

## ANNEXURE “#”

**SUBJECT:** SECTION 33 APPLICATION – PLANNING SCHEME AMENDMENT 283 PORT SORELL ROAD, WESLEY VALE

**AUTHOR:** STRATEGIC PLANNING OFFICER – SHARON HOLLAND

**DATE:** 29 SEPTEMBER 2020

**FILE REF:** DA 170/2020

**ATTACHMENTS:** DRAFT AMENDMENT 03/20, APPLICATION DETAIL

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### 1. PURPOSE OF REPORT

The purpose of this report is to initiate an amendment, under the *Land Use Planning and Approvals Act 1993* (the Act), to the Latrobe Interim Planning Scheme 2013 to reinstate the use rights for the operation of a transport (bus) depot on the property known as 283 Port Sorell Road, Wesley Vale as a permitted use.

### 2. BACKGROUND INFORMATION

At Council’s meeting held on 8th November 2011, it resolved to initiate and certify Draft Amendment 05/11 to the Latrobe Planning Scheme 1994 (LPS 1994) , following receipt of an application made under s43A of the Act by Phoenix Coaches for both an amendment to the planning scheme and a permit for the operation of a bus depot on the southwestern section of the property known as 283 Port Sorell Road, Wesley Vale.

The amendment and permit were approved by the Tasmanian Planning Commission (TPC) and came into operation on 06 June 2012.

Amendment 05/11 included the south western section of Certificate of Title 26100/1, located at 283 Port Sorell Road, Wesley Vale as a new Special Area under Part 8: Specified Use or Development Provisions, to allow for a Transport Depot as a permitted use on this area of land.

An aerial view showing the area subject of the Amendment 05/11 is shown in Figure 1.



**Figure 1 Area subject of the Amendment 05/11**

Phoenix Coaches and Mersey Bus and Coach Services merged in 2013 and are now known as Merseylink.

Since then the LPS 1994 has been replaced by the Latrobe Interim Planning Scheme 2013 (LIPS 2013).

All councils in Tasmania were required to prepare an interim planning scheme in accordance with the former provisions of the Act, which sought to ensure greater consistency between planning schemes in regional areas and across the State as a whole.

Under the LPS 1994 the subject title was zoned Rural A, which was translated to the Rural Resource zone in the LIPS 2013.

In order to include specific local provisions in an interim planning scheme, it was necessary that the Minister for Planning make a planning purposes notice. Local provisions in interim planning scheme were seen to be extraordinary and only to be pursued when there was a demonstrated need to do so.

During the preparation of the LIPS 2013, the matter of the site specific provision to allow for a Transport Depot as a permitted use at 283 Port Sorell Road, Wesley Vale was discussed. It was determined at that time that the site had existing use rights and therefore there was no need to include a local provision in LIPS 2013 to facilitate the use of the site as a bus depot.

Following the merger of the two bus services, Merseylink sought to construct a new bus shed on the site. Under the LIPS 2013, a transport depot can only be considered in the Rural Resource zone if its purpose is to transport and distribute goods and materials of a primary industry use produced or required on the land in the zone, or if it is related to a primary industry use on the land in the zone. The only option available was reliance on Clause 9.1 of LIPS 2013, which requires development to be of a minor nature only.

The loss of the specified departure has had a significant detrimental effect on the user rights attached to 283 Port Sorell Road, Wesley Vale.

Recently approval has been granted for the subdivision of the southern section of the adjoining title to the north for consolidation with the land containing the bus depot. The consolidated area is the subject of the planning scheme amendment.

### **3. SITE LOCALITY AND CHARACTERISTICS**

The subject title (CT 179000/1) is located at 283 Port Sorell Road, Wesley Vale. It is approximately 3.7km east of Devonport and 1.1 km south of the Bass Strait coastline.

It is an irregular shaped parcel of land, comprising 22.46ha. It is bordered by Port Sorell Road to the south and Pardoe Road to the north. It has a frontage of approximately 338m onto Port Sorell Road.

The south western section of the title has been converted from agricultural use. It is separately fenced and contains an extensive hardstand area accessed from Port Sorell Road. This section contains the offices, a workshop, a large bus shed, a fuel storage shed and extensive parking and manoeuvring areas that comprise the Merseylink bus depot. The remainder of the title is sown to pasture and used for grazing purposes.

The subject title is located in a predominately rural area; adjoined to the west by a title containing a dwelling and to the east by a title used for agricultural purposes including cropping and grazing activities. The adjoining title to the north of the southern section of the subject title is a large title that contains two houses, a dam and a significant cover of native vegetation.

Devonport Airport is accessed off the northern side of Pardoe Road opposite the subject title. A small area of industrial development is located to the west of this access.

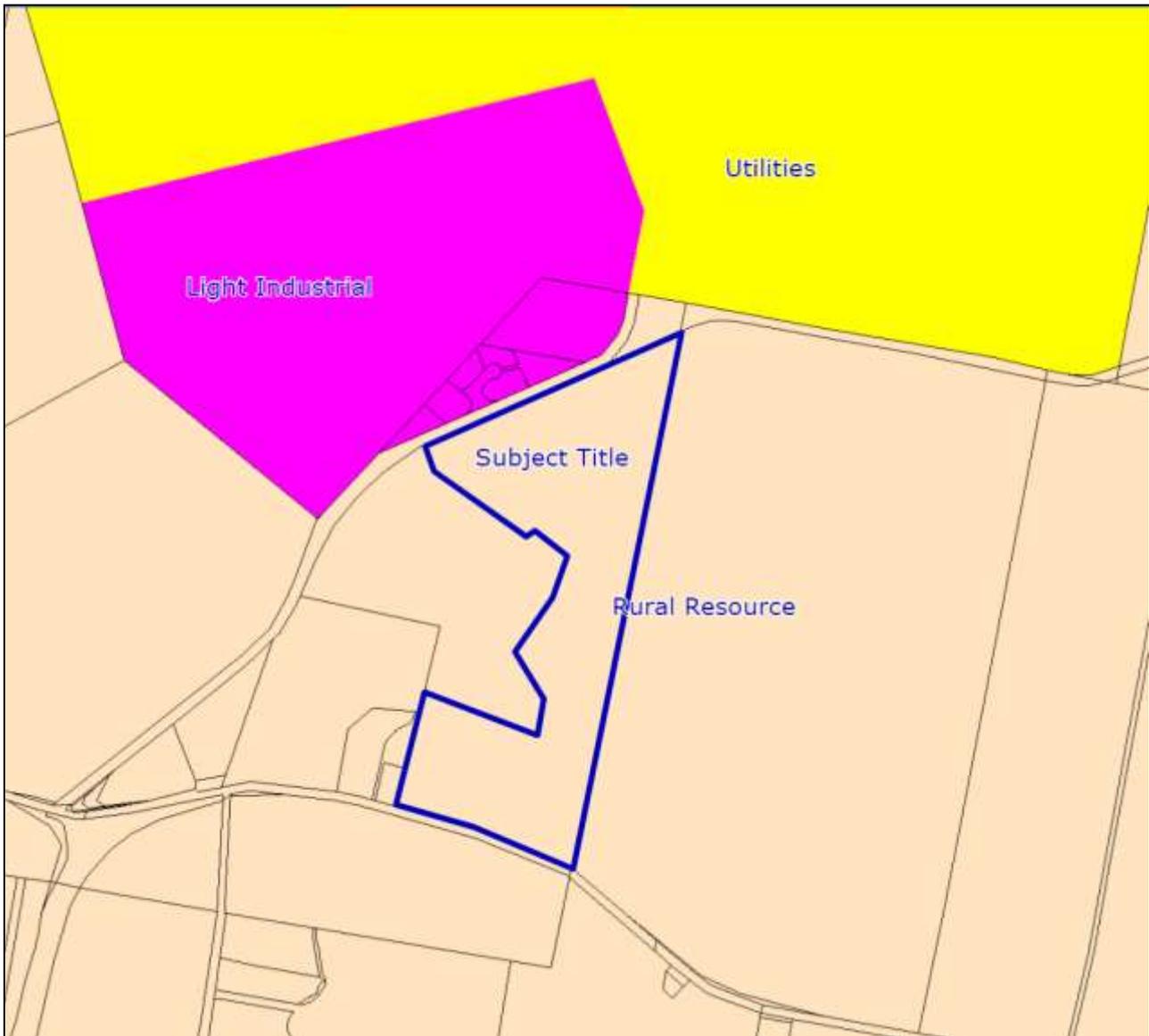
An aerial view showing existing use on the subject title and its surrounds is shown in Figure 2.



**Figure 2 Aerial View of Subject Title and Surrounds**

Zoning

Under the LIPS 2013, the subject site is zoned Rural Resource. Zoning of the subject title and those in close proximity to it is indicated in Figure 3.



**Figure 3 Zoning of Subject Title and Surrounding Area**

### Slope and Drainage

The subject title is predominately flat on the southern third of the title where it abuts Port Sorell Road, before sloping quite abruptly down to Pardoe Road.

There are no defined drainage lines that run through the title.

### Land Use History

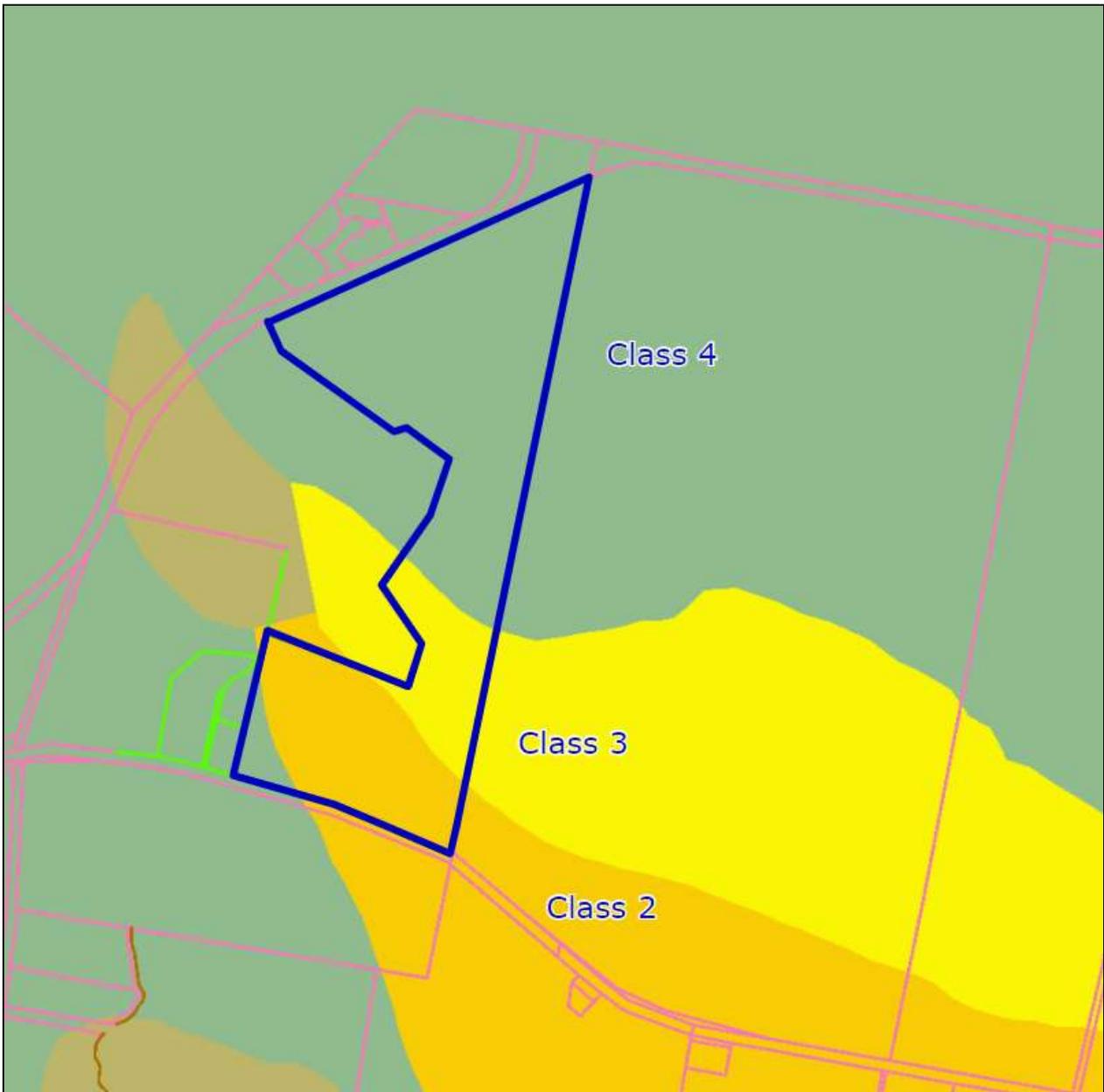
The subject title was previously used by McCain Foods Pty Ltd for the storage and maintenance of harvesting machinery and vehicles. McCains occupied the site from 1986 until 2009. It was then developed as a bus depot following an amendment to the LPS 1994 and the issue of a development permit in 2011.

The balance of the title is used for agricultural purposes, mainly grazing.

### Land Capability

According to the class definition and methodologies outlined in the Land Capability Handbook for Tasmania (Grose, K, DPIWE, 1999) the title comprises Class 2, 3 and 4 land.

A map indicating the land classification across the subject title and surrounding properties is shown in Figure 4.



**Figure 4 Land Class of Subject Site and Surrounding Areas**

A site specific land capability assessment undertaken by A K Consulting concluded that of the 35ha assessed, only 0.3ha is considered to be prime agricultural land with the balance comprising Class 4-6 agricultural land. A copy of the map indicating the land class across the subject title, following the assessment by A K Consulting is shown in Figure 5. It is the consultant's view that the agricultural capacity of the land is limited to predominately grazing and that the portion of the title where it is proposed to locate the bus depot is classified as Class 4 and 6 land.

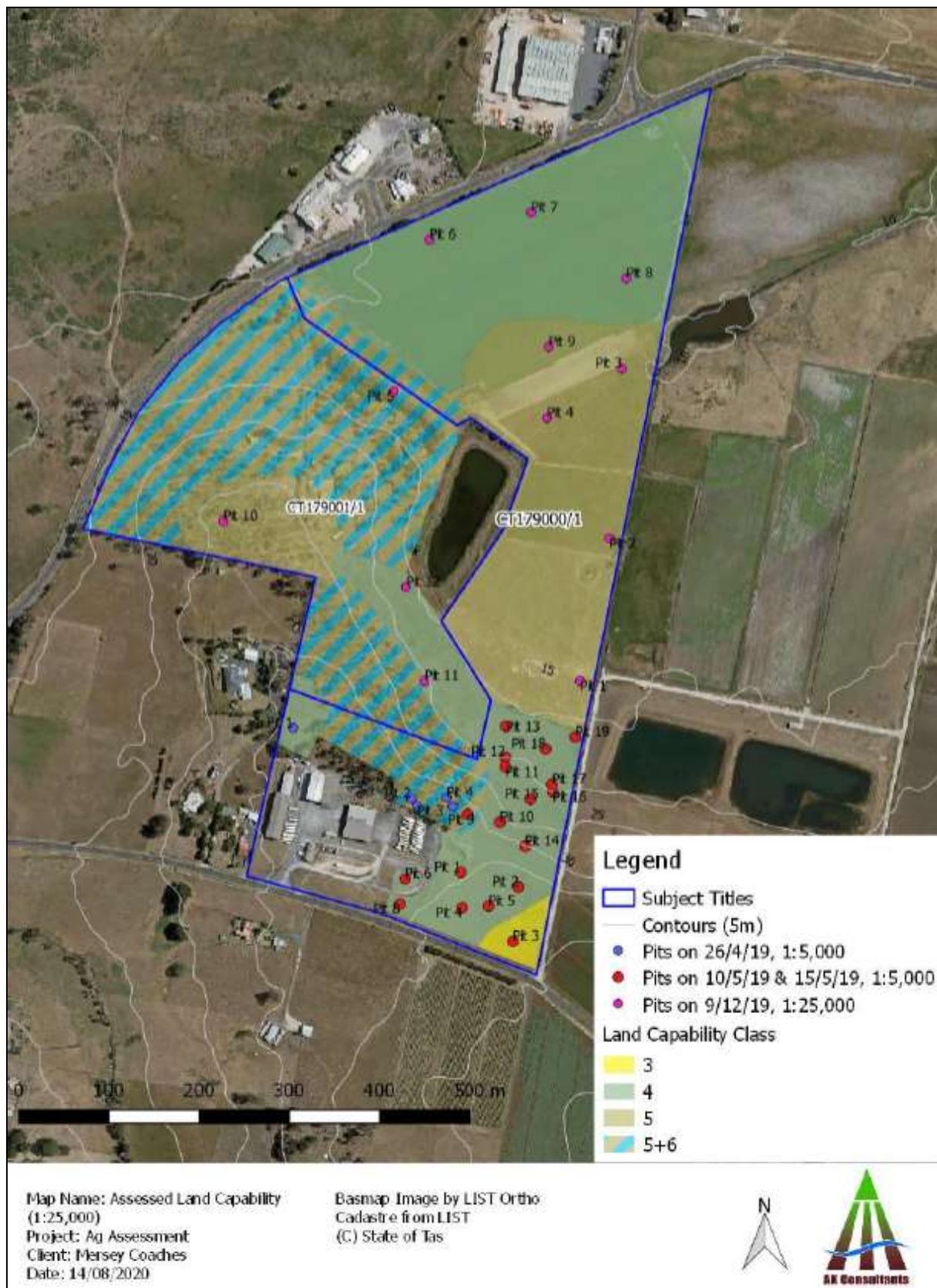
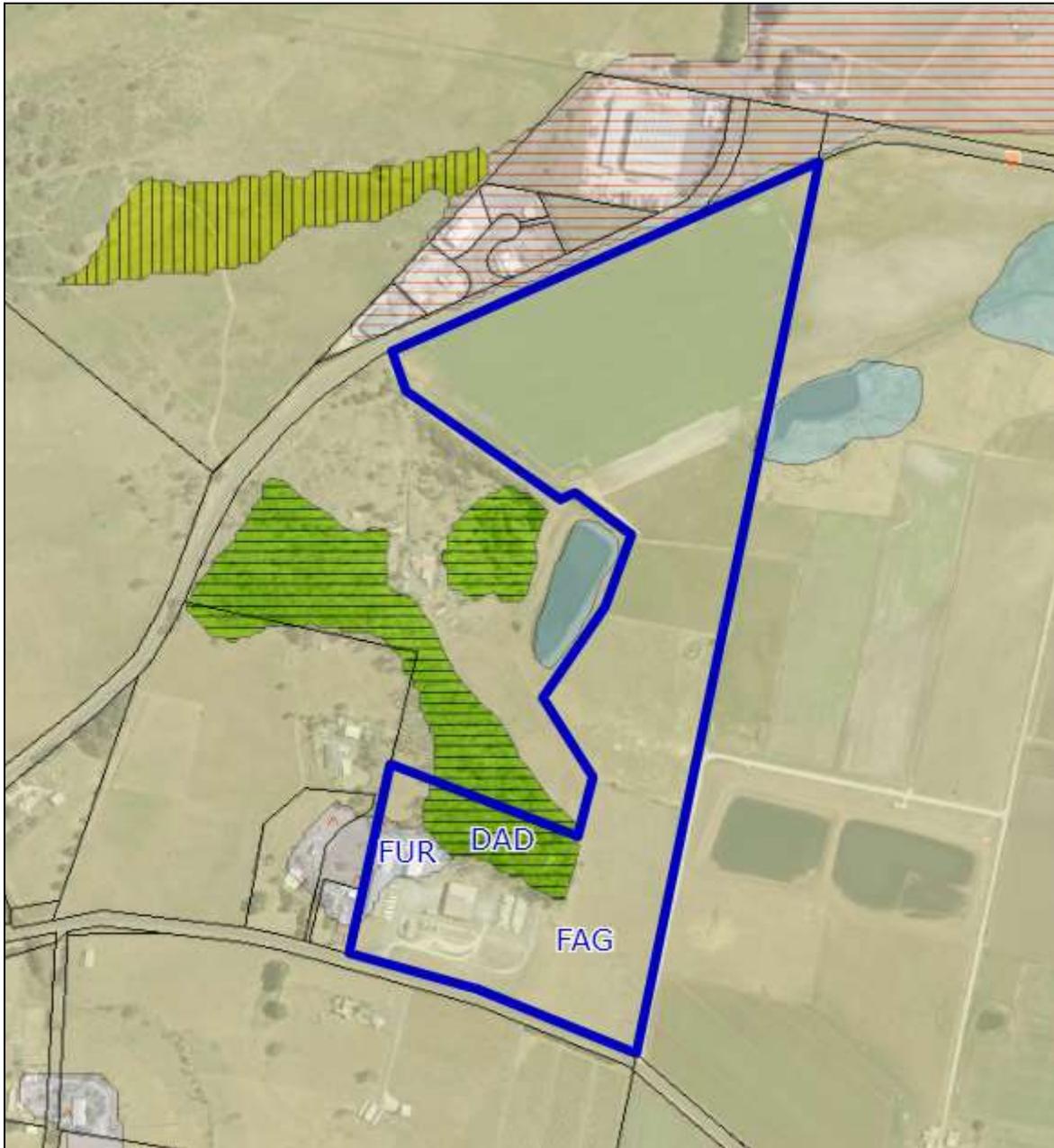


Figure 5 Land Classification of Subject Title (A K Consulting)

## Flora and Fauna

A flora and fauna survey was not undertaken of the subject title as the majority of the land has been cleared and sown to pasture for many years. A desktop search, conducted on 5 October 2020, revealed there to be urbanised areas (FUR) where land has been converted from agricultural use, agricultural land (FAG) and a small area of Eucalyptus amygdalina forest and woodland on dolerite (DAD) as shown in Figure 6. The latter has been recently cleared in accordance with an approved Forest Practices Plan. There is no TASVEG Vegetation Community of significance on the title.



**Figure 6 Vegetation Communities (TasVeg 4.0)**

The search did not reveal any flora and fauna species listed as vulnerable, rare or of conservation significance having been observed on the subject title or surrounding area.

### Services

The subject title fronts a fully constructed State maintained road.

No reticulated water supply, stormwater drainage or sewerage treatment services can be extended to the subject site. Water supply is via on-site storage and waste water is managed on-site via a system approved by Council. Stormwater is managed on site via soil infiltration and catchment off the roofs of buildings directed to water storage tanks. Stormwater drainage onto Port Sorell Road is managed in conjunction with the Department of State Growth (DSG).

The subject title has existing connections to telecommunications and electricity infrastructure.

### Traffic Management

Access to the site of the bus depot is from Port Sorell Road. The access arrangements were constructed in accordance with the approval granted by the Department of State Growth.

A traffic impact assessment has been undertaken by M Petrusma from GHD Pty Ltd. The assessment concluded the following:

- a) *The existing site generates 440 vehicle movements per day (entry plus exit) on school days with 200 bus movements and 240 light vehicle movements;*
- b) *Traffic movements during non-school periods are substantially lower, being around 20-25% of the peak volume (90 vehicle movements per day);*
- c) *The site has good access to Bass Highway via State Arterial Roads (Category 3 and 4) and the use is consistent with the function of these roads;*
- d) *The site provides sufficient car parking and loading areas to meet the requirements of the Planning Scheme;*
- e) *The site layout complies with the relevant Australian Standards and the Planning Scheme;*
- f) *The operation of the depot is not considered to cause detrimental impact to either traffic efficiency or road safety in the area; and*
- g) *Based on the findings of this Traffic Impact Assessment, the proposed development is supported on traffic and parking grounds.*

### Heritage

An Aboriginal archaeological survey was not required with the application. A search of the Tasmanian Aboriginal Site Index (TASI) for the subject title has revealed there are no Aboriginal heritage sites recorded within or close to the property. There are no items of historical heritage interest on the title.

## **4. PROPOSED AMENDMENT**

It is proposed to amend the Planning Scheme to insert a Specific Area Plan (SAP) that delineates the extent of the site to be used as the bus depot. The SAP will allow for the Use Class *Transport Depot and Distribution* as a permitted use in addition to the use classes allowable under the underlying Rural Resource Zone provisions.

The site subject of the planning scheme amendment is currently used as a bus depot. The business consists of Merseylink, Westbus, Phoenix Coaches and Cradle Mountain Coaches and is the largest privately owned bus operation in Tasmania.

The business owns and operates a fleet of 80 buses and consists of 46 contracts held with the DSG. It includes school bus contracts, general access, urban route service and special needs contracts. Separate to these contracts, Merseylink offers charter work including transport for bushwalkers.

Of the total fleet of 80 buses, currently 60 buses are operated and stored out of the depot on the subject site. The business currently employs just over one hundred (100) persons.

The subject site is zoned Rural Resource under the LIPS 2013. Under Table 8.2 of the Planning Scheme, *Transport Depot and Distribution* is defined as follows:

*Transport Depot and distribution use of land for distributing goods or passengers, or to park or garage vehicles associated with those activities other than Port and Shipping.*

The Planning Scheme cites examples as follows:

*Examples include an airport, bus terminal, council depot, heliport, mail centre, railway station, road or rail freight terminal and taxi depot.*

A Transport Depot is prohibited in the Rural Resource Zone unless for goods and materials of a primary industry use produced or required on land in the zone.

The portion of the subject title currently used as the bus depot was converted from agricultural use many years ago and has been used as a bus depot since approval was granted for the current use by an amendment to the Latrobe Planning Scheme No. 1 of 1994 and the issue of a permit following an application made under s43A of the Act in 2011.

The proposed amendment seeks to reinstate a previously approved land use right for the bus depot site. The proposed amendment does increase the originally approved area by approximately 1.6 ha to the north. Since the original amendment was approved, the company has

expanded its operations and needs additional land on which to store their buses. This area is located to the rear of the existing depot. It is proposed to use this area for bus parking purposes.

The proposed amendment is necessary to ensure that the lawfully established business can continue to operate and undertake necessary upgrades to facilities without reliance on the existing use rights clause in the LIPS 2013, which only allows the consideration of minor development.

## **5. COMPLIANCE WITH STRATEGIC PLANS**

### **Latrobe Council Strategic Plan**

The amendment complies with the Latrobe Council Strategic Plan 2020-2030 as follows:

#### 2.1 Business Development

*Objective:*

*Identify, promote, and support business and economic development opportunities.*

*Strategies:*

*Actively promote the municipal area as an ideal location to conduct business and commerce;*

*Support and assist developers in identifying and managing opportunities for business growth and development*

#### 4.1 Planning and Building Services

*Objective:*

*Effectively manage land use planning and building services.*

*Strategy:*

*Administer the Planning Scheme to manage development and land use.*

### **Regional Land Use Strategy**

Living on the Coast: The Cradle Coast Regional Land Use Strategy 2010 - 2030 (CCLUS), is a statutory planning instrument under the Tasmanian Resource Management and Planning System. The purpose of the Strategy is to provide a consistent policy foundation for the regulatory intentions and requirements contained in local planning schemes prepared for each municipal area.

Part B is the background for introducing and justifying the Cradle Coast Regional Land Use Strategy.

In Section 2.4 it recognises the intrinsic value and importance of land for production and the need to protect land for economic activity dependant on access to naturally occurring resources, including for cultivation and harvesting and associated agricultural activity.

Section 3.1 discusses the nature of economic activity. It recognises that agricultural products have been the traditional mainstay of the region's economy, continue to engage over 8% of the workforce and that this is likely to increase in the face of continued population growth and climate change.

It also recognises that a diverse range of commercial, community, professional and personal services have evolved to support the needs of the population and industry; that these employment opportunities engage over 29% of the workforce.

In addition, it recognises that strong transport logistics function in the Region and that regional freight and passenger transport capacity is critical to the State's economy.

It states that land use planning can support economic development by policies that:

- *Protect access to land containing natural economic resources; and*
- *Allocate land for manufacturing, processing, transport and commercial activity.*

Section 3.3 deals with agriculture and its importance to the Region and supports the State Policy; that land significant for agriculture should be conserved and protected for sustainable agriculture without unreasonable constraint or conflict.

Section 3.5 discusses employment land and states the following:

- *A core challenge for supporting economic activity is to ensure the right land is available in the right location at the right time with the right level of infrastructure and services; and*
- *Each industry type has distinct characteristics, which determine land demand, location, relationship and infrastructure requirements.*

Section 5.2 discusses Transport, including connecting people, places and activities. It outlines the importance of an effective, safe and efficient transport system to a Region's economic vitality and the ability of individuals to access essential services and employment opportunities.

Part C is the Cradle Coast Land Use Strategy.

Section 2.5 sets the regional land use policy for use of land and includes the following:

- Recognise that land is an irreplaceable and exhaustible resource;
- Ensure the sustainable use or development of land in accordance with the capability to provide the greatest economic and social benefit to the Region's community at least cost to natural values;
- Identify land for primary production, economic activity and transport infrastructure.

Section 3.3 sets the regional land use policy for supporting economic activity and includes the following:

- Promote provision of employment land in locations where land is physically capable of development and where transport access and utilities can be provided at reasonable economic, social and environmental cost.

Section 3.3.3 provides that:

- Agricultural land is identified and protected for agricultural use;
- Use and development that has no reason to be located on agricultural land is excluded; and
- The priority of agricultural land be agriculture reliant on the soil as a growth medium.

Section 5.4 sets the regional land use policy for transport systems, including the moving of people.

Section 5.4.4 discusses the need for a high level of accessibility and connectedness to local destinations, including for public transport.

It has been demonstrated that the agricultural capability of the land subject of the proposed amendment is minimal and that the operation of the bus depot on the site has minimal if any impact on adjoining agricultural use.

The proposed amendment seeks to reinstate previously approved land use rights for the bus depot site. Since the original amendment was approved, the company has expanded its operations and needs additional land on which to store their buses. The proposed amendment does increase the originally approved area by approximately 1.6 ha to the north. This area is located to the rear of the existing depot. It is proposed to use this area for bus parking purposes.

The bus depot provides employment for at least one hundred (100) persons. Merseylink provides an efficient and safe means of access and connectivity for residents of many of the settlement areas in the Region.

The proposed amendment is necessary to ensure that the lawfully established business can continue to operate and undertake necessary upgrades to facilities without reliance on the existing use rights clause in the LIPS 2013, which only allows the consideration of minor development.

## **6. FINANCIAL IMPLICATIONS**

Financial implications of the proposal include the \$324 lodgement fee payable to the Tasmanian Commission should the Planning Scheme amendment be approved and staff time. Advertising the Planning Scheme amendment, as per the requirements of the Act, will be an additional cost. Costs for lodgement of the amendment should it be approved and advertising are required by Council to be met by the proponent.

## **7. RISK ISSUES**

The amendment process requires a public exhibition period that could potentially result in representations being made against the proposal. If the Tasmanian Planning Commission upheld any of these objections, then the amendment may be refused.

## **8. CONSULTATION**

The planning scheme amendment process requires a statutory public exhibition period of twenty eight days to be undertaken once Council certifies the amendment. This statutory exhibition period must be advertised twice in the local newspaper and will ensure that the public has ample opportunity to make comment.

## **9. STATE POLICIES**

### **State Policy for the Protection of Agricultural Land 2009**

The purpose of this policy is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource. The Objective of this Policy is to enable the sustainable development of agriculture by minimizing:

- a) conflict with or interference from other land uses; and
- b) non agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

The Principles of the Policy applicable to the subject title are Principles 1 and 7.

The current development site comprises a mix of Class 4 and Class 6 land. The area of the title currently used for the bus depot has been modified for many years. It contains an extensive hardstand area and buildings which were previously used for the storage and maintenance of harvesting machinery and vehicles, before approval was granted for the use of it for a bus depot and the construction of additional buildings associated with the use.

The proposed amendment does increase the originally approved area by approximately 1.6 ha to the north. Since the original amendment was approved, the company has expanded its operations and needs additional land on which to store their buses. This area is located to the rear of the existing depot. It also comprises a mix of Class 4 and Class 6 land.

The land capability assessment by A K Consultants found the subject site to have no potential for sustainable agricultural production.

It is not proposed to convert the remainder of the title, which will remain in agricultural production, and the bus depot is unlikely to fetter agricultural use on adjoining titles.

The proposed amendment is consistent with this Policy.

### **State Policy on Water Quality Management 1997**

There are no water courses on the site, therefore the *State Policy on Water Quality Management 1997* is not applicable to the amendment.

### **State Coastal Policy 1996**

The subject site is not within 1km of the coast (the coastal zone) and subsequently the principles of the *Tasmanian State Coastal Policy 1996* do not apply to the amendment.

### National Environmental Protection Measures (NEPM)

- Ambient Air Quality June 2002
- Diesel Vehicle emission 2001
- Assessment of site contamination 1999

- Used Packaging Materials 1999
- Movement of Controlled Waste between States and Territories 1998
- National Pollutant Inventory June 2000

The proposed amendment will allow for further development associated with an existing commercial operation. The subject site has not been identified as contaminated land. The proposed amendment does not impact any of the NEPM.

The proposed amendment is not contrary to any State Policies.

## **10. LAND USE PLANNING AND APPROVALS ACT 1993**

Section 32 of the former provisions of LUPAA requires that an amendment to a planning scheme must:

- *as far as practicable avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- *must not conflict with the requirements of Section 300; and*
- *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

The amendment seeks to reinstate a previously approved land use right for the bus depot site. The proposed amendment does increase the originally approved area by approximately 1.6 ha to the north. Since the original amendment was approved, the company has expanded its operations and needs additional land on which to store their buses. This area is located to the rear of the existing depot. It is proposed to use this area for bus parking purposes.

The subject site is adjoined by land zoned Rural Resource and used for residential and agricultural purposes.

The current use of adjacent and adjoining properties is not likely to create conflict, interference and constraint with the use proposed for the subject site and the nature and scale of the bus depot is unlikely to impact the amenity of adjoining properties.

Being a local provision, in the form of a site-specific use qualification, the proposed amendment is consistent with the requirements of Section 300 of LUPAA.

The proposed amendment is necessary to ensure that the lawfully established business can continue to operate and undertake necessary upgrades to facilities without reliance on the existing use rights clause in the LIPS 2013, which only allows the consideration of minor development.

The policies of the Cradle Coast regional land use strategy support the amendment.

Section 20 of LUPAA requires an amendment to a planning scheme to further the Objectives set out in Schedule 1. The amendment meets these objectives as follows:

### **Part 1**

- (a) *to promote the sustainable development of natural and physical resources and maintenance of ecological processes and genetic diversity*

The site subject of the amendment was previously used by McCain Foods Pty Ltd for the storage and maintenance of harvesting machinery and vehicles. It is currently used by Merseylink as a bus depot. The balance of the title, apart from a 1.6ha area immediately north of the current bus depot that has been established as a hardstand area for the parking of buses, is used for agricultural purposes, mainly grazing.

*The proposed amendment will not cause any negative impacts on natural or physical resources or ecological processes.*

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water*

The proposed amendment seeks to reinstate a previously approved land use right for the bus depot site and to allow for use of an additional 1.6ha of land for bus parking purposes associated with the operation of the bus depot. The site subject of the amendment comprises non-prime

agricultural land that was converted to a non-agricultural use many years ago. The bus depot does not fetter agricultural use on adjoining titles and imposes no greater impact on the amenity of dwellings in the area than that caused by the traffic along Port Sorell Road.

*(c) to encourage public involvement in resource management and planning*

The proposed amendment will be placed on public exhibition and the adjoining land owners advised, thereby providing the opportunity for any representations to be heard and considered in regard to the proposal.

*(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)*

The proposed amendment will ensure on-going opportunity for sustainable economic development, in accordance with the above objectives.

The bus depot is a valuable economic asset to the Latrobe local government area, providing local employment opportunities and supporting other business operations in the community by providing a public transport service to access them.

Existing infrastructure services the facility and no natural resources or ecological processes will be impacted.

*(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The proposed amendment is not impacted by this objective.

## **Part 2**

*(a) to require sound strategic planning and co-ordinated action by State and Local government.*

The proposed amendment supports the following objectives and strategies of the Latrobe Council Strategic Plan 2020-2030:

### 2.1 Business Development

*Objective:*

*Identify, promote, and support business and economic development opportunities.*

*Strategies:*

*Actively promote the municipal area as an ideal location to conduct business and commerce;*

*Support and assist developers in identifying and managing opportunities for business growth and development*

### 4.1 Planning and Building Services

*Objective:*

*Effectively manage land use planning and building services.*

*Strategy:*

*Administer the Planning Scheme to manage development and land use.*

*(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;*

The application was made under Section 33 of the former provisions of the Act.

The proposed amendment seeks to reinstate a previously approved land use right for the bus depot site to allow for upgrades to the current development site. It also seeks to allow for use of an additional 1.6ha of land for bus parking purposes associated with the operation of the bus depot, which cannot be considered under the existing zoning. It been prepared in accordance with State Policies and seeks to further the objectives contained in Schedule 1 of the Act.

*(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;*

The site and the use of the site is serviced by the existing road network. It has existing connections to electricity and telecommunications services. Waste water is managed by an on-site waste water system approved by Council. The proposed amendment will have no adverse impacts on the environment and will not fetter agricultural use on the balance of the subject title or any adjoining titles. The amenity of the houses on the adjoining titles to the west is already impacted by their proximity to the Port Sorell Road, which is a busy transport link between Devonport and the Port Sorell settlement areas. The proposed bus depot does not significantly increase this impact.

The proposed amendment will ensure on-going opportunity for sustainable economic development and provide the opportunity for further economic development in the Latrobe local government area.

*(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic conversation and resource management policies at state, regional and municipal levels;*

The proposed amendment furthers the objectives of the Latrobe Council Strategic Plan, the Cradle Coast Regional Land Use Strategy and the Act. It is not in conflict with State Policies.

*(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;*

The proposed amendment is not impacted by this objective.

*(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;*

The proposed amendment is supported by a Traffic Impact Assessment, which assessed the site layout in terms of good traffic flow and circulation, with no significant road safety issues likely to result. The amenity of the houses on the adjoining titles to the west is already impacted by their proximity to the Port Sorell Road, which is a busy transport link between Devonport and the Port Sorell settlement areas. The proposed amendment will not significantly increase this impact.

*(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value.*

The subject site has no known scientific, historical or special cultural values. The proposed amendment is not impacted by this objective.

*(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

The amendment will not result in any change to existing infrastructure. The proposed amendment does not impact this Objective.

*(i) to provide a planning framework which fully considers land capability.*

A Land Capability Assessment determined that the site subject of the amendment comprises a mix of Class 4 and Class 6 land. The subject site contains land that was converted from agricultural production many years ago. The proposed amendment gives effect to this objective.

## **11. STATUTORY REQUIREMENTS**

The amendment has been drafted in accordance with the requirements of the Act, which outlines the process that Council must undertake when initiating and certifying amendments.

A range of matters have been considered in documenting the proposal to ensure that it meets the objectives of the Tasmanian Resource Management and Planning System and the planning process which are outlined as Schedules to the Act. Consideration has also been given to Tasmanian Sustainable Development Policies (State Policies) as required by the *State Policies and Projects Act 1993*.

## **12. OFFICER'S COMMENTS**

The proposed amendment supports the objectives of the Tasmanian Resource Management and Planning System and the planning process, which are outlined as Schedules to the Act.

It is recommended that approval be given to the proposed amendment.

### **13. RECOMMENDATION**

That the report by the Planning Officer dated 29 September 2020 concerning Draft Amendment 03/20 be received and Council:

1. Approve the proposed amendment as presented;
2. Certify the amendment; and
3. Advertise the amendment in The Advocate and place it on public exhibition for a period of twenty eight days.

**LATROBE INTERIM PLANNING SCHEME 2013  
AMENDMENT 02/20**

1. Amend Maps 43 and 44 by adding the notation *F3 Merseylink Specific Area Plan* to the land shown as hatched on the diagram attached.
2. In Part F Specific Area Plans, insert the following as F3.0:

**F3.0 Merseylink Specific Area Plan**

**F3.1 Plan Purpose**

The purpose of the Specific Area Plan is:

F3.1.1 to recognise the existence of an area previously developed as a bus depot but which is inconsistent with the underlying zone provisions;

F3.1.2 to allow for the operation of the Transport Depot and Distribution Use class within the area to which the Plan applies.

**F3.2 Application of the Specific Area Plan**

F3.2.1 The Specific Area Plan applies to the area of land designated as Merseylink Specific Area Plan on the overlay maps.

F3.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of the Rural Zone as specified in the relevant provision.

**F3.3 Local Area Objectives**

This sub-clause is not used in this specific area plan.

**F3.4 Definition of Terms**

This sub-clause is not used in this specific area plan.

**F3.5 Use Table**

This clause is in addition to Rural Resource Zone – Clause 26.2 Use Table

<i><b>Use Class</b></i>	<i><b>Qualification</b></i>
<i><b>No Permit Required</b></i>	
<i>Transport depot and distribution</i>	<i>If a bus depot</i>

**F3.6 Use Standards**

This sub-clause is not used in this specific area plan.

**F3.7 Development Standards for Buildings and Works**

This sub-clause is not used in this specific area plan.

### **F3.8 Development Standards for Subdivision**

This sub-clause is not used in this specific area plan.

**AMENDMENT 03/20**

**LATROBE INTERIM PLANNING SCHEME 2013**  
**PART OF MAP 43 & MAP 44**

 **F3 Merseylink Specific Area Plan**



**Instrument of Certification**

The Latrobe Council resolved at its meeting on 12th October 2020 that Amendment 03/20 of the Latrobe Interim Planning Scheme 2013 meets the requirements specified under Section 32 of the Land Use Planning and Approvals Act 1993.

Dated 12th October 2020

The Common seal of the Latrobe Council has been hereunto affixed pursuant to a resolution of Council 12th October 2020 in the presence of:

.....

Mayor

.....

General Manager

- 16481 SECTION 61 (4) APPEAL AGAINST PERMIT CONDITIONS – 2 & 32 PIPING LANE, EAST DEVONPORT:**  
Cr McLaren moved and Cr Young seconded that the report by the Planning Officer dated 7 October 2020 concerning an appeal against conditions of DA 215/2019 pursuant to Section 61 (4) of the *Land Use Planning and Approvals Act 1993* be received and that Council endorse the Consent Agreement for appeal number 68/20S – 2 & 32 Piping Lane, East Devonport (DA215-2019).

**CARRIED UNANIMOUSLY**

- 16482 WRIGHTS LANE, MORIARTY – REQUEST FOR MINOR AMENDMENT OF PLANNING PERMIT UNDER SECTION 56 OF LUPAA 1993:**  
Cr McLaren moved and Cr Sims seconded that the report by the Planning Officer dated 7 October 2020 concerning a minor amendment to DA 183/2019 be received and that Council approve the minor amendment by substitution of endorsed plans referred to in Condition 1 of the planning permit with those submitted with the minor amendment request –
1. Consent is for the visitor accommodation development substantially in accordance with endorsed plans by CD Campbell, Job. No. 183: Dwg. Nos. SP01, FP01 and EL01.

**CARRIED UNANIMOUSLY**

Mr Newton left the meeting and Mrs Holland joined the meeting at this time, 6.00pm.

- 16483 SECTION 33 APPLICATION – PLANNING SCHEME AMENDMENT – 283 PORT SORELL ROAD, WESLEY VALE:**  
Cr McLaren moved and Cr Wicks seconded that the report by the Strategic Planner dated 29 September 2020 concerning Draft Amendment 03/20 be received and Council:
1. Approve the proposed amendment as presented;
  2. Certify the amendment; and
  3. Advertise the amendment in *The Advocate* and place it on public exhibition for a period of twenty eight days.

**CARRIED UNANIMOUSLY**

Mrs Holland left the meeting at this time, 6.02pm.

- 16484 PLANNING AUTHORITY:**  
Cr McLaren moved and Cr Wicks seconded that Council cease to act as a Planning Authority.

Cr Young left the meeting at this time 6.02pm.