Objective:	That outdoor storage areas do not detract from the appearance of the site when viewed from any road adjoining the site or the primary public access.
Acceptable Solutions	Performance Criteria
<b>A1</b> Outdoor storage areas, excluding any goods for sale, must not be visible from any road adjoining the site or the primary public access.	<b>P1</b> Outdoor storage areas, excluding any goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.

LAT-P5.6.4 Access presentation and landscaping

Objective:	That: (a) the primary public access to the airport is presented and landscaped to provide visual amenity and enhancement of the streetscape or vehicular access; (b) the frontage along Mill Road is landscaped to provide visual amenity and enhancement of the streetscape; and (c) development that takes access from, or has a boundary shared with the primary public access is designed to enhance the visual amenity of the primary public access.
Acceptable Solutions	Performance Criteria
<b>A1</b> Landscaping must be provided to a depth of not less than 15m along the frontage to Mill Road and 10m from the primary public access that: (a) includes a contiguous line of a species of tree known to grow to a minimum height of 12m; and	<b>P1</b> Landscaping must be provided along the frontage to Mill Road and adjoining the primary public access to enhance the appearance of the site, having regard to: (a) the movement of vehicles and pedestrians; (b) the safety of junctions, driveways and footpaths;

<p>(b) includes not less than 20% of the area planted with shrubs, except areas developed with buildings and vehicle access.</p>	<p>(c) the requirements for infrastructure and services;</p> <p>(d) the degree of visibility of the frontage and primary public access from public roads and access points;</p> <p>(e) the need for visibility for commercial uses; and</p> <p>(f) signage requirements.</p>
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## **LAT-P5.7 Development Standards for Subdivision**

### **LAT-P5.7.1 Subdivision**

Objective:	<p>That each lot:</p> <p>(a) has an area and dimensions appropriate for use and development supported by the zone purpose; and</p> <p>(b) is provided with appropriate frontage to a road.</p>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities; or</p> <p>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</p>	<p><b>P1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the location of existing buildings and the location of intended buildings on the lot;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards; and</p> <p>(e) the safe and efficient operation of the airport.</p>
<p><b>A2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must have a frontage, or legal connection to a road by a right of carriageway, of not less than 20m.</p>	<p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p>

	<ul style="list-style-type: none"> <li>(b) the topography of the site;</li> <li>(c) the functionality and useability of the frontage;</li> <li>(d) the anticipated nature of vehicles likely to access the site;</li> <li>(e) the ability to manoeuvre vehicles on the site; and</li> <li>(f) the ability for emergency services to access the site.</li> </ul>
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the distance between the lot or building area and the carriageway;</li> <li>(c) the nature of the road and the traffic; and</li> <li>(d) the pattern of development existing on established properties in the area.</li> </ul>

LAT-P5.7.2 Services

Objective:	That the subdivision of land provides services for the future use and development of the land.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <ul style="list-style-type: none"> <li>(a) be connected to a full water supply if the frontage of the lot is within 30m of a full water supply service; or</li> <li>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a connection to a limited water supply service,</li> </ul> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p><b>P1</b></p> <p>No Performance Criterion.</p>

<p><b>A2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating or connecting to an on-site wastewater treatment system adequate for the future use and development of the land.</p>
<p><b>A3</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p><b>P3</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of providing an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size of the lot;</li> <li>(b) topography of the site;</li> <li>(c) soil conditions;</li> <li>(d) any existing buildings on the site;</li> <li>(e) any area of the site covered by impervious surface; and</li> <li>(f) any watercourse on the land.</li> </ul>

#### **LAT-P5.8 Tables**

This sub-clause is not used in this particular purpose zone.

2. Apply LAT-P5.0 Particular Purpose Zone - Devonport Airport to land at 13 Airport Road, Wesley Vale, as shown in figure 1 below:

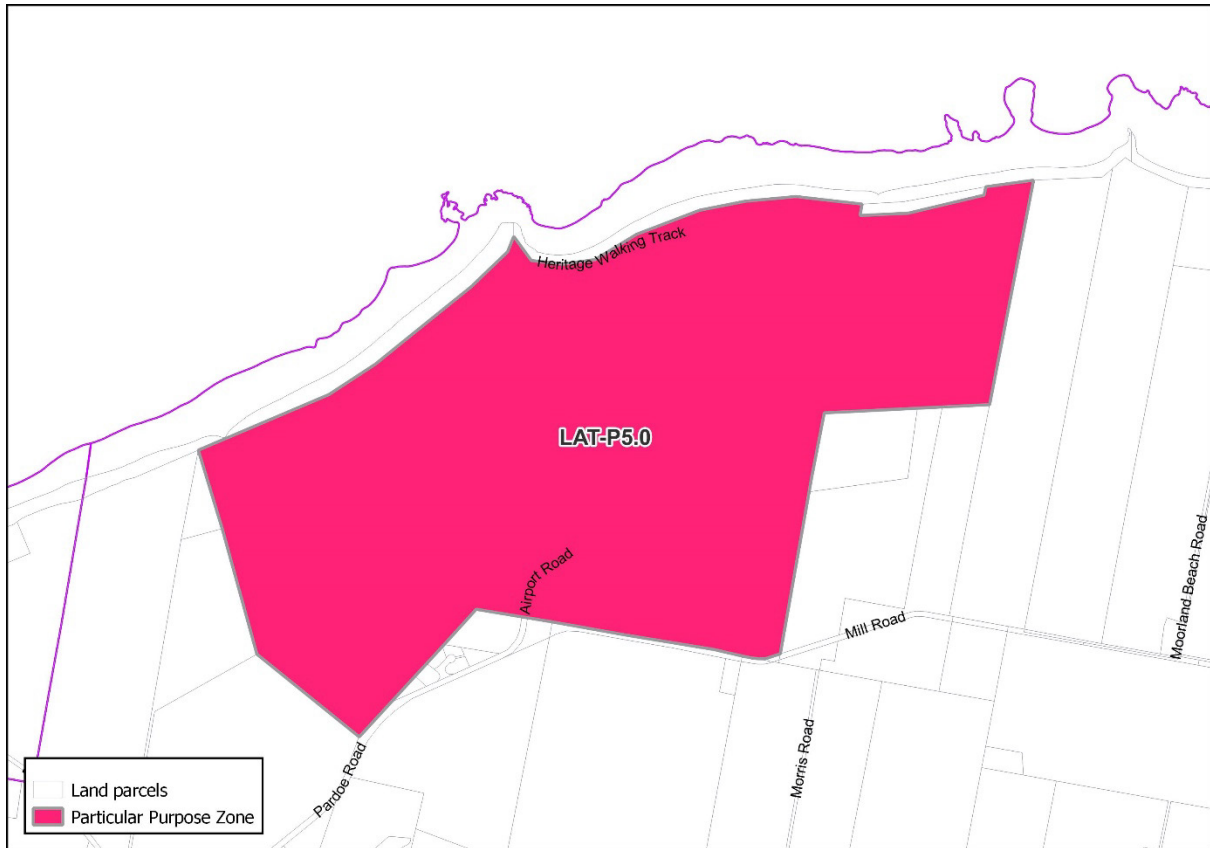


Figure 1 - Application of LAT-P5.0 Particular Purpose Zone - Devonport Airport at 13 Airport Road, Wesley Vale

3. Apply the Defined terms overlay to land at 13 Airport Road, Wesley Vale, as shown in figure 2 below:

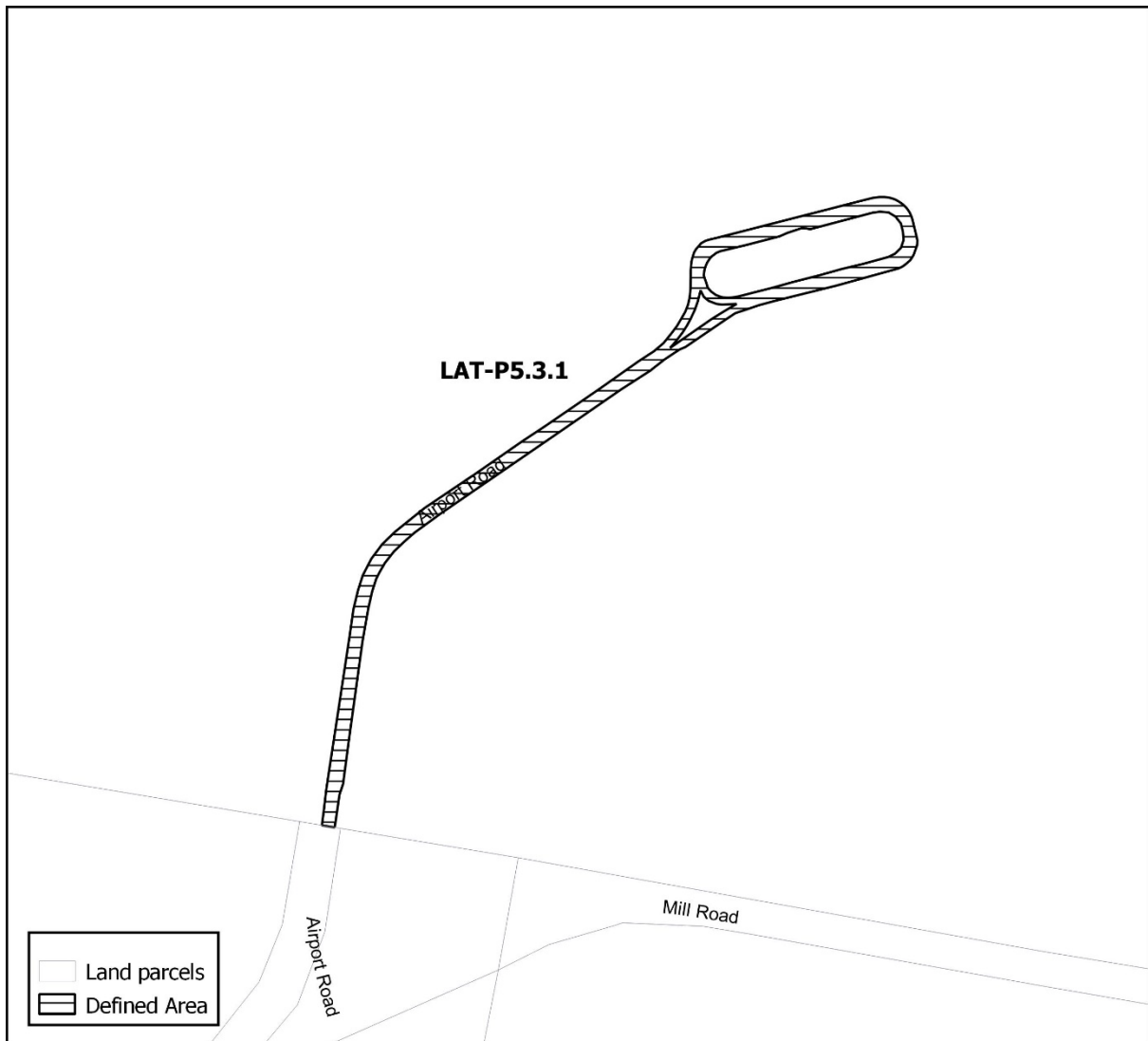


Figure 2 - Application of Defined terms overlay - Devonport Airport at 13 Airport Road, Wesley Vale