

TASMANIAN PLANNING COMMISSION



DECISION

Local Provisions Schedule Latrobe

Date of decision 16 March 2023

Under section 35K(1)(a) of *Land Use Planning and Approvals Act 1993* (the Act), the Commission directs the planning authority to modify the draft LPS in accordance with the notice at Attachment 2.

When the directed modifications have been undertaken under section 35K(2), the Commission is satisfied that the LPS meets the LPS criteria under section 34, and is in order for approval under section 35L(1).

The Commission finds that the draft LPS requires substantial modification and accordingly, under section 35KB of the Act, the Commission directs the planning authority to prepare an amendment, under Part 3B, of the LPS and to submit the amendment to the Commission after the LPS comes into effect, in accordance with the notice in Attachment 3.

Roger Howlett
Delegate (Chair)

Dianne Cowen
Delegate

Disclosure statement

Roger Howlett, a Commission delegate, disclosed prior to the hearing that he undertook some strategic planning work for the Latrobe Council on or about 2004 while working as a consultant planner. The work may have informed aspects of the Port Sorell and Environs Strategic Plan 2008.

There were no objections to Mr. Howlett determining the matter.

REASONS FOR DECISION

Background

The Latrobe Planning Authority (the planning authority) exhibited the Latrobe draft Local Provisions Schedule (the draft LPS), under section 35D of *Land Use Planning and Approvals Act 1993* (the Act), from 17 January 2022 until 21 March 2022.

On 8 August 2022 the Commission accepted the report provided by the planning authority under section 35F(1) into 49 representations received on the draft LPS. In addition, one representation (number 50) made after the end of the exhibition period was included by the planning authority in the report under section 35F(2)(b) of the Act. Furthermore one submission (Launceston Airport) was accepted by the Commission during the hearing process. A list of representations is at Attachment 1.

Date and place of hearing

The Commission must hold a hearing into representations to the draft LPS under section 35H of the Act.

Hearings were held at the Latrobe Council Chambers, 170 Gilbert Street, Latrobe on 13, 14, 15 and 16 December 2022, and the Tasmanian Planning Commission, Hearing Room, Level 3, 144 Macquarie Street, Hobart on 20 December 2022.

Consideration of the draft LPS

1. Under section 35J(1) of the Act the Commission must consider:
 - the planning authority section 35F(1) report and the draft LPS to which it relates;
 - the information obtained at the hearings;
 - whether it is satisfied that the draft LPS meets the LPS criteria under section 34; and
 - whether modifications ought to be made to the draft LPS.
2. Under section 35J(2) of the Act the Commission may also consider whether there are any matters that relate to issues of a technical nature or may be relevant to the implementation of the LPS if the LPS were approved.
3. The LPS criteria to be met by the draft LPS are:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS;
 - (b) is in accordance with section 32 of the Act;
 - (c) furthers the objectives set out in Schedule 1 of the Act;
 - (d) is consistent with each State policy;
 - (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;
 - (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;

- (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; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Pipelines Act 2000*.
4. The relevant regional land use strategy is the Cradle Coast Regional Land Use Strategy 2022 (the regional strategy).
 5. In addition to the LPS criteria, the Commission has considered Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (Guideline No. 1) issued by the Minister for Planning under section 8A of the Act. Guideline No. 1 assists with the uniform application of the SPPs and it is appropriate for the Commission to have regard to any relevant statements it makes about zone and overlay application. However, the draft LPS is ultimately assessed against the LPS criteria at section 34(2) of the Act, and so the evidence provided to the Commission about zone or overlay application may result in a decision that is different from Guideline No. 1. The Commission adopts a case by case assessment approach in its decision making, taking into account the relevant particular site and local circumstances and evidence submitted.
 6. The requirements for making modifications to the draft LPS are set out under section 35K of the Act.
 7. The Commission may also reject the draft LPS and request that the planning authority prepare a substitute draft LPS (section 35K(c)).
 8. Where the Commission has determined modifications ought to be made, these are set out in a notice under sections 35K(1)(a) of the Act (see Attachment 2).
 9. Where the Commission has determined substantial modifications ought to be made to the draft LPS and such modifications are suitable to be made as an amendment, under Part 3B to the LPS, it may direct the planning authority to prepare the amendment and submit to the Commission after the LPS comes into effect. These are set out in a notice under section 35KB of the Act (see Attachment 3).

Issues raised in the representations

General Residential Zone – 214 Shale Road, Latrobe

Representation: 6ty° Pty Ltd for MD and JM Perkins (1)

10. The representor requested the zoning of part of 214 Shale Road, Latrobe folio of the Register 154502/1 be revised from the Agriculture Zone to the General Residential Zone. The General Residential Zone would match the same area to which the zone was applied in the Latrobe Interim Planning Scheme 2015 (interim planning scheme). The reason was that the representor had recently lodged an application to subdivide the land into three lots intended for residential use and development. The representor otherwise requested the remainder of the land (approximately 35ha) be zoned Rural because it was of a quality that mostly limited it to grazing activities, and other agriculture use was constrained by adjacent dwellings.
11. The planning authority supported application of the General Residential Zone in its section 35F report, but opposed application of the Rural Zone on the basis it provided for uses that were not appropriate for land on the fringe of an urban settlement. The planning authority consequently recommended 104 Hamilton Street folio of the Register 231105/1 be zoned

General Residential because the land contained a dwelling, was fully serviced and was contiguous with the General Residential Zone proposed for 214 Shale Road.

12. Prior to the hearing, the planning authority submitted evidence the owner of 104 Hamilton Street supported application of the General Residential Zone.

Commission consideration

13. The Commission agrees with the planning authority that the General Residential Zone be applied to that part of 214 Shale Road zoned General Residential in the interim planning scheme. The Commission is satisfied of the prior intent to develop the land at 214 Shale Road with three new serviced residential lots. The Commission also agrees that it is logical to include 104 Hamilton Street in the General Residential Zone for the reasons given by the planning authority.
14. The Commission also supports the view of the planning authority that the remainder of 214 Shale Road should remain in the Agriculture Zone because the land is identified as unconstrained in the State 'land potentially suitable for Agriculture Zone mapping' (agricultural estate mapping) and no advice by a suitably qualified person was provided to support an alternate zone.

Commission decision

15. Modification:
 - Revise the zoning of 104 Hamilton Street folio of the Register 231105/1 and that part of 214 Shale Road, Latrobe folio of the Register 154502/1 zoned General Residential in the Latrobe Interim Planning Scheme 2015 to General Residential.
16. Reason: To apply the General Residential Zone consistent with Guideline No. 1.

General Residential Zone – 29 and 32 Cherry Hill Road, Latrobe

Representations: Andrew Langmaid (2), Dennis Clarke (3)

17. The representors requested the zoning of 29 and 32 Cherry Hill Road, Latrobe folios of the Register 21089/1, 21089/2 and 128538/1 be revised from the Agriculture Zone to the General Residential Zone. The reasons were:
 - the land is at the edge of the urban area of Latrobe and the Zone would allow a logical extension to the settlement;
 - subdivision of the land would facilitate growth of the township; and
 - new lots could be serviced with existing infrastructure.
18. The representation made by Andrew Langmaid (representation 2) included a report from Opteon Property Group (land valuers), which contended the land had low capability for agriculture use.
19. The planning authority did not support the requests in its section 35F report. Its view was that application of the General Residential Zone would be premature because a residential land and supply analysis was required first. The planning authority added the land had attributes that made future application of the General Residential Zone possible.
20. At the hearing, the planning authority added the following comments:
 - a number of representations had sought similar rezoning of land to General Residential;
 - access to 32 Cherry Hill Road could be difficult, however a specific area plan may help to manage that issue;

- work on a strategic plan for the area, including a residential land and supply analysis, had commenced and intended to determine how much General Residential-zoned land was needed in Latrobe. The work was expected to take approximately six months and would support rezoning of land to General Residential to address an obvious need for more land for urban residential use and development; and
 - a master plan for the Latrobe Industrial Estate located opposite the site was being prepared, which may influence the future zone of the land.
21. In response, Mr. Dennis Clarke (representation 3) indicated he was satisfied with the planning authority's commitment to strategic planning work, with a view to support rezoning of land around Latrobe to General Residential.

Commission consideration

22. The Commission agrees with the planning authority that rezoning of the land to General Residential is premature because further strategic work is needed to determine the quantity and location of General Residential zoning in the area. The Commission notes the planning authority's intent to undertake such strategic planning work to support rezoning of the land, and that this intent was supported by Mr. Clarke.

Commission decision

23. The Commission determines no modifications are required.

General Residential Zone – Burgess Drive, Shearwater

Representation: JMG Engineers and Planners for OneCare Ltd (7)

24. The representor requested the zoning of Burgess Drive, Shearwater folios of the Register 153133/1 and 153133/2 be revised from the Light Industrial Zone to the General Residential Zone. The reasons were:
- the General Residential Zone would provide for an extension of the Rubicon Grove aged care facility that adjoins the land to the north;
 - the Port Sorell and Environs Strategic Plan 2008 identified there was a strategic need for new and infill residential development to service the changing demographics of the area; and
 - the General Residential Zone would be consistent with the character of the area.
25. The representation was accompanied by a draft concept master plan for the aged care facility to show how the land might be developed with independent living units.
26. In its section 35F report, the planning authority recommended no changes to the draft LPS. It stated the case for independent living units for the aged in the Port Sorell Area was generally supported, however more detailed work would be required to establish whether the site would be suitable for the General Residential Zone. In particular, it needed time to establish the relationship of the site to the adjacent land in the Light Industrial Zone and the potential for the land to be serviced with a stormwater connection. The planning authority added a review was being undertaken to establish the most appropriate future use of the land located at the western end the Light Industrial Zone.
27. At the hearing, the planning authority clarified that folio of the Register 153133/2 was owned by Latrobe Council and the land had previously been intended to be used for independent living units for the aged. However, the planning authority had more recently identified a need to investigate whether the land could be used to manage local stormwater collection. If the site was used for stormwater detention, then the Open Space Zone for the

site may be more appropriate. Therefore, its view was that application of the General Residential Zone would be premature until it undertook such investigations.

28. The planning authority added its strategic planning work would also determine the best road layout for the area to provide for vehicle and pedestrian connectivity. It would investigate whether a buffer could be provided between the General Residential and Light Industrial zones to manage land use conflict. It noted that the zoning could be reconsidered through a request for a draft amendment after the draft LPS comes into effect.

Commission consideration

29. The Commission accepts the planning authority's view that rezoning of the land to General Residential is premature. The Commission notes the planning authority's intent to undertake further strategic work to determine the best use of the land that may influence future zoning, which may also lead to a future request for an amendment to the LPS. The planning authority's intention to undertake work to study the interface between the General Residential and Light Industrial zones is also noted. The Commission observes the possibility land use conflict may be reduced if the road (Burgess Drive) was located between the two zones.

Commission decision

30. The Commission determines no modifications are required.

General Residential Zone and Future Urban Zone – Port Sorell and Shearwater

Representations: Glynn Williams for Insight (TAS) Pty Ltd (6), PDA for DJJ Pty Ltd (8), Derek and Amanda Charge (9), Department of State Growth (41)

31. Representations 6 and 8 requested the zoning of 30 Arthur Street, Shearwater folio of the Register 238989/5 and 182 Wilmot Street, Port Sorell folio of the Register 119052/1 be revised from the Future Urban Zone to the General Residential Zone. The reasons were:
- the Port Sorell and Environs Strategic Plan 2008 identifies the land as suitable for future residential development;
 - the Zone is supported by the Port Sorell Strategic Plan Review undertaken in 2018;
 - the area has been subject to sufficient growth that would justify the Zone;
 - the Zone would provide a supply of serviced lots in the area to meet current residential growth rates;
 - the land is connected to reticulated water supply and sewer;
 - the Zone satisfies the requirements of Guideline No. 1;
 - the regional strategy emphasises the need for housing options that are well-located within serviced areas;
 - the land is suitable for subdivision that would be connected with existing land in the Zone; and
 - bushfire risk could be managed.
32. The representation made by PDA for DJJ Pty Ltd was accompanied by an agricultural assessment, which concluded that the land at 182 Wilmot Street was 'currently not used, nor was it capable of supporting agricultural land use activity.'
33. The representation made by Derek and Amanda Charge raised concern that the existing Port Sorell Sewerage Treatment Plant was not able to support further residential subdivision in the area and required upgrade. The reasons included:

- the treatment plant could not cope with increased loads associated with permanent population and seasonal tourism;
 - sewerage discharge and odour impacted Port Sorell due to the inadequate operation of the plant; and
 - TasWater had not published an intent to upgrade the plant.
34. The representation made by Department of State Growth raised concern that the Future Urban Zone had been applied broadly to the land in the vicinity of Arthur Street and Wilmot Street and was not supported by strategic planning assessment. In particular, the following concerns were raised:
- development of the land would require the extension or upgrade of infrastructure and services, including transport;
 - rezoning was not supported by an infrastructure strategy to determine the nature and cost of infrastructure upgrades that would be required to facilitate development;
 - the proposal required further strategic assessment against the regional strategy to determine whether the land is required for urban residential development to meet population growth and housing demand and supply expectations; and
 - strategic assessment was required to meet FUZ 1 of Guideline No. 1.
35. In its section 35F report, the planning authority recommended no changes to the General Residential Zone or Future Urban Zone for the following reasons:
- application of the General Residential Zone to any of the land zoned Future Urban would be premature as a residential land and supply analysis was required in advance to determine if the land was required for residential development;
 - technical work was required to determine if any new areas of General Residential Zone could be serviced with reticulated water, sewer and stormwater;
 - TasWater had advised that desludging and modifications to the aerated treatment lagoons at the Port Sorell Sewerage Treatment Plant had improved the overall performance of the plant;
 - TasWater was preparing a business case for sewer infrastructure improvements in the area;
 - subdivision of the General Residential Zone could not be undertaken if TasWater determined that the sewerage treatment plant did not have the capacity to accept additional load from new lots;
 - no subdivision was possible within the Future Urban Zone; and
 - the Port Sorell Strategic Plan Review undertaken in 2018 determined there were no fundamental deficiencies in road infrastructure capacity. However, some improvements to roads would be required to facilitate subdivision of the General Residential Zone if rezoned from the Future Urban Zone. Contributions to upgrades to support growth would be made by future developers.
36. At the hearing, the planning authority agreed with statements in the representation made by Mr. Glynn Williams (representation 6) that current demand for urban residential land at Port Sorell and Shearwater appeared to exceed supply. However, the planning authority stated it had not completed strategic planning work that would support application of the General Residential Zone at that time. It added that progress had been made on plans to undertake a supply and demand strategy and structure plan for the area and expected the background work for the strategy to be completed by mid-2023. The planning authority made the following comments relevant to its strategic planning work that would affect the land at Arthur and Wilmot streets:

- the regional strategy required a projected ten-year supply of urban residential land and it was unknown whether such a supply already existed;
 - the supply of residential land to the settlement would come from a mix of General Residential and Rural Living zoned land. The structure plan would consider how supply would be divided between both zones;
 - the strategic planning work would include public consultation and also determine the order and timing in which rezonings should take place;
 - it was confident the existing bank of Future Urban-zoned land would be zoned General Residential in future, but was unsure of the timing until its planning work was completed;
 - housing market dynamics and anticipated migration to the area would be studied to predict future demand and economic impact of rezonings;
 - material factors, such as road connectivity, provision of reticulated services, bushfire and natural values management would be considered;
 - provision of stormwater services to the land could be problematic because stormwater drainage in the area was constrained. The planning authority needed more time to establish how a reticulated stormwater system could be universally provided to the area and was opposed to on-site systems on individual lots because they required intensive maintenance. In particular, the planning authority noted the proximity of a watercourse on the northern side of 182 Wilmot Street, which could be subjected to localised flooding and may contain significant natural values, including a freshwater crayfish species; and
 - the sewerage treatment plants (raised as an issue in representation 9) were approaching capacity, but could provide services to existing land already in the General Residential Zone. However, there was some uncertainty about how much capacity was available to service additional land.
37. In response, Mr. Glynn Williams argued that in spite of the planning authority’s intention to undertake a supply and demand analysis, it was obvious that the demand for urban residential land already existed. Mr. Williams and his representative Mr. Neil Shephard, made the following comments in support of the General Residential Zone and the suitability of 30 Arthur Street for subdivision:
- a supply and demand analysis for the area undertaken by Mr. Shephard indicated the supply of land in the General Residential Zone was as low as two-years (approximately 17ha);
 - much of the land identified in the Port Sorell and Environs Strategic Plan 2008 for construction of dwellings had already been developed;
 - land at Pitcairn Street, Port Sorell was zoned General Residential in the interim planning scheme, but was zone Community Purpose in the draft LPS, which had therefore reduced the area available for urban residential development;
 - the land could be developed in an orderly manner in the near future without compromising the development potential of surrounding land;
 - all the necessary infrastructure was available to the land and there were multiple options for subdivision layout; and
 - engineering solutions to management and supply of stormwater services were possible.
38. In response to the representation made by Department of State Growth, the planning authority stated the purpose of the Future Urban Zone was to preserve the land for future urban use and development. Road network impacts would be determined before land was rezoned to General Residential. The planning authority added the Rural Zone was not

appropriate in place of the Future Urban Zone because it provided for use and development that could constrain the land and inhibit its conversion to the General Residential Zone.

39. The Department of State Growth maintained its view that more work should have been undertaken to establish whether the land should be zoned Future Urban. It raised concern that the Future Urban Zone created an expectation the land would be zoned General Residential in future without proper strategic planning for infrastructure. It added the Department had no current plans for infrastructure improvements for the area and that it was difficult to manage road and traffic issues once the land was zoned General Residential if prior plans for road upgrades were not already in place.

Commission consideration

40. The Commission is not persuaded that there should be any change to the current zoning at Port Sorell and Shearwater, either to increase the amount of land zoned General Residential, or to reduce the amount of land zoned Future Urban. The planning authority's view that further strategic work needs to be undertaken before land is rezoned to General Residential is accepted. Without such work, incoherent rezoning and development of land would increase the risk the settlement would be fragmented. It also increases the likelihood that development would occur in an illogical sequence and that there would be poor outcomes for the road network and provision of reticulated infrastructure. The Commission notes the planning authority has made a commitment to do undertake the required strategic planning work in the near future, which will include consultation with the community and studies of residential land supply and demand, stormwater management and traffic impacts.
41. The following comments are made in response to issues raised in the individual representations detailed above:
- there is insufficient information, particularly about stormwater management, to be satisfied the land at 30 Arthur Street should be zoned General Residential at this time. The Commission notes the supply and demand analysis undertaken by Mr. Shephard and acknowledges its finding that there is a limited supply of General Residential zoned land in the area, possibly as few as two years. However, the Commission is also persuaded by the planning authority's view that supply and demand analysis is only one component of the strategic work it needs to complete. Nevertheless, the Commission agrees with the planning authority that the land is likely to be suitable to be zoned General Residential in the future;
 - the Commission also finds further strategic work is needed to support rezoning of 182 Wilmot Street and notes the planning authority's additional concern the land may have additional constraints caused by possible flooding and significant natural values in the area;
 - concerns raised in representation 9 about capacity of the local sewerage treatment plants are relevant and warrant further investigation before further land is included in the General Residential Zone; and
 - the Commission agrees with the planning authority that the Future Urban Zone is intended to protect the land from use and development that may compromise its potential to be used for urban residential use and development in future. Ultimate conversion of the land to the General Residential Zone could not take place without a comprehensive land use strategy to demonstrate how development would be serviced and the release of land sequenced with the planned expansion of infrastructure. Any future proposal for application of the General Residential Zone would need to be made through a request to amend the LPS once in effect and would be subject to assessment against the provisions of the Act, in particular the LPS criteria at section 34(2).

Commission decision

42. The Commission determines no modifications are required.

Rural Living Zone – Bakers Beach

Representations: Equilibrium Town Planning for FRS Developments (4), 6ty° Pty Ltd for Craig Badcock and Accent Super Co Pty Ltd (5)

43. The representors requested the zoning of 62 Marana Drive, Bakers Beach folio of the Register 134636/2 and 1050 Bakers Beach Road, Bakers Beach folios of the Register 205130/1, 201211/1, 210539/1, 205129/1 and 118622/1 be revised from the Agriculture Zone to the Rural Living Zone. The representors proposed that the land be categorised as area A for the purpose of subdivision lot size, except for folios of the Register 205129/1 and 118622/1, which would be categorised as area D. The reasons were:
- the land was not suitable for agriculture because it had a land capability classification of 5 and 6;
 - the land could not be irrigated;
 - the land could not be farmed in conjunction with other agricultural land;
 - the land was covered in native vegetation;
 - use of the land for forestry would not be economically viable;
 - the Rural Living Zone would be a logical extension of the zoning of Marana Drive and would allow larger rural residential lots that would provide a transition between the existing Rural Living Zone and the Rural Zone to the east and Agriculture Zone to the south; and
 - the land contained priority vegetation, which could be recognised by the Priority Vegetation Area overlay if a compatible zone other than Agriculture was applied.
44. The representation made by 6ty° Pty Ltd for Craig Badcock also requested the zoning of Bakers Beach Road, Bakers Beach folios of the Register 118862/1 and 118730/1 be revised from the Agricultural Zone to the Rural Zone. The representation was accompanied by an assessment of the agricultural potential of the land, which concluded all the land owned by Mr. Badcock and Accent Super Co Pty Ltd should be included in a zone other than Agriculture because it was constrained and could not support a profitable agricultural business.
45. The representation made by Equilibrium Town Planning for FRS Developments was also accompanied by an assessment of the agricultural potential of the land, which concluded the land had low potential to be used for agriculture and noted the land was located near existing residential use. The representation also included a concept plan for subdivision that showed how the land could be divided into 11 lots.
46. In its section 35F report, the planning authority recommended that the Rural Living Zone be applied to 62 Marana Drive as requested. As a consequence, the planning authority also recommended the Rural Living Zone be applied to 197 Mariana Drive folio of the Register 134635/1 to avoid a 'spot-zone' (Agriculture) being caused. In addition, the planning authority recommended the land be categorised as area D for the purpose of subdivision lot size. The reasons for these recommendations were:
- the land was not suitable for agriculture;
 - 197 Marana Drive contained an established dwelling and rural-residential use;
 - the land had attributes that made it suitable for the Rural Living Zone; and
 - subdivision category area A (1ha minimum lot size) would create potential for approximately 50 lots, which is not supported by a local land use strategy.

47. Notwithstanding the recommended subdivision category of D, the planning authority added a site-specific qualification should also be applied to prevent any subdivision of the lots. This would prevent fragmentation of the land until a broader strategic review of the locality could be undertaken to determine how many lots should be yielded from the land. It contended the site-specific qualification was compliant with section 32(4) of the Act on the basis the Rural Living Zone would reflect the character of the area and the land had particular spatial, environmental and social qualities that required management through unique provisions.
48. The planning authority otherwise recommended that the Rural Zone be applied to the land owned by Mr. Badcock and Accent Super Co Pty Ltd for the following reasons:
- the land was not suitable for agriculture;
 - the land contained priority vegetation that could be protected by the Priority Vegetation Area overlay;
 - the Rural Living Zone (subdivision category area A) was inappropriate because it would create potential for approximately 108 lots, which is not supported by a local land use strategy; and
 - a broader strategic review of the locality was required to determine how many lots should be yielded from the land before the Rural Living Zone was applied.
49. At the hearing, the planning authority made the following comments about 62 Marana Drive:
- there was an existing planning approval for a dwelling to be constructed on the land;
 - the interim planning scheme Environmental Living Zone was suitable for the land, however there was not a comparable zone under the SPPs;
 - the Rural Living Zone would manage the interface between the existing settlement and the surrounding rural area;
 - the Rural Living Zone would prevent inappropriate rural activities such as forestry being undertaken on the land; and
 - the planning authority intended to commence work on a strategic plan for Port Sorell and surrounding areas that would consider appropriate zoning for Bakers Beach and investigate what subdivision densities should apply.
50. In response, the representor, Ms. Theresia Williams (Equilibrium Town Planning) was supportive of the planning authority's commitment to undertake strategic planning for the area and stated her opinion that the Rural Living Zone was best for the land in the circumstances given the natural values that were recognised by several overlays that applied.
51. The planning authority added to its response to representation 5, that 1050 Bakers Beach Road was different to the land at Marana Drive because it was a larger property with multiple titles that could be farmed together. The land was also recognised as unconstrained in the agricultural estate mapping. The planning authority contended the land should be zoned Rural as a consequence, but added that it would consider whether the land should be zoned Rural Living in its planned strategic planning work.
52. In response, the representor understood the planning authority's view the Rural Living Zone was not supported by a local or regional strategy at the time, but considered that the land should at least be zoned Rural.

Commission consideration

53. The Commission is not satisfied the Rural Living Zone is supported by local or regional strategy and therefore finds that it is premature to apply the zone to the land. Specifically,

the Rural Living Zone is proposed to be applied to a new, or expanded rural residential area not identified in the regional strategy or more detailed local strategic analysis. The Commission notes this principle is referenced in RLZ 2 of Guideline No. 1. Furthermore, the Zone would not reflect an existing pattern of development, which is a principle identified in RLZ 3 of Guideline No. 1.

54. However, the Commission accepts the findings of the respective agriculture assessments that the land has low potential for agricultural productivity and notes the planning authority's intent to undertake such strategic planning work for the area, which may or may not support future rezoning of the land. The Commission notes representor 5 requested the Rural Zone for 1050 Bakers Beach Road, Bakers Beach in the event that the Rural Living Zone was not applied. The Commission agrees the Rural Zone should be applied to the land based on the findings of the assessment, in addition to folios of the Register 118862/1 and 118730/1, which were also proposed to be zoned Rural. The Commission consequently determines that the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone.

Commission decision

55. Modification:
- Revise the zoning of 1050 Bakers Beach Road, Bakers Beach folios of the Register 205130/1, 201211/1, 210539/1, 205129/1, 118622/1 (including road lot), 118862/1 (including intersecting road lot) and 118730/1 (including intersecting road lot) and unidentified Crown land on the western side of Bakers Beach Road adjacent to the northern boundary of 118622/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.
56. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone – Port Sorell, Shearwater and Squeaking Point

Representations: Graeme Walker (13), Tracey Bell (14), Darrin and Belinda Quinn (15), Leigh and Kelly Woodhouse (16), Rebecca Green and Associates for Peter and Marie Atkinson (18), Veris for John and Sally Reid (19), Woolcott Surveys for MDG Contracting Group Pty Ltd (20), Stuart Greenhill (21), Veris for Develop and Reno Pty Ltd (22), Veris for John McCoy (23), Latrobe Council (27), Conservation Landholders Tasmania (34A), Tasmanian Land Conservancy (34B)

57. The representors requested the zoning of the following properties be revised from the Rural Zone and Agriculture Zone to the Rural Living Zone:
- 10 Charles Street, Squeaking Point folio of the Register 10582/2;
 - 63 and 77 Charles Street, Squeaking Point folios of the Register 216581/1 and 202825/1;
 - East Glen, Port Sorell folio of the Register 34572/3;
 - 110 Hawk Hill Road, Shearwater folio of the Register 30184/3;
 - 111 Milldam Road, Port Sorell folio of the Register 236837/1;
 - 160 Parkers Ford Road, Port Sorell folio of the Register 132783/2;
 - 168 Parkers Road, Port Sorell folio of the Register 9398/3;
 - 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1;
 - 238 Parkers Ford Road, Port Sorell folio of the Register 20974/1; and
 - 264 Woodbury Lane, Squeaking Point folio of the Register 10716/1.
58. The reasons were:

- the Zone was supported by the regional strategy;
 - the Zone was supported by the Port Sorell and Environs Strategic Plan 2008 and its recent review (Port Sorell Strategic Plan Review 2017-18), which identifies a strategic intent that the land provide for ‘rural residential development’;
 - the land was already used for rural-residential purposes;
 - the Rural Living Zone would be consistent with the use and physical attributes of the surrounding land that is already included in the Zone;
 - the land was unsuitable for agriculture due to the low agricultural capability of the land, the small area of the lots, lack of capacity to be irrigated, the presence of natural values, constraints caused by the location of dwellings in the area and the high economic value of the land caused by investment in dwelling construction; and
 - the land was needed to provide new homes in the area, which was supported by Tasmania’s Affordable Housing Strategy 2015-2025 and identifies Latrobe as one of the areas with the highest demand.
59. The representations made by Rebecca Green and Associates for Peter and Marie Atkinson and Woolcott Surveys for MDG Contracting Group Pty Ltd specifically requested the Rural Living Zone subdivision category area A be applied to 63 and 77 Charles Street and 264 Woodbury Lane, Squeaking Point.
60. Representation 14 (Tracey Bell) was also accompanied by an assessment of the agricultural potential of the land at 200 Parkers Ford Road, which concluded the land (the only one of the properties zoned Agriculture) could be included in a zone other than Agriculture because it was constrained and had a ‘very low level of agricultural suitability.’
61. The representation made by Latrobe Council also requested the Rural Living Zone be applied to all the land listed in the other representations, but that the subdivision category area D be applied to limit subdivision potential. The reasons were that the Rural Living Zone would reflect the character of the existing land use and subdivision potential would be limited until the Council’s rural residential strategy was reviewed and updated. The representor requested the Rural Living Zone (subdivision category area D) also be applied to the following properties:
- 24 Charles Street, Squeaking Point folio of the Register 10582/3;
 - 32 Charles Street, Squeaking Point folio of the Register 10582/4;
 - 39 Charles Street, Squeaking Point folio of the Register 66812/2.
 - 83 Gardams Road, Port Sorell folio of the Register 117647/1;
 - Gardams Road, Port Sorell folio of the Register 146335/1;
 - 93 Milldam Road, Port Sorell folio of the Register 21090/1;
 - 185 Milldam Road, Port Sorell folio of the Register 43520/1;
 - 201 Milldam Road, Port Sorell folio of the Register 233672/1;
 - 209 Milldam Road, Port Sorell folio of the Register 7172/3;
 - 241 Parkers Ford Road, Port Sorell folio of the Register 156549/1;
 - Parkers Ford Road, Port Sorell folio of the Register 229447/1;
 - 257 Woodbury Lane, Squeaking Point folio of the Register 66827/1; and
 - 290 Woodbury Lane, Squeaking Point folio of the Register 10582/1.
62. The representations made by Conservation Landholders Tasmania and the Tasmanian Land Conservancy requested the zoning of 241 Parkers Ford Road, Port Sorell folio of the Register 156549/1, be revised from the Rural Zone to the Landscape Conservation Zone because the land was subject to a conservation covenant.

63. In its section 35F report, the planning authority recommended that the Rural Living Zone (subdivision category area D) be applied to all of the properties identified in the representations for the following reasons:
- the Zone would reflect the existing pattern of use, development and the layout of lots in the area;
 - the amenity of the rural residential area was valued by the local community;
 - many of the lots contained dwellings and other uses that would constrain potential for agriculture use, particularly as the lots were relatively small in area;
 - poor agricultural land capability meant the lots had low potential for agricultural use;
 - land beyond the western edge of the area was zoned Agriculture, but was on much larger titles where agriculture was undertaken on land with higher productive potential;
 - the Rural Zone provided for uses of an industrial nature that are not appropriate for land surrounded by rural residential use and development;
 - the Rural Zone would undermine the intended future use of the land identified through the planning authority’s strategic planning work;
 - the planning authority intended to undertake a residential land demand and supply analysis to determine whether additional lots should be yielded from the area. The work would be used to support a future amendment to the LPS to include the land in an alternate subdivision category if the analysis determined that more land was required for rural residential development; and
 - the Landscape Conservation Zone should not be applied to 241 Parkers Ford Road because it would be a ‘spot-zone’ that would result in inequitable application of regulation in the area. Any natural values present on the land would be managed by the conservation covenant in any case.
64. The planning authority made specific recommendations in response to representations 21 and 23, which was that site-specific qualifications should be applied to the following properties to prevent subdivision of the land as each property had an area that would allow for subdivision even if included in subdivision category area D:
- 83 Gardams Road, Port Sorell folio of the Register 117647/1;
 - Gardams Road, Port Sorell folio of the Register 146335/1;
 - 110 Hawk Hill Road, Shearwater folio of the Register 30184/3; and
 - 111 Milldam Road, Port Sorell folio of the Register 236837/1.
65. The planning authority contended that the site-specific qualifications were compliant with section 32(4) of the Act on the basis that the land had spatial, environmental and economic qualities that required unique provisions. Its view was the Rural Living Zone was the appropriate zone for the land given the character of the area, however a broader strategic review of the locality was required before the planning authority could determine how many lots should be yielded from the land. It added that it intended to undertake strategic planning work to determine how additional lots would impact the use of other land in the settlement, and how future roads should link with the surrounding road network.
66. Prior to the hearing, the planning authority advised in response to a Commission direction, that the reserved road adjoining the boundaries of 111 Milldam Road, 83 Gardams Road and Gardams Road folio of the Register 146335/1 was recommended to be zoned Rural Living consistent with the zoning it had recommended for the surrounding land.
67. At the hearing, the planning authority made the following comments in support of its recommendation that were in addition to what it had stated in the section 35F report:

- the land at 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1 (representation 14) had been identified as unconstrained in the agricultural estate mapping, but did not appear suitable for agriculture;
- that the land at Parkers Ford Road, Port Sorell folio of the Register 229447/1 was omitted from its recommendation in the section 35F report and should also be zoned Rural Living (subdivision category area D);
- some of the properties had natural and physical constraints that would limit subdivision potential;
- the properties were clustered together or adjacent to existing Rural Living zones;
- the land supply and demand analysis would inform a structure plan that would determine how residential land at Port Sorell and Shearwater should be divided between the General Residential and Rural Living zones;
- the work would be undertaken over the next 6-12 months and would involve public consultation;
- the land supply and demand analysis would include a study of housing market dynamics, including the impact of 'land banking' and past and anticipated migration to the area;
- the land was within settlement areas as defined by the regional strategy (land where there is concentrated occupation by human activity in urban and rural areas and which may contain a mix of land use);
- the Rural Living Zone could be defined as 'infill', which was supported by the settlement pattern strategies that applied to the area under the regional strategy. The regional strategy stated that *'residential areas should be contained in existing towns instead of expanding and creating new centres'*;
- the regional strategy sought to provide for approximately 1830ha of new rural residential land opportunity in the region over the period between 2010 and 2030, with the specific need in each area to be determined by local strategies such as the Port Sorell and Environs Strategic Plan 2008;
- a 'medium growth scenario' and a 'contained settlement strategy' applied to Port Sorell under the regional strategy and supported the Rural Living Zone. Medium growth was defined in the regional strategy as *'demand driven by internal population change and growth and/or moderate positive inward migration'*. Growth relied on intensification of existing land supply within designated urban boundaries and/or expansion, and contained strategy *'promoted a mix of intensification and strategically planned expansion to retain compact urban form and provide a mix of development and growth opportunities.'*

68. In response, Ms. Jana Rockliff (Veris) for representors 14, 15, 16, 19, 21, 22 and 23 made the following comments that were also reflected in a number of hearing submissions accepted by the Commission:

- the zoning of the land was contiguous with surrounding land zoned Rural Living;
- the regional strategy required a future supply of residential that would last at least 10 years;
- a residential land supply and demand analysis undertaken by Veris indicated lots in the Rural Living Zone were required at a rate of 20 lots per year;
- there was evidence that the demand for rural residential lots in the area was increasing;
- the land at 200 Parkers Ford Road owned by Ms. Tracey Bell (representation 14) could be subdivided into approximately 10 lots, which would be commensurate with the subdivision potential provided in the former Latrobe Planning Scheme 2008. The Priority Vegetation Area overlay would need to be applied to 200 Parkers Ford Road because the overlay would be compatible with the Zone;

- rezoning of 10 Charles Street (John and Sally Reid) would allow the owner to create a new lot for a family member who had been unable to purchase residential land in the area due to lack of availability;
 - 111 Milldam Road (Stuart Greenhill - representation 21) contained natural and scenic values and was proposed to be split-zoned between subdivision categories A and D to manage the values. Agriculture and natural values assessments were submitted to support application of the Rural Living Zone and an amendment to the Priority Vegetation Area overlay. The natural values assessment concluded that natural values were unlikely to be significantly impacted provided no clearing occurred within the threaten vegetation community *Eucalyptus ovata* forest and woodland that was present along the watercourse on the site. The representor proposed to modify the overlay as recommended in the assessment. The agriculture assessment concluded the land had a low level of current and future potential agricultural value;
 - part of 111 Milldam Road was proposed to be zoned Rural Living (subdivision category A) and could be suitable for up to 13 new lots. Subdivision of the land would allow important road connections to be made through the area; and
 - the land at East Glen, Port Sorell folio of the Register 34572/3 (Develop and Reno Pty Ltd – representation 22) adjoined the General Residential Zone on its east and Rural Living on its west. It would be logical to include the land in the Rural Living Zone. It was also useful as a wildlife corridor, had scenic value and the land would also allow important road connections to be made. The owner of the land stated a strong preference for subdivision category A to be applied rather than subdivision category D.
69. Ms. Rebecca Green for Peter and Marie Atkinson (representation 18) was supportive of the planning authority's recommendation that the Rural Living Zone be applied to 63 and 77 Charles Street, but expressed a preference for subdivision category A to be applied. The category would allow up to nine new lots to be created. Ms. Green added the Rural Living Zone would reflect the character of the use of the land and the area and would avoid some of the uses provided for by the Rural Zone that could adversely impact residential amenity.
70. Mr. James Stewart of Woolcott Surveys for MDG Contracting Group Pty Ltd (representation 12) was also supportive of the planning authority's recommendation that the Rural Living Zone be applied to 264 Woodbury Lane. Mr. Stewart also expressed a preference for subdivision category A to be applied because it was consistent with RLZ 1 of Guideline No. 1.

Commission consideration

71. The Commission agrees with the planning authority's assessment of the regional strategy and is therefore satisfied the Rural Living Zone should be applied to the land. The regional strategy supports the Rural Living Zone being applied to rural residential areas to infill parts of existing settlements within logical settlement boundaries. The regional strategy outlines the detail about where the Rural Living Zone should apply to local land use strategies, in this case the Port Sorell and Environs Strategic Plan 2008. The strategic plan clearly indicates there has been an intent for the land to be zoned for rural residential use and development for some time.
72. The Commission also agrees with the planning authority that there is some uncertainty about the volume of new lots that should be provided. The contained settlement strategy for the area prescribed in the regional strategy requires that expansion of rural residential areas within settlements are to be strategically planned to allow optimum use of available and planned infrastructure. Therefore, the Commission accepts the planning authority's view that further strategic work needs to be undertaken to determine the appropriate subdivision category that should apply. In particular, a study of residential land supply and

demand would be an important component of such work. This would reveal whether the anticipated lot yield generated as a result of higher density subdivision categories would be consistent with the medium growth scenario specified in the regional strategy. The density of subdivision would also be affected by issues such as the location and significance of natural values and bushfire management requirements. The Commission notes the planning authority has made a commitment to undertake the required strategic planning work in the near future, which would include a public consultation period.

73. The Commission therefore finds subdivision category D should be applied to limit subdivision within the Zone until the strategic planning work is completed. This will reduce the possibility that the land will be fragmented in the intervening period. However the Commission is not satisfied the site-specific qualifications proposed for 111 Milldam Road, 110 Hawk Hill Road, 83 Gardams Road and Gardams Road folio of the Register 146335/1 comply with section 32(4) of the Act. Specifically, there is insufficient evidence the controls would provide significant benefit to the area or that the land has particular qualities that warrant unique provisions being applied. The Commission is not persuaded there is a high-degree of risk the land would be fragmented in a manner that would compromise the ultimate development potential of the land. Subdivision category D would only create marginal subdivision potential on these properties, perhaps potential for as few as five to ten new lots, which is considered tolerable in the circumstances.
74. The following comments are made in response to several of the individual representations detailed above:
- the land at 160, 168, 200, 238 and 241 Parkers Ford Road (representations 13, 14, 15, 16, 34A and 34B) is bounded on the west by Panatana Rivulet, which provides a natural border to the settlement. The Commission is satisfied that the Rural Living Zone would consolidate this land as part of the settlement, consistent with the contained settlement strategy for the area identified in the local and regional strategies;
 - the Priority Vegetation Area overlay should be applied to 200 Parkers Ford Road (representation 14) consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Living Zone and was not previously applied because the land was zoned Agriculture;
 - the land at 63 and 77 Charles Street (representation 18), East Glen folio of the Register 34572/3 (representation 22) and 110 Hawk Hill Road (representation 23) is mostly surrounded by land already in the General Residential or Rural Living zones. The Commission is satisfied that the Rural Living Zone would consolidate this land as part of the settlement, consistent with the local and regional strategies;
 - the land at 10 and 39 Charles Street (representation 19 and 27) and 264 Woodbury Lane (representation 20) is within an area that contains seven rural residential properties adjoined on the north, east and western sides by the Rural Living Zone. The southern border of the land is a logical border of the settlement and interfaces with the Agriculture Zone. The Commission is satisfied that the Rural Living Zone would consolidate this land as part of the settlement, consistent with the local and regional strategies and recognise the existing pattern of rural residential use and development; and
 - the land at 111 Milldam Road (representation 21), 83 Gardams Road and Gardams Road, Port Sorell folio of the Register 146335/1 (representation 27) is mostly surrounded by land already in the Rural Living Zone. The Commission is satisfied that the Rural Living Zone would consolidate this land as part of the settlement, consistent with the local and regional strategies. The findings of the natural values assessment submitted with representation 21 are accepted and the Commission agrees that the Priority Vegetation Area overlay should be modified in accordance with its recommendations.

Commission decision

75. Modification:

- Revise the zoning of the following properties to Rural Living (subdivision category D):
 - a. 10 Charles Street, Squeaking Point folio of the Register 10582/2;
 - b. 24 Charles Street, Squeaking Point folio of the Register 10582/3;
 - c. 32 Charles Street, Squeaking Point folio of the Register 10582/4;
 - d. 39 Charles Street, Squeaking Point folio of the Register 66812/2;
 - e. 63 and 77 Charles Street, Squeaking Point folios of the Register 216581/1 and 202825/1;
 - f. East Glen, Port Sorell folio of the Register 34572/3;
 - g. 83 Gardams Road, Port Sorell folio of the Register 117647/1;
 - h. Gardams Road, Port Sorell folio of the Register 146335/1;
 - i. 110 Hawk Hill Road, Shearwater folio of the Register 30184/3;
 - j. 93 Milldam Road, Port Sorell folio of the Register 21090/1;
 - k. 111 Milldam Road, Port Sorell folio of the Register 236837/1;
 - l. 185 Milldam Road, Port Sorell folio of the Register 43520/1;
 - m. 201 Milldam Road, Port Sorell folio of the Register 233672/1;
 - n. 209 Milldam Road, Port Sorell folio of the Register 7172/3;
 - o. 160 Parkers Ford Road, Port Sorell folio of the Register 132783/2;
 - p. 168 Parkers Road, Port Sorell folio of the Register 9398/3;
 - q. 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1;
 - r. 238 Parkers Ford Road, Port Sorell folio of the Register 20974/1;
 - s. 241 Parkers Ford Road, Port Sorell folio of the Register 156549/1;
 - t. Parkers Ford Road, Port Sorell folio of the Register 229447/1;
 - u. 257 Woodbury Lane, Squeaking Point folio of the Register 66827/1;
 - v. 264 Woodbury Lane, Squeaking Point folio of the Register 10716/1;
 - w. 290 Woodbury Lane, Squeaking Point folio of the Register 10582/1;
 - x. part of the reserved road adjoining the boundaries of 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1; and
 - y. the reserved road adjoining the boundaries of 111 Milldam Road, Port Sorell folio of the Register 236837/1, 83 Gardams Road, Port Sorell folio of the Register 117647/1 and Gardams Road folio of the Register 146335/1; and
 - z. adjoining public roads to the road centreline.
- Apply the Priority Vegetation Area overlay to 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1 and adjoining reserved road consistent with the Regional Ecosystem Model mapping.
- Apply the Priority Vegetation Area overlay to 111 Milldam Road, Port Sorell folio of the Register 236837/1 in accordance with the diagram in the submission made by Veris for Stuart Greenhill dated 15 December 2023.

76. Reason: To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

77. The Commission finds that the amendment, with the exception of 63 and 77 Charles Street, is a substantial modification as there may be a public interest in the amendment because some of the land contains significant native vegetation and adjoins land zoned Agriculture that is used for agricultural purposes. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

78. Draft amendment directed to the Latrobe LPS:

- Revise the zoning of the following properties to Rural Living (subdivision category D):
 - a. 10 Charles Street, Squeaking Point folio of the Register 10582/2;
 - b. 24 Charles Street, Squeaking Point folio of the Register 10582/3;
 - c. 32 Charles Street, Squeaking Point folio of the Register 10582/4;
 - d. 39 Charles Street, Squeaking Point folio of the Register 66812/2;
 - e. East Glen, Port Sorell folio of the Register 34572/3;
 - f. 83 Gardams Road, Port Sorell folio of the Register 117647/1;
 - g. Gardams Road, Port Sorell folio of the Register 146335/1;
 - h. 110 Hawk Hill Road, Shearwater folio of the Register 30184/3;
 - i. 93 Milldam Road, Port Sorell folio of the Register 21090/1;
 - j. 111 Milldam Road, Port Sorell folio of the Register 236837/1;
 - k. 185 Milldam Road, Port Sorell folio of the Register 43520/1;
 - l. 201 Milldam Road, Port Sorell folio of the Register 233672/1;
 - m. 209 Milldam Road, Port Sorell folio of the Register 7172/3;
 - n. 160 Parkers Ford Road, Port Sorell folio of the Register 132783/2;
 - o. 168 Parkers Road, Port Sorell folio of the Register 9398/3;
 - p. 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1;
 - q. 238 Parkers Ford Road, Port Sorell folio of the Register 20974/1;
 - r. 241 Parkers Ford Road, Port Sorell folio of the Register 156549/1;
 - s. Parkers Ford Road, Port Sorell folio of the Register 229447/1;
 - t. 257 Woodbury Lane, Squeaking Point folio of the Register 66827/1;
 - u. 264 Woodbury Lane, Squeaking Point folio of the Register 10716/1;
 - v. 290 Woodbury Lane, Squeaking Point folio of the Register 10582/1;
 - w. part of the reserved road adjoining the boundaries of 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1;
 - x. the reserved road adjoining the boundaries of 111 Milldam Road, Port Sorell folio of the Register 236837/1, 83 Gardams Road, Port Sorell folio of the Register 117647/1 and Gardams Road folio of the Register 146335/1; and
 - y. adjoining public roads to the road centreline.
- Apply the Priority Vegetation Area overlay to 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1, the adjoining reserved, and the adjoining public road to the road centreline consistent with the Regional Ecosystem Model mapping.
- Apply the Priority Vegetation Area overlay to 111 Milldam Road, Port Sorell folio of the Register 236837/1 in accordance with the diagram in the submission made by Veris for Stuart Greenhill dated 15 December 2023.

79. Reason:

- To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Rural Living Zone – 345 Squeaking Point Road, Thirstlane

Representation: Matthew and Melissa Carter (17)

80. The representors requested the zoning of 345 Squeaking Point Road, Thirstlane folio of the Register 227658/1 be revised from the Agriculture Zone to the Rural Living Zone because the

land was not suitable for agriculture and was located adjacent to existing rural residential uses. The representation was accompanied by an assessment of the potential to use the land for agriculture, which concluded that the land had low agricultural capability and that agricultural use of the land would be limited to pastoral land use activities.

81. In its section 35F report, the planning authority recommended that the Rural Living Zone (subdivision category area D) be applied to the land for the following reasons:
- the land had poor agricultural land capability and was constrained by the small area of the land and adjoining residential uses;
 - the Zone would reflect the existing pattern of use, development and lot layout in the area;
 - the land contained Priority Vegetation Areas identified in the Regional Ecosystem Model mapping, which indicated that the land contained natural values that prevented the land being farmed in conjunction with land to the west; and
 - the planning authority intended to undertake a residential land demand and supply analysis to determine whether additional lots should be yielded from the area. The work would be used to support a future amendment to the LPS, to include the land in an alternate subdivision category if the analysis determined that more land was required for rural residential development.
82. At the hearing, the planning authority added the land contained an existing rural residential use that should be recognised by the Rural Living Zone. The subdivision category area D was proposed to be applied, which would limit subdivision potential to one new lot, which was acceptable in the circumstances.
83. In response, Ms. Jana Rockliff (Veris) for the representor, made the following comments that were also detailed in an accompanying hearing submission:
- subdivision category A was preferred, however the planning authority's desire to control lot yield through subdivision category area D was understood;
 - subdivision category A would create potential for approximately 18 new lots;
 - there was evidence the demand for rural residential lots in the area was increasing;
 - the land was not identified as intended to be zoned for rural residential use and development in the Port Sorell and Environs Strategic Plan 2008, however it was logical to include the land in the Rural Living Zone because it was adjoined by rural residential properties to the north, the Thirlstane golf course to the south, and Panatana Rivulet to the west; and
 - the Priority Vegetation Area overlay should be applied to the land in accordance with the Regional Ecosystem Model in the event that the land was zoned Rural Living.

Commission consideration

84. The Commission is satisfied that the Rural Living Zone would consolidate the land as part of the settlement. Although the land is not identified in the Port Sorell and Environs Strategic Plan 2008 as intended to be zoned for rural residential use and development, it is bounded by Panatana Rivulet and the Thirlstane golf course, which provide a natural border to the settlement. The Commission is satisfied that the Rural Living Zone is consistent with the contained settlement strategy for the area identified in the regional strategy.
85. The Commission notes the planning authority's intention to undertake further strategic work to determine the appropriate subdivision category that should apply to the land, particularly

a study of residential land supply and demand for the area. This work should reveal whether the anticipated lot yield generated as a result of higher density subdivision categories is consistent with the medium growth scenario and settlement strategies specified in the regional strategy (discussed in more detail above). The density of subdivision would also be affected by issues such as the location and significance of natural values and bushfire management requirements. In the meantime, the Commission finds subdivision category D should be applied to limit subdivision within the Zone until the intended strategic planning work is completed.

86. The Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Living Zone and was not previously applied because the land was zoned Agriculture.

Commission decision

87. Modification:
- Revise the zoning of 345 Squeaking Point Road, Thirstlane folio of the Register 227658/1, the adjoining reserved, and the adjoining public road to the road centreline to Rural Living (subdivision category D) and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.
88. Reason: To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

89. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

90. Draft amendment directed to the Latrobe LPS:
- Revise the zoning of 345 Squeaking Point Road, Thirstlane folio of the Register 227658/1 to Rural Living (subdivision category D).
 - Apply the Priority Vegetation Area overlay to 345 Squeaking Point Road, Thirstlane folio of the Register 227658/1, the adjoining reserved, and the adjoining public road to the road centreline consistent with the Regional Ecosystem Model mapping.
91. Reason:
- To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.
 - The Commission considers that the modification is a substantial modification as there may be a public interest.

Rural Living Zone – 9045 Bass Highway, Latrobe

Representation: JDA Planning Pty Ltd for A, S and E Kons (24)

92. The representor requested the zoning of part of 9045 Bass Highway, Latrobe folio of the Register 152497/2 be revised from the Agriculture Zone to the Rural Living Zone. The reasons were:

- the land contained a narrow strip of Rural Living Zone, approximately 50m wide, that could not be practically subdivided;
 - the Rural Living Zone would allow the existing rural residential pattern of development established on the land to the south to be continued;
 - use of the remainder of the land for agriculture would be rationalised;
 - the land is serviced with reticulated water and electricity;
 - the Rural Living Zone would be consistent with the regional strategy and the Latrobe Township and Environs Strategic Plan 2009; and
 - there would be no impact on natural values.
93. The representation included an indicative plan of subdivision for eight lots with areas of approximately 1.5ha to 2ha. The Rural Living Zone was proposed to be extended for a length of approximately 550m along Akers Street to the western boundary of the land and increased to a depth of approximately 150m.
94. In its section 35F report, the planning authority recommended the Rural Living Zone (subdivision category area D) be applied, but only for the length of the existing Rural Living Zone and to a depth of 100m from the frontage boundary to Akers Street. The reasons were:
- the existing width of the Zone made subdivision impractical;
 - the Rural Living Zone, subdivision category area A would provide for a lot size of 1ha, however the proposed lot area would not be compatible with the character of the area, with an established pattern of lots that are much larger;
 - the subdivision area D category, with a minimum lot size of 10ha, would further the objectives of the Act for the orderly and sustainable development of land;
 - the restricted area of the Zone would ensure that the agricultural potential of the remainder of the land is protected and the current Dooleys Hill Scenic Protection Area maintained; and
 - the additional width of the Zone would allow sufficient lot area to provide bushfire protection zones for development on the land.
95. At the hearing, the planning authority stated that the recommended zoning was the most appropriate solution in the circumstances and would avoid the possibility that the land would be divided into narrow lots that were impractical. It was unsure why the zoning had been historically applied in the form it was, and viewed the current arrangement as an ‘anomaly.’ However, the planning authority was only supportive of the extension of the Rural Living Zone because it made the existing Rural Living zone area that fronted the reserved road off Victor Street North viable to develop. It added that further expansion would no longer be for the purpose of addressing the anomaly and may not be supported by the regional strategy, because the land was not necessarily in an area identified for rural residential development.
96. In response, Mr. John Ayers (JDA Planning Pty Ltd) for the representor, made the following comments that were also detailed in an accompanying hearing submission:
- an assessment of the agricultural potential of the land concluded the land in the south-east area of the property where the Rural Living Zone was proposed was severely limited in its agricultural capability. The assessment also concluded future use and development

of the expanded Rural Living Zone, would have a negligible impact on the current and future agriculture use on the remainder of the land or adjacent properties;

- the proposal was to extend the Zone 150m from the southern boundary of the land, not to extend the Zone further to the west, which had been incorrectly suggested by a diagram in the representation;
- a draft plan of subdivision showed that the land would be suitable for up to 12 new lots, which could be developed without compromising the scenic values of the area that were recognised by the Scenic Protection Area overlay. An expansion of the Zone to a width of 100m would allow approximately six of those lots to be developed; and
- the Priority Vegetation Area overlay should be applied to the land in accordance with the Regional Ecosystem Model in the event the Rural Living Zone was expanded to replace the Agriculture Zone that was incompatible with the overlay.

Commission consideration

97. The Commission is satisfied that expansion of the Rural Living Zone is appropriate to address a zoning that can be reasonably described as an historic anomaly. The Commission agrees with the planning authority for the reasons given in the section 35F report and at the hearing, that application of subdivision category A and extension to 100m from the southern boundary of the land is acceptable in the circumstances. This would allow the landowner to develop up to six new lots in a manner that is consistent with the pattern of the surrounding area. The Commission accepts the planning authority's view that the land is not necessarily intended for rural residential development by the regional strategy and is otherwise not supported by local structure planning. However, the land is afforded some benefit by its location at the edge of the existing settlement. On balance, the limited expansion of the Rural Living Zone to make the existing land useable is appropriate.
98. The Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Living Zone and was not previously applied because the land was zoned Agriculture.

Commission decision

99. Modification:
- Revise the zoning of 9045 Bass Highway, Latrobe folio of the Register 152497/2 to Rural Living (subdivision category A) so that the existing Rural Living Zone is extended to a distance of 100m from the southern boundary of the land and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.
100. Reason: To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Living Zone – Tarleton, and Tarleton Specific Area Plan

Representations: Latrobe Council (27), Frances Saner, Glenn Cooper, Kelly Sloane (35)

101. The representation made by Latrobe Council requested the zoning of the following properties be revised from the Rural Zone to the Rural Living Zone (subdivision category area D):
- 62 Seymour Street, Tarleton folio of the Register 107560/4;
 - Coal Mines Road, Tarleton folio of the Register 107560/1; and

- 26 Garrett Street, Tarleton folio of the Register 107560/5.

102. The reasons were:

- the area was characterised by rural residential uses in the Rural living Zone;
- two of the three lots contained dwellings and the Rural Zone provided for uses that would be unsuitable for the area; and
- subdivision category area D would limit subdivision of the land until strategic planning work on a residential land demand and supply analysis was completed to determine if additional lots should be yielded from the land.

103. Representation 35 was supportive of application of the Rural Living Zone to 62 Seymour Street and 35 and 36 Coal Mines Road, Tarleton. However, the representation raised concern that the Tarleton Specific Area Plan would provide for the extension of Coal Mines Road through 36 Coal Mines Road folio of the Register 107560/1. The reasons were:

- the extension of the road would impact the residential amenity of the surrounding properties;
- the extension of the road would reduce the area of land available for development, particularly at 36 Coal Mines Road;
- the land contained important flora and fauna habitat;
- road connectivity in the area would not be improved;
- a road is not necessary for bushfire management purposes;
- the land contained redundant mine shafts; and
- alternative routes for road access to the area were available from Castle Drive or Bucks Road.

104. In its section 35F report, the planning authority recommended that the Rural Living Zone (subdivision category area D) be applied for the reasons given in representation 27. However the planning authority did not support modification or removal of the Tarleton Specific Area Plan for the following reasons:

- the Specific Area Plan provided for the future extension and connection of public roads, but did not require the construction of any roads in the short term;
- the purpose of the Specific Area Plan was to ensure possible future road connections would not be impeded by development being constructed on areas of land preferred for roads;
- the road connectivity plan provided in the Specific Area Plan was determined through detailed traffic engineering work, which accounted for traffic levels, existing road network capacity and location of rail line crossings and road junctions; and
- the alternate route from Castle Drive suggested in the representation is not practically achievable.

105. At the hearing, the planning authority added there was a possibility the roads would not be developed and that it otherwise wanted to avoid the Rural Zone because the range of uses it provided for were not suitable for a rural residential area. The proposed road network would connect Seymour Street and Coal Mines Road with Ballahoo Road, which would be of benefit in times of flood when emergency access to the area is needed. The planning authority conceded it proposed to apply zones (Rural Living and Agriculture) that could not be subdivided anyway.

Commission consideration

106. The Commission agrees with the planning authority that the land is most appropriately zoned Rural Living to recognise the existing rural residential use and development. However, the Commission is not satisfied the Tarleton Specific Area Plan complies with section 32(4) of the Act. In particular, the Specific Area Plan would apply to land zoned Rural Living and Agriculture where new lots could not be created in any case. Therefore, the Specific Area Plan would have no obvious benefit to the area, nor does the land have particular qualities that require unique provisions separate to the SPPs. The Tarleton Specific Area Plan should therefore be removed from the draft LPS. The Commission otherwise notes the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993* apply to subdivision of land, which would allow the planning authority to ensure that future roads suit the public convenience, or give satisfactory connectivity to surrounding areas.

Commission decision

107. Modification:

- Revise the zoning of 62 Seymour Street, Tarleton folio of the Register 107560/4, Coal Mines Road, Tarleton folio of the Register 107560/1, and 26 Garrett Street, Tarleton folio of the Register 107560/5 to Rural Living (subdivision category D).
- Delete LAT-S3.0 Tarleton Specific Area Plan from the Latrobe draft LPS written document and revise the Specific Area Plans overlay by removing LAT-S3.0.

108. Reason: To apply the Rural Living Zone consistent with Guideline No. 1 and to meet the requirements of section 32(4) of the Act.

Commission consideration under section 35KB

109. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

110. Draft amendment directed to the Latrobe LPS:

- Revise the zoning of 62 Seymour Street, Tarleton folio of the Register 107560/4, Coal Mines Road, Tarleton folio of the Register 107560/1, and 26 Garrett Street, Tarleton folio of the Register 107560/5 to Rural Living (subdivision category D).
- Delete LAT-S3.0 Tarleton Specific Area Plan from the Latrobe draft LPS written document and revise the Specific Area Plans overlay by removing LAT-S3.0.

111. Reason:

- To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1 and to meet the requirements of section 32(4) of the Act.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Rural Living Zone – River Road, Hawkins Street, Forth Street and Lochner Street, Latrobe

Representation: Latrobe Council (27)

112. The representor requested the zoning of the following properties be revised from the Rural Zone and Open Space Zone to the Rural Living Zone (subdivision category area D):

- Hawkins Street West, Latrobe folio of the Register 41816/2;
- 24 Lochner Street, Latrobe folio of the Register 153865/1;
- 26 Lochner Street, Latrobe folio of the Register 55355/1;
- 51 Forth Street, Latrobe folios of the Register 210746/1 and 111928/1;
- 76 Lochner Street, Latrobe folio of the Register 235508/1;
- 89 Lochner Street, Latrobe folio of the Register 146060/1;
- 91 Lochner Street, Latrobe folio of the Register 24426/1;
- 96 Lochner Street, Latrobe folio of the Register 204246/1;
- 104 Lochner Street, Latrobe folio of the Register 62410/1;
- 105 Lochner Street, Latrobe folio of the Register 61704/1;
- Lochner Street, Latrobe folio of the Register 49117/1;
- Lochner Street, Latrobe General Law deed 15/4286; and
- River Road, Latrobe folio of the Register 73410/1.

113. The reasons were:

- most of the properties contained dwellings on large lots or were surrounded by dwellings;
- the Rural Zone provided for commercial and industrial-type uses that were not appropriate for land with rural residential use and development; and
- application of the Rural Living Zone to the area would be consistent with the Purpose of the Zone.

114. In its section 35F report, the planning authority recommended that the Rural Living Zone (subdivision category area D) be applied for the reasons given in the representation. The planning authority added that this would be a conservative approach until strategic planning work on a residential land demand and supply analysis was completed, to determine if additional lots should be yielded from the land.

115. Prior to the hearing, the planning authority advised in response to a Commission direction, that the reserved road between 26 and 96 Lochner Street was recommended to be zoned Rural Living consistent with the surrounding land.

Commission consideration

116. The Commission agrees that the Rural Living Zone (subdivision category area D) should be applied to the land for the reasons given by the planning authority in the section 35F report. The Zone would recognise the existing pattern of rural residential use and development on the land. The Commission notes this is reflected in RLZ 1 and RLZ 2 of Guideline No. 1.

Commission decision

117. Modification:

- Revise the zoning of the following properties to Rural Living (subdivision category D):
 - a. Hawkins Street West, Latrobe folio of the Register 41816/2;
 - b. 24 Lochner Street, Latrobe folio of the Register 153865/1;
 - c. 26 Lochner Street, Latrobe folio of the Register 55355/1;
 - d. 51 Forth Street, Latrobe folios of the Register 210746/1 and 111928/1;
 - e. 76 Lochner Street, Latrobe folio of the Register 235508/1;
 - f. 89 Lochner Street, Latrobe folio of the Register 146060/1;
 - g. 91 Lochner Street, Latrobe folio of the Register 24426/1;
 - h. 96 Lochner Street, Latrobe folio of the Register 204246/1;
 - i. 104 Lochner Street, Latrobe folio of the Register 62410/1;
 - j. 105 Lochner Street, Latrobe folio of the Register 61704/1;
 - k. Lochner Street, Latrobe folio of the Register 49117/1;
 - l. Lochner Street, Latrobe General Law deed 15/4286;
 - m. River Road, Latrobe folio of the Register 73410/1;
 - n. the reserved road located between 26 Lochner Street, Latrobe folio of the Register 55355/1 and 96 Lochner Street, Latrobe folio of the Register 204246/1; and
 - o. other reserved roads/public roads adjoining the land to the road centrelines.

118. Reason: To apply the Rural Living Zone consistent with Guideline No. 1.

Commission consideration under section 35KB

119. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

120. Draft amendment directed to the Latrobe LPS:

- Revise the zoning of the following properties to Rural Living (subdivision category D):
 - a. Hawkins Street West, Latrobe folio of the Register 41816/2;
 - b. 24 Lochner Street, Latrobe folio of the Register 153865/1;
 - c. 26 Lochner Street, Latrobe folio of the Register 55355/1;
 - d. 51 Forth Street, Latrobe folios of the Register 210746/1 and 111928/1;
 - e. 76 Lochner Street, Latrobe folio of the Register 235508/1;
 - f. 89 Lochner Street, Latrobe folio of the Register 146060/1;
 - g. 91 Lochner Street, Latrobe folio of the Register 24426/1;
 - h. 96 Lochner Street, Latrobe folio of the Register 204246/1;
 - i. 104 Lochner Street, Latrobe folio of the Register 62410/1;
 - j. 105 Lochner Street, Latrobe folio of the Register 61704/1;
 - k. Lochner Street, Latrobe folio of the Register 49117/1;
 - l. Lochner Street, Latrobe General Law deed 15/4286;
 - m. River Road, Latrobe folio of the Register 73410/1;
 - n. the reserved road located between 26 Lochner Street, Latrobe folio of the Register 55355/1 and 96 Lochner Street, Latrobe folio of the Register 204246/1; and
 - o. other reserved roads/public roads adjoining the land to the road centrelines.

121. Reason:

- To apply the Rural Living Zone consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Light Industrial Zone and Rural Zone – 90 Mill Road and 353 Port Sorell Road, Wesley Vale

Representations: Veris for Joinery Products Properties Pty Ltd (29), Veris for MLK Superannuation Pty Ltd (30)

122. Representation 29 requested the zoning of part of 353 Port Sorell Road, Wesley Vale folio of the Register 181249/2 be revised from the Agriculture Zone to the Rural Zone. Specifically, the representor requested an area of approximately 35ha on the northern side of the land be included in the Rural Zone for the following reasons:

- the southern area of the land was prime agricultural land, however the northern side had a land capability classification of 4 and 5, which restricted its potential for cropping;
- an assessment of the agriculture potential of the land determined irrigation of the northern part of the land would negatively impact overall pasture productivity due to a high seasonal water table in the area; and
- the Rural Zone would provide for ‘rural business and industry uses’ that would complement the surrounding Light Industrial and General Industrial zones and Devonport Airport.

123. Representation 30 requested the zoning of the adjacent land at 90 Mill Road, Wesley Vale folio of the Register 181249/1 be revised from the Agriculture Zone to the Light Industrial Zone. The reasons were:

- the land was used to manufacture timber products for agriculture use, such as pallets and fruit containers;
- the land is not suitable for agriculture use because it was developed with a large industrial shed, loading areas and parking; and
- the Light Industrial Zone would be well-connected to the surrounding Light Industrial and General Industrial zones and Devonport Airport.

124. In its section 35F report, the planning authority recommended no change to the zone of 353 Port Sorell Road because the land was identified as unconstrained in the agricultural estate mapping and there was evidence of agricultural use on the land. The planning authority added the Rural Zone provided for uses of an industrial nature that were not supported by regional or local strategies. However, the planning authority agreed that the Light Industrial Zone should be applied to 90 Mill Road because the land contained an established light-industrial use. The planning authority added that while it usually attempted to avoid ‘spot-zoning’ of land, any ongoing light-industrial use would not impact surrounding agricultural use and so application of the Zone to a single property was acceptable in the circumstances.

125. Prior to the hearing, the representor (29) provided a plan to show how the split-zoning of 353 Port Sorell Road would be delineated and an assessment of the agricultural potential of the same land. The agriculture assessment was written for the purpose of an application to subdivide the land, but concluded that the northern area of the land was the least productive area of the land.

126. At the hearing, the planning authority added it understood the representor’s argument in support of the Rural Zone at 353 Port Sorell Road, but was not satisfied that the Rural Zone

was required or appropriate. It was satisfied there was already sufficient zones in the area, particularly the Light Industrial Zone, that could provide for uses that would support Devonport Airport.

127. In response, the representor, Ms. Jana Rockliff (Veris) noted that a horse and dog racing track was proposed for the land through a recent development application submitted to the planning authority and the Rural Zone would support that use.
128. The planning authority maintained its support for the Light Industrial Zone at 90 Mill Road as the non-conforming use provisions of the SPPs were too restrictive and would not give the owner of the land the opportunity to expand. An exception to conventional zoning pattern was warranted because the land provided an important service to the surrounding agricultural industry.
129. In response, the representor stated that the Light Industrial Zone was supported by the regional strategy because it would provide for a use near the industries it served.

Commission consideration

130. The Commission is not persuaded that the Rural Zone should be applied to 353 Port Sorell Road for the following reasons:
 - the land is unconstrained in the agricultural estate mapping;
 - there is no evidence of an existing use that warrants an alternate zone;
 - the land is in an irrigation district and the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) indicates that the land should be protected with a zone such as Agriculture; and
 - it is generally considered a good planning principle to include entire properties in the same zone.
131. The Commission notes that there may be a current development application under assessment by the planning authority for a horse and dog racing track. If approved, the use may warrant an alternate zone in the future. However, there is insufficient detail about the potential use of the land or the likelihood of the development being undertaken, to ascertain whether the zone of the land under the draft LPS should be altered.
132. The Commission accepts the reasons given by the planning authority and representor in support of the Light Industrial Zone at 90 Mill Road. The land contains an existing use that provides an important service to the surrounding agriculture industry and application of the Light Industrial Zone is supported by the principles (LIZ 2) of Guideline No. 1. The Commission notes the planning authority's concerns about spot-zoning of land, however agrees that the zoning is appropriate in this instance because of the relationship the land has with Devonport Airport and the nearby industrial estates to the west at Pardoe Road and further to the east in Mill Road.

Commission decision

133. Modification:
 - Revise the zoning of 90 Mill Road, Wesley Vale folio of the Register 181249/1 to Light Industrial.
134. Reason: To apply the Light Industrial Zone consistent with Guideline No. 1.

Rural Zone – 260 Appleby Road, Thirstlane**Representation:** Andrew Wylie (28)

135. The representor requested the zoning of 260 Appleby Road, Thirstlane folio of the Register 160847/1 be revised from the Agriculture Zone to an alternative zone. The representation was accompanied by an assessment of the agricultural potential of the land, which determined that only a small area of land on the south-eastern side of the property had potential to be used for agriculture. The assessment concluded that the remainder of the land was constrained by soil capability, lack of available irrigation and nearby residential uses. On that basis, the assessment recommended that the land be split-zoned to contain the southern side of the land (approximately 25 of the total 72ha) in the Agriculture Zone and the remainder of the land in an alternative zone.
136. In its section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:
- Guideline No. 1 required the Agriculture Zone to be applied to land identified in the agricultural estate mapping as ‘potentially unconstrained’;
 - there was no local or regional strategic analysis that supported an alternative zone;
 - properties should not be zoned on the basis of individual land capability because it was not tenable land use strategy; and
 - the land was still capable of agriculture use, albeit of a lower productivity, which was normal for a large proportion of the agricultural estate.
137. At the hearing, the planning authority maintained its view that the Agriculture Zone should be applied because the land may still be useful for agriculture despite its constraints. However, it conceded the land may be suitable for the Rural Living Zone in future, and that it would consider the land when it undertook strategic planning work intended for the surrounding area (residential land supply and demand analysis and structure plan).
138. In response, Mr. John Ayers (JDA Planning Pty Ltd) for the representor made the following comments that were also detailed in an accompanying hearing submission:
- the Agriculture Zone had been applied indiscriminately across the area and the assessment of the agricultural potential of the land identified that an alternative zone should be applied;
 - parts of the land were flood-prone, which constrained potential to use the land for agriculture;
 - residential use and development was located alongside the site, which had constrained the land;
 - the most appropriate alternative zone was Rural; and
 - the Rural Living Zone (subdivision category D) may be appropriate, which would allow subdivision of lots with an area of 10ha.
139. Following the hearing, the representor advised in response to a Commission direction, that the land could be split-zoned Rural and Agriculture, with the boundary between the two zones located approximately along an existing driveway that extended through the centre of the site. The northern side of the land would be zoned Rural, and the southern side zoned Agriculture.

Commission consideration

140. The Commission agrees the Rural Zone should be applied to the northern side of the land. The representor has provided an assessment of the potential to use the land for agriculture, which has concluded the southern side of the land is suitable for the Agriculture Zone, but the northern side has significant constraints. The Commission accepts the findings of the assessment as evidence that land identified as unconstrained in the agricultural estate mapping should be included in the Rural Zone, which is consistent with the principles of Guideline No.1 (RZ 3 and AZ 6). The Commission is satisfied the resultant zoning pattern is acceptable, as the Rural Zone would adjoin land also zoned Rural to the west and the Rural Living Zone to the east.
141. The Commission also determines the Priority Vegetation Area overlay should be applied to that part of the land zoned Rural, consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone.

Commission decision

142. Modification:
- Revise the zoning of that part of 260 Appleby Road, Thirstlane folio of the Register 160847/1 located to the north of a line determined by the following coordinates to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping:
 - a. easting 460089.80 and northing 5439724.65;
 - b. easting 460285.81 and northing 5439838.43;
 - c. easting 460837.51 and northing 5439743.82; and
 - d. easting 461361.46 and northing 5439580.77.
143. Reason: To apply the Rural and Agriculture zones and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone – 7 Moorland Beach Road, Wesley Vale**Representation:** Veris for Richard Higgs (31)

144. The representor requested the zoning of 7 Moorland Beach Road, Wesley Vale folio of the Register 181128/1 be revised from the Agriculture Zone to the Rural Zone. The reasons were:
- the land was only suitable for occasional cropping because it had a land capability classification of 4, 5 and 6;
 - the application of the Agriculture Zone would restrict use of the land and unnecessarily limit opportunities for development suitable to the location; and
 - the Rural Zone would provide for a range of rural business and industry uses in conjunction with agriculture uses.
145. In its section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:
- no agricultural assessment of the land was submitted to provide site-specific assessment of the agricultural capability of the land;
 - there was evidence the land was used for agriculture;

- Guideline No. 1 required the Agriculture Zone be applied to land identified in the agricultural estate mapping as ‘potentially unconstrained’;
- there were no factors that indicated an alternative zone, such as Rural, Light Industrial or General Industrial could be applied under Guideline No. 1; and
- the Rural Zone would provide for industrial uses that may not be appropriate for the area and may conflict with surrounding sensitive uses and the Devonport Airport.

146. At the hearing, the planning authority added the following comments:

- the land was in an irrigation district and the land is protected by the PAL Policy;
- the land did not have access to irrigation, however it was possible the land could be irrigated if a water right became available;
- it was agreed that the Rural Zone would allow the land to be part of the agricultural landscape, however the Rural Zone was not supported; and
- there is no existing use that would support application of a zone other than Agriculture.

147. In response, the representor made the following comments that were supported by an assessment of the agricultural potential of the land and submitted at the hearing:

- the land had a low land capability classification of 4, 5 and 6, meaning it was severely restricted and unsuitable for cropping;
- the land was not capable of being used for agriculture, other than low intensity pastoral use as a small lifestyle block;
- the surrounding area to the west and south was also severely constrained and would be more suitable for a zone such as Rural Living;
- it was not financially viable to construct infrastructure to irrigate the land even if a water right was available;
- the land was unconstrained in the agricultural estate mapping, however the mapping was completed before the current lot was created in October 2021; and
- there was an approval for a motor racing facility on the site.

Commission consideration

148. The Commission is not persuaded that the Rural Zone should be applied to the land for the following reasons:

- the land is unconstrained in the agricultural estate mapping;
- the land is in an irrigation district and application of the Agriculture Zone is consistent with the PAL Policy that ensure land should be protected for agriculture use through the most effective zoning, despite challenges that may restrict irrigation supply to the land;
- there is no evidence of an existing use that warrants application of an alternate zone; and
- application of the Rural Zone would create a ‘spot-zone,’ which should generally be avoided according to accepted planning principles, in order to reduce potential for land use conflict.

Commission decision

149. The Commission determines no modifications are required.

Rural Zone – Brooke Street Devonport**Representation:** Veris for W. Y. Bovill Pty Ltd (32)

150. The representor requested the zoning of 365 Brooke Street, Devonport folio of the Register 179422/1 and Brooke Street, Devonport folios of the Register 179421/1 and 122480/1 be revised from the Agriculture Zone to the Rural Zone. The reasons were:

- the site was only used for low intensity agricultural operations;
- the site had a low land capability classification of 4, 5 and 6, meaning it was severely restricted and partly unsuitable for cropping;
- the application of the Agriculture Zone would restrict the use of the land unnecessarily and limit opportunities for development suitable for the location relative to surrounding land uses such as the Devonport Airport; and
- the Rural Zone would allow a range of rural business and industry uses in addition to agricultural uses.

151. In its section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:

- Guideline No. 1 required the Agriculture Zone to be applied to land identified in the agricultural estate mapping as ‘potentially unconstrained’;
- there was evidence that the land was used for agriculture despite its capability;
- the Rural Zone provided for uses of an industrial nature that are not appropriate for the land and would cause conflict with surrounding sensitive uses; and
- the Rural Zone would undermine the intended future use of the nearby Light Industrial and General Industrial zones.

152. At the hearing, the planning authority clarified the land was not included in the agricultural estate mapping. Its view was the land had been omitted from the mapping in error because the land had no apparent constraining features. The land should be zoned Agriculture because it was part of the surrounding rural landscape. The planning authority added it had done some preliminary strategic planning work to determine whether the land should be included in the existing light industrial land at the airport located to the east.

153. In response, the representor made the following comments that were supported by an assessment of the agricultural potential of the land and submitted at the hearing:

- the assessment concluded the land had a low land capability classification of 4, 5 and 6, meaning it was severely restricted and unsuitable for cropping;
- the scale and intensity of the beef breeding enterprise currently been undertaken on the property was not commercial-scale;
- the land was in an irrigation district, however the owner did not own water rights and it was not financially viable to construct infrastructure to irrigate the land even if a water right was available;
- the adjacent land at 373 Brooke Street contained a horse training track and could be included in the Rural Zone, but was not included in the representation; and
- the Rural Zone would be a transition between the Devonport Airport and the Agriculture Zone to the west.
- Commission consideration

154. The Commission is not persuaded the Rural Zone should be applied to the land for the following reasons:
- it is unknown why the land was not included in the agricultural estate mapping, however it has attributes, including its area, that indicate it would likely be unconstrained;
 - the PAL Policy is a higher-order consideration than the agricultural estate mapping in any case. The land is in an irrigation district and application of the Agriculture Zone is consistent with the PAL Policy that ensures land should be protected for agriculture use through the most effective zoning, despite challenges that may restrict irrigation supply to the land;
 - there is no evidence of an existing use that warrants application of an alternate zone; and
 - the Rural Zone does not comply with section 34(2)(g) of the Act, which specifies the draft LPS must, as far as practicable, be consistent with and co-ordinated with any LPSs that apply to adjacent municipal areas. The land is located on the municipal boundary with Devonport, and the adjoining land is zoned Agriculture.

Commission decision

155. The Commission determines no modifications are required.

Rural Zone – 75 Sherwood Drive, Latrobe

Representation: Ryan Sheehan (33)

156. The representor requested the zoning of 75 Sherwood Drive, Latrobe folio of the Register 214149/1 be revised from the Agriculture Zone to the Rural Zone. The reasons were that the land is used for a ‘farm stay’ accommodation. An agriculture assessment submitted with the representation concluded that the land was not prime agricultural land and had significant constraints, including lack of irrigation that would significantly restrict agriculture.
157. In its section 35F report, the planning authority recommended the land be zoned Rural for the following reasons:
- the Rural Zone would provide a more contiguous zoning pattern with the land to the north and south-east and was supported by the agriculture assessment; and
 - the land contained Visitor Accommodation use that supported local tourism, which is promoted by the Council’s strategies.
158. At the hearing, the planning authority added the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model.

Commission consideration

159. The Commission agrees the Rural Zone should be applied to the land. The Commission notes the land adjacent to the northern boundary of the site was included in the Rural Zone because it is in a private timber reserve consistent with the planning authority’s methodology for application of the Rural and Agriculture zones. The Commission considers 75 Sherwood Drive should also be included in the Rural Zone as this would result in a more consistent zoning pattern being applied to the area. The representor provided an agriculture assessment as evidence of the suitability of the land for the Rural Zone despite its classification as unconstrained in the agricultural estate mapping. This is consistent with the principles of RZ 3 and AZ 6 of Guideline No.1.

160. The Commission also determines the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone.

Commission decision

161. Modification:
- Revise the zoning of 75 Sherwood Drive, Latrobe folio of the Register 214149/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.
162. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Rural Zone and Agriculture Zone – Mersey Main Road, Tarleton and Latrobe

Representations: Hayley Cook, Phillip Cook, Carolyn Cook and David Kubanek (36), Department of Natural Resources and Environment (37)

163. Representation 36 requested the zoning of Mersey Main Road, Tarleton folio of the Register 40243/2 be revised from the Environmental Management Zone to the Rural Zone. The representors also requested the zoning of 637 Mersey Main Road, Latrobe folio of the Register 244733/1 be revised from the Environmental Management Zone to the Agriculture Zone. The reasons were:
- the titles were part of larger farming properties used for agriculture;
 - the properties were not reserved for conservation; and
 - similar properties along the Mersey River were zoned Agriculture.
164. The representation made by Department of Natural Resources and Environment requested the zoning of Mersey Main Road, Tarleton folios of the Register 40243/2, 40243/3, 40243/4, 40243/5, 40243/6, 40243/7, 40243/8, 40243/9, 40243/10, 40243/11 (owned by signatories to representation 36) be revised from the Agriculture Zone to the Rural, Landscape Conservation, or Environmental Management zones. The reason was the land contained natural values and was impacted by Future Coastal Refugia, Coastal Erosion Hazard Area and Inundation-prone Hazard Area overlays.
165. At the hearing, the planning authority noted all the land was clearly farmed and should not be zoned Environmental Management. It added that it was unclear why the land was not included in the agricultural estate mapping, but that it may have arisen as a consequence of tidal flats that encroached the respective properties.

Commission consideration

166. The Commission agrees that the Rural and Agriculture zones should be applied to the land as requested in representation 36. Both areas of land form part of larger farming properties and it is generally considered good planning principle to include entire properties in the same zone whether comprised of multiple land titles or not. It is noted the Waterway and Coastal Protection Area, Future Coastal Refugia and Priority Vegetation Area overlays would apply to the land and may otherwise control the environmental impact of use and development on the land in place of the Environmental Management Zone.

Commission decision

167. Modification:

- Revise the zoning of Mersey Main Road, Tarleton folio of the Register 40243/2 to Rural and the zoning of 637 Mersey Main Road, Latrobe folio of the Register 244733/1 to Agriculture.
- Remove the Priority Vegetation Area overlay from 637 Mersey Main Road, Latrobe folio of the Register 244733/1.

168. Reason: To apply the Rural and Agriculture zones consistent with Guideline No. 1.

Rural Zone – 366 Lades Road and 4202 Frankford Road, Harford

Representation: Department of Natural Resources and Environment (37)

169. The representor requested the zoning of 366 Lades Road, Harford folio of the Register 247189/1 and 4202 Frankford Road, Harford folio of the Register 140556/1 be revised from the Agriculture Zone to the Rural Zone. The reason was the Agriculture Zone was not consistent with surrounding land use and the land contained remnant native vegetation, which could be better protected under the provisions of the Rural Zone.

170. The planning authority supported application of the Rural Zone in its section 35F report.

Commission consideration

171. The Commission notes that both properties are included in the agricultural estate mapping; 366 Lades Road is identified as unconstrained, while 4202 Frankford Road is identified as constrained. The adjacent land to the south was included in the Rural Zone because it is in a private timber reserve consistent with the planning authority's methodology. The Commission considers the two titles subject to the representation should also be included in the Rural Zone as this would enable a more consistent zoning pattern to be applied to the area.

172. The Commission also determines that the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Rural Zone.

Commission decision

173. Modification:

- Revise the zoning of 366 Lades Road, Harford folio of the Register and 4202 Frankford Road, Harford folio of the Register 140556/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.

174. Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.

Agriculture Zone – Victor Street, Cotton Street and Hamilton Street, Latrobe

Representations: Latrobe Council (27), Department of Police, Fire and Emergency Management – State Emergency Service (48)

175. The representor requested the zoning of the following properties be revised from the Rural Zone to the Agriculture Zone:

- Cotton Street, Latrobe folio of the Register 33474/2;

- Cotton Street, Latrobe General Law deed 54/2104;
- 42 Hamilton Street, Latrobe folios of the Register 148873/1, 148873/2 and 225459/1;
- Hamilton Street, Latrobe folio of the Register 146040/1;
- 20 Victor Street, Latrobe folio of the Register 7149/1;
- Victor Street, Latrobe folio of the Register 146271/1;
- Victor Street, Latrobe folio of the Register 132179/1;
- Victor Street, Latrobe folio of the Register 118067/2;
- reserved road between folio of the Register 33474/2 and General Law deed 54/2104; and
- unidentified Crown land adjacent to the southern boundary of folio of the Register 146040/1.

176. The reasons were:

- the land is used for grazing;
- the Rural Zone provided for commercial and industrial-type uses that would be incompatible with surrounding residential areas and areas with scenic value; and
- the land was located in the Flood-prone Hazard Area overlay and the Agriculture Zone would prevent inappropriate use and development until more detailed work on flood mitigation and residential growth areas for Latrobe was completed.

177. In its section 35F report, the planning authority recommended that the Agriculture Zone be applied for the reasons given in the representation.

178. Prior to the hearing, the planning authority advised in response to a Commission direction, that the reserved/subdivision roads that adjoin the western boundaries of Cotton Street General Law deed 54/2104 and 42 Hamilton Street, were recommended to be zoned Agriculture consistent with the surrounding land.

179. At the hearing, the State Emergency Service (representation 48), stated that it supported the Agriculture Zone because it would assist management of use and development in the flood plain until current works on the flood levee were completed and updated flood mapping was completed to reflect the works.

180. Commission consideration

181. The Commission agrees that the Agriculture Zone should be applied to the land for the reasons given by the planning authority in the section 35F report. Although the land is identified as constrained in the agricultural estate mapping, it is connected with the Agriculture Zone to the west and several of the titles are under common ownership. The Agriculture Zone is consistent with the principle of AZ 3 of Guideline No. 1, which states the Agriculture Zone can be applied to constrained land located near other agricultural land and consistent with the regional strategy. The Commission accepts there is merit in use of the Agriculture Zone controls to manage risk of flooding to use and development, which is supported by the regional strategy, clause 4.4 - Land Use Policies for Protecting People and Property.

Commission decision

182. Modification:

- Revise the zoning of the following properties to Agriculture Zone and remove the Priority Vegetation Area overlay:
 - a. Cotton Street, Latrobe folio of the Register 33474/2;
 - b. Cotton Street, Latrobe General Law deed 54/2104;
 - c. 42 Hamilton Street, Latrobe folios of the Register 148873/1, 148873/2 and 225459/1;
 - d. Hamilton Street, Latrobe folio of the Register 146040/1;
 - e. 20 Victor Street, Latrobe folio of the Register 7149/1;
 - f. Victor Street, Latrobe folio of the Register 146271/1;
 - g. Victor Street, Latrobe folio of the Register 132179/1;
 - h. Victor Street, Latrobe folio of the Register 118067/2;
 - i. reserved road between folio of the Register 33474/2 and General Law deed 54/2104;
 - j. unidentified Crown land adjacent to the southern boundary of folio of the Register 146040/1;
 - k. the reserved/subdivision roads that adjoin the western boundaries of Cotton Street General Law deed 54/2104 and 42 Hamilton Street; and
 - l. public roads adjoining the land to the road centrelines.

183. Reason: To apply the Agriculture Zone consistent with Guideline No. 1.

Commission consideration under section 35KB

184. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

185. Draft amendment directed to the Latrobe LPS:

- Revise the zoning of the following properties to Agriculture Zone and remove the Priority Vegetation Area overlay:
 - a. Cotton Street, Latrobe folio of the Register 33474/2;
 - b. Cotton Street, Latrobe General Law deed 54/2104;
 - c. 42 Hamilton Street, Latrobe folios of the Register 148873/1, 148873/2 and 225459/1;
 - d. Hamilton Street, Latrobe folio of the Register 146040/1;
 - e. 20 Victor Street, Latrobe folio of the Register 7149/1;
 - f. Victor Street, Latrobe folio of the Register 146271/1;
 - g. Victor Street, Latrobe folio of the Register 132179/1;
 - h. Victor Street, Latrobe folio of the Register 118067/2;
 - i. reserved road between folio of the Register 33474/2 and General Law deed 54/2104;
 - j. unidentified Crown land adjacent to the southern boundary of folio of the Register 146040/1; and
 - k. public roads adjoining the land to the road centrelines.

186. Reason:

- To apply the Agriculture Zone consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Landscape Conservation Zone – Bakers Beach Road, Bakers Beach and 3067 Railton Road, Latrobe

Representations: Conservation Landholders Tasmania (34A), Tasmanian Land Conservancy (34B), Department of Natural Resources and Environment (37)

187. Representations 34A and 34B requested the zoning of Bakers Beach Road, Bakers Beach folio of the Register 180789/3 be revised from the Rural Zone to the Landscape Conservation Zone. The reason was the land was subject to a conservation covenant and contained a large area of native vegetation, which was prominent in the local landscape.
188. The representation made by Conservation Landholders Tasmania added that it supported application of the Environmental Management Zone to the land at Cockers Creek Road, Spreyton folio of the Register 106132/1, which was also subject to a conservation covenant. Conservation Landholders Tasmania was otherwise satisfied with the zoning of all other land in the municipal area that contained conservation covenants.
189. Representation 37 (Department of Natural Resources and Environment) requested 3067 Railton Road, Latrobe folio of the Register 181635/1 be revised from the Agriculture Zone to the Rural, Landscape Conservation, or Environmental Management zones on the basis the land contained a conservation covenant.
190. The representation made by the Tasmanian Land Conservancy requested all land with a conservation covenant declared under the *Nature Conservation Act 2002* be zoned Landscape Conservation or Environmental Management. The reasons were:
- land subject to conservation covenants were already recognised for natural values and the zoning of land should reflect the actual use and development potential;
 - the Landscape Conservation Zone would be consistent with Guideline No. 1;
 - conservation covenants are part of the Tasmanian Reserve Estate, which is land reserved to be managed for biodiversity conservation under Tasmania’s Regional Forest Agreement. The land was also part of Australia’s National Reserve System and therefore contributes to the fulfilment of Australia’s obligations under the international Convention on Biological Diversity 1993;
 - all of the reserves were listed in the latest version of the Collaborative Australian Protected Area Database;
 - privately protected land in Tasmania covered a smaller area than publicly protected land, but contained a higher percentage of threatened communities;
 - private reserves, including all private conservation covenants and Tasmanian Land Conservancy reserves, had a reserve management plan prepared by experts to protect, conserve and manage the ecological, scientific, cultural and aesthetic values of the area in the public interest; and
 - zoning of the broader landscape around conservation covenants should be carefully considered to avoid fragmentation of the land that might impact on natural values.

191. In the section 35F report, the planning authority did not recommend any change to the zoning of the land at Bakers Beach Road for the following reasons:
- the Landscape Conservation Zone should only be applied to land with landscape values that are identified for protection or conservation where some small-scale use or development may be appropriate;
 - the land is a minor part of a broader vegetated landscape with consistent characteristics that did not have the landscape value necessary to warrant application of the Landscape Conservation Zone to a single title; and
 - ‘spot-zoning’ should generally be avoided due to inequitable regulation within an area that can have unintended impacts on adjoining land.
192. The planning authority did not support application of an alternative zone to 3067 Railton Road or any other land that contained a conservation covenant. The reason was that it would create spot-zones that would result in inequitable regulation in the relevant areas, and that natural values present on the land would be managed by the conservation covenant in any case.

Commission consideration

193. The Commission observes that conservation covenants are made under the *Nature Conservation Act 2002*, but are not reserves. The reason is that conservation covenants are not specifically identified as reserves in the interpretation in Part 3, or Schedule 1 of the *Nature Conservation Act 2002*. These sections list each type of reserve, including private nature sanctuaries and private nature reserves. The definition of ‘reserved’ given in the *Nature Conservation Act 2002* (as opposed to the definition for ‘reserved land’) means land that is ‘set aside or acquired for a conservation purpose.’ This means the use of land must be primarily for conservation purposes as a consequence of having the status of a reserve of a type listed in Schedule 1 of the *Nature Conservation Act 2002*.
194. The Commission also notes the different processes prescribed for declaration of reserves (made for private land under section 12 of the *Nature Conservation Act 2002*), versus the process for the Minister to ‘enter into’ a conservation covenant with a landowner (made as a covenant that ‘runs with’ the land under section 34 of the *Nature Conservation Act 2002*). Unlike a reserve, a conservation covenant ‘runs with’ the land like a contract and the land is not ‘set aside’, meaning that it is not taken to be primarily in effect for conservation purposes.
195. There may be good strategic planning merit in the application of the Landscape Conservation or Environmental Management zones to areas that have extensive conservation covenants (such as a cluster of many, a large area, or both) provided that broader landscape values (not only biodiversity values) are demonstrated consistent with the purpose of the zone. The zone that should apply to land that contains a conservation covenant needs to be balanced with application of zones based on sound planning principles. For example, spot-zoning of land should generally be avoided and the zone should be consistent with the regional strategy and the principles of Guideline No. 1. The application of zoning as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options are available.
196. The Commission supports the zones that have been applied by the planning authority to the land at Bakers Beach Road, 3067 Railton Road and other land with conservation covenants because there is insufficient evidence any of the land has landscape value.

Commission decision

197. The Commission determines no modifications are required.

Environmental Management Zone – Various Properties

Representation: Department of Natural Resources and Environment (37)

198. The representor requested the zoning of numerous parcels of Crown land be revised from the Light Industrial, Rural, Agriculture and Community Purpose zones to Environmental Management. The reason was that the sites were inland water bodies, riparian reserves, and public land managed for the purpose of the protection and conservation of natural values. The properties were:

- wetland adjacent to the Mersey River (largely bound by folio of the Register 247017/1);
- riparian reserve adjacent to the Mersey River (located alongside the western boundary of folio of the Register 211038/1);
- ‘Gum Flats’ adjacent to the Mersey River (located to the west of Dysodile Hills and alongside the western boundary of Native Plains Road, Sassafras PID 3393065);
- three parcels of onshore waterbody that contained the Mersey River (located alongside the western boundaries of 22 Lovetts Flat Road folio of the Register 228124/1, Native Plains Road PID 3393065, and Lovetts Flat Road folio of the Register 142204/1, Sassafras);
- Devil Road, Latrobe PID 1724094 (part of Warrawee Conservation Area);
- land included in the Warrawee Conservation Area (adjacent to southern boundary of 75 Sherwood Drive, Latrobe folio of the Register 214149/1);
- riparian reserve adjacent to the Mersey River (adjacent to eastern boundary of folio of the Register 118074/1);
- riparian reserve adjacent to the Mersey River (folio of the Register 9187/2);
- riparian reserve adjacent to Caroline Creek (folio of the Register 153345/1, excluding parcel that contained the rail line);
- riparian reserve adjacent to the Mersey River (folio of the Register 104287/2);
- riparian reserve adjacent to the Mersey River (adjacent to eastern boundary of 3 Champ Street, Tarleton folio of the Register 183522/3);
- Franklin Rivulet;
- riparian reserve adjacent to the Franklin Rivulet (adjacent to eastern boundary of Frankford Road, Harford folio of the Register 221751/1);
- riparian reserve adjacent to the Rubicon River (adjacent to eastern boundary of 265 Greens Creek Road, Sassafras folio of the Register 238074/1);
- the Rubicon River;
- riparian reserve adjacent to the Rubicon River (adjacent to western boundary of 461 Smith and Others Road, Sassafras folio of the Register 230072/1);
- riparian reserve adjacent to the Rubicon River (adjacent to eastern boundary of 275 Smith and Others Road, Sassafras folio of the Register 211590/1);

- riparian reserve adjacent to the Rubicon River (adjacent to western boundary of 65 Smiths Lane, Sassafras folio of the Register 107929/1);
 - Pitcairn Street, Port Sorell folios of the Register 9298/1 and 135918/2 (zoned Community Purpose); and
 - Bass Highway, Latrobe PID 7549979 (2 parcels zoned Light Industrial).
199. In its section 35F report, the planning authority recommended no changes to the draft LPS for the following reasons:
- the zone applied to inland water bodies, riparian reserves and other public land managed for natural value would not affect how the Crown land was managed;
 - the Community Purpose Zone applied to Pitcairn Street, Port Sorell folios of the Register 9298/1 and 135918/2 best represented the future and current use of the land; and
 - the Light Industrial Zone applied to Bass Highway, Latrobe PID 7549979 was part of the Latrobe industrial precinct, however the future of the precinct was not clear until a master plan for the land was completed.
200. At the hearing, the planning authority modified its view on the zoning of inland water bodies and riparian reserves and agreed to support the Environmental Management Zone. The planning authority added that it was less supportive of application of the Environmental Management Zone to other public land that adjoined inland water bodies and riparian reserves because it would create poor zoning patterns. Its general position was that if the land was not a reserve, then Crown land should be included in surrounding zones.
201. The planning authority maintained its view about the zoning it recommended for the land at Pitcairn Street, Port Sorell and made the following comments:
- the land was intended to be developed as a school in conjunction with a primary school planned for the adjacent land, however no definite plans for a school were available;
 - the land was strategically important to the local community and could be needed to develop community infrastructure as the area grew;
 - the planning authority intended to undertake strategic planning work to determine what community infrastructure would be needed;
 - it was not aware of any natural values on the land that would warrant application of the Environmental Management Zone beyond the Priority Vegetation Area overlay that already applied; and
 - the remainder of the land was used for public recreation (walking tracks), which could not be developed without the consent of the Crown anyway.
202. The planning authority also maintained its view on the zoning of the land at Bass Highway, Latrobe and made the following comments:
- the Environmental Management Zone would not be appropriate for the land around the speedway as the Zone would affect whether the land could be developed with utilities such as stormwater drainage infrastructure, and existing walking tracks;
 - the land did not have significant natural, ecological or scenic value except for an area of *Eucalyptus ovata*, which was protected by the Priority Vegetation Area overlay; and
 - the land was owned by the Crown, which would have ultimate control over future use and development.

Commission consideration

203. The Commission determines the following:

- the inland water bodies, riparian reserves, and public land managed for the purpose of the protection and conservation of natural values should be zoned Environmental Management. All the nominated parcels of land contain areas of natural values or are connected to land with natural values. The Commission also determines that the Priority Vegetation Area overlay should be applied to any parcels of land previously zoned Agriculture in the exhibited draft LPS, consistent with the Regional Ecosystem Model mapping;
- the Community Purpose Zone is most appropriate for the future use and management of the land at Pitcairn Street. It is noted the planning authority intends to undertake strategic planning work to determine what community infrastructure may be needed on the land, which may impact the future zoning of the land; and
- the land around the Latrobe Speedway should remain in the Light Industrial Zone because there is no evidence the land has significant natural, ecological or scenic values, or that the land should be taken out of the industrial land estate. Nevertheless, the Commission notes the land is owned by the Crown and therefore any future use or development of the land would require its consent.

Commission decision

204. Modification:

- Revise the zoning of the following land to Environmental Management and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping to any parcels of land previously zoned Agriculture:
 - a. wetland adjacent to the Mersey River (largely bound by folio of the Register 247017/1);
 - b. riparian reserve adjacent to the Mersey River (located alongside the western boundary of folio of the Register 211038/1);
 - c. 'Gum Flats' adjacent to the Mersey River (located to the west of Dysodile Hills and alongside the western boundary of Native Plains Road, Sassafras PID 3393065);
 - d. three parcels of onshore waterbody that contain the Mersey River (located alongside the western boundaries of 22 Lovetts Flat Road folio of the Register 228124/1, Native Plains Road PID 3393065, and Lovetts Flat Road folio of the Register 142204/1, Sassafras);
 - e. Devil Road, Latrobe PID 1724094 (part of Warrawee Conservation Area);
 - f. land included in the Warrawee Conservation Area (adjacent to southern boundary of 75 Sherwood Drive, Latrobe folio of the Register 214149/1);
 - g. riparian reserve adjacent to the Mersey River (adjacent to eastern boundary of folio of the Register 118074/1);
 - h. riparian reserve adjacent to the Mersey River (folio of the Register 9187/2);
 - i. riparian reserve adjacent to Caroline Creek (folio of the Register 153345/1, excluding parcel that contains the rail line);
 - j. riparian reserve adjacent to the Mersey River (folio of the Register 104287/2);
 - k. riparian reserve adjacent to the Mersey River (adjacent to eastern boundary of 3 Champ Street, Tarleton folio of the Register 183522/3);
 - l. Franklin Rivulet;

- m. riparian reserve adjacent to the Franklin Rivulet (adjacent to eastern boundary of Frankford Road, Harford folio of the Register 221751/1);
- n. riparian reserve adjacent to the Rubicon River (adjacent to eastern boundary of 265 Greens Creek Road, Sassafras folio of the Register 238074/1);
- o. the Rubicon River;
- p. riparian reserve adjacent to the Rubicon River (adjacent to western boundary of 461 Smith and Others Road, Sassafras folio of the Register 230072/1);
- q. riparian reserve adjacent to the Rubicon River (adjacent to eastern boundary of 275 Smith and Others Road, Sassafras folio of the Register 211590/1); and
- r. riparian reserve adjacent to the Rubicon River (adjacent to western boundary of 65 Smiths Lane, Sassafras folio of the Register 107929/1).

205. Reason: To apply the Environmental Management Zone consistent with Guideline No. 1.

Utilities Zone – State Road Casement

Representation: Department of State Growth (41)

- 206. The representor supported application of the Utilities Zone to the State road casement, but also requested the Zone be applied to a proclaimed highway adjacent to the Bass Highway south of Latrobe. The affected area was located along the northern side of the Bass Highway and extended from 23 Faulkner Drive, Latrobe folio of the Register 142745/1 to Chapel Road, Sassafras folio of the Register 150845/2. The area included land in the Light Industrial, Rural and Agriculture zones.
- 207. The representor also supported the planning authority’s decision not to apply the Road and Railway Attenuation Area overlay in the draft LPS.
- 208. In the section 35F report, the planning authority did not support the request to apply the Utilities Zone to the highway proclamation, because the affected properties contained existing industrial and agricultural uses that would be prohibited in the Utilities Zone. These uses would be consequently classified as non-conforming uses under the Act.
- 209. At the hearing, the planning authority added that it would be inappropriate to apply the Utilities Zone to private land until there were firm plans for the location of any road works, particularly around the Light Industrial Zone at Latrobe.
- 210. In response, the representor reiterated the land was within an existing highway proclamation, but did not seek to add any further details to its representation.

Commission consideration

- 211. The Commission agrees with the planning authority that further details about future plans for the highway should be provided before the Utilities Zone is applied to private land within the proclamation. This is particularly relevant to the land in the Light Industrial Zone at Latrobe, which contains existing uses that may be unfairly compromised by the Utilities Zone. Nevertheless, the Commission notes the proclamation exists and will otherwise help to protect the land from inappropriate development in the intervening period.

Commission decision

- 212. The Commission determines no modifications are required.

Utilities Zone – Electricity Infrastructure

Representation: TasNetworks (42)

213. The representor requested the zoning of the Wesley Vale Substation and Communication Site at 248 Mill Road, Wesley Vale folio of the Register 142371/1 be revised from the General Industrial Zone to the Utilities Zone. The reason was electricity generation, transmission and associated infrastructure constituted ‘major utilities,’ and that application of the Utilities Zone was consistent with Guideline No. 1.
214. The representor added it was supportive of the planning authority’s decision not to apply the Landscape Conservation Zone or the Scenic Protection Area overlay to any land that contained the Electricity Transmission Infrastructure Protection overlays.
215. The planning authority supported application of the Utilities Zone in its section 35F report.
216. At the hearing, the representor (TasNetworks) noted the Utilities Zone had been applied to similar sites in other draft LPSs. In response, the planning authority stated that it would also agree to apply the Utilities Zone to any other similar sites in future.

Commission consideration

217. The Commission considers that land containing significant electricity infrastructure should be zoned Utilities. This is consistent with the purpose of the Zone and the principles of Guideline No. 1 (UZ 1(d)).

Commission decision

218. Modification:
- Revise the zoning of the Wesley Vale Substation and Communication Site at 248 Mill Road, Wesley Vale folio of the Register 142371/1 to Utilities.
219. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – Rail Infrastructure

Representation: TasRail (43)

220. The representor requested the zoning of folio of the Register 126554/2 be revised from the Agriculture Zone to the Utilities Zone because the land is part of the State rail network as defined under the *Rail Infrastructure Act 2007*.
221. In the section 35F report the planning authority recommended that the Utilities Zone be applied to the land, but noted that the request was unusual because the land was not used for rail infrastructure and mostly contained a watercourse and riparian edge. However, the planning authority was satisfied that the Utilities Zone was consistent with the requirements of Guideline No.1.

Commission consideration

222. The Commission agrees that the land forms part of the State rail network and should be zoned Utilities, which is consistent with the principles of Guideline No.1. The Commission also determines that the Priority Vegetation Area overlay should be applied to the land consistent with the Regional Ecosystem Model mapping to manage the native vegetation, as the overlay is compatible with the Utilities Zone.

Commission decision

223. Modification:

- Revise the zoning of folio of the Register 126554/2 to Utilities and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.

224. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Utilities Zone – Water Infrastructure

Representation: TasWater (44)

225. The representor requested the water reservoir at St Louis Drive, Port Sorell folio of the Register 17618/9 be revised from the Rural Living Zone to the Utilities Zone because the land contains a water storage facility.

226. The planning authority supported application of the Utilities Zone in its section 35F report.

Commission consideration

227. The Commission considers the primary objective in zone application should be to achieve the zone purpose to the greatest extent possible. As such, the Commission considers that land containing water storage infrastructure should be zoned Utilities consistent with the principles of Guideline No. 1 (UZ 4).

Commission decision

228. Modification:

- Revise the zoning of the water reservoir at St Louis Drive, Port Sorell folio of the Register 17618/9 to Utilities.

229. Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.

Community Purpose Zone – 16 Torquay Road, Latrobe

Representation: Department of Health (39)

230. The representor requested the zoning of 16 Torquay Road, Latrobe folio of the Register 134714/1 be revised from the General Residential Zone to the Community Purpose Zone. The reason was that the Department of Health had recently purchased the property and intended to incorporate it as part of the adjacent Mersey Community Hospital. The representor added that it supported the Airport Obstacle Limitation Area overlay that was applied to protect the airspace around the hospital's helipad.

231. In the section 35F report, the planning authority recommended that the Community Purpose Zone be applied to 16 Torquay Road.

232. At the hearing, the planning authority added that it accepted the land had been purchased to form part of the hospital. The planning authority noted that this would leave 16 Torquay Road isolated in the General Residential Zone, but stated that the zoning pattern could be justified in the circumstances.

Commission consideration

233. The Commission accepts the land now forms part of the Mersey Community Hospital and agrees that the Community Purpose Zone is appropriate given the importance of the hospital to the local community. The Commission is satisfied that the zoning pattern of the area is acceptable in the circumstances.

Commission decision

234. Modification:

- Revise the zoning of 16 Torquay Road, Latrobe folio of the Register 134714/1 to Community Purpose.

235. Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.

Open Space Zone – River Road and Lochner Street, Latrobe

Representation: Latrobe Council (27)

236. The representor requested the zoning of the following properties be revised from the Rural Zone to the Open Space Zone:

- Lochner Street, Latrobe folios of the Register 108955/1 and 46994/1 (owned by Latrobe Council);
- River Road, Latrobe folio of the Register 213733/1 (privately owned);
- River Road, Latrobe folio of the Register 148574/1 (Crown land); and
- River Road, Latrobe folios of the Register 233621/1, 148654/1, 42737/1, 103359/7, 103359/2, 103359/1, 108955/2 and 103359/6 (owned by Latrobe Council).

237. The reasons were:

- the land is steep;
- the majority of the land is public open space owned by Latrobe Council; and
- the Zone would be contiguous with the existing Open Space Zone to the east.

238. In its section 35F report, the planning authority recommended that the Open Space Zone be applied to the land for the reasons given in the representation.

Commission consideration

239. The Commission agrees that the Open Space Zone should be applied to the land for the reasons given by the planning authority in the section 35F report. The Zone would recognise an existing area of native vegetation alongside the Mersey River that is within the settlement and informally used as public open space. The Commission also notes the Open Space Zone would be consistent with the principle expressed in OSZ 1(b) of Guideline No. 1.

Commission decision

240. Modification:

- Revise the zoning of Lochner Street, Latrobe folios of the Register 108955/1, 108955/2 and 46994/1, River Road, Latrobe folios of the Register 213733/1, 148574/1, 233621/1, 148654/1, 42737/1, 103359/7, 103359/2, 103359/1 and 103359/6, the reserved road between folios of the Register 42737/1, 148574/1, 233621/1 and 148654/1, and adjoining public roads to Open Space.

241. Reason: To apply the Open Space Zone consistent with Guideline No. 1.

Commission consideration under section 35KB

242. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

243. Draft amendment directed to the Latrobe LPS:

- Revise the zoning of Lochner Street, Latrobe folios of the Register 108955/1, 108955/2 and 46994/1, River Road, Latrobe folios of the Register 213733/1, 148574/1, 233621/1, 148654/1, 42737/1, 103359/7, 103359/2, 103359/1 and 103359/6, the reserved road between folios of the Register 42737/1, 148574/1, 233621/1 and 148654/1, and adjoining public roads to Open Space.

244. Reason:

- To apply the Open Space Zone consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Particular Purpose Zone – Devonport Airport

Representation: TasPorts (40)

245. The representor requested the zoning of 13 Airport Road, Wesley Vale folio of the Register 130335/1 be revised from the Light Industrial Zone and Utilities Zone to a Particular Purpose Zone. The reason was the Utilities Zone did not provide for uses such as Educational and Occasional Care, Food Services and General Retail and Hire that were usually associated with an airport. The representor also requested the Priority Vegetation Area and Waterway and Coastal Protection Area overlays be removed from the land because the airport runway, including the secured area of grass verges around the runway, were already managed for airport operational and safety purposes and featured constructed drains.

246. The planning authority recommended a Particular Purpose Zone titled 'LAT-P5.0 Particular Purpose Zone – Devonport Airport' be applied to the land. The planning authority also recommended that the Priority Vegetation Area and Waterway and Coastal Protection Area overlays be removed from the land, except for the vegetated areas along the northern boundary of the site that bordered the coast, including sand dunes.

247. The section 35F report included a draft of the Particular Purpose Zone provisions that would be included in the draft LPS written document. The broad purpose of the Zone was to provide for aviation, transport, supply and storage activities at the airport and also other compatible use and development. The Zone otherwise included the following provisions:

- a use table with Bulky Goods Sales, Storage, Transport Depot and Distribution and Vehicle Parking as Permitted uses, and Educational and Occasional Care, Food Services, General Retail and Hire, Manufacturing and Processing, Recycling and Waste Disposal, Resource Processing, Service Industry, Tourist Operation, Vehicle Fuel Sales and Service and Visitor Accommodation as Discretionary uses;
- use standards for external lighting and Discretionary uses that would ensure use did not impact on the safety and operations of the airport; and

- development and subdivision standards that were based on similar standards applied in the SPP Light Industrial Zone. In particular, the development standards were intended to manage the visual presentation of the site.
248. The planning authority contended that the Particular Purpose Zone was compliant with section 32(4) of the Act for the following reasons:
- the airport was a facility of regional significance that required tailored provisions to maximise the economic potential created by the movement of passengers and freight and associated tourism and industrial activities;
 - the airport had large amounts of undeveloped land suitable for additional use and development for aviation related activities and complementary commercial activities that presented an opportunity for economic development of the site; and
 - Devonport Airport had aspirations to introduce expanded jet operations for passengers and freight, which could include an extension to the runway, which would support broader economic development and employment in the region.
249. At the hearing, the planning authority added the SPPs did not contain a zone that served modern airports and the Particular Purpose Zone would be able to provide for the intended uses as well as manage the appearance of the airport.
250. In response, Mr. Frazer Read (All Urban Planning) for TasPorts was supportive of the planning authority's recommendation and stated the airport was a very important site, being the third largest airport in the State and catered for 150,000 passengers per year. It was the only airport managed under the current Civil Aviation Safety Authority rules that could offer alternative freight arrangements to Hobart Airport. Mr. Read also added the airport owner (TasPorts) may decide to extend the runway in future and did not want to be impeded by the overlays.
251. Following the hearing, the planning authority submitted a revised draft of the Particular Purpose Zone in response to a Commission direction. The Zone provisions contained a number of changes made to clarify the operation and policy intent of the use and development standards to address a number of issues raised by the Commission at the hearing.

Commission consideration

252. The Commission accepts the evidence given by the planning authority and representor and agrees that customised planning provisions are appropriate to manage use and development at Devonport Airport. The Commission is satisfied that the proposed Particular Purpose Zone complies with section 32(4)(b) of the Act, because the airport is a major transport link to the mainland. 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.
253. The Commission also agrees with the requested amendments to the Priority Vegetation Area and Waterway and Coastal Protection Area overlays. The overlays apply to land that is heavily modified to provide safe and functional airport services, and the Commission is satisfied no important natural values in the area would be compromised.

Commission decision

254. Modification:
- Revise the zoning of 13 Airport Road, Wesley Vale folio of the Register 130335/1 to LAT-P5.0 Particular Purpose Zone – Devonport Airport;

- Revise the draft LPS written document by inserting LAT-P5.0 Particular Purpose Zone – Devonport Airport; and
- Revise the Priority Vegetation Area and Waterway and Coastal Protection Area overlays by removing the overlays from the area of 13 Airport Road, Wesley Vale folio of the Register 130335/1 identified in the figures in Attachment 4 of the submission made by Latrobe Council dated 27 January 2023.

255. Reason: To apply the Priority Vegetation Area and Waterway and Coastal Protection Area overlays consistent with Guideline No. 1 and to meet the requirements of section 32(4) of the Act.

Commission consideration under section 35KB

256. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

257. Draft amendment directed to the Latrobe LPS:

- Revise the zoning of 13 Airport Road, Wesley Vale folio of the Register 130335/1 to LAT-P5.0 Particular Purpose Zone – Devonport Airport; and
- Revise the draft LPS written document by inserting LAT-P5.0 Particular Purpose Zone – Devonport Airport.

258. Reason:

- To meet the requirements of section 32(4) of the Act.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Natural Assets Code – Priority Vegetation Area Overlay – Various Properties

Representations: JAC Group (46), Graeme Rand (47)

259. The representors requested the Priority Vegetation Area overlay be removed from the following properties:

- Burgess Drive, Shearwater folio of the Register 144981/19;
- Hawk Hill Road, Shearwater folio of the Register 150746/4;
- Hawley Beach Estate (Diamon Way, Topaz Place, Chardonnay Drive, Glyde Street, Taroona Street, Sheoak Lane, Opal Mews, Bushland Avenue, and Pepik Street, Hawley Beach); and
- 25 Victor Street, North Latrobe folio of the Register 242801/1.

260. The representors contended the land did not contain priority vegetation. The representation made by JAC Group noted that the land at Burgess Drive and the Hawley Beach Estate had been cleared under forest practices plan approvals. The representor added the land at Hawk Hill Road had been cleared for approximately 15 years and previously contained a pine plantation.

261. In the section 35F report, the planning authority supported the removal of the overlay from the land at Burgess Drive, Hawk Hill Road and the Hawley Beach Estate. However, the planning authority did not support removal of the overlay from 25 Victor Street because the area of land where the overlay applied was minor (approximately 235m²) and the regulatory effect of the overlay would be negligible.
262. Prior to the hearing, JAC Group provided a natural values assessment prepared by a suitably qualified person in response to a Commission direction. The assessment concluded any priority vegetation identified in the Regional Ecosystem Model mapping upon which the overlay is based, no longer existed or had prior approval to be destroyed. The only exception was the area in the immediate vicinity of the dam on the land at Hawk Hill Road, where the assessment stated the overlay should be applied.
263. At the hearing, the planning authority advised that it accepted the findings of the natural values assessment submitted by JAC Group. It added that representor 47 may not have understood only a minor part of the land at 25 Victor Street was affected by the overlay.

Commission consideration

264. The Commission's view is that the Priority Vegetation Area overlay should not be removed from land unless supported by the advice of a suitably qualified person who has undertaken a detailed site assessment. The Commission therefore agrees that the overlay be removed from the land at Shearwater as specified in the submitted natural values assessment, but retained around the dam at Hawk Hill Road.
265. The Commission does not agree the overlay should be removed from 25 Victor Street as the change is not supported by the advice of a suitably qualified person. Nevertheless, the Commission agrees with the planning authority that the area of the land affected by the overlay is negligible and is unlikely to have any meaningful impact on use or development of the land.

Commission decision

266. Modification:
- Revise the Priority Vegetation Area overlay by removing the overlay from the following land:
 - a. Burgess Drive, Shearwater folio of the Register 144981/19;
 - b. that area of the Hawley Beach Estate (Diamon Way, Topaz Place, Chardonnay Drive, Glyde Street, Taroon Street, Sheoak Lane, Opal Mews, Bushland Avenue, and Pepik Street, Hawley Beach) identified in Figure 13 of the Natural Values Report prepared by Scott Livingston dated 1 December 2022; and
 - c. Hawk Hill Road, Shearwater folio of the Register 150746/4, with the exception of the area in the immediate vicinity of the dam on the land at Hawk Hill Road where the overlay must be applied to the area identified in the submission made by JAC Group dated 30 January 2023.
267. Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.

Attenuation Area Overlay

Representations: Latrobe Council (27), Dulverton Waste Management (45)

268. The representors requested the Attenuation Area overlay be applied around the following sites:
- Latrobe Speedway at 37 Speedway Drive, Latrobe folio of the Register 162285/1;

- Latrobe sewerage treatment plant at River Road, Latrobe folio of the Register 153491/1;
- Port Sorell sewerage treatment plant at Larooma Road, Hawley Beach folio of the Register 15974/1; and
- the Dulverton Waste Management site at 145 Dawsons Siding Road, Latrobe folio of the Register 153999/1 and Youngmans Road, Railton folios of the Register 131878/1 and 153999/1.

269. The reasons were:

- the Latrobe Speedway is a motor racing facility and a standard 3000m attenuation distance applies under Table C9.1 of the SPPs. The area would cover all of the Latrobe settlement, and the requirements of the Code would be an unreasonable imposition on normal use and development within the settlement;
- the sewerage treatment plants at Latrobe and Hawley Beach should be mapped to ensure regulatory consistency; and
- a mapped overlay around the Dulverton Waste Management site would simplify planning assessments by providing clarity about where the Attenuation Code would apply.

270. A noise assessment was submitted with representation 27 (Latrobe Council) to support a modified Attenuation Area that would be mapped in the overlay. The assessment specifically determined which areas around the site would be significantly impacted by noise and included a suggested Attenuation Area located on the northern side of the Bass Highway. The Attenuation Area would extend up to an approximate distance of 750m from the Speedway.

271. In its section 35F report, the planning authority supported the proposed Attenuation Area overlay around the Latrobe Speedway and application of the overlay around the sewerage treatment plants at Latrobe and Hawley Beach. However, the planning authority did not support an Attenuation Area around the Dulverton Waste Management site because the attenuation distances listed in Tables C9.1 and C9.2 of the SPPs would allow application of the Attenuation Code to be adjusted automatically should use of the site change over time. Alternatively, a mapped area would prevail over Tables C9.1 and C9.2 to the extent of any difference and would not account for any changes to the use of the site without an amendment to the overlay.

272. Prior to the hearing, the Commission directed TasWater to provide an opinion on the proposal to apply the Attenuation Area overlay around the sewerage treatment plants at Latrobe and Port Sorell. In response, TasWater advised that the Attenuation Area buffers around plants should not be mapped because neither of the areas would match the distances in Tables C9.1 and C9.2 of the Attenuation Code. TasWater added that it was undertaking a long-term improvement program involving most sewerage treatment plants in the State, which may result in different attenuation distances to those mapped. Therefore, it preferred that the standard distances prescribed in Tables C9.1 and C9.2 were applied.

273. At the hearing, the planning authority added the Attenuation Area proposed for the speedway was the appropriate level of control given the speedway only held 13 race events per year. The Attenuation Area would only be mapped to a distance where noise would be heard above a level of 55dBA. The planning authority also noted the Road and Railway Assets Code of the SPPs would require dwellings alongside the Bass Highway to be constructed with noise attenuation features, such as double glazing and insulation in any case. The noise assessment demonstrated the approximate distance of 750m from the Speedway would capture the desired 55dBA threshold that could be tolerated given the

frequency of speedway events and the requirements of Road and Railway Assets Code that would otherwise apply.

274. The planning authority maintained it would prefer to map the Attenuation Areas around the sewerage treatment plants at Latrobe and Port Sorell. It added it was unconcerned if the area around the Dulverton Waste Management site was mapped, but noted Guideline No. 1 only provided for the Attenuation Area to be mapped if it was a variation to the attenuation distances established by the Code.

Commission consideration

275. The Commission is satisfied the proposed Attenuation Area for the Latrobe Speedway should be inserted in the draft LPS for the reasons given by the planning authority. The Attenuation Area is supported by a suitably qualified person and has been appropriately adjusted in response to local conditions.
276. The Commission does not agree the Attenuation Area overlay should be applied to the sewerage treatment plants or the Dulverton Waste Management site because variations to the standard attenuation distances specified in Tables C9.1 or C9.2 of the Code are not proposed and are not supported by a suitably qualified person.

Commission decision

277. Modification:

- Insert the Attenuation Area overlay in the draft LPS and apply the overlay to the area around the Latrobe Speedway, as identified in Figure 1 to Attachment 1 of the submission made by Latrobe Council dated 27 January 2023.

278. Reason: To apply the Attenuation Area overlay consistent with Guideline No. 1.

Commission consideration under section 35KB

279. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

280. Draft amendment directed to the Latrobe LPS:

- Insert the Attenuation Area overlay in the draft LPS and apply the overlay to the area around the Latrobe Speedway, as identified in Figure 1 to Attachment 1 of the submission made by Latrobe Council dated 27 January 2023.

281. Reason:

- To apply the Attenuation Area overlay consistent with Guideline No. 1.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Coastal Inundation Hazard Code – Table LAT-C11.1, Flood-Prone Areas Hazard Code – Flood-Prone Hazard Area Overlay

Representation: Department of Police, Fire and Emergency Management – State Emergency Service (48)

282. The representor was supportive of the Flood-Prone Hazard Area overlay and otherwise made the following comments:
- the planning authority would need to rely on clause C12.2.4 of the SPPs for application of the Flood-Prone Areas Hazard Code to test the merits of proposed use and development;
 - the State government was working on guidelines to assist planning authorities to determine whether a flood-prone area applied under clause C12.2.3 of the SPPs;
 - the State government was undertaking a project (the Tasmanian Flood Mapping Project) to provide statewide flood mapping for implementation in all local provisions schedules; and
 - it supported the zone and specific area plans proposed, particularly the use of zones that provided for management of density in Flood-prone and Coastal Inundation Hazard areas and the Future Urban Zone that was located clear of flood-prone areas.
283. The representor also requested Table LAT-C11.1 in the draft LPS written document be revised so that it matched the figures given in the Coastal Hazards Technical Report, December 2016, Department of Premier and Cabinet. Specifically, the Low Hazard Band and Defined Flood Level columns needed to be exchanged.
284. In the section 35F report, the planning authority did not recommend any change to the draft LPS, but noted that Table LAT-C11.1 may require an amendment.
285. At the hearing, the representor stated the following:
- the Flood-Prone Hazard Area overlay was acceptable given the information currently available about flooding in the area;
 - works on a flood levee at Latrobe were being undertaken that may have a future impact on flood paths;
 - it supported the rezoning of land at Cotton and Hamilton streets, Latrobe to Agriculture as requested in representation 27;
 - it recommended the planning authority take account of a number of small creeks and tributaries within the Future Urban Zone at Port Sorell in its future structure planning for the area; and
 - there were conflicts between the Flood-Prone Hazard Areas Code provisions and some of the transitioning provisions in the draft LPS. The representor added that it understood the provisions were declared by the Minister for Planning as transitioning from the interim planning scheme, but raised concern that the users of the draft LPS may not understand added controls of the Code.
286. In response, the planning authority noted the representor’s recommendations for future strategic planning of Flood-prone Hazard Areas and indicated that it would consult with the State Emergency Service when such work was undertaken.

Commission consideration

287. The Commission agrees that Table LAT-C11.1 should be amended so that it matches the figures in the Coastal Hazards Technical Report.
288. The Commission notes inconsistencies between the transitioning provisions and SPPs codes, which mean that some of the transitioning provisions may not operate as originally intended. However, the provisions have been declared by the Minister for Planning as transitioning from the interim planning scheme as acknowledged by the representor.
289. It is otherwise noted that the representor is in support of the draft LPS and the information about assessment of flood-prone areas, zoning and future strategic planning has been noted by the planning authority.

Commission decision

290. Modification:

- Revise Table LAT-C11.1 in the draft LPS written document as follows and shown in Annexure A of Attachment 2 as follows:

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
Bakers Beach	1.8	2.6	3.2	2.9
Hawley Beach	1.8	2.6	3.2	2.9
Latrobe	1.8	2.7	3.2	2.9
Port Sorell	1.8	2.6	3.2	2.9
Shearwater	1.8	2.6	3.2	2.9
Squeaking Point	1.8	2.6	3.2	2.9
Tarleton	1.8	2.7	3.2	2.9
All other locations	1.8	2.7	3.2	2.9

291. Reason: To ensure the draft LPS complies the requirements of Practice Note 8.

Safeguarding of Airports Code – Airport Obstacle Limitation Area Overlay

Submission accepted by the Commission: Launceston Airport

292. The submission made by Launceston Airport requested the Airport Obstacle Limitation Area overlay be revised to include the Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surfaces as specified in SAC 4 of Guideline No. 1. The PANS-OPS surfaces would cover the south-eastern part of the municipality and include parts of Frankford.

293. At the hearing, Mr. Trent Kneebush for Launceston Airport explained that the PANSOPS surfaces are used by aircraft pilots in periods of darkness and poor weather when it is necessary to fly by instrument rather than sight. Mr. Kneebush made the following observations about the PANSOPS surfaces that would form the overlay:
- the surfaces are complicated and gradually get lower as the surfaces approach the airport;
 - the surfaces can be sloped or flat, and some are curved to follow flight paths;
 - all the surfaces were combined into a single GIS layer that identified the lowest possible surface to ensure that the mapping was suitable for use as an overlay map; and
 - the highest geographical feature within the overlay area was 542m AHD, which would still be clear of the overlay by 100m.
294. Mr. Kneebush concluded the overlay was required by Launceston Airport and compliant with Guideline No. 1. Mr. Kneebush added the overlay would be highly unlikely to have any effect in the municipal area, as any tall structure would need to be proposed on the highest geographical features for it to penetrate the overlay surface and require an assessment against the Code.
295. In response, the planning authority was opposed to the overlay on the basis there was an extremely low likelihood the overlay would cause a need for a development to be assessed against the Code. The planning authority raised concern that developers would still need to respond to the overlay, which would only serve to frustrate assessment processes.

Commission consideration

296. The Commission observes the proposed Airport Obstacle Limitation Area overlay is specified in the SPPs as a component of the data that comprises the Airport Obstacle Limitation Area overlay and should therefore be included in the LPS. Nevertheless, the Commission notes the planning authority's concern that the overlay may frustrate assessment processes and agrees the overlay would be unlikely to have any practical application in the municipal area. The issue has also been raised in other draft LPS hearings, including those held for the Dorset and Break O'Day draft LPSs.
297. The Commission notes the planning authority has an option to submit a report under section 35G of the Act to put forward an opinion on whether an amendment to the SPPs should be amended to better manage these issues. A review of the provisions with the appropriate stakeholders would be an opportunity to determine if the controls could be set at an optimal level to protect airspace without excessive land use planning regulation.

Commission decision

298. Modification:
- Revise the Airport Obstacle Limitation Area overlay as shown in the Launceston Airport submission received 9 December 2022.
299. Reason: To apply the Airport Obstacle Limitation Area overlay in accordance with the requirements of the SPPs.

Port Sorell and Environs Specific Area Plan

Representation: Woolcott Surveys for MDG Contracting Group Pty Ltd (12)

300. The representor requested the following modifications to the Port Sorell and Environs Specific Area Plan:

- insert a new clause or modify an existing clause to allow subdivision of lots less than 8000m² (the land was zoned Rural Living Zone subdivision category A) so that new lots were consistent with interim planning scheme standards and commensurate with the historic subdivision pattern of the area;
- update historic title references to current folio of the Register numbers;
- correct an error to title reference, folio of the Register 163587/1, in clause LAT-S2.7.1.1 A1;
- revise clause LAT-S2.7.1.1 A2 to reduce or remove the requirement for landscaping; and
- revise clause LAT-S2.8.3.1 A2 to remove the requirement that ‘the southern boundary of folio of the Register 162415/40 be provided be contained within a single lot,’ as the requirement would lead to an impractical subdivision layout.

301. The representor acknowledged that the Specific Area Plan was a provision declared by the Minister for Planning as transitioning from the interim planning scheme. However the representor noted that the Specific Area Plan could be modified and assessed as a new provision against the requirements of section 32(4) of the Act.

302. The planning authority recommended that the title references in the Specific Area Plan be updated to match current title reference numbers, but otherwise noted the Specific Area Plan was a transitioning provision protected from significant modification under Schedule 6 of the Act. The planning authority noted that it generally agreed with the changes proposed by the representor, but any changes were best considered in conjunction with a residential land demand and supply analysis and structure plan the planning authority intended to undertake for the area.

303. At the hearing, Mr. James Stewart (Woolcott Surveys) accepted the response given by the planning authority in the section 35F report and noted that a request to make a draft amendment could be made by the planning authority or by the landowners once the draft LPS was in effect.

Commission consideration

304. The Commission notes the Specific Area Plan is a transitioning provision declared by the Minister for Planning. The Act provides that permitted alterations may be made to transitioning provisions so that:

- the provisions will conform to the requirements and terminology used in the SPPs;
- the provisions are appropriately numbered;
- any errors in the original provisions are corrected; and
- the effect intended by the relevant provisions is achieved.

305. The Specific Area Plan is not proposed to be amended by the planning authority except for permitted alterations, which include the requested correction of errors and updates to folio of the Register numbers.

Commission decision

306. Modification:

- Revise the draft LPS written document to include the modifications (updates to folio of the Register numbers) to the following clauses as identified in Annexure A of Attachment 2:
 - a. LAT-S2.7.1.1 Vegetation corridors and buffers – Precinct A A1, A2 and A3;
 - b. LAT-S2.8.3.1 Subdivision – Precinct A A2; and
 - c. LAT-S2.8.3.3 Vegetation corridors and buffers - Precinct A A1 and A2.

307. Reason: To ensure the draft LPS is consistent with the Minister’s declaration under Schedule 6 of the Act.

Mersey Main Road Specific Area Plan

Representation: John and Suzanne Page (26), Latrobe Council (27)

308. Representation 26 (John and Suzanne Page) requested the zoning of 186 Mersey Main Road, Spreyton folio of the Register 7119/1 be revised from the Rural Living Zone to the Rural Zone because the land historically contained rural/light industrial uses.

309. Representation 27 (Latrobe Council) also requested the zoning of 186 Mersey Main Road be revised from the Rural Living Zone to the Rural Zone along with several other properties located between Mersey Main Road and the Western Rail Line as follows:

- 184 Mersey Main Road, Spreyton folio of the Register 28519/1;
- 204 Mersey Main Road, Spreyton folio of the Register 130835/1;
- 220 Mersey Main Road, Spreyton folio of the Register 116994/1;
- 226 Mersey Main Road, Spreyton folio of the Register 116993/1;
- 238 Mersey Main Road, Spreyton folio of the Register 100502/1; and
- Mersey Main Road, Spreyton General Law deed 23/6290.

310. The representor (Latrobe Council) also requested a specific area plan, titled Mersey Main Road Specific Area Plan, be applied to the land and the surrounding area in the Rural Zone. The Specific Area Plan would be intended to manage potential land use conflicts between a mixture of residential, rural, commercial and industrial uses in the area. The representor contended provisions were needed to manage the visual and residential amenity of the area, particularly as Mersey Main Road was considered a ‘gateway’ to the Latrobe municipality.

311. The planning authority supported the requests in its section 35F report and recommended the draft LPS be modified to incorporate the changes. The planning authority considered the Specific Area Plan was compliant with section 32(4) of the Act on the basis that the land had unique spatial qualities that required unique provisions separate to the SPPs. In particular, the planning authority stated the character of the orchards, vineyards, grazing paddocks, landscaped residential gardens and commercial properties and residential amenity would not be sufficiently managed under the provisions of the Rural Zone.

312. Prior to the hearing, the Commission directed the planning authority to provide a copy of the proposed Specific Area Plan. The purpose of the Specific Area Plan was to manage residential amenity and visual appearance of the area and included the following provisions:

- a use standard to manage the impact of non-residential use (defined in the Specific Area Plan) on residential amenity;

- a development standard that would manage the visual amenity of property frontages to Mersey Main Road; and
 - a subdivision standard that would provide for new lots that would be suited to the intended purpose.
313. At the hearing, the planning authority added the Rural Zone would be consistent with the zoning in the adjoining Devonport municipality. It also requested the Specific Area Plan provide controls that would manage the mixed use and appearance of the area, but would also encourage enterprise.
314. The representor (Page) was supportive of the planning authority’s recommendation and the provisions of the Specific Area Plan.

Commission consideration

315. The Commission agrees with the planning authority that the land should be zoned Rural. The land clearly has a mix of residential and rural/industrial uses that is an extension of the corridor between Mersey Main Road and the rail line that is in the Devonport municipality. Section 34(2)(g) of the Act specifies the draft LPS must, as far as practicable, be consistent with and co-ordinated with any LPSs that apply to adjacent municipal areas. The Rural Zone would best ensure the draft LPS complies with this requirement. On balance, the Rural Zone is also preferred to manage the mix of existing uses given it provides for rural/industry uses, but also allows consideration of residential use to provide suitable controls for two existing dwellings located in the corridor.
316. The Commission is not satisfied the Specific Area Plan complies with section 32(4) of the Act. Specifically, there is insufficient strategic justification for the Specific Area Plan to demonstrate compliance with section 32(4)(a) or (b), and the drafting of the written component of the Specific Area Plan would need to be modified before it was suitable to be included in the draft LPS. However, there may be some merit in an amendment to the draft LPS to include the Specific Area Plan if these issues could be overcome and further evidence about the local mix of use and development could be provided. This would also allow the local community to be properly consulted before or after initiation of a draft amendment.

Commission decision

317. Modification:
- Revise the zoning of the following properties to Rural:
 - a. 186 Mersey Main Road, Spreyton folio of the Register 7119/1;
 - b. 184 Mersey Main Road, Spreyton folio of the Register 28519/1;
 - c. 204 Mersey Main Road, Spreyton folio of the Register 130835/1;
 - d. 220 Mersey Main Road, Spreyton folio of the Register 116994/1;
 - e. 226 Mersey Main Road, Spreyton folio of the Register 116993/1;
 - f. 238 Mersey Main Road, Spreyton folio of the Register 100502/1; and
 - g. Mersey Main Road, Spreyton General Law deed 23/6290.
318. Reason: To apply the Rural Zone consistent with Guideline No. 1 and to meet the requirements of section 32(4) of the Act.

Site-specific Qualification - 8659 Bass Highway, Latrobe**Representation: JMG Engineers and Planners for Bennetts Petroleum (25)**

319. The representor requested a site-specific qualification be applied to the land at 8659 Bass Highway Latrobe (Ampol service station) folio of the Register 199384/1. The site-specific qualification would amend the Use Table in the Rural Living Zone to allow consideration of Food Services as a Permitted use up to a gross floor area of 500m² instead of the regular 200m² prescribed by the SPPs. The reason was that the site contained a prominent service station on the outskirts of Latrobe, which the owner intends to redevelop and expand in the future. The representor contended that 200m² floor area was not sufficient for a contemporary service station and take away food premises.
320. The planning authority supported the request in its section 35F report, but recommended the allowable gross floor area be reduced to 300m² and that the use remain Discretionary. The reason for the reduction in floor area was that 300m² was the amount provided for Food Services in the interim planning scheme. The planning authority added that 500m² would provide for an establishment that was of a scale too significant for the surrounding residential area and that it should be given Discretionary consideration in that context.
321. The planning authority contended the site-specific qualification was compliant with section 32(4) of the Act on the basis that the land had spatial and economic qualities that required unique provisions separate to the SPPs. In particular, the planning authority identified the service station as an important stopping point for freight carriers that allowed large vehicles to exit the highway and access fuel and food services without causing a traffic hazard. Consequently, large vehicles were able to avoid driving into Latrobe or Devonport. The site therefore provided an important service to the transport industry, which resulted in significant economic benefit.
322. At the hearing, the planning authority added the use was located on an important area of the highway and should be recognised with a site-specific qualification because the gross floor area allowed under the SPPs was not enough. It explained to the representor the site-specific qualification would only apply to the Food Services component of the use, and that the gross floor area of Vehicle Fuel Sales and Service use would be calculated separately.
323. In response, the Ms. Katrina Hill (JMG Engineers and Planners) with Mr. Michael Potter for Bennetts Petroleum made the following comments:
- the planning authority's view that the status of the use should be Discretionary rather than Permitted was accepted;
 - the owner intended to develop the existing business to cater for more services for motorists who have tended to stay longer at such establishments in recent times;
 - the function of service stations was changing, particularly through the addition of electric vehicle charging points; and
 - the planning authority's explanation of the calculation of gross floor area would mean 300m² allocated to Food Services would be acceptable.

Commission consideration

324. The Commission accepts the evidence given by the planning authority and representor that customised planning provisions are required for development of the existing establishment. Inclusion of Food Services as a Discretionary use is also prudent given the location of adjacent rural residential properties.

325. The Commission is satisfied that the proposed Site-specific Qualification complies with section 32(4) of the Act, albeit section 32(4)(a) because it would provide for a standalone use and development that would have significant economic benefit to the municipal area. The Commission accepts the property is an important stopping point for freight transport services that improves the efficiency of the industry. The Commission also recognises the changing nature of service stations on main highways, particularly the expected future use for charging electric vehicles, which would mean growth of the establishment as a roadside network providing rest stops for heavy and light vehicles on a major route.

Commission decision

326. Modification:

- Revise the Site-specific Qualifications overlay map by applying Site-specific Qualification overlay and clause number LAT-11.2 to 8659 Bass Highway Latrobe (Ampol service station) folio of the Register 199384/1; and
- Revise the draft LPS written document by inserting Site-specific Qualification LAT-11.2 to 8659 Bass Highway Latrobe (Ampol service station) folio of the Register 199384/1 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-11.2	8659 Bass Highway Latrobe	199384/1	A substitution for the qualification for Discretionary Use Class - Food Services is: 'If for a gross floor area of not more than 300m ² .'	Rural Living Zone - 11.2 Use Table

327. Reason: To meet the requirements of section 32(4) of the Act, the SPPs and the technical requirements of Practice Note 7.

Commission consideration under section 35KB

328. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

329. Draft amendment directed to the Latrobe LPS:

- Revise the Site-specific Qualifications overlay map by applying Site-specific Qualification overlay and clause number LAT-11.2 to 8659 Bass Highway Latrobe (Ampol service station) folio of the Register 199384/1; and
- Revise the draft LPS written document by inserting Site-specific Qualification LAT-11.2 to 8659 Bass Highway Latrobe (Ampol service station) folio of the Register 199384/1 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-11.2	8659 Bass Highway Latrobe	199384/1	A substitution for the qualification for Discretionary Use Class - Food Services is: 'If for a gross floor area of not more than 300m ² .'	Rural Living Zone - 11.2 Use Table

330. Reason:

- To meet the requirements of section 32(4) of the Act.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Site-specific Qualification - East Esplanade, Port Sorell

Representation: Latrobe Council (27)

331. The representor requested a site-specific qualification be applied to the following properties zoned Environmental Management:

- East Esplanade, Port Sorell folios of the Register 138437/1;
- 10 East Esplanade, Port Sorell folios of the Register 34428/1; and
- 11 East Esplanade, Port Sorell folios of the Register 166652/1.

332. The reason was that all three properties contain dwellings and a change of use to Visitor Accommodation would be unreasonably constrained by the provisions of the Coastal Erosion and Coastal Inundation Hazard codes.

333. In its section 35F report, the planning authority was supportive of the request and recommended that two site-specific qualifications be applied. The site-specific qualifications would substitute clauses C10.5.2 and C11.5.2 of the SPPs for a similar standard which would provide opportunity for Tourist Operation and Visitor Accommodation uses. The planning authority contended the site-specific qualifications were compliant with section 32(4) of the Act for the following reasons:

- the properties have special spatial qualities in that they contain dwellings and are located to the seaward side of the barrage;
- the land is part of an established area of development;
- the land is set apart from the residential areas of Port Sorell to the west and south, but similarly impacted by the Coastal Erosion and Coastal Inundation Hazard overlays; and
- the Environmental Management Zone (a non-urban zone to which clauses C10.5.2 and C11.5.2 of the SPPs would apply) was appropriate for the land, however unique provisions that allow for the consideration of Visitor Accommodation were reasonable as the degree of risk was equal to other buildings in the area.

334. At the hearing, the planning authority added it had considered whether the Low Density Residential Zone (defined as an urban under the codes) could be applied to the land, however it was concerned about an urban zone being located in the coastal area between the existing settlement and the foreshore. It considered that the requirements of s.32(4)

would be met because Visitor Accommodation use would support tourism and have economic benefit to the area.

Commission consideration

335. The Commission is not satisfied the site-specific qualifications comply with section 32(4) of the Act. Specifically, there is insufficient evidence about the risk of coastal erosion and inundation to the use. In addition, there is no evidence that provision for Visitor Accommodation use would have any significant benefit to the municipal area, particularly given there would only be three existing dwellings subject to the provisions.

Commission decision

336. The Commission determines no modifications are required.

Site-specific Qualification - 9 Conservatory Road, Sassafras

Representation: Glenn and Vonda Mason (50)

337. The representors raised concern that the Agriculture Zone had been applied to the Tasmanian Food and Wine Conservatory restaurant at 9 Conservatory Road, Sassafras folio of the Register 213008/1. The representors requested provisions be applied that would 'ensure the continuation and expansion' of the existing business. The reasons were:

- the property contained a well-known local restaurant that attracted a large number of local, interstate and international visitors and had been featured in notable magazines and publications and television shows;
- the Agriculture Zone would significantly limit future development potential of the site, which may include Visitor Accommodation, a distillery, and a caretakers cottage;
- significant financial investment had been made in the property; and
- the business made a significant contribution to tourism in the area and supported local growers and producers.

338. In its section 35F report, the planning authority was supportive of the request and recommended that two site-specific qualifications be applied to the land. The site-specific qualifications would provide for Community Meeting and Entertainment as a Permitted use, and Food Services and General Retail and Hire as Discretionary uses. The consequence of the site-specific qualifications was that the uses would not be subject to assessment against the use standards of the Zone, which may otherwise unreasonably restrict the uses. The planning authority also added the limitations of clause 7.1 of the SPPs (Changes to and Existing Non-conforming use) would also be avoided by inclusion of the site-specific qualifications in the draft LPS.

339. The planning authority contended that the site-specific qualifications were compliant with section 32(4) of the Act for the following reasons:

- the site was located in a high-profile location, visible from the Bass Highway and contained a long-standing building of interest, which served the tourism industry and community functions;
- the land contained a commercially viable business that contributed to local employment and visitor attraction;
- the business promoted the municipal area; and

- the existing business could enhance its tourism offering through expanded, or similarly categorised services.

340. At the hearing, the planning authority added the site contained an iconic establishment that the owners sought to develop. Alternative zones such as the Rural Zone were considered and deemed inappropriate because the controls would not provide for the intended uses and would create a 'spot-zone' within the broader Agriculture Zone. The planning authority added the provisions of the Agriculture Zone were fundamentally adequate, however required modification to provide for the proposed uses, which were considered acceptable in the circumstances. Its view was that the uses were appropriate for the location given the use and development already existed and the characteristics of the land, which included its location adjacent to the Bass Highway, the location of the surrounding orchard and location of adjacent residential buildings.

341. In response, the representors (who were also the owners of the land), indicated an intent to develop the site to preserve the existing investment made in the establishment and to contribute to the local tourism industry.

Commission consideration

342. The Commission accepts the evidence given by the planning authority and representor that customised planning provisions are required for management of the established use and development on the land. The Commission is satisfied that the proposed Site-specific Qualifications comply with section 32(4) of the Act. The land has an established use and development that contributes economically to the municipal area and is a well-known attraction. The Commission considers it reasonable the use and development should be recognised with Site-specific Qualifications and provided the opportunity for a degree of expansion given the advantageous location of the land and the unique building on the site.

Commission decision

343. Modification:

- Revise the Site-specific Qualifications overlay map by applying the Site-specific Qualification overlay and clause numbers LAT-21.1 and LAT-21.2 to 9 Conservatory Road, Sassafras folio of the Register 213008/1; and
- Revise the draft LPS written document by inserting Site-specific Qualifications LAT-21.1 and Site-specific Qualification LAT-21.2 to 9 Conservatory Road, Sassafras folio of the Register 213008/1 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-21.1	9 Conservatory Road, Sassafras	213008/1	Additional Discretionary Use Classes for this site are: <ul style="list-style-type: none"> • Food Services; and • General Retail and Hire, with the qualification 'If not listed as Permitted.'	Agriculture Zone - 21.2 Use Table
LAT-21.2	9 Conservatory Road, Sassafras	213008/1	An additional Permitted Use Class for this site is:	Agriculture Zone - 21.2 Use Table

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
			Community Meeting and Entertainment.	

344. Reason: To meet the requirements of section 32(4) of the Act, the SPPs and the technical requirements of Practice Note 7.

Commission consideration under section 35KB

345. The Commission finds that the amendment is a substantial modification as there may be a public interest in the amendment. Under section 35KB, the Commission considers the substantial modifications required are suitable to be made by way of an amendment, under Part 3B of the Act, of the Latrobe LPS, after it comes into effect.

Commission decision under section 35KB

346. Draft amendment directed to the Latrobe LPS:

- Revise the Site-specific Qualifications overlay map by applying the Site-specific Qualification LAT-21.1 and LAT-21.2 to 9 Conservatory Road, Sassafras folio of the Register 213008/1; and
- Revise the draft LPS written document by inserting clause LAT-21.1 and LAT-21.2 in Table LAT-Site-specific Qualifications as shown in Annexure A of Attachment 2:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-21.1	9 Conservatory Road, Sassafras	213008/1	Additional Discretionary Use Classes for this site are: <ul style="list-style-type: none"> • Food Services; and • General Retail and Hire, with the qualification 'If not listed as Permitted.'	Agriculture Zone - 21.2 Use Table
LAT-21.2	9 Conservatory Road, Sassafras	213008/1	An additional Permitted Use Class for this site is: Community Meeting and Entertainment.	Agriculture Zone - 21.2 Use Table

347. Reason:

- To meet the requirements of section 32(4) of the Act.
- The Commission considers that the modification is a substantial modification as there may be a public interest.

Representations in support of the draft LPS

Community Purpose Zone – Schools

Representation: Department of Education (38)

348. The representor supported application of the Community Purpose Zone to Latrobe High School and the Latrobe, Sassafras, Andrews Creek and Port Sorell primary schools.
349. In the section 35F report, the planning authority noted that the representation did not seek any changes to the draft LPS and therefore recommended that it should not be modified.

Commission consideration

350. The Commission notes the comments made by the representor and is satisfied with the planning authority's response in the section 35F report.

Commission decision

351. The Commission determines no modifications are required.

Other matters

Matters taken not to be a representation

Representations: Anne Lockett (10), Christine Moore (11), TasNetworks (42), Department of Police, Fire and Emergency Management – State Emergency Service (48), Forico Pty Ltd (49)

352. Representors raised matters that include:

- the SPPs should contain certain provisions or otherwise be revised;
- the draft LPS should contain provisions that were beyond the powers of the SPPs;
- that there should be alterations to transitioning provisions; and
- questions about how the SPPs would be interpreted by the planning authority.

353. Representations 10 and 11 also raised a number of environmental issues related to the Hawley Beach, Port Sorell and Shearwater areas.

354. In the section 35F report the planning authority noted the draft LPS assessment process did not provide for changes to be made to the SPPs and the limitations on the type of provisions that could be included in the draft LPS.

355. At the hearing, the planning authority indicated that some of the issues raised representations 10 and 11 would be considered in its future strategic planning work.

Commission consideration

356. The Commission notes that:

- section 35E of the Act sets out the matters not to be taken to be a representation;
- other matters not subject to Part 3A of the Act cannot be considered as part of its consideration under section 35J; and
- during its consideration, it has sought to establish how all matters raised relate to the draft LPS and if the matter can be included within the draft LPS under section 32 of the Act.

357. The Commission considers parts of representations listed above are outside the considerations it may make under section 35J, but otherwise notes that issues raised representations 10 and 11 may be considered by the planning authority in its future strategic planning work.

Commission decision

358. The Commission considers that it does not have jurisdiction to assess these matters.

Matters of a technical nature or relevant to implementation

359. The Commission notes the draft LPS contains matters that are relevant to section 35J(2) of the Act, including:
- minor numbering and typographical errors in the draft LPS;
 - instances where the draft LPS, or proposed modifications, do not apply the writing style and conventions set out in Practice Note 5 - Tasmanian Planning Scheme drafting conventions or Practice Note 8 - Draft LPS written document: technical advice;
 - instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets contain overlaps, gaps and errors, or do not apply the technical advice or conventions set out in Practice Note 7 - Draft LPS mapping: technical advice;
 - instances where the spatial representation of the cadastral parcels dataset have changed after the production of the PDF maps for exhibition that result in minor misalignment between cadastral parcel boundaries and zones or code overlays based on those boundaries;
 - instances where the draft LPS zone and overlay maps or Geographic Information System (GIS) datasets apply outside the municipal area; and
 - instances where a modification to the draft LPS written document or draft LPS maps and overlays requires a consequent modification to the other.
360. The Commission further notes that Division 1 – Electronic database and documents of Part 6 of the Act, requires the Commission to maintain a database containing an electronic planning map.

Commission consideration

361. The Commission considers that the draft LPS should:
- minimise numbering and typographical errors and be consistent with the conventions set out in the Commission practice notes;
 - contain zone and overlay maps that reflect current cadastral parcel boundaries, and the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark on the LIST, and any areas described by section 35J(2) of the Act; and
 - be free from technical anomalies such as gaps and overlaps and be provided in a form suitable for being made under section 35L of the Act and inclusion in an electronic database.

Commission decision

362. Modification:

- Revise the draft LPS written document to include the technical modifications identified in Annexure A of Attachment 2 to:
 - (a) meet the LPS requirements of the SPPs;
 - (b) correct references to relevant provisions;
 - (c) provide for the effective operation of the provisions; and
 - (d) reflect the terminology used in the SPPs.
- Revise the draft LPS zone and overlay maps to:
 - (a) fill any unzoned gaps in the zoning layer;
 - (b) remove any overlaps between adjoining zones;
 - (c) apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset;
 - (d) some overlays supplied by theLIST have been modified since the original versions were published on LISTmap (e.g. the Electricity Transmission Infrastructure Protection overlay). Make sure to use the most recent version available;
 - (e) remove any overlaps between features in the same overlay layer that have different categories (excluding for transitioning local area objectives of SAPs and PPZs), such as: coastal inundation investigation areas and low coastal inundation hazard band;
 - (f) aggregate adjoining zone or overlay polygons sharing the same category, such as: zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as priority vegetation area;
 - (g) align the boundaries of zones and parcel dependant overlays with parcel boundaries, based on the most recent version of the parcels dataset available from theLIST;
 - (h) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on theLIST, and any areas described by section 35J(2) of the Act; and
 - (i) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

363. Reason: To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act and to be consistent with the Minister’s declaration under Schedule 6, clauses 8 and 8A(1) of the Act.

Attachments

1. Attachment 1 – List of Representations
2. Attachment 2 – Notice under section 35K(1)(a) to modify draft LPS
3. Attachment 2 – Annexure A – Modifications to Latrobe draft LPS written document
4. Attachment 3 – Notice under section 35KB to prepare and submit an amendment of the LPS after the LPS comes into effect

Attachment 1**List of Representations**

- | No. | Name |
|------------|--|
| 1. | 6ty° Pty Ltd for MD and JM Perkins |
| 2. | Andrew Langmaid |
| 3. | Dennis Clarke |
| 4. | Equilibrium Planning for RFS Developments |
| 5. | 6ty° Pty Ltd for Craig Badcock and Accent Super Co Pty Ltd |
| 6. | Glynn Williams for Insight (TAS) Pty Ltd |
| 7. | JMG for OneCare Ltd |
| 8. | PDA Surveyors, Engineers and Planners for DJJ Pty Ltd |
| 9. | Derek and Amanda Charge |
| 10. | Anne Lockett |
| 11. | Christine Moore |
| 12. | Woolcott Surveys for MDG Contracting Group Pty Ltd |
| 13. | Graeme Walker |
| 14. | Tracy Bell |
| 15. | Darrin and Belinda Quinn |
| 16. | Leigh and Kelly Woodhouse |
| 17. | Matthew and Melissa Carter |
| 18. | Rebecca Green and Associates for Peter and Marie Atkinson |
| 19. | Veris for John and Sally Reid |
| 20. | Woolcott Surveys for MDG Contracting Group Pty Ltd |
| 21. | Stuart Greenhill |
| 22. | Veris for Develop and Reno Pty Ltd |
| 23. | Veris for John McCoy |
| 24. | JDA Planning Pty Ltd for A, S and E Kons |
| 25. | JMG Engineers and Planners for Bennetts Petroleum |
| 26. | John and Suzanne Page |
| 27. | Latrobe Council |
| 28. | Andrew Wylie |
| 29. | Veris for Joinery Products Properties Pty Ltd |

30. Veris for MLK Superannuation Pty Ltd
31. Veris for Richard Higgs
32. Veris for W. Y. Bovill Pty Ltd
33. Ryan Sheehan
- 34A. Conservation Landholders Tasmania
- 34B. Tasmanian Land Conservancy
35. Frances Saner, Glenn Cooper, Kelly Sloane
36. Hayley Cook, Phillip Cook, Carolyn Cook and David Kubanek
37. Department of Natural Resources and Environment
38. Department of Education
39. Department of Health
40. TasPorts
41. Department of State Growth
42. TasNetworks
43. TasRail
44. TasWater
45. Dulverton Waste Management
46. JAC Group
47. Graeme Rand
48. Department of Police, Fire and Emergency Management (State Emergency Service)
49. Forico Pty Ltd
50. Glenn and Vonda Mason

Submissions to the originally exhibited draft LPS accepted by the Commission

1. Launceston Airport

Attachment 2**Land Use Planning and Approvals Act 1993****Notice to modify under sections 35K(1)(a)****Latrobe Draft Local Provisions Schedule**

16 March 2023

The Tasmanian Planning Commission (the Commission) directs that the Latrobe planning authority modify the Latrobe draft Local Provisions Schedule (draft LPS) in accordance with the following:

1.0 Specific Area Plan

- 1.1 Revise the draft LPS written document to include the modifications (updates to folio of the Register numbers) to the following clauses as identified in Annexure:
- LAT-S2.7.1.1 Vegetation corridors and buffers – Precinct A A1, A2 and A3;
 - LAT-S2.8.3.1 Subdivision – Precinct A A2; and
 - LAT-S2.8.3.3 Vegetation corridors and buffers - Precinct A A1 and A2.

Reason: To ensure the draft LPS is consistent with the Minister’s declaration under Schedule 6 of the Act.

2.0 Code Lists

- 2.1 Revise LAT-Table C11.1 Coastal Inundation Hazard Bands AHD Levels as shown in Annexure A.

Reason: To meet the LPS requirements of the SPPs and Practice Note 8.

3.0 Zone maps and overlays

No.	Description	Direction and Reason
3.1	104 Hamilton Street and part of 214 Shale Road, Latrobe	<p>Revise the zoning of 104 Hamilton Street folio of the Register 231105/1 and that part of 214 Shale Road, Latrobe folio of the Register 154502/1 zoned General Residential in the Latrobe Interim Planning Scheme 2015 to General Residential.</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p>Ensure that split-zoning annotations are appropriately applied in accordance with Practice Note 7.</p> <p>Reason: To apply the General Residential Zone consistent with Guideline No. 1.</p>
3.2	63 and 77 Charles Street, Squeaking Point	<p>Revise the zoning of 63 and 77 Charles Street, Squeaking Point folios of the Register 216581/1 and 202825/1 to Rural Living (subdivision category D).</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p>

No.	Description	Direction and Reason
		<i>Reason: To apply the Rural Living Zone consistent with Guideline No. 1.</i>
3.3	9045 Bass Highway, Latrobe	<p>Revise the zoning of 9045 Bass Highway, Latrobe folio of the Register 152497/2 to Rural Living (subdivision category A) so that the existing Rural Living Zone is extended to a distance of 100m from the southern boundary of the land and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p>Reason: To apply the Rural Living Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</p>
3.4	260 Appleby Road, Thirstlane	<p>Revise the zoning of that part of 260 Appleby Road, Thirstlane folio of the Register 160847/1 located to the north of a line determined by the following coordinates to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping:</p> <ol style="list-style-type: none"> a. easting 460089.80 and northing 5439724.65; b. easting 460285.81 and northing 5439838.43; c. easting 460837.51 and northing 5439743.82; and d. easting 461361.46 and northing 5439580.77. <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p>Ensure that split-zoning annotations are appropriately applied in accordance with Practice Note 7.</p> <p>Reason: To apply the Rural and Agriculture zones and Priority Vegetation Area overlay consistent with Guideline No. 1.</p>
3.5	Mersey Main Road, Spreyton	<p>Revise the zoning of the following properties to Rural:</p> <ol style="list-style-type: none"> a. 186 Mersey Main Road, Spreyton folio of the Register 7119/1; b. 184 Mersey Main Road, Spreyton folio of the Register 28519/1; c. 204 Mersey Main Road, Spreyton folio of the Register 130835/1; d. 220 Mersey Main Road, Spreyton folio of the Register 116994/1; e. 226 Mersey Main Road, Spreyton folio of the Register 116993/1; f. 238 Mersey Main Road, Spreyton folio of the Register 100502/1; and

No.	Description	Direction and Reason
		<p>g. Mersey Main Road, Spreyton General Law deed 23/6290.</p> <p>Reason: To apply the Rural Zone consistent with Guideline No. 1.</p>
3.6	90 Mill Road, Wesley Vale	<p>Revise the zoning of 90 Mill Road, Wesley Vale folio of the Register 181249/1 to Light Industrial.</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p>Reason: To apply the Light Industrial Zone consistent with Guideline No. 1.</p>
3.7	1050 Bakers Beach Road, Bakers Beach	<p>Revise the zoning of 1050 Bakers Beach Road, Bakers Beach folios of the Register 205130/1, 201211/1, 210539/1, 205129/1, 118622/1 (including road lot), 118862/1 (including intersecting road lot) and 118730/1 (including intersecting road lot) and unidentified Crown land on the western side of Bakers Beach Road adjacent to the northern boundary of 118622/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</p>
3.8	75 Sherwood Drive, Latrobe	<p>Revise the zoning of 75 Sherwood Drive, Latrobe folio of the Register 214149/1 to Rural and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.</p> <p>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</p>
3.9	Mersey Main Road, Tarleton folio of the Register 40243/2 and 637 Mersey Main Road, Latrobe	<p>a. Revise the zoning of Mersey Main Road, Tarleton folio of the Register 40243/2 to Rural and the zoning of 637 Mersey Main Road, Latrobe folio of the Register 244733/1 to Agriculture.</p> <p>b. Remove the Priority Vegetation Area overlay from 637 Mersey Main Road, Latrobe folio of the Register 244733/1.</p> <p>Reason: To apply the Rural and Agriculture zones consistent with Guideline No. 1.</p>
3.10	366 Lades Road and 4202 Frankford Road, Harford	<p>Revise the zoning of 366 Lades Road, Harford folio of the Register 247189/1 and 4202 Frankford Road, Harford folio of the Register 140556/1 to Rural and apply the</p>

No.	Description	Direction and Reason
		<p>Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.</p> <p>Reason: To apply the Rural Zone and Priority Vegetation Area overlay consistent with Guideline No. 1.</p>
3.11	Inland water bodies, riparian reserves, and public land managed for the purpose of the protection and conservation of natural values	<p>Revise the zoning of the following land to Environmental Management and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping to any parcels of land previously zoned Agriculture:</p> <ul style="list-style-type: none"> a. wetland adjacent to the Mersey River (largely bound by folio of the Register 247017/1); b. riparian reserve adjacent to the Mersey River (located alongside the western boundary of folio of the Register 211038/1); c. 'Gum Flats' adjacent to the Mersey River (located to the west of Dysodile Hills and alongside the western boundary of Native Plains Road, Sassafras PID 3393065); d. three parcels of onshore waterbody that contain the Mersey River (located alongside the western boundaries of 22 Lovetts Flat Road folio of the Register 228124/1, Native Plains Road PID 3393065, and Lovetts Flat Road folio of the Register 142204/1, Sassafras); e. Devil Road, Latrobe PID 1724094 (part of Warrawee Conservation Area); f. land included in the Warrawee Conservation Area (adjacent to southern boundary of 75 Sherwood Drive, Latrobe folio of the Register 214149/1); g. riparian reserve adjacent to the Mersey River (adjacent to eastern boundary of folio of the Register 118074/1); h. riparian reserve adjacent to the Mersey River (folio of the Register 9187/2); i. riparian reserve adjacent to Caroline Creek (folio of the Register 153345/1, excluding parcel that contains the rail line); j. riparian reserve adjacent to the Mersey River (folio of the Register 104287/2); k. riparian reserve adjacent to the Mersey River (adjacent to eastern boundary of 3 Champ Street, Tarleton folio of the Register 183522/3); l. Franklin Rivulet; m. riparian reserve adjacent to the Franklin Rivulet (adjacent to eastern boundary of Frankford Road, Harford folio of the Register 221751/1);

No.	Description	Direction and Reason
		<p>n. riparian reserve adjacent to the Rubicon River (adjacent to eastern boundary of 265 Greens Creek Road, Sassafras folio of the Register 238074/1);</p> <p>o. the Rubicon River;</p> <p>p. riparian reserve adjacent to the Rubicon River (adjacent to western boundary of 461 Smith and Others Road, Sassafras folio of the Register 230072/1);</p> <p>q. riparian reserve adjacent to the Rubicon River (adjacent to eastern boundary of 275 Smith and Others Road, Sassafras folio of the Register 211590/1); and</p> <p>r. riparian reserve adjacent to the Rubicon River (adjacent to western boundary of 65 Smiths Lane, Sassafras folio of the Register 107929/1).</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7, if applicable.</p> <p>Reason: To apply the Environmental Management Zone consistent with Guideline No. 1.</p>
3.12	State Rail Network - folio of the Register 126554/2	<p>Revise the zoning of folio of the Register 126554/2 to Utilities and apply the Priority Vegetation Area overlay consistent with the Regional Ecosystem Model mapping.</p> <p>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</p>
3.13	St Louis Drive, Port Sorell folio of the Register 17618/9	<p>Revise the zoning of the water reservoir at St Louis Drive, Port Sorell folio of the Register 17618/9 to Utilities.</p> <p>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</p>
3.14	Wesley Vale Substation and Communication Site - 248 Mill Road, Wesley Vale	<p>Revise the zoning of the Wesley Vale Substation and Communication Site at 248 Mill Road, Wesley Vale folio of the Register 142371/1 to Utilities.</p> <p>Reason: To apply the Utilities Zone consistent with the purpose of the zone and Guideline No. 1.</p>
3.15	16 Torquay Road, Latrobe	<p>Revise the zoning of 16 Torquay Road, Latrobe folio of the Register 134714/1 to Community Purpose.</p> <p>Ensure that adjacent roads are appropriately zoned to centrelines in accordance with Practice Note 7.</p> <p>Reason: To apply the Community Purpose Zone consistent with Guideline No. 1.</p>

No.	Description	Direction and Reason
3.16	Shearwater	<p>Revise the Priority Vegetation Area overlay by removing the overlay from the following land:</p> <ul style="list-style-type: none"> a. Burgess Drive, Shearwater folio of the Register 144981/19; b. that area of the Hawley Beach Estate (Diamon Way, Topaz Place, Chardonnay Drive, Glyde Street, Taroona Street, Sheoak Lane, Opal Mews, Bushland Avenue, and Pepik Street, Hawley Beach) identified in Figure 13 of the Natural Values Report prepared by Scott Livingston dated 1 December 2022; and c. Hawk Hill Road, Shearwater folio of the Register 150746/4, with the exception of the area in the immediate vicinity of the dam on the land at Hawk Hill Road where the overlay must be applied to the area identified in the submission made by JAC Group dated 30 January 2023. <p>Reason: To apply the Priority Vegetation Area overlay consistent with Guideline No. 1.</p>
3.17	13 Airport Road, Wesley Vale	<p>Revise the Priority Vegetation Area and Waterway and Coastal Protection Area overlays by removing the overlays from the area of 13 Airport Road, Wesley Vale folio of the Register 130335/1 identified in the figures in Attachment 4 of the submission made by Latrobe Council dated 27 January 2023.</p> <p>Reason: To apply the Priority Vegetation Area and Waterway and Coastal Protection Area overlays consistent with Guideline No. 1.</p>
3.18	Safeguarding of Airports Code	<p>Revise the Airport Obstacle Limitation Area overlay as shown in the Launceston Airport submission received 9 December 2022.</p> <p>Reason: To apply the Airport Obstacle Limitation Area overlay in accordance with the requirements of the SPPs.</p>

4.0 Consequential and technical issues

- 4.1 Revise the draft LPS to include the technical modifications identified in Annexure A, to:
- (a) meet the LPS requirements of the SPPs;
 - (b) correct references to relevant provisions;
 - (c) provide for the effective operation of the provisions; and
 - (d) reflect the terminology used in the SPPs.
- 4.2 Revise the draft LPS zone and overlay maps to:
- (a) reflect modifications consequential to modifications made to the draft LPS written document;

- (b) fill any unzoned gaps in the zoning layer;
- (c) remove any overlaps between adjoining zones;
- (d) apply the schema set out in Appendix B of Practice Note 7 to each relevant GIS dataset;
- (e) remove any overlaps between features in the same overlay later that have different categories (excluding for transitioning local area objectives of SAPs and PPZs), such as: coastal inundation investigation areas and low coastal inundation hazard band;
- (f) aggregate adjoining zone or overlay polygons sharing the same category, including zone type, landslip hazard band, and aggregate adjoining overlay polygons that have no required category, such as priority vegetation area;
- (g) align the boundaries of zones and parcel dependent overlays with parcel boundaries, based on the most recent version of the parcels dataset available from theLIST;
- (h) remove any zone or overlay shown outside the municipal area according to the Central Plan Register (CPR) map (including notes), current low water mark map on theLIST, and any areas described by section 35J(2) of the Act; and
- (i) present all GIS data in the recommended Geodatabase format provided to council by the Commission.

Reason: To make modifications of a technical nature or relevant to the implementation of the Local Provisions Schedule if the Local Provisions Schedule were approved under section 35L of the Act and to be consistent with Guideline No. 1.

Annexure A

Modifications to Latrobe draft LPS written document

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Latrobe Local Provisions Schedule

LAT-Local Provisions Schedule Title

LAT-1.1 This Local Provisions Schedule is called the Latrobe Local Provisions Schedule and comprises all the land within the municipal area.

LAT-Effective Date

LAT-1.2 The effective date for this Local Provisions Schedule is <insert date>.

LAT-Local Area Objectives

This clause is not used in this Local Provisions Schedule.

LAT-P1.0 Particular Purpose Zone – Port Sorell Waterfront Site

LAT-P1.1 Zone Purpose

The purpose of the Particular Purpose Zone – Port Sorell Waterfront Site is:

- LAT-P1.1.1 To provide for residential development and suitably located and compatible commercial and tourist activity that can take advantage of the unique seafront location.
- LAT-P1.1.2 To require new roads to connect to existing roads to provide effective and convenient linkages between sites for vehicles, pedestrians and cyclists.
- LAT-P1.1.3 To protect the site and adjacent developments from impacts of inundation, potential sea level rise and storm surge.
- LAT-P1.1.4 To provide for well-designed and attractive public open space areas that complement residential development and the foreshore.

LAT-P1.2 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
LAT-P1.2.1	Residential Precinct, shown on an overlay map as LAT-P1.2.1 and in Figure LAT-P1.1	The Local Area Objectives for the Residential Precinct are: (a) to provide for a range of residential choices.
LAT-P1.2.2	Mixed Use Precinct, shown on an overlay map as LAT-P1.2.2 and in Figure LAT-P1.1	The Local Area Objectives for the Mixed Use Precinct are: (a) to provide for limited commercial activity to service residents and visitors to the area; (b) to provide for higher density residential development, including apartments and tourist accommodation; and (c) to provide for the precinct to occupy up to 1ha of the zone.
LAT-P1.2.3	Open Space and Utilities Precinct shown on an overlay map as LAT-P1.2.3 and in Figure LAT-P1.1	The Local Area Objectives for the Open Space and Utilities Precinct are: (a) to provide public open space areas and stormwater management and hazard protection infrastructure.

LAT-P1.3 Definition of Terms

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

LAT-P1.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	If: (a) in the Open Space and Utilities Precinct; and (b) a public park or reserve.
Residential	If: (a) in the Residential Precinct; and (b) for a single dwelling or home-based business.
Permitted	
Educational and Occasional Care	If: (a) in the Residential Precinct; and (b) for home-based child care.
Food Services	If in the Mixed Use Precinct and: (a) not a licensed premises; and (b) not including a drive-through facility.
General Retail and Hire	If in the Mixed Use Precinct with a floor area per tenancy of not more than 200m ² .
Residential	If in the Residential Precinct or Mixed Use Precinct and for: (a) multiple dwellings; or (b) a retirement village.
Resource Development	If in the Residential Precinct or Open Space and Utilities Precinct and: (a) for a community garden for production or ornamental purpose to service the local community; and (b) not for the keeping of animals.

Use Class	Qualification
Utilities	If for minor utilities.
Vehicle Parking	If in the Mixed Use Precinct and for ground level or basement parking.
Visitor Accommodation	If in the: (a) Residential Precinct and for: (i) a bed and breakfast; or (ii) a holiday unit for not more than 16 persons; or (b) Mixed Use Precinct and not a camping and caravan park or overnight camping area.
Discretionary	
Business and Professional Services	If in the Mixed Use Precinct and for a travel agent or tourism related business.
Community Meeting and Entertainment	If in the Mixed Use Precinct and for a function centre or art gallery.
Educational and Occasional Care	If in the Mixed Use Precinct and for a child care centre.
Food Services	If in the Mixed Use Precinct and not including a drive through take away food premises.
Hotel Industry	If in the Mixed Use Precinct.
Residential	If not listed as No Permit Required or Permitted.
Sport and Recreation	If in the Mixed Use Precinct and for a gym or fitness centre.
Tourist Operation	If in the Mixed Use Precinct.
Utilities	If not listed as Permitted.
Prohibited	
All other uses	

LAT-P1.5 Use Standards

LAT-P1.5.1 Light spill and illumination

Objective:	That light spill and levels of illumination from external lighting do not cause unreasonable loss of amenity to sensitive uses.	
Acceptable Solutions	Performance Criteria	
A1	P1	

<p>Use must:</p> <p>(a) not include permanent, fixed floodlighting if the site adjoins the boundary of a General Residential Zone or Residential Precinct; and</p> <p>(b) contain direct light from external sources within the boundaries of the site.</p>	<p>Floodlighting or other external lighting used on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <p>(a) the number of light sources and their intensity;</p> <p>(b) the proximity of the proposed light sources to nearby sensitive uses;</p> <p>(c) the topography of the site;</p> <p>(d) the landscaping of the site;</p> <p>(e) the degree of screening between light source and sensitive uses; and</p> <p>(f) existing light sources nearby.</p>
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LAT-P1.5.2 Hours of operation - Mixed Use Precinct

<p>Objective:</p>	<p>That non-residential uses in the Mixed Use Precinct do not cause an unreasonable loss of amenity to nearby sensitive uses.</p>
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Hours of operation of Commercial vehicles must be within the hours of 6.00am to 7.00pm.</p>	<p>P1</p> <p>Hours of operation of Commercial vehicles must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <p>(a) the extent and timing of traffic generation;</p> <p>(b) the hours of delivery and dispatch of goods and materials; and</p> <p>(c) the existing levels of amenity.</p>

LAT-P1.5.3 Mechanical plant and equipment – Mixed Use Precinct

<p>Objective:</p>	<p>That the use of mechanical plant and equipment in the Mixed Use Precinct does not cause an unreasonable loss of amenity to sensitive uses.</p>
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Air conditioning, air extraction, heating or refrigeration systems or compressors must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining or immediately opposite sensitive uses.</p>	<p>P1</p> <p>Noise, odours, fumes or vibration generated must not cause an unreasonable loss of amenity to adjoining or immediately opposite sensitive uses, having regard to:</p> <p>(a) the characteristics and frequency of any emissions generated;</p>

	<ul style="list-style-type: none"> (b) the nature of the proposed use; (c) the topography of the site; (d) the landscaping of the site; and (e) any mitigation measures proposed.
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LAT-P1.5.4 Noise levels – Mixed Use Precinct

Objective:	That noise emissions from uses in the Mixed Use Precinct do not cause an unreasonable loss of amenity to nearby sensitive uses.	
Acceptable Solutions		Performance Criteria
A1	<p>Noise generated by a use on the site must:</p> <ul style="list-style-type: none"> (a) not exceed a time average A – weighted sound pressure level (LA^{eq}) of 5dB(A) above background during operating hours when measured at the boundary of an existing sensitive use adjoining or immediately opposite the site; or (b) be in accordance with any permit conditions required by the Environment Protection Authority or an environment protection notice issued by the Director of the Environment Protection Authority. 	<p>P1</p> <p>Noise levels from uses on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use; (b) the characteristics of the noise emitted; (c) the topography of the site; (d) the separation between the noise emission and the sensitive use; (e) the degree of screening between the noise source and adjoining sensitive uses; and (f) the character of the surrounding area.

LAT-P1.6 Development Standards for Buildings and Works

LAT-P1.6.1 Dwelling density

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) dwelling density across the site provides for a range of residential choices while maintaining residential amenity; and (b) a range of lot sizes is provided to suit a variety of dwelling and household types. 	
Acceptable Solutions		Performance Criteria
A1	<p>Dwelling density for each precinct must be within the range of:</p> <ul style="list-style-type: none"> (a) 28 – 44 dwellings in the Residential Precinct (Northern); 	P1 No Performance Criterion.

<p>(b) 24 – 40 dwellings in the Residential Precinct (Southern); and</p> <p>(c) 32 – 48 dwellings in the Mixed Use Precinct.</p>	
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LAT-P1.6.2 Private Open Space

<p>Objective:</p>	<p>That private open space:</p> <ul style="list-style-type: none"> (a) provides for outdoor recreation and the operational needs of the residents; (b) provides opportunities for the planting of gardens and landscaping; (c) is integrated with the living areas of the dwelling; and (d) has access to sunlight.
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>Single dwellings in the Residential Precinct must have an area of private open space with an area of not less than 24m² and dimensions of not less than 4m.</p> <p>A1.2</p> <p>Multiple dwellings in the Residential Precinct must have an area of private open space with an area at ground level of not less than 18m² and dimensions of not less than 3m.</p>	<p>P1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and: <ul style="list-style-type: none"> (i) provides outdoor recreational space consistent with the projected requirements of the occupants; (ii) provides for operational needs such as clothes drying; and (iii) considers the proximity of properties to available public open space or common open space; and (b) reasonable space for the planting of gardens and landscaping.
<p>A2</p> <p>Dwellings in the Mixed Use Precinct must have an area of private open space that:</p> <ul style="list-style-type: none"> (a) if on an upper storey or on ground level overlooking the Open Space and Utilities Precinct has: <ul style="list-style-type: none"> (i) an area of not less than 10m²; and (ii) dimensions of not less than 2m; (b) if on ground level and without outlook to the Open Space and Utilities Precinct, has: 	<p>P2</p> <p>A dwelling must have access to an open space area capable of providing for outdoor relaxation that is:</p> <ul style="list-style-type: none"> (a) conveniently located; and (b) orientated to take advantage of sunlight.

<ul style="list-style-type: none"> (i) an area of not less than 18m²; and (ii) dimensions of not less than 3m; and (iii) is directly accessible from a habitable room other than a bedroom. 	
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LAT-P1.6.3 Frontage fencing

<p>Objective:</p>	<p>That the height and transparency of frontage fences (including fences along a boundary with the Open Space and Utilities Precinct):</p> <ul style="list-style-type: none"> (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the street or public open space and the dwelling; and (c) provides reasonably consistent height and transparency.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A frontage fence must be:</p> <ul style="list-style-type: none"> (a) located on the street title boundary; and (b) be continued until meeting a wall built to the front boundary or around any side street or parkland to behind the dwelling. 	<p>P1</p> <p>A fence (including a free-standing wall) on a frontage or within the front setback must:</p> <ul style="list-style-type: none"> (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and (b) be consistent with the height and transparency of fences in the street, having regard to traffic volumes on the adjoining road; and (c) enable land between the fence and the road to be adequately maintained.
<p>A2</p> <p>A fence between the Open Space and Utilities Precinct and a dwelling must have a height of not more than 1.5m and a uniform transparency of not less than 70% (excluding any posts or uprights).</p> <p>The height is to be calculated from the top of any retaining wall bounding the Open Space and Utilities Precinct.</p>	<p>P2</p> <p>No Performance Criterion.</p>

LAT-P1.6.4 Waste storage

Objective:	That storage areas for waste and recycling bins for multiple dwellings are provided.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>A multiple dwelling must have a storage area for waste and recycling bins, that is not less than 1.5m² per dwelling and is within:</p> <ul style="list-style-type: none"> (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback from a frontage including a boundary with the Open Space and Utilities Precinct of not less than 3m ; and (ii) is screened from the frontage and any dwelling by a wall to a height of not less than 1.2m above the finished surface level of the storage area. 	<p>P1</p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <ul style="list-style-type: none"> (a) capable of storing the number of bins required for the site; and (b) screened from the frontage and dwellings; and (c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise; or (d) in a fully enclosed area. 	
<p>A2</p> <p>Commercial development must have a storage area for waste and recycling bins, that is not less than 1.5m² per tenancy and is within:</p> <ul style="list-style-type: none"> (a) an area for the exclusive use of each building; or (b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback from a frontage including a boundary with the Open Space and Utilities Precinct of not less than 3m ; and (ii) is screened from the frontage and any dwelling by a wall to a height of not less than 1.2m above the finished surface level of the storage area; or (iii) is in a common storage area that is fully enclosed and not less than 2m from a frontage. 	<p>P2</p> <p>Commercial development must have storage, for waste and recycling bins that is:</p> <ul style="list-style-type: none"> (a) capable of storing the number of bins required for the site; and (b) is screened from the frontage and dwellings; and (c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise; or (d) is in a fully enclosed area. 	

LAT-P1.6.5 Coastal processes and drainage

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) risk to development from exposure to hazards associated with coastal processes is minimised; (b) adequate arrangements for the drainage of stormwater are made; and (c) required fill does not cause loss of residential amenity to properties adjoining the site.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A tidal barrage must be constructed within the Port Street road reserve between Wilmot Street and Archer Street to a height of not less than 2.5m AHD, with design and construction capacity for an increase in height to not less than 3m AHD. The barrage must be designed and constructed to make it suitable for pedestrian and bicycle traffic. It must be provided for as part of Stage 1 of subdivision.</p>	<p>P1</p> <p>Lots with direct access to Wilmot and Darling Street may be developed prior to the tidal barrage provided the existing sea wall located within the site and its surrounds are increased to a height of not less than 2.1m AHD, together with an appropriate agreement with the planning authority for the timing and conditions of delivery of the barrage.</p>
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>A floodway and stormwater detention management plan for the whole site must be prepared by a suitably qualified professional and submitted with the Stage 1 plan of subdivision, having regard to:</p> <ul style="list-style-type: none"> (a) the impact of the barrage and high tide levels on site inundation; and (b) provide for the 1% AEP flood level, having regard to the probability of high levels of urban runoff coinciding with maximum tide levels; or (c) whether the existing sea wall is to be used for an interim barrage, in which case, an interim floodway and stormwater detention management plan must be prepared, together with an agreement with the planning authority regarding provision of the final floodway and stormwater plan in conjunction with the permanent barrage.
<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>Fill levels and drainage design must be appropriate, as demonstrated through an engineering report by a suitably qualified professional, having regard to:</p>

	<ul style="list-style-type: none"> (a) adjoining properties and structures; (b) groundwater and stormwater; and (c) soil erosion.
<p>A4</p> <p>Site fill must:</p> <ul style="list-style-type: none"> (a) be provided to a level of 2.3m AHD under all dwellings and mixed use buildings and (b) be graded down to the existing ground levels at the boundaries of the site and abutting residential properties. 	<p>P4</p> <p>Earthworks and fill must provide adequate flood protection for buildings whilst minimizing both visual impact and drainage problems on the streetscape and on adjacent land.</p>

LAT-P1.6.6 Building height, setback and siting - Residential Precinct

Objective:	<p>That the siting and scale of dwellings in the Residential Precinct:</p> <ul style="list-style-type: none"> (a) provides reasonably consistent frontage setback for new dwellings; (b) provides reasonable consistency in the apparent scale, bulk, massing and proportion of dwellings; and (c) provides separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space areas.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Dwellings in the Residential Precinct, excluding protrusions (such as eaves, steps, porches and awnings), must have:</p> <ul style="list-style-type: none"> (a) a setback from the primary frontage of not less than 3m; (b) a setback from any other frontage of not less than 2m; and (c) a separation of not less than 2m from any boundary with the Open Space and Utilities Precinct. 	<p>P1</p> <p>Dwellings in the Residential Precinct must have a setback from a frontage or boundary with the Open Space and Utilities Precinct that is consistent with existing dwellings in the precinct, having regard to any topographical constraints.</p>
<p>A2</p> <p>Dwellings, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) must:</p>	<p>P2</p> <p>The siting and scale of a dwelling must not cause unreasonable loss of residential amenity, having regard to:</p>

<p>(a) be contained within a building envelope determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback, (ii) a distance of 4m from the rear boundary unless an internal site abutting the Open Space and Utilities Precinct (see A4 and A5); and (iii) be not more than 8.5m above natural ground level; and <p>(b) have a side setback of not less than 1m, or alternatively a setback within 1m of a side boundary, if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser), and has a wall height of not more than 3.3m; and <p>(c) have a side setback of not less than 2m if the wall height is greater than 3.3m and does not exceed 6.5m; and</p> <p>(d) have a side setback of not less than 3m if the wall height is greater than 6.5m and does not exceed 8.5m.</p>	<ul style="list-style-type: none"> (a) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (b) overshadowing the private open space of a dwelling on an adjoining property; (c) overshadowing of an adjoining vacant property; or (d) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property.
<p>A3</p> <p>The facades of multiple dwellings must be sited as follows:</p> <ul style="list-style-type: none"> (a) if facing each other, separated by not less than of 12m across a shared accessway; (b) if facing across the site to the side or rear of another dwelling, not less than 3m to a shared accessway; or (c) if to the side or rear of a dwelling, not less than 2.5m to a shared accessway; (d) setback from a wall containing a window or private open space appurtenant to another dwelling of not less than of 2m; and (e) if for a dwelling abutting a wall on an adjoining property, a side boundary setback of not less 	<p>P3</p> <p>Multiple dwelling frontages must be sited:</p> <ul style="list-style-type: none"> (a) so that a shared driveway or parking space (excluding a parking space allocated to that dwelling) is screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling; and (b) to provide adequate separation between multiple dwellings so that adequate visual and acoustic privacy is provided.

<p>than 2m for upper storey walls greater than 3.3m high.</p>	
<p>A4</p> <p>A dwelling on an internal site adjoining the Open Space and Utilities Precinct must be orientated to face that precinct.</p>	<p>P4</p> <p>No Performance Criterion.</p>
<p>A5</p> <p>A garage, for a dwelling and with a wall height of no more than 3.3m on an internal site adjoining the Open Space and Utilities Precinct must have a setback:</p> <p>(a) from the side or rear boundary of not less than 1m; or</p> <p>(b) within 1m of a rear boundary if the garage does not exceed a total length of 9m.</p>	<p>P5</p> <p>No Performance Criterion.</p>

LAT-P1.6.7 Width and location of openings for garages and carports - Residential Precinct

<p>Objective:</p>	<p>That garages or carports in the Residential Precinct do not dominate the primary frontage or an access way.</p>
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Garages or carports for dwellings must:</p> <p>(a) have a width of not more than 6m or 50% of the dwelling facade (whichever is the lesser);</p> <p>(b) have a setback from a frontage of not less than 5.5m; and</p> <p>(c) be no closer to the frontage than the building line of the dwelling.</p>	<p>P1</p> <p>Garages or carports must be designed and located to minimise the width of openings that are visible from the street and to minimise the potential for the openings of garages or carports to dominate the primary frontage.</p>
<p>A2</p> <p>A garage or carport for multiple dwellings must have a setback from an access way of not less than the same distance as the associated dwelling.</p>	<p>P2</p> <p>A garage or carport must be designed and located to minimise their potential to dominate an access way.</p>

LAT-P1.6.8 Sunlight for dwellings - Residential Precinct

<p>Objective:</p>	<p>To provide in the Residential Precinct:</p> <ul style="list-style-type: none"> (a) the opportunity for sunlight and daylight to enter habitable rooms (other than bedrooms) of dwellings; and (b) separation between multiple dwellings on the same site to provide reasonable opportunity for sunlight to enter habitable rooms (other than bedrooms) and private open space areas.
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>A dwelling must have not less than 1 habitable room (other than a bedroom) in which there is a window with a glazed area of not less than 2m² that faces between 30 degrees west of north and 30 degrees east of north.</p>	<p>P1</p> <p>A dwelling must be sited and designed to allow sunlight and daylight to enter not less than 1 habitable room (other than a bedroom).</p>
<p>A2</p> <p>A wall greater than 3.3m in height for a building with a long axis orientated within 30 degrees west of north and 30 degrees east of north must have a setback from the southern boundary of not less than 6m.</p>	<p>P2</p> <p>A dwelling must be sited and designed to allow sunlight and daylight to enter not less than 1 habitable room (other than a bedroom) of a dwelling on an adjoining property to the south.</p>
<p>A3</p> <p>For a multiple dwelling development:</p> <ul style="list-style-type: none"> (a) if the window of a habitable room (other than a bedroom) faces between 30 degrees west of north and 30 degrees east of north, there must be an offset from a building to the north of not less than: <ul style="list-style-type: none"> (i) 3m if the dwelling to the north is a single storey dwelling; and (ii) 6m if the dwelling to the north is a double storey dwelling; and (b) if the private open space of a dwelling is located within 30 degrees west of north and 30 degrees east of north, there must be an offset (from the northern most point of the private open space) not less than - <ul style="list-style-type: none"> (i) 2m from a single storey dwelling to its north; and 	<p>P3</p> <p>Multiple dwellings must be designed and sited to not cause an unreasonable loss of residential amenity by overshadowing the northern windows and private open space of another dwelling on the same site.</p>

<p>(ii) a total of 5m from any upper storey wall to its north.</p>	
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LAT-P1.6.9 Building envelope for development - Mixed Use Precinct

<p>Objective:</p>	<p>That the siting and scale of buildings in the Mixed Use Precinct:</p> <ul style="list-style-type: none"> (a) takes advantage of views to Rubicon Estuary and public open space areas; and (b) protects the residential amenity of adjoining properties and residential development within and abutting the precinct; and (c) promotes and maintain high levels of public interaction and residential amenity.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings must be located within a building envelope determined by:</p> <ul style="list-style-type: none"> (a) a setback to a road or public open space frontage of: <ul style="list-style-type: none"> (i) 0m if for walls of ground floor non-residential uses. Ground floor verandas for public use may project up to 3m into a street or into a property within the Open Space and Utilities Precinct; (ii) 2m for walls of residential uses with a 1m setback for protrusions (such as eaves, roofed or unroofed balconies, and decks, steps, porches and awnings); (b) a setback to land in a General Residential Zone or Residential Precinct of not less than: <ul style="list-style-type: none"> (i) 0m for walls up to 3.3m in height; (ii) 4m for walls up to 6.5m in height; or (iii) 15m for walls over 6.5m in height; and (c) a height of not more than 13m. 	<p>P1</p> <p>The siting and scale of a building must not cause an unreasonable loss of residential amenity to adjoining properties or to residential buildings within the site, having regard to:</p> <ul style="list-style-type: none"> (a) reduction in sunlight to a habitable room (other than a bedroom); (b) significantly increasing overlooking and loss of privacy; and (c) causing significant visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from an adjoining property.

LAT-P1.6.10 Garages and car parking - Mixed Use Precinct

Objective:	That car parks, garages or carports in the Mixed Use Precinct do not dominate the primary frontage or public open space frontage.	
Acceptable Solutions	Performance Criteria	
A1 Garages or carports in the Mixed Use Precinct for individual dwellings on sites with road frontage must: (a) have a width of not more than 6m or 50% of the dwelling frontage (whichever is the lesser); (b) have a setback from a frontage of not less than 5.5m; and (c) be no closer to the frontage than the facade of the dwelling.	P1 Garages or carports in the Mixed Use Precinct must be designed and located to minimise the width of openings that are visible from the street and to minimise the potential for the openings of garages and carports to dominate the primary frontage.	
A2 Car parks, garages or carports on sites in the Mixed Use Precinct must be located behind the building line of a building that fronts a road and/or behind a building that fronts the Open Space and Utilities Precinct.	P2 Car parks, garages or carports in the Mixed Use Precinct must be designed and located to minimise their potential to dominate the primary frontage or Open Space and Utilities Precinct.	

LAT-P1.7 Development Standards for Subdivision

LAT-P1.7.1 Lot design and servicing

Objective:	That the minimum properties of a site and of each lot on a plan of subdivision: (a) provide a suitable development area for the intended use; (b) provide access from a road; and (c) make adequate provision for connection to a water supply and for the drainage of sewage and stormwater.	
Acceptable Solutions	Performance Criteria	
A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 330m ² excluding any access strip; and	P1 Each lot, or a lot proposed in a plan of subdivision must have sufficient area for its intended use or development without likely constraint or interference, for: (a) erection of a building if required by the intended use;	

<p>(b) if intended for a building, contain a building area of not less than 8m x 12m:</p> <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any registered easement; (iii) clear of any registered right of way benefiting other land; (iv) clear of any restriction imposed by a utility; (v) not including an access strip; (vi) accessible from a street frontage or access strip. 	<ul style="list-style-type: none"> (b) access to the site; (c) use or development of adjacent land; (d) a utility; and (e) any easement or lawful entitlement for access to other land.
<p>A2</p> <p>Each lot, or a lot in a plan of subdivision, must have:</p> <ul style="list-style-type: none"> (a) a frontage of not less than 3.6m; or (b) for adjacent internal lots, a joint frontage of 4m if shared by 2 properties using cross easements. The cross easements may extend into the main area of the 2 internal lots for an area of not more than 45m². 	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>An internal lot served by a 4m wide shared access way must be for a single dwelling.</p>	<p>P3</p> <p>No Performance Criterion.</p>
<p>A4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>.</p>	<p>P4</p> <p>It must be unnecessary to require a water supply.</p>
<p>A5</p> <p>Each lot, or a lot proposed in a plan of subdivision, must drain sewage and waste water to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2009</i>.</p>	<p>P5</p> <p>It must be unnecessary to require the drainage and disposal of sewage or waste water.</p>
<p>A6</p> <p>Each lot, or a lot proposed in a plan of subdivision, must drain stormwater to a public stormwater system.</p>	<p>P6</p> <p>A lot may utilise an alternative stormwater drainage solution approved by Council if connection to a reticulated system cannot be achieved.</p>

LAT-P1.7.2 Subdivision design

Objective:	<p>That subdivision development provides:</p> <ul style="list-style-type: none"> (a) suitable building envelopes and street access; (b) development of a road network that provides linkages into adjoining properties and facilitates the safe passage of cars, pedestrians and cyclists through the zone; and (c) public open space areas, which are attractive and enhance passive recreation opportunities and stormwater detention areas.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Subdivision of land must be substantially in accordance with the precinct plan at Figure LAT-P1.1 and a master plan must demonstrate how the balance of the land can be developed.</p>	<p>P1</p> <p>Subdivision design that varies from an approved master plan for the whole of the land must demonstrate:</p> <ul style="list-style-type: none"> (a) an integrated and holistic approach to subdivision and subsequent development of all land within the zone; (b) adequate street connectivity; (c) safe and convenient vehicular, pedestrian and cycling access throughout the zone and to adjoining residential and open space areas; and (d) useable areas of public open space around the stormwater detention basin.
<p>A2</p> <p>A master plan is not required provided that each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> (a) be required to restructure, re-size, or reconfigure land for utility purposes; (b) be required for public use by the Crown, a council or a State Authority; or (c) be required for the provision of utilities. 	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>The subdivision layout must provide for street connections to existing developed land and land with development potential within the zone.</p>	<p>P3</p> <p>No Performance Criterion.</p>
<p>A4</p> <p>For subdivision that includes development of a public open space area, a landscaping plan must be provided that demonstrates:</p>	<p>P4</p> <p>No Performance Criterion.</p>

<p>(a) pedestrian linkages connecting to existing streets and paths;</p> <p>(b) the location of plantings;</p> <p>(c) the species of plants to be used; and</p> <p>(d) density of the plantings.</p>	
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LAT-P1.7.3 Reticulation of an electricity supply to new lots on a plan of subdivision

Objective:	Distribution and connection of reticulated electricity supply to new lots in a plan of subdivision is to be without visual intrusion on the streetscape or landscape qualities of the residential area.
Acceptable Solutions	
Performance Criteria	
<p>A1</p> <p>Electricity reticulation and site connections must be installed underground.</p>	<p>P1</p> <p>It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.</p>

LAT-P1.7.4 Road cross-section designs

Objective:	That a consistent outcome for new road construction is achieved in Port Sorell.
Acceptable Solutions	
Performance Criteria	
<p>A1</p> <p>A new road must be constructed:</p> <p>(a) substantially in accordance with the relevant design as shown in Figure LAT-P1.2 and Figure LAT-P1.3; or</p> <p>(b) if in the Mixed Use Precinct, a road can incorporate 90 degree angle parking, provided that the carriageway has a width of not less than 6.4m and the adjacent parking bays have a paved length to kerb of not less than 5m and a width of 2.6m. Such a road must also incorporate a footpath of not less than 1.5m wide together with a verge of not less than 2.5m wide.</p>	<p>P1</p> <p>No Performance Criterion.</p>

LAT-P1.8 Tables

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

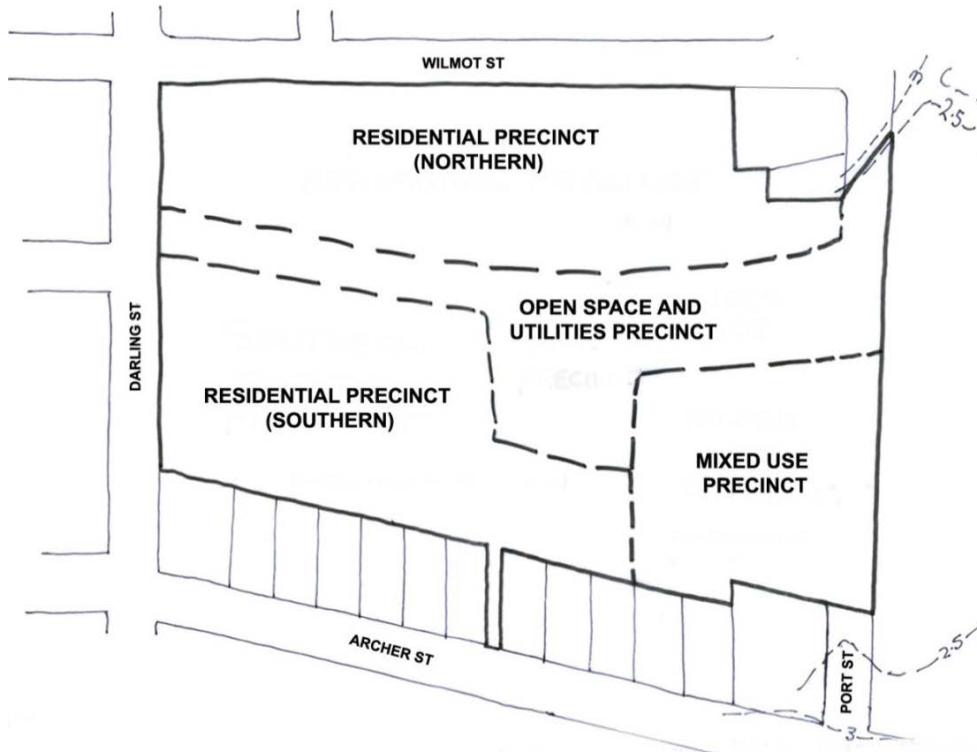


Figure LAT-P1.1 – Port Sorell Waterfront Site Precinct Plan



Figure LAT-P1.2 – Road design - Laneway

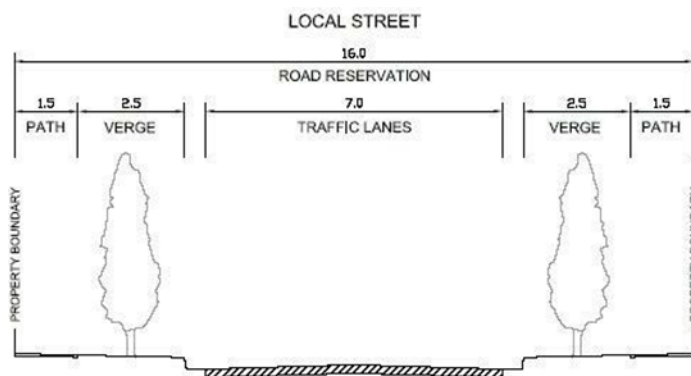


Figure LAT-P1.3 – Road design – Local street

LAT-P2.0 Particular Purpose Zone – Latrobe Speedway Site

LAT-P2.1 Zone Purpose

The purpose of the Particular Purpose Zone – Latrobe Speedway Site is:

LAT-P2.1.1 To provide for recreational activity if off site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

LAT-P2.1.2 To provide for expansion of the speedway facility.

LAT-P2.2 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
LAT-P2.2.1	Latrobe Speedway Site shown on an overlay map as LAT-P2.2.1	<p>The Local Area Objectives for the Latrobe Speedway Site are:</p> <ul style="list-style-type: none">(a) to provide for convenient access to a range of active and organised recreational use for residents of the locality and tourists;(b) to provide for use and development complementary to the speedway operations;(c) to maintain the amenity of sensitive uses on land adjacent to the zone; and(d) that use or development on the Latrobe Speedway Site:<ul style="list-style-type: none">(i) may occur on natural or modified sites;(ii) is not required to be comparable with development on adjacent land;(iii) may involve large outdoor facilities and highly modified sites and include buildings and structures for administration, a clubroom and change facilities, light towers and car parking; and(iv) may involve indoor facilities in large buildings with distinctive design, bulk and height.

LAT-P2.3 Definition of Terms

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

LAT-P2.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If: (a) for conservation, rehabilitation, or protection against degradation; and (b) not a building or external activity area for information, interpretation, or display of items or for any other use.
Permitted	
Community Meeting and Entertainment	If for a function centre associated with an established use.
Motor Racing Facility	If not a new facility.
Passive Recreation	
Sports and Recreation	If for: (a) a bowling alley, fitness centre, gymnasium; or (b) an indoor or outdoor recreation facility and not a spectator sport.
Utilities	If for minor utilities.
Discretionary	
No Uses	
Prohibited	
All other uses	

LAT-P2.5 Use Standards

LAT-P2.5.1 Hours of Operation

Objective:	That non-residential uses do not cause an unreasonable loss of amenity to nearby sensitive uses.	
Acceptable Solutions	Performance Criteria	
A1	P1	

<p>Commercial vehicle operation must be within the hours of 6.00am to 10pm.</p>	<p>Commercial vehicle operation must not cause an unreasonably loss of amenity to adjacent sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the extent and timing of traffic generation; (b) the hours of delivery and despatch of goods and materials; and (c) the existing levels of amenity.
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LAT-P2.6 Development Standards for Buildings and Works

LAT-P2.6.1 Location and configuration of development

<p>Objective:</p>	<p>That the location and configuration of development:</p> <ul style="list-style-type: none"> (a) provides for the efficient use of land; (b) provides for buildings, service activity and vehicle parking of suitable size to accommodate use; (c) provides consistency in the apparent scale, bulk, massing and proportion of adjacent buildings; and (d) minimises unreasonable impact on the amenity of the use on land beyond the boundaries of a zone.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must be not more than 10m.</p>	<p>P1</p> <p>Building height must:</p> <ul style="list-style-type: none"> (a) minimise apparent scale, bulk, massing and proportion relative to any adjacent building; (b) respond to the effect of the slope and orientation of the site; and (c) provide separation between buildings to attenuate impact.
<p>A2</p> <p>Building or works on land with a boundary to a zone must:</p> <ul style="list-style-type: none"> (a) have a setback from the boundary of adjoining land in a Light Industrial Zone of not less than 5m; (b) not include within the setback area required from a boundary to land in a Light Industrial Zone: 	<p>P2</p> <p>The location of Building or works must:</p> <ul style="list-style-type: none"> (a) minimise likelihood for conflict, interference and constraint from use on land in an adjoining zone; and (b) minimise likely impact on the amenity of use on land in an adjoining zone.

<ul style="list-style-type: none"> (i) a building or work; (ii) vehicular or pedestrian access from a road; (iii) vehicle loading or parking area; (iv) an area for the gathering of people, including for entertainment, community event, performance, sport or for a spectator facility; (v) a sign orientated to view from land in another zone; or (vi) external lighting for operational or security purposes; and <p>(c) a building with an elevation to a zone boundary must be contained within a building envelope determined by:</p> <ul style="list-style-type: none"> (i) the 5m setback distance from a Light Industrial Zone; and (ii) projecting upward and away from the zone boundary at an angle of 45° above the horizontal from a wall height of 3.0m at the setback distance from the zone boundary; and <p>(d) the elevation of a building to a zone boundary must not contain an external opening other than an emergency exit, including a door, window to a habitable room, loading bay, or vehicle entry.</p>	
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LAT- P2.7 Development Standards for Subdivision

LAT-P2.7.1 Lot design and servicing

Objective:	<p>That each lot:</p> <ul style="list-style-type: none"> (a) provides a suitable development area for the intended use; (b) is provided with appropriate access to a road; and (c) makes adequate provision for connection to a water supply and for the drainage of sewage and stormwater.
Acceptable Solutions	Performance Criteria
A1	P1

<p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 1000m² excluding any access strip; and (b) if intended for a building, have a building area: <ul style="list-style-type: none"> (i) not less than 300m²; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefitting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) clear of any area required for on-site disposal of stormwater; and (viii) accessible from a frontage or access strip; (c) be required for public use by the Crown, a council or State authority; or (d) be required for the provision of public utilities. 	<p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use or development, having regard to:</p> <ul style="list-style-type: none"> (a) erection of a building if required by the intended use; (b) access to the site; (c) use or development of adjacent land; (d) a utility; (e) any easement or lawful entitlement for access to other land; and (f) any relevant local area objectives.
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a separate access from a road:</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road: <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot of the acceptable solution in any applicable standard; and 	<p>P2.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a reasonable and secure access from a road provided:</p> <ul style="list-style-type: none"> (a) across a frontage; or (b) by an access strip connecting to a frontage, if for an internal lot; or (c) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot of the Acceptable Solution in any applicable standard; and (d) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by: <ul style="list-style-type: none"> (i) the intended use; and

<p>(d) with a width of frontage and any access strip or right of way of not less than 10m; and</p> <p>(e) the relevant road authority under the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	<p>(ii) the existing or potential use of any other land which requires use of the access as the means of access for the land; and</p> <p>(e) the relevant road authority under the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan.</p> <p>or</p> <p>P2.2</p> <p>It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.</p>
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of connecting to a water supply:</p> <p>(a) from a connection to a full water supply service; or</p> <p>(b) from a rechargeable drinking water system R6 with a storage capacity of not less than 10,000 L if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for a use with an equivalent population of not more than 10 people per day.</p>	<p>P3.1</p> <p>There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision.</p> <p>or</p> <p>P3.2</p> <p>It must be unnecessary to require a water supply.</p>
<p>A4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of draining and disposing of sewage and trade waste:</p> <p>(a) to a reticulated sewerage system; or</p> <p>(b) on-site disposal if:</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewerage system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p>	<p>P4.1</p> <p>Each lot, or a lot proposed in a plan of subdivision must drain and dispose of sewage and trade waste:</p> <p>(a) in accordance with any prescribed emission limits for discharge of waste water;</p> <p>(b) in accordance with any limit advised by the Environmental Protection Agency;</p> <p>(c) without likely adverse impact for the health or amenity of the land and adjacent land;</p> <p>(d) without compromise to water quality objectives for surface or ground water established under</p>

<p>b. creates a total sewage and waste water flow of not more than 1000L per day; and</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with <i>AS/NZS1547:2012 On-site domestic- waste water management</i> clear of any defined building area or access strip.</p>	<p>the State Policy on Water Quality Management 1997; and</p> <p>(e) with appropriate safeguards to minimise contamination if the use or development has potential to:</p> <ul style="list-style-type: none"> (i) indirectly cause the contamination of surface or ground water; or (ii) involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage. <p>or</p> <p>P4.2</p> <p>It must be unnecessary to require arrangements for the drainage and disposal of sewerage or trade waste.</p>
<p>A5</p> <p>Each lot, or a lot proposed on a plan of subdivision, must be capable of draining and disposing of stormwater:</p> <ul style="list-style-type: none"> (a) for discharge to a public stormwater system; or (b) if stormwater cannot be drained to a public stormwater system: <ul style="list-style-type: none"> (i) for discharge to a natural drainage line, water body, or watercourse; or (ii) for disposal within the site if: <ul style="list-style-type: none"> a. the site has an area of not less than 5000m²; b. the disposal area is not within any defined building area; c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and 	<p>P5.1</p> <p>Each lot or a lot proposed on a plan of subdivision must drain and dispose of stormwater:</p> <ul style="list-style-type: none"> (a) to accommodate the anticipated stormwater; (b) without likelihood for concentration on adjacent land; (c) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land; (d) to manage the quantity and rate of discharge of stormwater to receiving waters; (e) to manage the quality of stormwater discharged to receiving waters; and (f) to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area. <p>or</p> <p>P5.2</p> <p>It must be unnecessary to require arrangements for the drainage and disposal of stormwater.</p>

e. not more than 50% of the site is impervious surface.	
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LAT-P2.8 Tables

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

LAT-P3.0 Particular Purpose Zone – Hawley Esplanade Visitor Accommodation

LAT-P3.1 Zone Purpose

The purpose of the Particular Purpose Zone – Hawley Esplanade Visitor Accommodation is:

- LAT-P3.1.1 To enable land to be used for visitor accommodation in a manner complementary to Hawley House and the surrounding area.
- LAT-P3.1.2 To provide for other use and development that is complementary to visitor accommodation.
- LAT-P3.1.3 To preserve existing natural values in the zone.

LAT-P3.2 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
LAT-P3.2.1	Hawley House Precinct, shown on an overlay map as LAT-P3.2.1 and in Figure LAT-P3.1	<p>The Local Area Objectives for the Hawley House Precinct are:</p> <ul style="list-style-type: none"> (a) to provide for visitor accommodation in the Hawley Beach area; (b) to provide for a function centre and restaurant associated with the existing visitor accommodation business in the Esplanade precinct; (c) to minimise constraint or interference with adjoining primary industry use; (d) to maintain a rural setting and retain landscape associations with Hawley House; and (e) that the Precinct: <ul style="list-style-type: none"> (i) may include separate self-contained holiday units ancillary to the existing visitor accommodation business; (ii) must have a well-defined, clearly visible access; (iii) may include appropriately located, landscaped, hard-seal and illuminated areas for car parking and loading, or the storage and handling of goods and materials; and (iv) must include landscaping to screen and buffer, as appropriate, activities

		<p>at zone boundaries to minimise likely impact on amenity between uses and adjoining residential properties.</p>
<p>LAT-P3.2.2</p>	<p>Esplanade Precinct, shown on an overlay map as LAT-P3.2.2 and in Figure LAT-P3.1</p>	<p>The Local Area Objectives for the Esplanade Precinct are:</p> <ul style="list-style-type: none"> (a) to provide for visitor accommodation in the Hawley Beach area; (b) to provide for 1 large accommodation building (e.g. a motel) complemented by separate self-contained holiday units; (c) to provide a site of sufficient size to fully accommodate all building and development; (d) to provide for landscaping to protect residential amenity in an adjoining zone; and (e) The Esplanade Precinct: <ul style="list-style-type: none"> (i) must have a well-defined, clearly visible access. (ii) must maintain building setbacks from Hawley Esplanade consistent with the existing streetscape. (iii) may include up to 2 storeys for the large accommodation building and the holiday units. (iv) may attract a higher volume of light commercial and passenger vehicles. (v) must include landscaping to screen and buffer, as appropriate, activities at zone boundaries to minimise likely impact on amenity between uses on adjoining residential properties. (vi) may include appropriately located, landscaped, hard-seal and illuminated areas for car parking and loading, or the storage and handling of goods and materials. (vii) the operating practices and outputs must have minimal likelihood to cause unreasonable loss of the

		<p>amenity of land beyond the site boundary, having regard to:</p> <ul style="list-style-type: none"> a. emission to air, land or water of light, noise, odour, particulates, radiation or vibration; b. visual prominence of external activity areas; c. hours of operation; d. overshadowing; e. traffic generation; or f. adverse impact on the efficient and safe operation of a road network.
<p>LAT-P3.2.3</p>	<p>Natural Values Precinct, shown on an overlay map as LAT-P3.2.3 and in Figure LAT-P3.1</p>	<p>The Local Area Objectives for the Natural Values Precinct are:</p> <ul style="list-style-type: none"> (a) to preserve existing natural values in the area; and (b) The Natural Values Precinct must: <ul style="list-style-type: none"> (i) include areas of bush and wetland; and (ii) not include development, such as buildings, accesses or car parking areas.

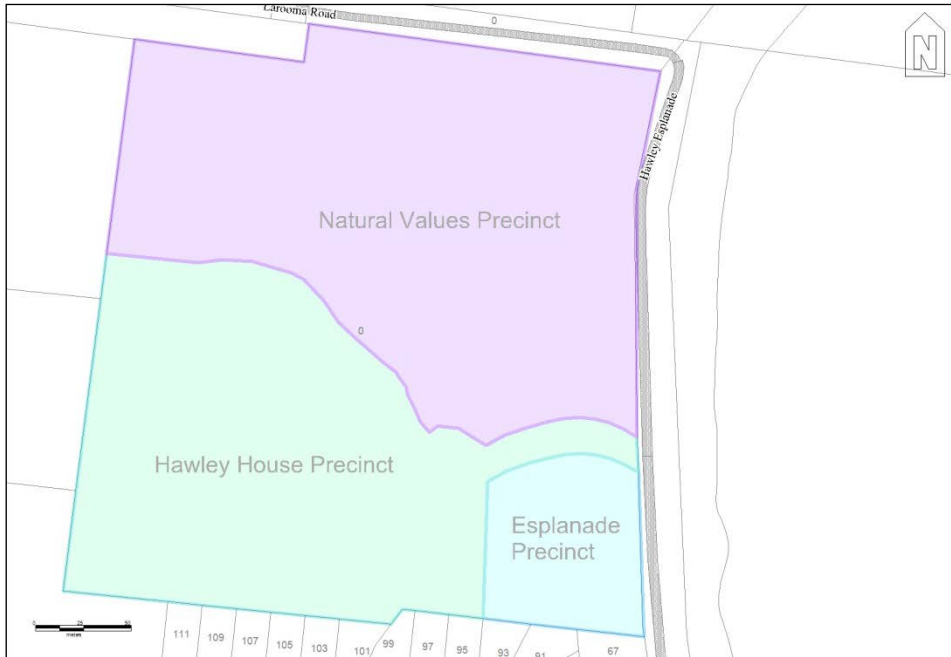


Figure LAT-P3.1 Precinct Map

LAT-P3.3 Definition of Terms

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

LAT-P3.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or external activity area for information, interpretation, or display of items or for any other use.
Passive Recreation	If in the Natural Values Precinct.
Permitted	
Community Meeting and Entertainment	If for a function centre associated with the restaurant in the Hawley House Precinct.
Food Services	If for a cafe or restaurant: (a) occupying a minor part of Hawley House or a large visitor accommodation building; (b) not in the Natural Values Precinct; and (c) not including a drive through facility.
Visitor Accommodation	If not for camping and caravan park or a hostel and not in the Natural Values Precinct.

Use Class	Qualification
Utilities	If for minor utilities.
Discretionary	
Community Meeting and Entertainment	If for a function centre associated with a cafe or restaurant in the Esplanade Precinct.
Food Services	If not listed as No Permit Required and if for a cafe or restaurant: (a) in the Esplanade Precinct; and (b) not including a drive through facility.
Prohibited	
All other uses	

LAT-P3.5 Use Standards

LAT-P3.5.1 Operating hours

Objective:	That non-residential use does not cause an unreasonable loss of amenity to nearby sensitive uses.	
Acceptable Solutions		Performance Criteria
A1	Commercial vehicles must only operate within the hours of 6.00am to 10.00pm.	P1 Commercial vehicles must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to: <ul style="list-style-type: none"> (a) the extent and timing of traffic generation; (b) the hours of delivery and despatch of goods and materials; and (c) the existing levels of amenity.

LAT-P3.5.2 Mechanical plant and equipment

Objective:	That the use of mechanical plant and equipment does not cause an unreasonable loss of amenity to nearby sensitive uses.	
Acceptable Solutions		Performance Criteria
A1	Air conditioning, air extraction, heating or refrigeration systems or compressors must be	P1 Noise, odours, fumes or vibration generated must not cause an unreasonable loss of amenity to adjoining or

designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by adjoining sensitive uses.	<p>immediately opposite sensitive uses, having regard to:</p> <p>(a) the characteristics and frequency of any emissions generated;</p> <p>(b) the nature of the proposed use;</p> <p>(c) the landscaping of the site; and</p> <p>(d) any mitigation measures proposed.</p>
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LAT-P3.5.3 Noise levels

Objective:	That noise emissions from uses do not cause an unreasonable loss of amenity to nearby sensitive uses.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Noise generated by a use on the site must:</p> <p>(a) not exceed a time average A-weighted sound pressure level (LA^{eq}) of 5 dB(A) above background during operating hours when measured at the boundary of an existing sensitive use adjoining the site; or</p> <p>(b) be in accordance with any condition or restriction required under the <i>Environmental Management and Pollution Control Act 1994</i> to be contained in a permit, or an environmental protection notice issued by the Director, Environment Protection Authority.</p>	<p>P1</p> <p>Noise levels from use on the site must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to:</p> <p>(a) the nature and intensity of the use; the characteristics of the noise emitted; the separation between the noise emission and the sensitive use; the degree of screening between the noise source and adjoining sensitive uses; and</p> <p>(b) the character of the surrounding area.</p>	

LAT-P3.5.4 Storage of goods

Objective:	That storage of goods, materials or waste is located or screened to minimise its impact on views into the site from any road or public place.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Any area for the handling and storage of goods, materials or waste must be located behind the primary frontage of a building.</p>	<p>P1</p> <p>Any area for the handling and storage of goods, materials or waste must be located or screened to attenuate impact of views from a road or adjoining properties.</p>	

LAT-P3.5.5 Lighting

Objective:	That floodlighting, or other external lighting, is located or screened to minimise its impact on nearby sensitive uses.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Floodlighting or other external lighting (excluding for signage lighting) must:</p> <p>(a) not be permanently illuminated if within 15m of a General Residential Zone; and</p> <p>(b) be hooded so as to contain direct light from external sources within the boundaries of the site.</p>	<p>P1</p> <p>Floodlighting or other external lighting (excluding for signage lighting) must:</p> <p>(a) have regard to any relevant local area objectives; and</p> <p>(b) demonstrate that it will not cause an unreasonable loss of amenity to sensitive uses within the surrounding area.</p>	

LAT-P3.6 Development Standards for Buildings and Works

LAT-P3.6.1 Buildings - Esplanade Precinct

Objective:	That buildings in the Esplanade Precinct provide for:	
	<p>(a) a large accommodation building in the north-east of the precinct; and</p> <p>(b) self-contained holiday accommodation in the remainder of the precinct.</p>	
Acceptable Solutions	Performance Criteria	
<p>A1.1</p> <p>A building:</p> <p>(a) for a self-contained unit for Visitor Accommodation must be located within 30m of a General Residential Zone; and</p> <p>(b) other than for a self-contained unit for Visitor Accommodation must have a setback from a General Residential Zone of not less than 30m.</p> <p>A1.2</p> <p>A building:</p> <p>(a) greater than 200m² in gross floor area must be offset 30m from a General Residential Zone; and</p> <p>(b) other than an outbuilding or less than 200m² in gross floor area must be within 30m of a General Residential Zone.</p>	<p>P1</p> <p>The size and siting of buildings for Visitor Accommodation must:</p> <p>(a) provide sufficient room on the site to provide for a large accommodation complex and associated car parking; and</p> <p>(b) be consistent with the local area objectives.</p>	

Objective:	<p>The location and configuration of development in the Hawley House Precinct and Esplanade Precinct is to:</p> <ul style="list-style-type: none"> (a) provide for the efficient use of land; (b) provide for the avoidance or mitigation of hazards; (c) provide for buildings, service activity areas and vehicle parking to accommodate permissible uses; and (d) minimise the impact of development on adjoining residential use.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings must have a setback:</p> <ul style="list-style-type: none"> (a) from a frontage for the large accommodation building of not less than 6m; (b) from a frontage for self-contained accommodation units of not less than 4.5m; and (c) from the boundary between the Hawley House and Esplanade precincts of not less than 4m. 	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</p> <p>A door or window to a habitable room or any part of a balcony, deck, roof garden, parking space or carport of a building must be separated by not less than:</p> <ul style="list-style-type: none"> (a) 6m from any door, window, balcony, deck or roof garden in another building on the same site; and (b) 10m from a side boundary. 	<p>P2</p> <p>Setbacks provide for the safe and efficient use of the site and privacy of building occupants, having regard to:</p> <ul style="list-style-type: none"> (a) sightlines; (b) separation from vehicle and pedestrian paths; and (c) any means of obscuring or screening view into buildings or private open spaces.
<p>A3</p> <p>Building height must be not more than:</p> <ul style="list-style-type: none"> (a) 2 storeys; and (b) 8.5m; or (c) 6.5m if within 30m of a General Residential Zone. 	<p>P3</p> <p>Building height must:</p> <ul style="list-style-type: none"> (a) minimise likelihood for overshadowing of a building for a sensitive use on any adjacent site; (b) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building; and (c) be not more than: <ul style="list-style-type: none"> (i) 10m; or

	(ii) 8m if within 30m of a General Residential Zone.
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LAT-P3.6.3 Site coverage – Hawley House Precinct and Esplanade Precinct

Objective:	That site coverage in the Hawley House Precinct and Esplanade Precinct: <ul style="list-style-type: none"> (a) provides sufficient area for private open space and landscaping; and (b) assists with the management of stormwater runoff.
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>Site coverage must be not more than 50% in both the Hawley House and Esplanade Precincts.</p> <p>A1.2</p> <p>Not less than 25% of the Hawley House and Esplanade Precincts must be free from impervious surface.</p>	<p>P1</p> <p>Site coverage must have regard to:</p> <ul style="list-style-type: none"> (a) the capacity of the site to absorb stormwater runoff; (b) the size and shape of the site; (c) the existing buildings and any constraints imposed by existing development; and (d) the provision for landscaping and private open space.

LAT-P3.6.4 Setback from zone boundaries – Hawley House Precinct and Esplanade Precinct

Objective:	That development adjoining land in another zone in the Hawley House Precinct and Esplanade Precinct minimises: <ul style="list-style-type: none"> (a) likelihood for conflict, interference, and constraint between the use or development of land in the zone and sensitive use of land in an adjoining zone; and (b) unreasonable loss of amenity of use on land beyond the boundaries of the zone.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Development (excluding subdivision) of land with a boundary to a General Residential Zone must:</p> <ul style="list-style-type: none"> (a) be setback from the boundary of a General Residential Zone by not less than the 10m; (b) not include within the setback area required from a boundary to land in a General Residential Zone: <ul style="list-style-type: none"> (i) a building or work; 	<p>P1</p> <p>The location of development (excluding subdivision) must:</p> <ul style="list-style-type: none"> (a) minimise likelihood for conflict, constraint or interference from sensitive use on land in an adjoining zone; and (b) not cause unreasonable loss of amenity to sensitive use on land in an adjoining zone, having regard to:

<ul style="list-style-type: none"> (ii) vehicular or pedestrian access from a road; (iii) vehicle loading or parking area; (iv) an area for the display, handling, operation, manufacturing, processing, servicing, repair or storage of any animal, equipment, goods, plant, materials, vehicle or waste; (v) an area for the gathering of people, including for entertainment, performance, sport or for spectator facility; (vi) a sign orientated to view from land in another zone; and <p>(c) if a building is setback from a General Residential Zone, the area between a building and a General Residential Zone must be landscaped and treated by retention, replacement, or provision of trees or plantings of native vegetation to a depth of not less than 2m.</p>	<ul style="list-style-type: none"> (i) visual impact caused by the apparent scale, bulk or proportions of a building when viewed from an adjoining property; or (ii) loss of privacy.
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LAT-P3.6.5 Location of Car Parking – Hawley House Precinct and Esplanade Precinct

Objective:	That car parking in the Hawley House Precinct and Esplanade Precinct is located to protect visual amenity of Hawley Esplanade.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Car parking areas must be located behind buildings in the Esplanade Precinct.</p>	<p>P1</p> <p>Car parking must be located to minimise its visibility, having regard to:</p> <ul style="list-style-type: none"> (a) the Hawley Esplanade streetscape; (b) the location of the car parking; (c) vehicle and pedestrian traffic safety; (d) any measures to screen parking; and (e) any landscaping proposed.

LAT-P3.7 Development Standards for Subdivision

LAT-P3.7.1 Subdivision – Natural Values Precinct

Objective:	That existing natural values in the Natural Values Precinct are preserved.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or State authority;</p> <p>(b) be required for the provision of public utilities; or</p> <p>(c) be for the consolidation of a lot with another lot.</p>	<p>P1</p> <p>No Performance Criterion.</p>	

LAT-P3.7.2 Lot design – Hawley House Precinct and Esplanade Precinct

Objective:	That each lot in the Hawley House Precinct and Esplanade Precinct:	
	<p>(a) provides a suitable development area for the intended use;</p> <p>(b) is provided with appropriate access to a road; and</p> <p>(c) makes adequate provision for connection to a water supply and for the drainage of sewage and stormwater.</p>	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 7000m²;</p> <p>(b) be required for public use be required by the Crown, a council or State authority;</p> <p>(c) be required for the provision of public utilities; or</p> <p>(d) be for the consolidation of a lot with another lot.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be of sufficient area for the intended use or development, having regard to:</p> <p>(a) erection of a building if required by the intended use;</p> <p>(b) access to the lot;</p> <p>(c) use or development of adjacent land;</p> <p>(d) any easement or lawful entitlement for access to other land;</p> <p>(e) have an area of not less than 3000m²; and</p> <p>(f) consistency with the local area objectives.</p>	

<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a separate access from a road:</p> <ul style="list-style-type: none"> (a) with a width of frontage and any access strip or right of way of not less than 6m; and (b) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the lot, or a lot proposed in a plan of subdivision. 	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a reasonable and secure access from a road provided:</p> <ul style="list-style-type: none"> (a) across a frontage; or (b) the dimensions of the frontage and any access strip or right of way is adequate for the type and volume of traffic likely to be generated by: <ul style="list-style-type: none"> (i) the intended use; and (ii) the existing or potential use of any other land which requires use of the access as the means of access for that land; and (c) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> has advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the lot; or (d) it must be unnecessary for the development to require access to the lot or a lot proposed in a plan of subdivision plan.
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a connection to a full water supply.</p>	<p>P3.1</p> <p>There must be a water supply available for the lot or for each lot proposed in a plan of subdivision with an adequate level of reliability, quality and quantity to service the anticipated use of the lot or the intended use of each lot proposed in a plan of subdivision.</p> <p>or</p> <p>P3.2</p> <p>It must be unnecessary to require a water supply.</p>
<p>A4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of connecting to a reticulated sewerage system.</p>	<p>P4.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must drain and dispose of sewerage and liquid trade waste:</p> <ul style="list-style-type: none"> (a) in accordance with any prescribed emission limits for discharge of waste water; (b) in accordance with any limit advised by the Tasmanian Environmental Protection Authority;

	<ul style="list-style-type: none"> (c) without likely adverse impact for the health or amenity of the land and adjacent land; (d) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and (e) with appropriate safeguards to minimise contamination if the use or development has potential to: <ul style="list-style-type: none"> (i) indirectly cause the contamination of surface or ground water; or (ii) involve an activity or process which required the use, production, conveyance or storage of significant quantities of sewerage or trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage. <p>or</p> <p>P4.2</p> <p>It must be unnecessary to require the drainage and disposal of sewage or waste water.</p>
<p>A5</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of connecting to a public stormwater system.</p>	<p>P5.1</p> <p>An application involving a lot or each lot proposed in a plan of subdivision must drain and dispose of stormwater in accordance with a stormwater management plan approved by the planning authority's engineer that considers:</p> <ul style="list-style-type: none"> (f) to accommodate the anticipated stormwater: <ul style="list-style-type: none"> (iii) currently entering from beyond its boundaries; and (iv) from the proposed development; (g) without likelihood for concentration on adjacent land; (h) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land; (i) to manage the quantity and rate of discharge of stormwater to receiving waters; (j) to manage the quality of stormwater discharged to receiving waters; and

	<p>(k) to provide positive drainage away from any sewer pipe, on-site sewerage disposal system, or building area.</p> <p>or</p> <p>P5.2</p> <p>It must be unnecessary to require the drainage of stormwater.</p>
<p>A6</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a frontage of not less than 30m.</p>	<p>P6</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage that is sufficient for the intended use or a legal connection to a road by a right of carriageway, having regard to:</p> <ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (b) the functionality and useability of the frontage or access; (c) the anticipated nature of vehicles likely to access the lot; (d) the ability to manoeuvre vehicles on the lot; (e) the ability for emergency services to access the lot; (f) the pattern of development existing on established properties in the area, <p>and is not less than 6m wide.</p>

LAT-P3.7.3 Reticulation of an electricity supply to lots proposed in a plan of subdivision - Hawley House Precinct and Esplanade Precinct

Objective:	Distribution and connection of reticulated electricity supply to lots proposed in a plan of subdivision in the Hawley House Precinct and Esplanade Precinct is to be without visual intrusion on the streetscape or landscape qualities of the residential area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Electricity reticulation and site connections to a lot proposed in a plan of subdivision must be installed underground.</p>	<p>P1</p> <p>It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground to a lot proposed in a plan of subdivision.</p>

LAT-P3.8 Tables

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

LAT-P4.0 Particular Purpose Zone – Piping Lane Business Park

LAT-P4.1 Zone Purpose

The purpose of the Particular Purpose Zone – Piping Lane Business Park is:

LAT-P4.1.1 To provide for a mix of industrial and business activities that support primary industry activity.

LAT-P4.1.2 To provide for use and development that has minimal off site impacts or off site impacts that can be managed to minimize conflict with, or unreasonable loss of amenity to any other uses.

LAT-P4.1.3 To provide for use and development dependent for operational efficiency on access to the State highway network, Devonport Airport and rail and shipping facilities.

LAT-P4.2 Local Area Objectives

Reference Number	Area Description	Local Area Objectives
LAT-P4.2.1	Piping Lane Business Park	<p>The Local Area Objectives for the Piping Lane Business Park are:</p> <ul style="list-style-type: none">(a) to provide for industrial and business activities in close proximity to regionally significant transport routes with access via Piping Lane;(b) to provide for use and development complementary to resource development; and(c) to restrict commercial use, including bulky goods sales that do not support primary industry activity.

LAT-P4.3 Definition of Terms

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

LAT-P4.4 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	If for conservation, rehabilitation, or protection against degradation, but must not include a building or external activity area for information, interpretation, or display of items or for any other use.
Utilities	If for minor utilities.
Permitted	
Business and Professional Services	If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.
Bulky Goods Sales	If for: (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) landscaping materials or trade supplies; (c) tyre sales; or (d) rural supplies.
Education and Occasional Care	If for a training facility associated with Resource Development.
Emergency Services	If a facility servicing a regional community for training, maintenance, storage, command or administration.
Equipment and Machinery Sales and Hire	
Research and Development	If associated with Resource Development or Resource Processing.
Resource Processing	If for a packaging facility.
Service Industry	If associated with Extractive Industry, Resource Development or Resource Processing.
Storage	If for: (a) a warehouse; (b) a contractors yard; (c) freezing and cooling storage; (d) grain storage; or (e) a liquid, solid or gas fuel depot.
Transport Depot and Distribution	If a freight or mail distribution centre.

Use Class	Qualification
Discretionary	
Business and Professional services	If not listed as Permitted.
Food Services	If: (a) not a drive through facility; and (b) not a licensed premises; and (c) servicing the local area.
Manufacturing and Processing	If for metal or wood fabrication or the processing of materials from Extractive Industry.
Research and Development	If not listed as Permitted.
Resource Processing	If not an abattoir, animal saleyard, cheese factory, fish processing, milk processing or sawmilling and not listed as Permitted.
Service Industry	If not listed as Permitted.
Sports and Recreation	If for a gymnasium.
Utilities	If for the provision of service infrastructure in the zone.
Prohibited	
All other uses	

LAT-P4.5 Use Standards

LAT-P4.5.1 Discretionary use

Objective:	That the location, scale and intensity of a use listed as discretionary: (a) is required for operational reasons; (b) does not unreasonably confine or restrain the operation of uses on adjoining properties; and (c) is appropriate for a rural location and does not compromise the function of surrounding activity centres.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 A use listed as discretionary must require a rural location for operational purposes, having regard to: (a) the nature, scale and intensity of the use;

	<ul style="list-style-type: none"> (b) the importance of the proposed use for the local community; (c) whether the use requires close proximity to infrastructure or natural resources; and (d) whether the use requires separation from other uses to minimise impacts.
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>A use listed as discretionary must not confine or constrain existing or potential agricultural use on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the proposed use; (b) the nature, scale and intensity of the use; (c) the likelihood and nature of any adverse impacts on adjoining uses; (d) whether the proposed use is required to support a use for security or operational reasons; and (e) any off site impacts from adjoining uses.
<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>A use listed as discretionary must be appropriate for a rural location and not compromise the function of surrounding activity centres, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the proposed use; (b) the extent that the proposed use impacts on the function of other activity centres; (c) whether the use could reasonably be located on land zoned for business or commercial purposes; (d) the capacity of the local road network to accommodate the traffic generated by the use; and (e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.

LAT-P4.5.2 Hours of operation

Objective:	That non-residential uses do not cause an unreasonable loss of amenity to nearby sensitive uses.	
Acceptable Solutions		Performance Criteria
A1	Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation or Utilities must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	P1 Hours of operation of a use, excluding Emergency services, Natural and Cultural Values Management, Passive Recreation or Utilities must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions, and (c) the existing levels of amenity.
A2	Commercial vehicle movements and the loading and unloading of commercial vehicles for a use, excluding Emergency Services or Utilities, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	P2 Commercial vehicles and the loading and unloading of commercial vehicles for a use, excluding Emergency Services or Utilities, must not cause an unreasonable loss of amenity to nearby sensitive uses, having regard to: (a) the extent and timing of traffic generation; (b) the hours of delivery and despatch of goods and materials; and (c) the existing levels of amenity.

LAT-P4.6 Development Standards for Buildings and Works

LAT-P4.6.1 Building height

Objective:	That building height: (a) is necessary for the operation of the use; (b) minimises overshadowing on adjoining properties; and (c) minimises impacts on visual amenity when viewed from Bass Highway, Frankford Highway, Port Sorell Road and Piping Lane.	
Acceptable Solutions		Performance Criteria
A1	Building height must be not more than 10m.	P1 Building height must:

	<ul style="list-style-type: none"> (a) be required for operational purposes associated with the use of the building; (b) minimise overshadowing of adjoining properties, having regard to: <ul style="list-style-type: none"> (i) the height, bulk and form of the building; (ii) the nature of existing use on the adjoining properties; (iii) separation from existing use on the adjoining properties; (iv) any buffers created by natural or other features; and (c) minimise loss of the visual amenity of the area, having regard to: <ul style="list-style-type: none"> (i) the topography of the site; (ii) any existing vegetation; and (iii) visibility from Bass Highway, Piping Lane, Frankford Road and Port Sorell Road.
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LAT-P4.6.2 Building setbacks

Objective:	That building setback: <ul style="list-style-type: none"> (a) is compatible with the character of the surrounding area; (b) maintains traffic safety on adjacent roads; and (c) minimises adverse impacts on adjoining properties. 	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Buildings must have a separation from Port Sorell Road and Piping Lane of 20m.</p>	<p>P1</p> <p>Buildings must be sited to be compatible with the character of the surrounding area and not cause unreasonable impact on Port Sorell Road and Piping Lane, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the bulk and form of the building; (c) any existing vegetation; (d) any buffers created by natural or other features; and (e) traffic safety for the users of Port Sorell Road and Piping Lane. 	

<p>A2</p> <p>Buildings must have a setback from all other boundaries of:</p> <p>(a) not less than 5m; or</p> <p>(b) not less than the existing building, if the setback of an existing building is within 5m.</p>	<p>P2</p> <p>Buildings must be sited to provide safe vehicle access and not cause unreasonable impact on existing use on adjoining properties, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the nature of existing use on the adjoining properties;</p> <p>(c) separation from existing use on the adjoining properties; and</p> <p>(d) any buffers created by natural or other features.</p>
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LAT-P4.6.3 Exterior building finishes and fencing

<p>Objective:</p>	<p>That exterior building finishes and fencing:</p> <p>(a) protect the safety of users of Piping Lane, Frankford Road and Port Sorell Road; and</p> <p>(b) minimise adverse impacts on adjoining properties and the visual amenity of the area.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Exterior building finishes must have a light reflectance value not more than 40%.</p>	<p>P1</p> <p>Exterior building finishes must not cause an unreasonable loss of amenity to users of Piping Lane, Frankford Road, Port Sorell Road or adjoining properties, having regard to:</p> <p>(a) the appearance of the building when viewed from a road in the surrounding area;</p> <p>(b) any screening vegetation; and</p> <p>(c) the nature of exterior finishes.</p>
<p>A2</p> <p>Fencing of boundaries with Piping Lane, Frankford Road and Port Sorell Road must be:</p> <p>(a) security fencing; and</p> <p>(b) of chain mesh type.</p>	<p>P2</p> <p>Fences must not cause unreasonable impact on the visual amenity of adjoining property owners and users of Port Sorell Road and Piping Lane, having regard to:</p> <p>(a) their height, design, location and extent;</p> <p>(b) the proposed materials and construction;</p> <p>(c) any existing vegetation; and</p> <p>(d) any buffers created by natural or other features.</p>

LAT-P4.6.4 Outdoor storage areas

Objective:	Outdoor storage areas minimise adverse impacts on adjoining properties and the visual amenity of the area.	
Acceptable Solutions		Performance Criteria
A1	Outdoor storage areas must not be visible from any road adjoining the site.	P1 Outdoor storage areas must be located, treated or screened to not cause an unreasonable loss of visual amenity when viewed from any road adjoining the site.

LAT-P4.6.5 Lighting

Objective:	That lighting does not impact the safety of users of Piping Lane, Frankford Road and Port Sorell Road and that loss of amenity at adjoining properties is minimised.	
Acceptable Solutions		Performance Criteria
A1	Exterior lighting must: <ul style="list-style-type: none"> (a) not operate between the hours of 11.00pm and 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend outside the boundary of the zone. 	P1 Exterior lighting must not: <ul style="list-style-type: none"> (a) impact the safety of users of Piping Lane, Frankford Road, Port Sorell Road; or (b) cause an unreasonable loss of amenity to adjoining properties.

LAT-P4.6.6 Landscaping

Objective:	That landscaping enhances the amenity and appearance of the streetscape if buildings are setback from a road frontage.	
Acceptable Solutions		Performance Criteria
A1	If a building is setback from a road, landscaping treatment must be provided along the frontage of the site: <ul style="list-style-type: none"> (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. 	P1 If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to: <ul style="list-style-type: none"> (a) the width of the setback; (b) the width of the frontage; (c) the topography of the site; (d) existing vegetation on the site;

	<p>(e) the location, type and growth habit of the proposed vegetation; and</p> <p>(f) any relevant local area objectives.</p>
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LAT-P4.7 Development Standards for Subdivision

LAT-P4.7.1 Lot design

Objective:	That each lot, or a lot proposed in a plan of subdivision,	
	<p>(a) has an area and dimensions appropriate for use and development in the zone; and</p> <p>(b) is provided with appropriate access to a road.</p>	
Acceptable Solutions		Performance Criteria
A1	<p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 1000m²;</p> <p>(b) be able to contain an area of not less than 15m x 20m clear of:</p> <p style="margin-left: 20px;">(i) any applicable setback from a frontage, side or rear boundary;</p> <p style="margin-left: 20px;">(ii) easements or other title restrictions that limit and restrict development; and</p> <p style="margin-left: 20px;">(iii) existing buildings are consistent with any applicable setback from a frontage, side or rear boundary; or</p> <p>(c) be required for public use by the Crown, a council or a State authority;</p> <p>(d) be required for the provision of Utilities; or</p> <p>(e) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	P1
		<p>Each lot, or a 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 Acceptable Solutions for development of buildings on the lot;</p> <p>(b) existing buildings and the location of intended buildings on the lot;</p> <p>(c) the topography of the lot; and</p> <p>(d) the pattern of development existing on established properties in the area.</p>
A2	<p>Each lot, or a lot proposed in a plan of subdivision, excluding those for Utilities, must have a frontage of not less than 20m to:</p> <p>(a) a road connected to Piping Lane; or</p> <p>(b) a common access driveway connected to Piping Lane.</p>	P2
		<p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or a legal connection to Piping Lane by a right of carriageway, that is sufficient for the intended use, having regard to:</p>

	<ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principle means of access; (b) the topography of the lot; (c) the functionality and useability of the frontage; (d) the anticipated nature of vehicles likely to access the lot; (e) the ability for vehicles to manoeuvre vehicles on the lot; (f) the ability of emergency services to access the lot; and (g) the pattern of development existing on established properties in the area.
<p>A3</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 in accordance with the requirements of the road authority.</p>	<p>P3</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"> (a) the topography of the lot; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic, including pedestrians; and (d) the pattern of development existing on established properties in the area.

LAT-P4.7.2 Services

Objective:	<p>That each lot or a lot proposed in a plan of subdivision has:</p> <ul style="list-style-type: none"> (a) adequate provision for connection to a reticulated water supply or sewerage system if available; (b) sufficient area for the management and disposal of waste water and stormwater if a reticulated system is not available; and (c) the potential for nuisance and flooding from the overland flow of stormwater onto adjoining land is managed.
Acceptable Solutions	Performance Criteria
A1	P1

<p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be connected to a full water supply service if the frontage is within 30m of a full water supply service; or</p> <p>(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,</p> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p>Each lot, or a lot proposed in a plan of subdivision, must have an on-site water storage supply adequate for the proposed use, including provision for fire fighting purposes.</p>
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a connection to a reticulated sewerage system.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site waste water management system adequate for the intended use and development of the land, which minimises environmental impacts.</p>
<p>A3</p> <p>Development is consistent with a Stormwater Management Plan prepared by a suitably qualified person and approved by the planning authority.</p>	<p>P3</p> <p>The planning authority is satisfied that the potential for nuisance and flooding from overland flows of stormwater onto adjoining land can be mitigated, having regard to:</p> <p>(a) the passage of water through the catchment via dams and drainage channels;</p> <p>(b) the topography of the lot;</p> <p>(c) soil conditions;</p> <p>(d) any existing buildings on the lot;</p> <p>(e) any area of the lot covered by impervious surfaces;</p> <p>(f) any watercourse on the land; and</p> <p>(g) a report from a suitably qualified expert.</p>

LAT-P4.8 Tables

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

LAT-S1.0 Bellfield Industrial Specific Area Plan

LAT-S1.1 Plan Purpose

The purpose of the Bellfield Industrial Specific Area Plan is:

- LAT-S1.1.1 To recognise existence of an area previously developed for industrial purposes but which is inconsistent with the Latrobe industrial land strategy.
- LAT-S1.1.2 To constrain opportunity for industrial use to activity that is dependent for operational efficiency on access to the State highway network and proximity to the Devonport airport and to rail and shipping facilities.
- LAT-S1.1.3 To require a site is only to be accessed from Frankford Main Road and from an existing constructed access.
- LAT-S1.1.4 To require use and development on land to which the Bellfield Industrial Specific Area Plan applies is without adverse visual impact to view from the State road network or adjacent land.

LAT-S1.2 Application of this Plan

- LAT-S1.2.1 The specific area plan applies to the area of land designated as Bellfield Industrial Specific Area Plan on the overlay maps and in Figure LAT-S1.1.
- LAT-S1.2.2 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.



Figure LAT-S1.1 Bellfield Industrial precincts

LAT-S1.3 Local Area Objectives

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

LAT-S1.4 Definition of Terms

LAT-S1.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Precinct A	means the area shown in Figure LAT-S1.1 as 'A'.
Precinct B	means the area shown in Figure LAT-S1.1 as 'B'.
Precinct C	means the area shown in Figure LAT-S1.1 as 'C'.

LAT-S1.5 Use Table

This clause is in substitution for Rural Zone – Clause 20.2 Use Table

Use Class	Qualification
No Permit Required	
No Uses	
Permitted	
Equipment and Machinery Sales And Hire	If in Precinct A or Precinct B.
Manufacturing and Processing	
Research and Development	If in Precinct C.
Service Industry	If in Precinct A.
Storage	If in (a) Precinct A; (b) Precinct B and not a warehouse; or (c) Precinct C.
Transport Depot and Distribution	
Utilities	If for minor utilities.

Use Class	Qualification
Discretionary	
Bulky Goods Sales	If: (a) in Precinct B or Precinct C; and (b) for wholesale of building materials, construction aggregates, or garden and landscape materials.
Service Industry	If: (a) not listed as Permitted; and (b) in Precinct B.
Storage	If: (a) not listed as Permitted; and (b) in Precinct B.
Utilities	If not listed as Permitted.
Prohibited	
All other uses	

LAT-S1.6 Use Standards

LAT-S1.6.1 Discretionary use

This clause is in substitution for Rural Zone – clause 20.3.1 Discretionary Use A2 and P2

Objective:	That each use of land within the Bellfield Industrial Specific Area Plan is to be without competition, displacement, conflict or interference from other use within the Rural Zone.	
Acceptable Solutions	Performance Criteria	
A1 No Acceptable Solution.	P1 A use listed as Discretionary must: (a) be consistent with purpose of the Bellfield Industrial Specific Area Plan; and (b) minimise competition, displacement, conflict or interference with other use within the Rural Zone, having regard to: (i) nature, scale, and intensity of the use; (ii) operational characteristics;	

	<ul style="list-style-type: none"> (iii) likely impact of traffic composition, volume, and frequency on operation and safety of the road network; and (iv) measures to minimise likely adverse impact on existing and potential: <ul style="list-style-type: none"> a. manufacturing, processing, service, storage, and transport activities on land within the boundaries of the Bellfield Industrial Specific Area Plan; and b. use of land beyond the boundaries of the Bellfield Industrial Specific Area Plan.
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LAT-S1.7 Development Standards for Buildings and Works

LAT-S1.7.1 Location and configuration of development

This clause is in substitution for Rural Zone – clause 20.4.1 Building height, clause 20.4.2 Setbacks A1 and P1

Objective:	That development has minimal visual impact when viewed from the road network on land beyond the boundaries of land to which the Bellfield Industrial Specific Area Plan applies.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>The wall of a building must have a setback:</p> <ul style="list-style-type: none"> (a) from Port Sorell Road of 30m; (b) from Frankford Road of 30m; (c) from any other road of 10m; (d) from the boundary of land to which the Bellfield Industrial Specific Area Plan does not apply of 10m; and (e) from the boundary of other land to which the Bellfield Industrial Specific Area plan applies of 5m. 	<p>P1</p> <p>Buildings must be sited to:</p> <ul style="list-style-type: none"> (a) be consistent with prevailing frontage setbacks for any existing and approved building or external activity area on the site or on adjacent land; (b) provide separation between the road and the building sufficient to buffer or screen the site to view from a road; and (c) include measures to screen and attenuate visual impact of the site to view from a road and from land outside the boundaries of the land to which the Bellfield Industrial Specific Area Plan applies. 	
<p>A2</p> <p>Building height must be not more than 12m.</p>	<p>P2</p> <p>Building height must:</p>	

	<p>(a) have regard to the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land; and</p> <p>(b) not adversely impact the skyline or landscape character of the area.</p>
<p>A3</p> <p>Site coverage must be not more than 50%.</p>	<p>P3</p> <p>No Performance Criterion.</p>
<p>A4</p> <p>Electricity reticulation and site connections must be installed underground.</p>	<p>P4</p> <p>It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground.</p>
<p>A5</p> <p>External materials other than natural stone, earth, timber or glass must be finished in 1 or more of the following colours as defined in <i>Australian Standard AS 2700 – 1996, Colour Standards for General Purposes</i>:</p> <p>(a) B53 Dark Blue Grey;</p> <p>(b) G63 Deep Bronze Green;</p> <p>(c) N65 Graphite Grey;</p> <p>(d) N52 Mid Grey;</p> <p>(e) N54 Basalt;</p> <p>(f) Y61 Black Olive;</p> <p>(g) G15 Rain Forest Green; or</p> <p>(h) N64 Dark Grey.</p>	<p>P5</p> <p>External colours must complement the surrounding environment.</p>

LAT-S1.7.2 Boundary fences

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	<p>That development includes fencing to:</p> <p>(a) provide for the security of activity on land to which the Bellfield Industrial Specific Area Plan applies; and</p> <p>(b) minimise visual prominence if exposed to likely view from a road.</p>
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Boundary fencing, other than within 4.5m of a frontage, must:</p> <p>(a) be of wire mesh or tubular metal picket construction;</p> <p>(b) be not more than 2m high; and</p> <p>(c) be not more than 1m high if within 5m of the Frankford Road frontage.</p>	<p>P1</p> <p>Boundary fences, other than within 4.5m of a frontage, must be of a height, appearance, and material:</p> <p>(a) reasonably required for the security and privacy of the site; and</p> <p>(b) unlikely to cause loss of the visual amenity of the locality.</p>
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LAT-S1.7.3 Lighting

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	External lighting is not to cause loss of amenity to road users, the Devonport airport, or of a use on adjacent land.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>External lighting must be hooded and directed so as not to cause:</p> <p>(a) overspill onto an adjacent land or onto Port Sorell Road or Frankford Road; and</p> <p>(b) interference to air safety at Devonport Airport.</p>	<p>P1</p> <p>No Performance Criterion.</p>

LAT-S1.8 Development Standards for Subdivision

LAT-S1.8.1 Lot design

This clause is in substitution for Rural Zone – clause 20.5.1 Lot design

Objective:	The minimum properties of each lot, or a lot proposed in a plan of subdivision are to:
	<p>(a) provide a suitable development area for the intended use; and</p> <p>(b) provide access from a road.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have an area of not less than 5000m².</p>	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</p>	<p>P2</p>

<p>There must be no new access onto Frankford Road.</p>	<p>No Performance Criterion.</p>
<p>A3.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) provide a landscape buffer area with a width of not less than 7.5m along a frontage; and (b) provide a landscape buffer area with a width of not less than 10m along any boundary to land to which the Bellfield Industrial Specific Area Plan does not apply. <p>A3.2</p> <p>The landscape buffer area must be landscaped and treated to assist screening of development to view from a road or from land to which the Bellfield Industrial Specific Area Plan does not apply by retention, replacement, or provision of trees or plantings of a type consistent with the established vegetation character of adjacent land.</p>	<p>P3</p> <p>No Performance Criterion.</p>

LAT-S1.9 Tables

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

LAT S2.0 Port Sorell and Environs Specific Area Plan

LAT-S2.1 Plan Purpose

The purpose of the Port Sorell and Environs Specific Area Plan is:

- LAT-S2.1.1 To require development is in accordance with the guiding principles for sites within the Area as identified in the Port Sorell and Environs Strategic Plan 2008.
- LAT-S2.1.2 To require protection of the area's natural resources and values and the agricultural land that surrounds it.
- LAT-S2.1.3 To require new roads connect to existing roads to provide effective and convenient linkages between sites for vehicles, pedestrians and cyclists.
- LAT-S2.1.4 To provide a safe and attractive road network.

LAT-S2.2 Application of this Plan

- LAT-S2.2.1 The specific area plan applies to the area of land designated as Port Sorell and Environs Specific Area Plan on the overlay maps.
- LAT-S2.2.2 Precinct A applies to the area of land designated on the overlay maps as LAT-S2.3.1.1.
- LAT-S2.2.3 Precinct B applies to the area of land designated on the overlay maps as LAT-S2.3.1.2.
- LAT-S2.2.4 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of the:
 - (a) General Residential Zone, and
 - (b) Rural Living Zone,
 as specified in the relevant provision.

LAT-S2.3 Local Area Objectives

- LAT-S2.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
LAT-S2.3.1.1	Precinct A, shown on an overlay map as LAT-S2.3.1.1	<p>The Local Area Objectives for Precinct A are:</p> <ul style="list-style-type: none"> (a) to reduce the potential for constraint or interference to agricultural use on adjacent agricultural land; (b) to enhance and protect the water quality in the Panatana Rivulet; (c) to protect the integrity of the Port Sorell Conservation Area; (d) to provide a safe road network; and (e) to protect wildlife habitat.

LAT-S2.3.1.2	Precinct B, shown on an overlay map as LAT-S2.3.1.2	<p>The Local Area Objectives for Precinct B are:</p> <p>(a) to require new roads connect to existing roads to provide effective and convenient linkages between sites for vehicles, pedestrians and cyclists; and</p> <p>(b) to require stormwater retention to enable the controlled dispersal of stormwater discharge into the Rubicon Estuary.</p>
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LAT-S2.4 Definition of Terms

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

LAT-S2.5 Use Table

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

LAT-S2.6 Use Standards

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

LAT-S2.7 Development Standards for Buildings and Works

LAT-S2.7.1 Vegetation corridors and buffers – Precinct A

This clause is in addition to Rural Living Zone clause 11.4 Development Standards for Buildings and Works

Objective:	<p>That vegetation corridors and buffers in Precinct A are provided and:</p> <p>(a) minimise likelihood for constraint or interference to agricultural use on adjacent land;</p> <p>(b) assist integrity of the Port Sorell Conservation Area;</p> <p>(c) enhance and protect water quality in Panatana Rivulet; and</p> <p>(d) provide habitat corridors for native wildlife.</p>	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>There must be vegetation corridors on land described on folios of the Register 163487/1, 168839/5, 172478/22, 172478/101, 172898/2, 172898/4, 172898/6, 174673/19, 174673/20, 174673/21, 174673/23, 175984/16, 175984/17, 175984/18, 175984/24, 175984/102, 177539/13, 177539/14, 177539/15, 177539/25, 177539/26, 177539/27, 177539/33, 177539/34, 175984/35, 175984/36, 177539/37, 177539/103, 177539/104,</p>		<p>P1</p> <p>No Performance Criterion.</p>

<p>180622/1, 180622/2, 180622/3, 180622/4, 180622/5, 180622/28, 180622/30, 180622/31, 180622/32, 180622/40, 180622/105, 182334/6, 182334/7, 182334/8, 182334/9, 182334/10, 182334/11, 182334/12, 182334/38, 182334/39, 182334/50 and 182334/106 of mixed native woodland, grassland and wetland with a mature canopy height of not less than 2m.</p>	
<p>A2</p> <p>A dense vegetation buffer of not less than 50m width and mature canopy height of not less than 2m must be established on land described in folios of the Register 167507/4, 167507/5, 167507/6, 167507/7, 167507/8, 167507/9, 167507/31, 167507/32, 167507/33, 167507/34, 167507/35, 167507/41, 180271/10, 180271/11, 180271/12, 180271/13, 180271/17, 180271/18, 180271/19, 180271/20, 180271/25, 180271/26, 180271/27, 180271/28, 180271/29, 180271/30, 180271/100, 183065/14, 183065/15, 183065/16, 183065/51, 183065/52, 183065/53 and 183065/54 along the entire southern boundary and that portion of the western boundary that adjoins land within a Rural Zone.</p>	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>A buffer of dense native vegetation, with a width of not less than 30m and a mature height of not less than 2m must be established along the shared boundary of folios of the Register 167507/4, 167507/5, 167507/6, 167507/7, 167507/8, 167507/9, 167507/31, 167507/32, 167507/33, 167507/34, 167507/35, 167507/41, 180271/10, 180271/11, 180271/12, 180271/13, 180271/17, 180271/18, 180271/19, 180271/20, 180271/25, 180271/26, 180271/27, 180271/28, 180271/29, 180271/30, 180271/100, 183065/14, 183065/15, 183065/16, 183065/51, 183065/52, 183065/53 and 183065/54 with the Port Sorell Conservation Area.</p>	<p>P3</p> <p>No Performance Criterion.</p>
<p>A4</p> <p>A landscape management plan must demonstrate:</p> <p>(a) number and species of plants to be used;</p> <p>(b) density of the plantings; and</p>	<p>P4</p> <p>Established or approved vegetation must:</p> <p>(a) provide a buffer between residential use and the use of adjacent land for agriculture;</p>

(c) arrangements for establishing and maintaining vegetation corridors and buffers.	(b) be consistent with the Port Sorell Conservation Area; (c) protect water quality in Panatana Rivulet; and (d) provide habitat for wildlife.
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LAT-S2.7.2 Fencing – Precinct A

This clause is in addition to Rural Living Zone - clause 11.4 Development Standards for Buildings and Works

Objective:	That fences on site boundaries in Precinct A: (a) assist to protect native vegetation and wildlife; and (b) have minimal visual impact.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1 The height of a fence must be necessary for management of domestic animals or exclusion of native fauna from cultivated areas.
A2 A fence must: (a) be constructed of wire, timber, brick or stone; and (b) provide not less than 50% transparency.	P2 A fence must have minimal impact on the rural character of the area.
A3 The boundary of a vegetated habitat corridor in accordance with Figure LAT-S2.1 must be fenced with a continuous dog-proof fence.	P3 No Performance Criterion.
A4 Boundary fences on land within the vegetated wildlife corridor shown on Figure LAT-S2.1 must not obstruct the movement of wildlife.	P4 No Performance Criterion.

LAT-S2.8 Development Standards for Subdivision

LAT-S2.8.1 Port Sorell and environs road connectivity plan

This clause is in addition to General Residential Zone clause 8.6.2 Roads and Rural Living Zone clause 11.5.2 Roads

Objective:	That connected road linkages within and between the Port Sorell settlement area and the adjacent land are achieved.	
Acceptable Solutions		Performance Criteria
A1	Subdivision must accommodate the road network identified in red and orange on the Port Sorell and Environs Street Connectivity Plan shown in Figure LAT-S2.3.	P1 No Performance Criterion.

LAT-S2.8.2 Port Sorell and environs road cross-section designs

This clause is in addition to General Residential Zone clause 8.6.2 Roads and Rural Living Zone clause 11.5.2 Roads

Objective:	That consistent outcomes for new road construction in Port Sorell are achieved.	
Acceptable Solutions		Performance Criteria
A1	A new road in Port Sorell, Shearwater and Hawley Beach must be constructed substantially in accordance with the relevant design as shown on the Port Sorell and Environs Street Cross-section designs in Figures LAT-S2.4(a) to (g).	P1 No Performance Criterion.

LAT-S2.8.3 Subdivision – Precinct A

This clause is in addition to Rural Living Zone - clause 11.5.1 Lot design

Objective:	In Precinct A: (a) provide road networks that effectively connect existing and potential sites; (b) create pedestrian and cycle linkages that connect residential development with sites for community purposes; and (c) minimise likelihood for constraint or interference for agricultural use on adjacent land	
Acceptable Solutions		Performance Criteria
A1	Each lot, or a lot proposed in a plan of subdivision, must be in accordance with a master plan indicating how the development is to integrate with development on the balance of land within the locality.	P1 No Performance Criterion.

<p>A2</p> <p>The southern boundary of folios of the Register 167507/4, 167507/5, 167507/6, 167507/7, 167507/8, 167507/9, 167507/31, 167507/32, 167507/33, 167507/34, 167507/35, 167507/41, 180271/10, 180271/11, 180271/12, 180271/13, 180271/17, 180271/18, 180271/19, 180271/20, 180271/25, 180271/26, 180271/27, 180271/28, 180271/29, 180271/30, 180271/100, 183065/14, 183065/15, 183065/16, 183065/51, 183065/52, 183065/53 and 183065/54 must be contained within a single lot.</p>	<p>P2</p> <p>No Performance Criterion.</p>
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LAT-S2.8.4 Road network – Precinct A

This clause is in addition to Rural Living Zone - clause 11.5.2 Roads

Objective:	That road networks in Precinct A facilitate the safe movement of vehicles, cyclists and pedestrians.	
	Acceptable Solutions	Performance Criteria
A1	There must be no additional access onto Mill Dam Road.	P1 Access to Mill Dam Road must only occur if it is not practical or safe to create access onto an internal road.
A2	There must be no additional access onto Parkers Ford Road.	P2 Access to Parkers Ford Road must only occur if it is not practical or safe to create access onto an internal road.
A3	There must be no additional access onto Manouka Drive.	P3 Access to Manouka Drive must only occur if it is not practical or safe to create access onto an internal road.

LAT-S2.8.5 Vegetation corridors and buffers - Precinct A

This clause is in addition to Rural Living Zone - clause 11.5 Development Standards for Subdivision

Objective:	That vegetation corridors and buffers in Precinct A are provided to: <ul style="list-style-type: none"> (a) minimise likelihood for constraint or interference to agricultural use on adjacent land; (b) assist integrity of the Port Sorell Conservation Area;
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	<p>(c) enhance and protect water quality in Panatana Rivulet; and</p> <p>(d) provide habitat corridors for native wildlife.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A plan of subdivision for land described on folios of the Register 172478/22, 172478/101, 174673/19, 174673/20, 174673/21, 174673/23, 175984/16, 175984/17, 175984/18, 175984/24, 175984/102, 177539/13, 177539/14, 177539/15, 177539/25, 177539/26, 177539/27, 177539/33, 177539/34, 175984/35, 175984/36, 177539/37, 177539/103, 177539/104, 180622/1, 180622/2, 180622/3, 180622/4, 180622/5, 180622/28, 180622/30, 180622/31, 180622/32, 180622/40, 180622/105, 182334/6, 182334/7, 182334/8, 182334/9, 182334/10, 182334/11, 182334/12, 182334/38, 182334/39, 182334/50, 182334/106 must include continuous, vegetated habitat corridors provided in accordance with Figure LAT-S2.1 and clear of any building area, development, road or access.</p>	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</p> <p>A plan of subdivision for land described on folios of the Register 163487/1 and 168839/5, 172898/2, 172898/4 and 172898/6 must include continuous, vegetated habitat corridors provided in accordance with Figure LAT-S2.2 and clear of any building area, development, road or access.</p>	<p>P2</p> <p>No Performance Criterion.</p>
<p>A3</p> <p>A plan of subdivision for land described on folio of the Register 210704/1 must include a continuous, vegetated habitat corridor provided in accordance with LAT-S2.1 and clear of any building area, development, road or access.</p>	<p>P3</p> <p>No Performance Criterion.</p>
<p>A4</p> <p>A landscape management plan must demonstrate:</p> <p>(a) number and species of plants to be used;</p> <p>(b) density of the plantings; and</p> <p>(c) arrangements for establishing and maintaining vegetation corridors and buffers.</p>	<p>P4</p> <p>Established or approved vegetation must:</p> <p>(a) provide a buffer between residential use and the use of adjacent land for agricultural;</p> <p>(b) be consistent with the Port Sorell Conservation Area;</p>

	<p>(c) protect water quality in Panatana Rivulet; and</p> <p>(d) provide habitat for wildlife.</p>
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LAT-S2.8.6 Subdivision - Precinct B

This clause is in substitution to General Residential Zone – clause 8.6 Development Standards for Subdivision.

Objective:	<p>That development for suburban residential use in Precinct B:</p> <p>(a) provide a road network that effectively connects residential sites</p> <p>(b) create pedestrian and cycle linkages that connect residential development with sites for community purposes; and</p> <p>(c) manage peak stormwater flows to minimise overloading of the stormwater system.</p>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be in accordance with a master plan indicating how the development is to integrate with development on the balance of land within the locality.</p>	<p>P1</p> <p>A plan of subdivision must:</p> <p>(a) provide an integrated and holistic approach to subdivision and subsequent development of all land with development potential; and</p> <p>(b) provide safe and convenient vehicular, pedestrian and cycling access to adjoining residential and open space areas.</p>
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>Subdivision must be staged and sequenced in accordance with the <i>Stormwater System Management Plan</i>.</p>
<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>The layout of lots and building areas on each lot, or a lot proposed in a plan of subdivision must be consistent with the <i>Stormwater System Management Plan</i>.</p>

LAT-S2.8.7 Road Network – Precinct B

This clause is in substitution to General Residential Zone Clause 8.6.2 Roads

Objective:	That the road layout in Precinct B provides for connections to developed land and land with development potential.	
Acceptable Solutions	Performance Criteria	
A1 The road network is designed to provide linkages into adjoining properties and facilitates the safe passage of cars, pedestrians and cyclist.	P1 No Performance Criterion.	

LAT-S2.9 Tables

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



Figure LAT-S2.1

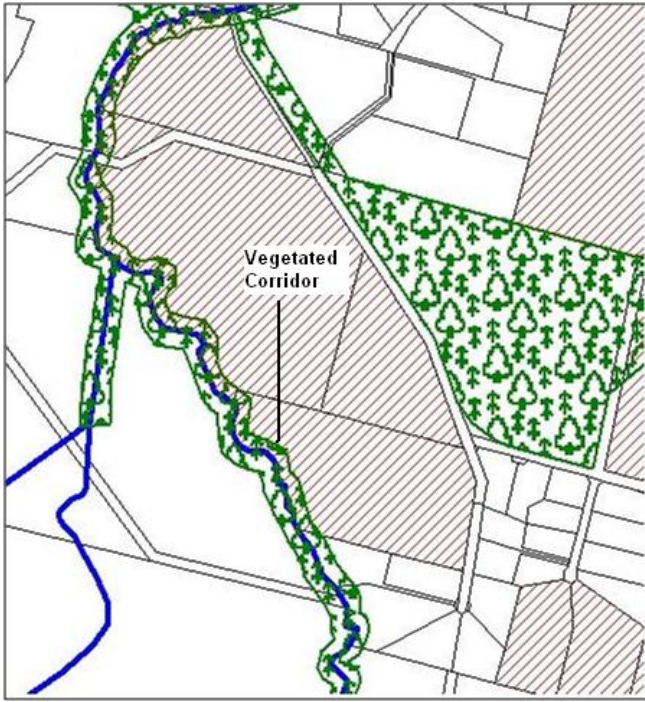


Figure LAT-S2.2

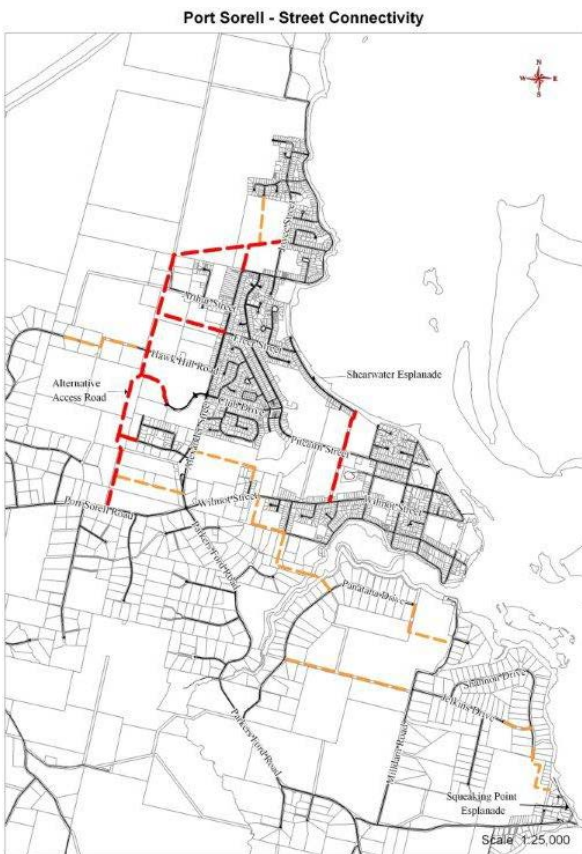


Figure LAT-S2.3 Port Sorell and Environs Street Connectivity Plan

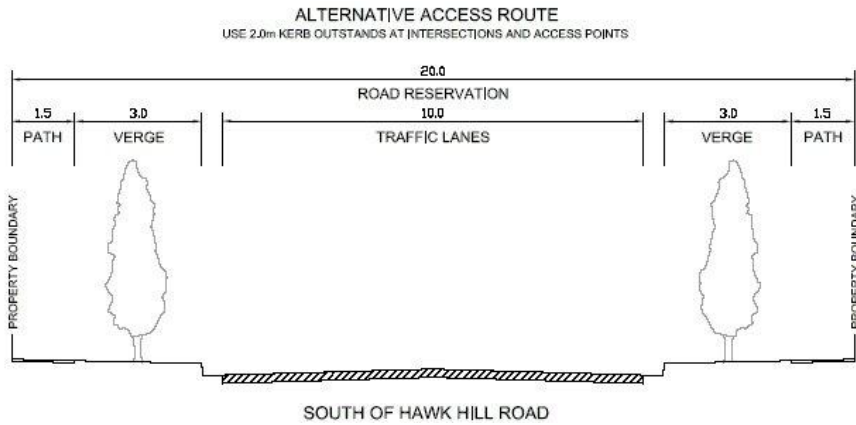


Figure LAT-S2.4(a) Port Sorell and Environs Street Cross-section designs - Alternative access route

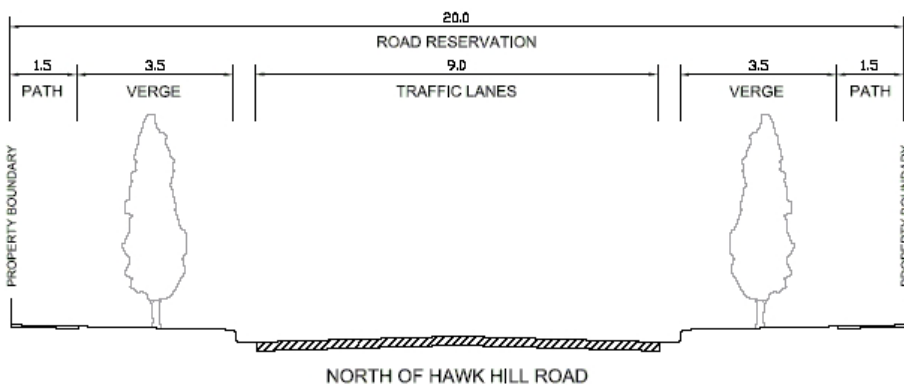


Figure LAT-S2.4(b) Port Sorell and Environs Street Cross-section designs - North of Hawk Hill Road

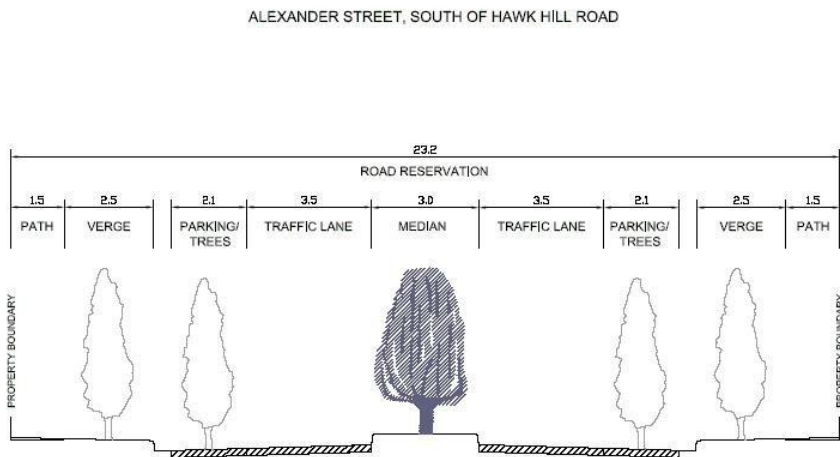


Figure LAT-S2.4(c) Port Sorell and Environs Street Cross-section designs - Alexander Street, South of Hawk Hill Road

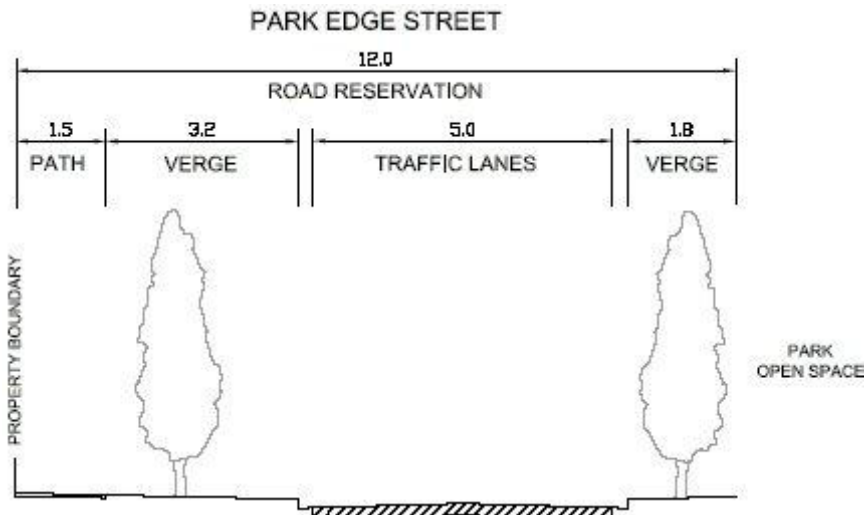


Figure LAT-S2.4(d) Port Sorell and Environs Street Cross-section designs - Park Edge Street

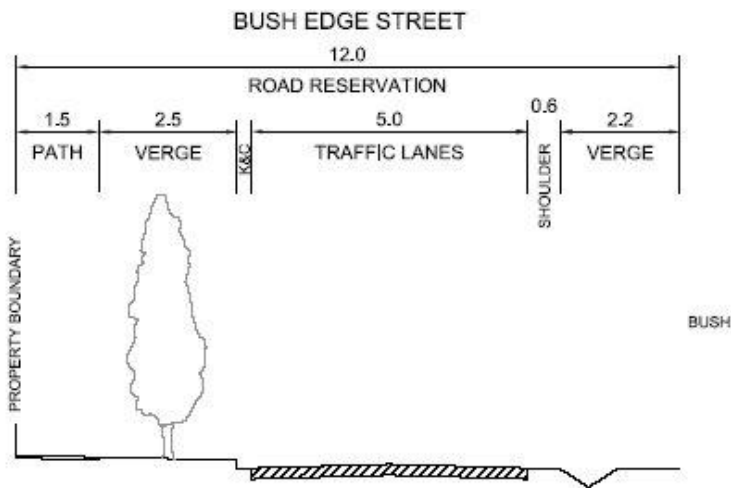


Figure LAT-S2.4(e) Port Sorell and Environs Street Cross-section designs - Bush Edge Street

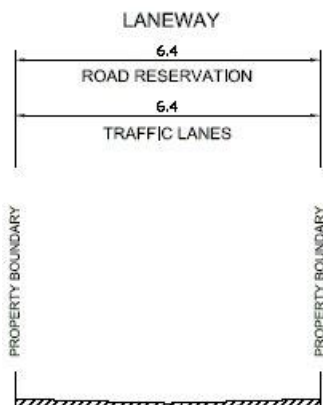


Figure LAT-S2.4(f) Port Sorell and Environs Street Cross-section designs - Laneway

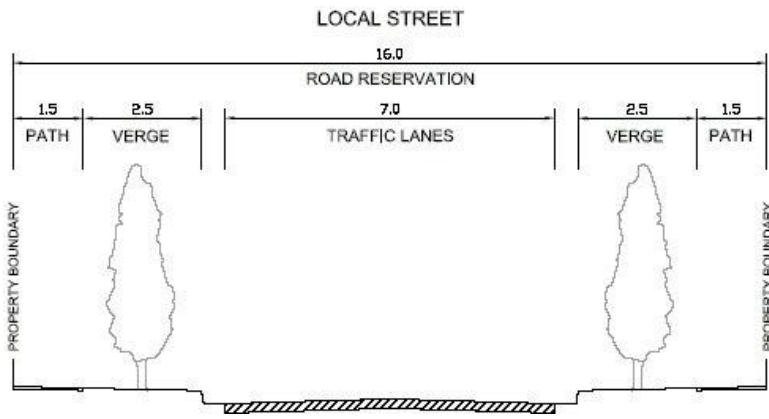


Figure LAT-S2.4(g) Port Sorell and Environs Street Cross-section designs - Local street

LAT-S3.0 Tarleton Specific Area Plan

LAT-S3.1 Plan Purpose

The purpose of the Tarleton Specific Area Plan is:

- LAT-S3.1.1 To provide for the orderly use and development of land within the Tarleton area.
- LAT-S3.1.2 To provide a safe road network.
- LAT-S3.1.3 To improve street connectivity and emergency access.

LAT-S3.2 Application of this Plan

- LAT-S3.2.1 The specific area plan applies to the area of land designated as Tarleton Specific Area Plan on the overlay maps.
- LAT-S3.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in addition to the provisions of the:
 - (a) Rural Zone; and
 - (b) Agriculture Zone,as specified in the relevant provision.

LAT-S3.3 Local Area Objectives

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

LAT-S3.4 Definition of Terms

LAT-S3.4.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
future road connections	means the area of land intended to provide a future road corridor and shown on an overlay map and in Figure LAT-S3.1.

LAT-S3.5 Use Table

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

LAT-S3.6 Use Standards

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

LAT-S3.7 Development Standards for Buildings and Works

LAT-S3.7.1 Siting of buildings and works

This clause is in addition to Rural Zone Clause 20.4 Development Standards for Buildings and Works and Agriculture Zone Clause 21.4 Development Standards for Buildings and Works

Objective:	That buildings and works do not prejudice the potential to achieve desired accesses and street linkages.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings and works must be:</p> <ul style="list-style-type: none"> (a) for an addition to an existing dwelling, a secondary residence or a home-based business; and (b) located to facilitate the future road connections identified in the Tarleton Road Connectivity Plan in Figure LAT-S3. 1. 	<p>P1</p> <p>Buildings and works must be located so as not to compromise future accesses and road connections, having regard to</p> <ul style="list-style-type: none"> (a) Figure LAT-S3.1; (b) the topography of the site; (c) any existing access arrangements; (d) location of services; (e) if the buildings and works are of a temporary nature able to be readily removed prior to the development of land for road purposes; and (f) the purpose, location and extent of any buildings and works.

LAT-S3.8 Development Standards for Subdivision

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

LAT-S3.9 Tables

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

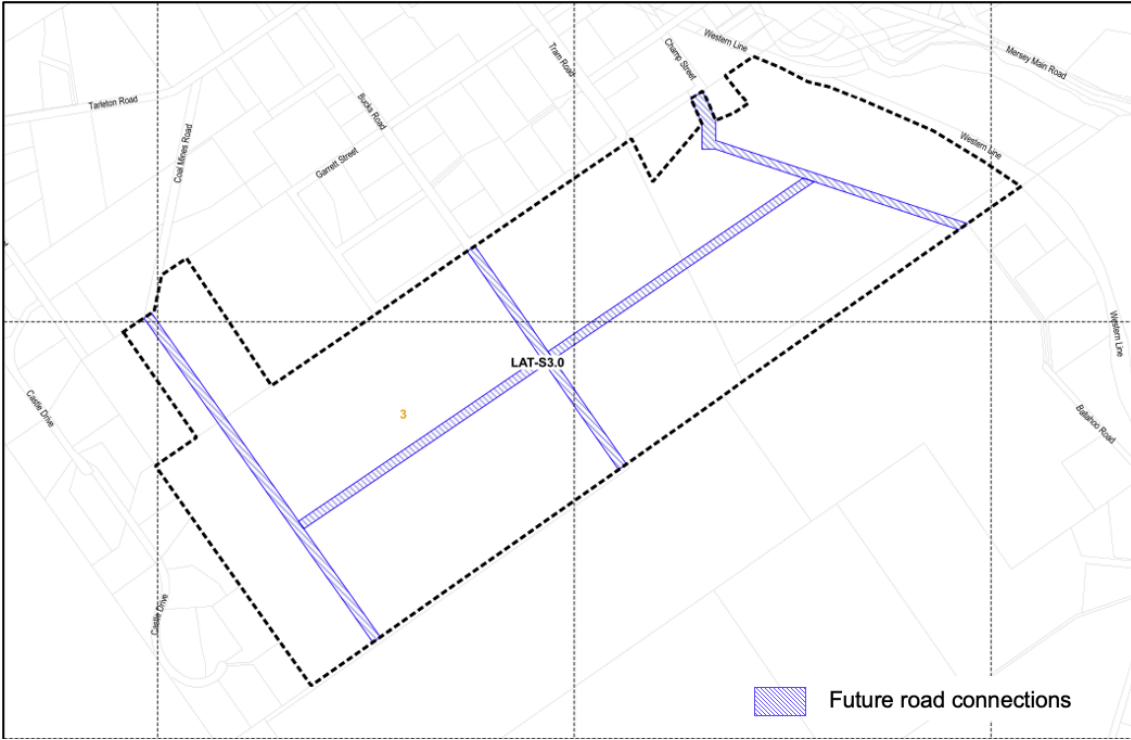


Figure LAT-S3.1 – Tarleton Road Connectivity Plan

LAT-S4.0 Merseylink Specific Area Plan

LAT-S4.1 Plan Purpose

The purpose of the Merseylink Specific Area Plan is:

- LAT-S3.1.1 To recognise the existence of an area previously developed as a bus depot but which is inconsistent with the underlying zone provisions.
- LAT-S3.1.2 To allow for the operation of the Transport Depot and Distribution Use Class within the area to which the Merseylink Specific Area Plan applies.

LAT-S4.2 Application of this Plan

- LAT-S4.2.1 The specific area plan applies to the area of land designated as Merseylink Specific Area Plan on the overlay maps.
- LAT-S4.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in addition to the provisions of the Rural Zone, as specified in the relevant provision.

LAT-S4.3 Local Area Objectives

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

LAT-S4.4 Definition of Terms

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

LAT-S4.5 Use Table

This clause is in substitution for Rural Zone – Clause 20.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	
Transport Depot and Distribution	If for a bus depot.
Utilities	If for minor utilities.

Use Class	Qualification
Permitted	
Business and Professional Services	If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	If associated with Resource Development or Resource Processing.
Emergency Services	
Extractive Industry	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Manufacturing and Processing	If associated with Resource Development or Resource Processing.
Pleasure Boat Facility	If for a boat ramp.
Research and Development	If associated with Resource Development or Resource Processing.
Residential	If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
Resource Processing	
Storage	If for: (a) a contractors yard; (b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or (e) a woodyard.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	If for guests accommodated within an existing building.

Use Class	Qualification
Discretionary	
Bulky Goods Sales	If for: <ul style="list-style-type: none"> (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscaping materials supplier; (c) a timber yard; or (d) rural supplies.
Business and Professional Services	If not listed as Permitted.
Community Meeting and Entertainment	
Crematoria and Cemeteries	
Custodial Facility	
Educational and Occasional Care	If not listed as Permitted.
Food Services	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted.
Manufacturing and Processing	If not listed as Permitted.
Motor Racing Facility	
Pleasure Boat Facility	If not listed as Permitted.
Recycling and Waste Disposal	
Research and Development	If not listed as Permitted.
Residential	If for a single dwelling and not restricted by an existing agreement under section 71 of the Act.
Service Industry	If associated with Extractive Industry, Resource Development or Resource Processing.
Sports and Recreation	
Storage	If not listed as Permitted.
Tourist Operation	
Transport Depot and Distribution	If not No Permit Required.
Visitor Accommodation	If not listed as Permitted.
Prohibited	
All other uses	

LAT-S4.6 Use Standards

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

LAT-S4.7 Development Standards for Buildings and Works

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

LAT-S4.8 Development Standards for Subdivision

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

LAT-S4.9 Tables

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

LAT-Site-specific Qualifications

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-11.1	75 East Glen, Port Sorell	16202/27	An additional Discretionary Use Class for this site is: Research and Development with the qualification "If for horticultural purposes."	Rural Living Zone – clause 11.2 Use Table

LAT-Code Lists

LAT-Table C3.1 Other Major Roads

Road	From	To
This table is not used in this Local Provisions Schedule.		

LAT-Table C6.1 Local Heritage Places

Reference Number	THR Number	Town/Locality	Street address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
LAT-C6.1.1	Not applicable	Latrobe	91-93 Gilbert Street	Not applicable	229058/1	Description: Old railway house
LAT-C6.1.2	3681	Latrobe	7 Hamilton Street	Not applicable	103073/1	Description: Former Uniting Church

LAT-C6.1.3	Not applicable	Latrobe	5 Hampden Street	Not applicable	139275/2	Description: Cottage
LAT-C6.1.4	Not applicable	Latrobe	Railton Road	Dolly Dalrymple Memorial	13368/1	Description: Memorial obelisk
LAT-C6.1.5	Not applicable	Thirlstane	94 Parsons Road	Thirlstane House	136200/1	Description: Farm House
LAT-C6.1.6	Not applicable	Northdown	310 Wrights Lane	Woodcote House	116458/1	Description: Farm House
LAT-C6.1.7	Not applicable	Northdown	36 Northdown Lane	Not applicable	23/9837	Description: Grave site (Thomas Family)
LAT-C6.1.8	Not applicable	Northdown	1062 Port Sorell Road	Oulton	144681/1	Description: Farm House
LAT-C6.1.9	Not applicable	Sassafras	90 Churchills Road	Roche Vale	131093/1	Description: Farm House
LAT-C6.1.10	Not applicable	Sassafras	35 Skelbrook Lane	Skelbrook	124818/1	Description: Farm House
LAT-C6.1.11	Not applicable	Sassafras	160 Skelbrook Lane	Skelbrook Vale	167708/1	Description: Farm House
LAT-C6.1.12	Not applicable	Sassafras	8108 Bass Highway	Robin Hood	112396/1	Description: Farm House

LAT-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
C6.2.1	Latrobe	Latrobe Conservation Area	The Latrobe Conservation Area applies for that part of Latrobe centred on Gilbert Street where there is a high proportion of intact commercial, community and residential buildings for the early periods of the settlement during which the township had an important role in the development of north west Tasmania.

LAT-Table C6.3 Local Historic Landscape Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in this Local Provisions Schedule.			

LAT-Table C6.4 Places or Precincts of Archaeological Potential

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
This table is not used in				

this Local Provisions Schedule.				
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LAT-Table C6.5 Significant Trees

Reference Number	Town/ Locality	Property Name and Street Address	Folio of the Register	Description / Specific Extent	Botanical Name	Common Name	No. of trees
This table is not used in this Local Provisions Schedule.							

LAT-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
C8.1.1	Point Sorell Landscape Value Area	Above 20m contour	A topographical feature within an open agricultural landscape that is prominent when viewed from Hawley Beach and Rubicon Estuary.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.2	She-oak Knob (North) Landscape Value Area	Above 20m contour	A prominent topographical feature covered by native vegetation that is visible from public places.	(a) To locate buildings to avoid projection above the skyline. (b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.3	She-oak Knob (South) Landscape Value Area	Above 55m contour	A prominent topographical feature covered by native vegetation that is visible from public places.	(a) To locate buildings to avoid projection above the skyline. (b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.4	Hawk Trap Hill Landscape Value Area	Above 70m contour	The vegetated skyline and integration of existing development into the bushland slopes of Hawk Trap Hill provides a scenic backdrop to Hawley Beach and Shearwater.	(a) To locate buildings and works to minimise impact on skylines. (b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.5	Browns Lookout Landscape Value Area	Above 30m contour	A prominent topographical feature covered by native vegetation that is visible from public roads and places.	(a) To locate buildings to avoid projection above the skyline. (b) To minimise the visual contrast between buildings

				and works and the natural bushland.
C8.1.6	Hill north of Bakers Lane Landscape Value Area	Above 130m contour	A topographical feature within an open agricultural landscape that is prominent when viewed from public roads and the surrounding area.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.7	Bandicoot Hill Landscape Value Area	Above 100m contour	A topographical feature, partially covered by native vegetation, that is prominent when viewed from public roads and the surrounding area.	(a) To locate buildings and works to minimise impacts on the skyline.
C8.1.8	Handsome Sugarloaf Landscape Value Area	Above 60m contour excluding areas more than 80m south of the summit.	A prominent topographical feature that is visible from public places; partially covered by native vegetation.	(a) To locate works in a manner that minimises impact on skylines. (b) To minimise the visual contrast between buildings and works and areas of native vegetation.
C8.1.9	Rounded Hill (North of Northdown Church) Landscape Value Area	Above 120m contour	A topographical feature within an open agricultural landscape that is prominent when viewed from public roads.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.10	APPM Reservoir Hill Landscape Value Area	Above 90m contour	A prominent topographical feature in an open agricultural landscape with vegetation along the ridgeline that mitigates the visual impact of infrastructure when viewed from public roads and the surrounding area.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines. (c) To minimise the impact of works on the vegetated ridgeline.
C8.1.11	Rounded Hill (East of Wesley Vale) Landscape Value Area	Above 100m contour	A topographical feature in an open agricultural landscape that is prominent when viewed from public roads and the surrounding area; partially vegetated on the skyline with rows of native and exotic trees.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.12	Rounded Hill (West of Wrights Lane) Landscape Value Area	Above 110m contour	A topographical feature in an open agricultural landscape, partially covered by vegetation, that is prominent when viewed from public roads and the surrounding area.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.

C8.1.13	Northdown Ridge Landscape Value Area	Above 140m contour	A topographical feature in an open agricultural landscape that is prominent when viewed from public roads and the surrounding area; partially vegetated on the skyline.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.14	Gwins Sugarloaf Landscape Value Area	Above 50m contour	A topographical feature in an open agricultural landscape, partially covered by vegetation, that is prominent when viewed from public roads and the surrounding area.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.15	Ormseby Hill Landscape Value Area	Above 120m contour	A topographical feature in an open agricultural landscape containing a traditional farm homestead with exotic vegetation that integrates buildings into the landscape.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.16	Landscape Value Area	Above 100m contour Oppenheim between Westford and Estford Creek.	A topographical feature within an open agricultural landscape that is prominent when viewed from public roads.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.17	Elwood Hill Landscape Value Area	Above 120m contour	A topographical feature within an open agricultural landscape that is prominent when viewed from public roads.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.18	Rockliffs Hill Landscape Value Area	Above 160m contour	A topographical feature in an open agricultural landscape that is prominent when viewed from public roads and the surrounding area; partially vegetated on the skyline.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.19	Rubicon Hills Landscape Value Area	Above 170m contour	A prominent topographical feature covered by native vegetation that is visible from public roads and places.	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline. (b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.20	Drys Sugarloaf Landscape Value Area	Above 310m contour	A prominent topographical feature covered by native vegetation that is	<ul style="list-style-type: none"> (a) To locate buildings to avoid projection above the skyline.

			visible from public roads and places.	(b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.21	The Dazzler (South) Landscape Value Area	Above 500m contour	The prominent peaks of the Dazzler Range contribute to the scenic backdrop of the Rubicon Estuary when viewed from public places.	(a) To locate buildings and works in a manner that minimises impact on skylines. (b) To minimise the visual contrast between works and the natural bushland.
C8.1.22	The Dazzler (Mid) Landscape Value Area	Above 500m contour	The prominent peaks of the Dazzler Range contribute to the scenic backdrop of the Rubicon Estuary when viewed from public places.	(a) To locate buildings and works in a manner that minimises impact on skylines. (b) To minimise the visual contrast between works and the natural bushland.
C8.1.23	The Dazzler (North) Landscape Value Area	Above 500m contour	The prominent peaks of the Dazzler Range contribute to the scenic backdrop of the Rubicon Estuary when viewed from public places.	(a) To locate buildings and works in a manner that minimises impact on skylines. (b) To minimise the visual contrast between works and the natural bushland.
C8.1.24	Hill north of Marshes Creek Landscape Value Area	Above 90m contour	A prominent topographical feature covered by native vegetation that contributes to the scenic backdrop of the Rubicon Estuary when viewed from public places.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines. (c) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.25	Marshalls Hill Landscape Value Area	Above 70m contour	A prominent topographical feature covered by native vegetation that contributes to the scenic backdrop of the Rubicon Estuary when viewed from public places.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines. (c) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.26	Thompsons Hill Landscape Value Area	Above 220m contour to ridge line.	A topographical feature in an open agricultural landscape, partially covered by vegetation, that is prominent when viewed from public roads and the surrounding area.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.27	Saggers Hill Landscape Value Area	Above 165m contour	A topographical feature in an open agricultural landscape that is prominent when	(a) To locate buildings to avoid projection above the skyline.

			viewed from public roads and the surrounding area; partially vegetated on the skyline.	(b) To locate works in a manner that minimises impact on skylines.
C8.1.28	Oppenheim Hill Landscape Value Area	Above 135m contour	A topographical feature within an open agricultural landscape that is prominent when viewed from public roads.	(a) To locate buildings to avoid projection above the skyline. (b) To locate works in a manner that minimises impact on skylines.
C8.1.29	Portview Hill Landscape Value Area	Above 120m contour	A prominent topographical feature covered by native vegetation that is visible from public roads and places.	(a) To locate buildings to avoid projection above the skyline. (b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.30	Palmer's Hill Landscape Value Area	Hill face of Staggs Hills ranging from Frankford Road to Wesley Vale Road.	A prominent vegetated ridge that frames the northern edge of the Latrobe township and provides a scenic backdrop when viewed from public roads and areas within Latrobe.	(a) To locate buildings and works to minimise impact on skylines. (b) To minimise the visual contrast between buildings and works and the natural bushland.
C8.1.31	Dooleys Hill Landscape Value Area	Hill face running south east along River Road from Ambleside to Latrobe and turning north east along the Bass Highway.	A prominent vegetated ridge that frames the northern edge of the Latrobe township and provides a scenic backdrop when viewed from public roads and areas within Latrobe.	(a) To locate buildings and works to minimise impact on skylines. (b) To minimise the visual contrast between buildings and works and areas of natural bushland.

LAT-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
This table is not used in this Local Provisions Schedule.			

LAT-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
Bakers Beach	1.8	2.6	3.2	2.9
Hawley Beach	1.8	2.6	3.2	2.9
Latrobe	1.8	2.7	3.2	2.9
Port Sorell	1.8	2.6	3.2	2.9
Shearwater	1.8	2.6	3.2	2.9
Squeaking Point	1.8	2.6	3.2	2.9
Tarleton	1.8	2.7	3.2	2.9
All other locations	1.8	2.7	3.2	2.9

LAT-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
<i>Australian Standard AS 2700 – 1996, Colour Standards for General Purposes</i>		LAT-S1.7.1
<i>Port Sorell and Environs Strategic Plan 2008</i>		LAT-S2.1.1
<i>Stormwater System Management Plan</i>		LAT-S2.8.4.1
<i>AS/NZS1547:2012 On-site domestic-waste water management</i>		LAT-P2.7.1

Land Use Planning and Approvals Act 1993

Notice under section 35KB(1)

Latrobe Draft Local Provisions Schedule

16 March 2023

The Tasmanian Planning Commission (the Commission) directs under section 35KB(1) that the Latrobe planning authority prepare draft amendments under Part 3B of the Act, of the Latrobe draft Local Provisions Schedule (LPS) as follows, and must submit the draft amendments to the Commission within 42 days after the LPS comes into effect. The draft amendments are described below.

1.0 Port Sorell, Shearwater and Squeaking Point

1.1 Apply the Rural Living Zone (subdivision category D) to the following properties as shown in Figure 1.1 below:

- a. 10 Charles Street, Squeaking Point folio of the Register 10582/2;
- b. 24 Charles Street, Squeaking Point folio of the Register 10582/3;
- c. 32 Charles Street, Squeaking Point folio of the Register 10582/4;
- d. 39 Charles Street, Squeaking Point folio of the Register 66812/2;
- e. East Glen, Port Sorell folio of the Register 34572/3;
- f. 83 Gardams Road, Port Sorell folio of the Register 117647/1;
- g. Gardams Road, Port Sorell folio of the Register 146335/1;
- h. 110 Hawk Hill Road, Shearwater folio of the Register 30184/3;
- i. 93 Milldam Road, Port Sorell folio of the Register 21090/1;
- j. 111 Milldam Road, Port Sorell folio of the Register 236837/1;
- k. 185 Milldam Road, Port Sorell folio of the Register 43520/1;
- l. 201 Milldam Road, Port Sorell folio of the Register 233672/1;
- m. 209 Milldam Road, Port Sorell folio of the Register 7172/3;
- n. 160 Parkers Ford Road, Port Sorell folio of the Register 132783/2;
- o. 168 Parkers Road, Port Sorell folio of the Register 9398/3;
- p. 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1;
- q. 238 Parkers Ford Road, Port Sorell folio of the Register 20974/1;
- r. 241 Parkers Ford Road, Port Sorell folio of the Register 156549/1;
- s. Parkers Ford Road, Port Sorell folio of the Register 229447/1;
- t. 345 Squeaking Point Road, Thirstlane folio of the Register 227658/1 and part of the adjoining reserved road;
- u. 257 Woodbury Lane, Squeaking Point folio of the Register 66827/1;
- v. 264 Woodbury Lane, Squeaking Point folio of the Register 10716/1;
- w. 290 Woodbury Lane, Squeaking Point folio of the Register 10582/1;
- x. part of the reserved road adjoining the boundaries of 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1;
- y. the reserved road adjoining the boundaries of 111 Milldam Road, Port Sorell folio of the Register 236837/1, 83 Gardams Road, Port Sorell folio of the Register 117647/1 and Gardams Road folio of the Register 146335/1; and
- z. adjoining public roads to the road centreline.

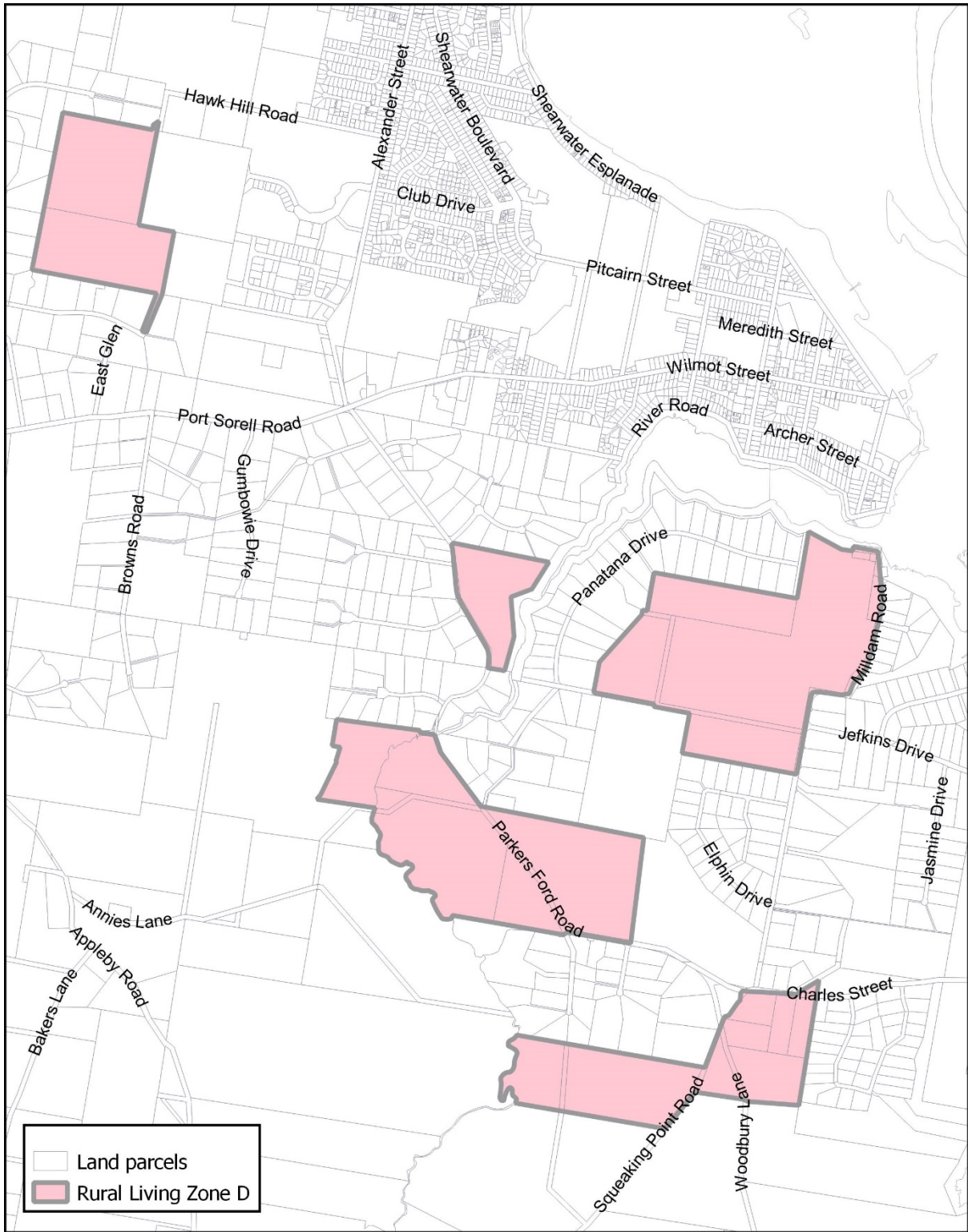


Figure 1.1 – Application of the Rural Living Zone (subdivision category D) at Port Sorell, Shearwater and Squeaking Point

- 1.2 Apply the Priority Vegetation Area overlay to 200 Parkers Ford Road, Port Sorell folio of the Register 213993/1, the adjoining reserved, and the adjoining public road to the road centreline as shown in Figure 1.2 below:



Figure 1.2 – Application of the Priority Vegetation Area overlay at Parkers Ford Road

1.3 Apply the Priority Vegetation Area overlay to 111 Milldam Road, Port Sorell folio of the Register 236837/1 as shown in Figure 1.3 below:

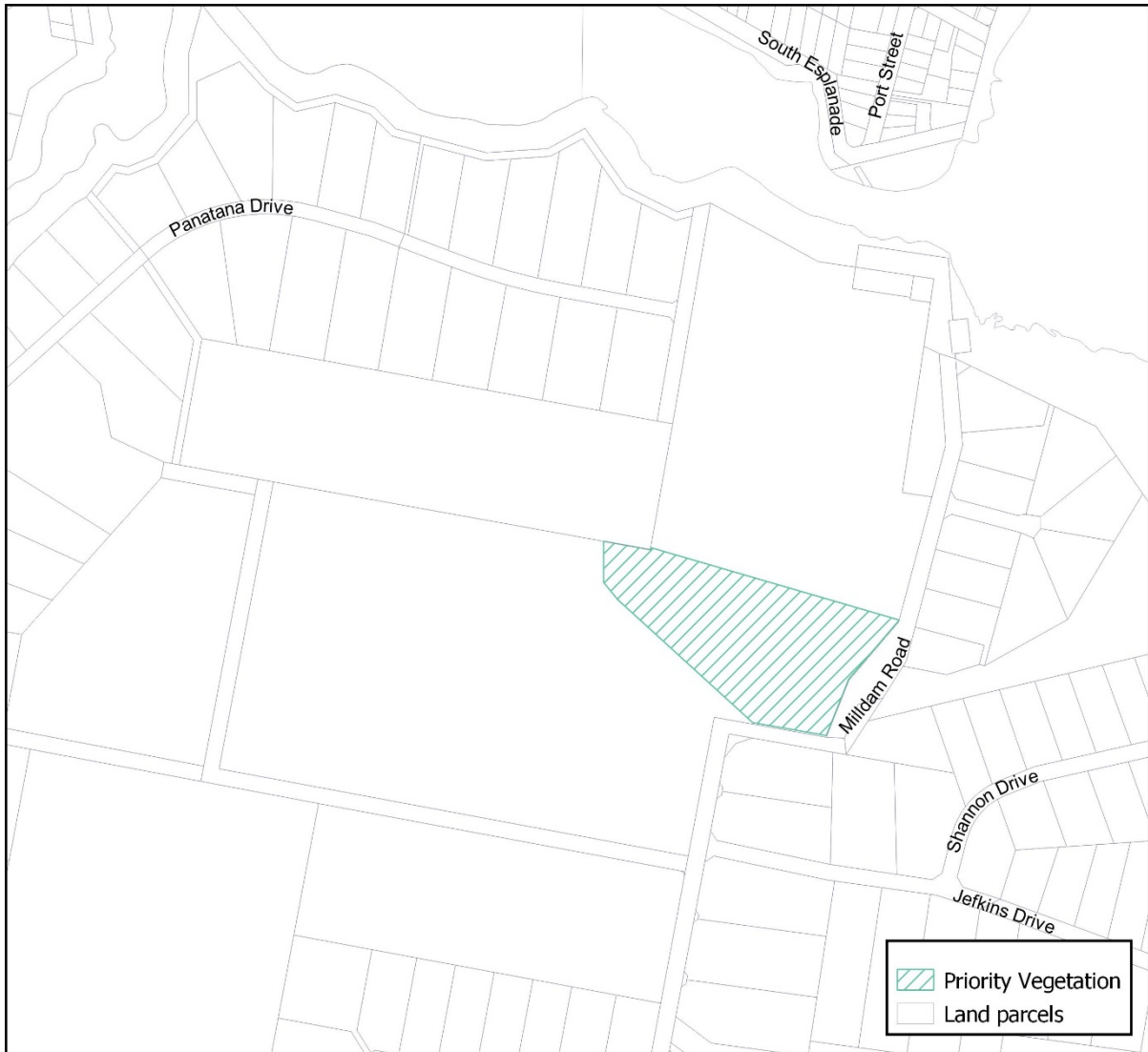


Figure 1.3 – Application of the Priority Vegetation Area overlay at 111 Milldam Road

- 1.4 Apply the Priority Vegetation Area overlay to 345 Squeaking Point Road, Thirstlane folio of the Register 227658/1, the adjoining reserved, and the adjoining public road to the road centreline as shown in Figure 1.4 below:

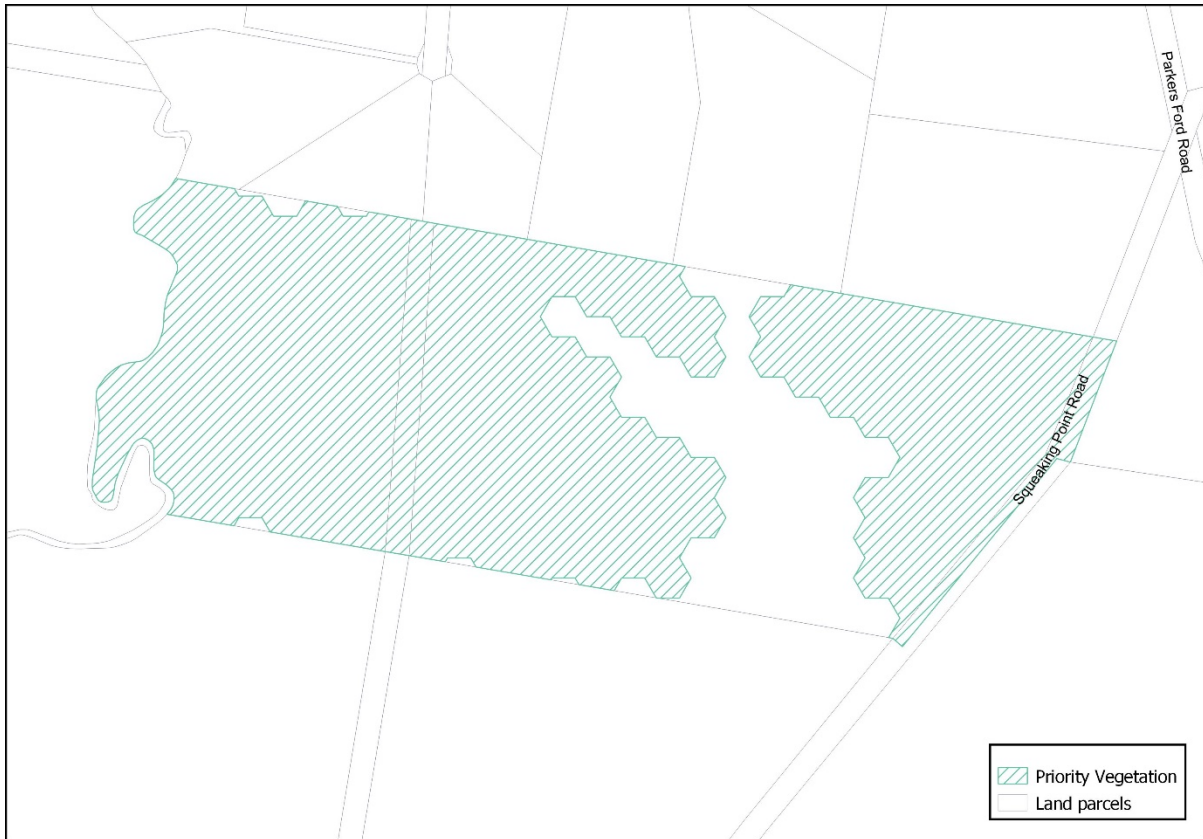


Figure 1.4 – Application of the Priority Vegetation Area overlay at Squeaking Point Road

2.0 River Road, Hawkins Street West, and Lochner Street, Latrobe

2.1 Apply the Rural Living Zone (subdivision category D) to the following properties as shown in Figure 2.1 below:

- a. Hawkins Street West, Latrobe folio of the Register 41816/2;
- b. 24 Lochner Street, Latrobe folio of the Register 153865/1;
- c. 26 Lochner Street, Latrobe folio of the Register 55355/1;
- d. 51 Forth Street, Latrobe folios of the Register 210746/1 and 111928/1;
- e. 76 Lochner Street, Latrobe folio of the Register 235508/1;
- f. 89 Lochner Street, Latrobe folio of the Register 146060/1;
- g. 91 Lochner Street, Latrobe folio of the Register 24426/1;
- h. 96 Lochner Street, Latrobe folio of the Register 204246/1;
- i. 104 Lochner Street, Latrobe folio of the Register 62410/1;
- j. 105 Lochner Street, Latrobe folio of the Register 61704/1;
- k. Lochner Street, Latrobe folio of the Register 49117/1;
- l. Lochner Street, Latrobe General Law deed 15/4286;
- m. River Road, Latrobe folio of the Register 73410/1;
- n. the reserved road located between 26 Lochner Street, Latrobe folio of the Register 55355/1 and 96 Lochner Street, Latrobe folio of the Register 204246/1; and
- o. other reserved roads/public roads adjoining the land to the road centrelines.

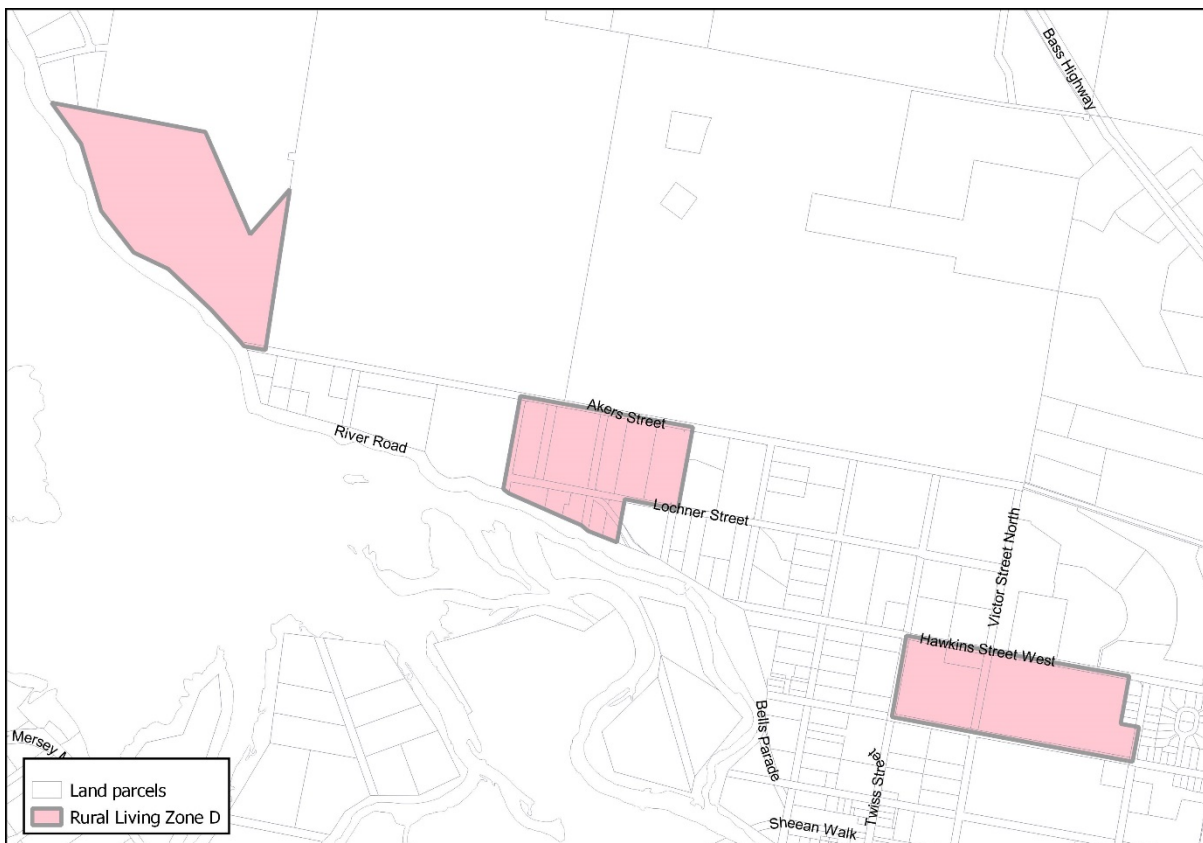


Figure 2.1 – Application of the Rural Living Zone (subdivision category D) at River Road, Hawkins Street West, and Lochner Street, Latrobe

3.0 Rural Living Zone – Tarleton, and Tarleton Specific Area Plan

3.1 Apply the Rural Living Zone (subdivision category A) to the following properties as shown in Figure 3.1 below:

- a. 62 Seymour Street, Tarleton folio of the Register 107560/4;
- b. Coal Mines Road, Tarleton folio of the Register 107560/1; and
- c. 26 Garrett Street, Tarleton folio of the Register 107560/5.

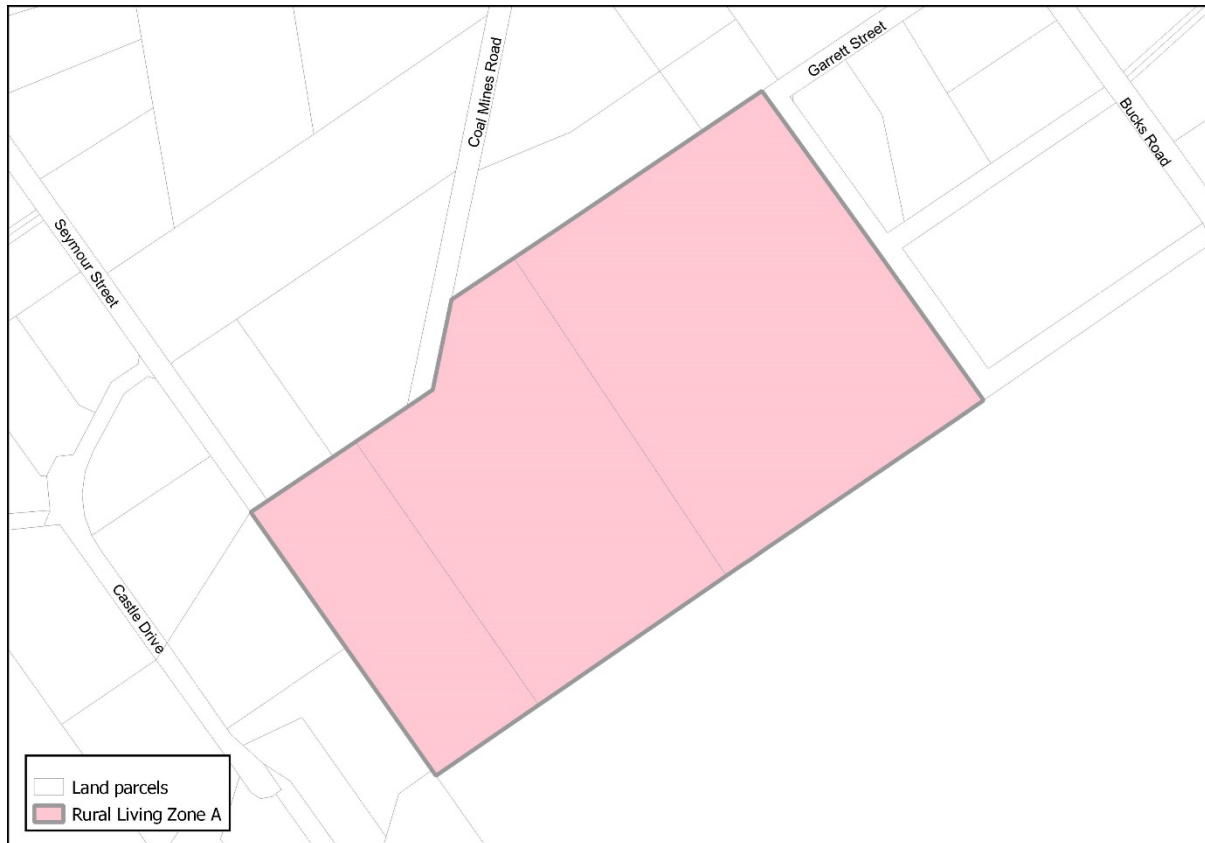


Figure 3.1 – Application of the Rural Living Zone (subdivision category A) at Tarleton

3.2 Delete LAT-S3.0 Tarleton Specific Area Plan from the Latrobe draft LPS written document and revise the Specific Area Plans overlay by removing LAT-S3.0 as shown in Figure 3.2 below:



Figure 3.2 – Deletion of LAT-S3.0 Tarleton Specific Area Plan from the Specific Area Plans overlay

4.0 Victor Street, Cotton Street and Hamilton Street, Latrobe

4.1 Apply the Agriculture Zone to the following properties as shown in Figure 4.1 below and remove the Priority Vegetation Area overlay:

- a. Cotton Street, Latrobe folio of the Register 33474/2;
- b. Cotton Street, Latrobe General Law deed 54/2104;
- c. 42 Hamilton Street, Latrobe folios of the Register 148873/1, 148873/2 and 225459/1;
- d. Hamilton Street, Latrobe folio of the Register 146040/1;
- e. 20 Victor Street, Latrobe folio of the Register 7149/1;
- f. Victor Street, Latrobe folio of the Register 146271/1;
- g. Victor Street, Latrobe folio of the Register 132179/1;
- h. Victor Street, Latrobe folio of the Register 118067/2;
- i. reserved road between folio of the Register 33474/2 and General Law deed 54/2104;
- j. unidentified Crown land adjacent to the southern boundary of folio of the Register 146040/1;
- k. the reserved/subdivision roads that adjoin the western boundaries of Cotton Street General Law deed 54/2104 and 42 Hamilton Street; and
- l. public roads adjoining the land to the road centrelines.



Figure 4.1 – Application of the Agriculture Zone at Victor Street, Cotton Street and Hamilton Street, Latrobe

5.0 River Road and Lochner Street, Latrobe

- 5.1 Apply the Open Space Zone to Lochner Street, Latrobe folios of the Register 108955/1, 108955/2 and 46994/1, River Road, Latrobe folios of the Register 213733/1, 148574/1, 233621/1, 148654/1, 42737/1, 103359/7, 103359/2, 103359/1 and 103359/6, the reserved road between folios of the Register 42737/1, 148574/1, 233621/1 and 148654/1, and adjoining public roads as shown in Figure 5.1 below:



Figure 5.1 – Application of the Open Space Zone at River Road and Lochner Street, Latrobe

6.0 Latrobe Speedway Attenuation Area, Latrobe

- 6.1 Insert the Attenuation Area overlay in the draft LPS and apply the overlay to the area around the Latrobe Speedway, as shown in Figure 6.1 below:



Figure 6.1 – Application of the Attenuation Area overlay for the Latrobe Speedway at Latrobe

7.0 Site-specific Qualification LAT-11.2

7.1 Insert Site-specific Qualification LAT-11.2 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-11.2	8659 Bass Highway Latrobe	199384/1	A substitution for the qualification for Discretionary Use Class - Food Services is: 'If for a gross floor area of not more than 300m ² .'	Rural Living Zone - 11.2 Use Table

7.2 Apply the Site-specific Qualifications overlay and clause number annotation to the land at 8659 Bass Highway Latrobe folio of the Register 199384/1 as shown in Figure 7.2 below:

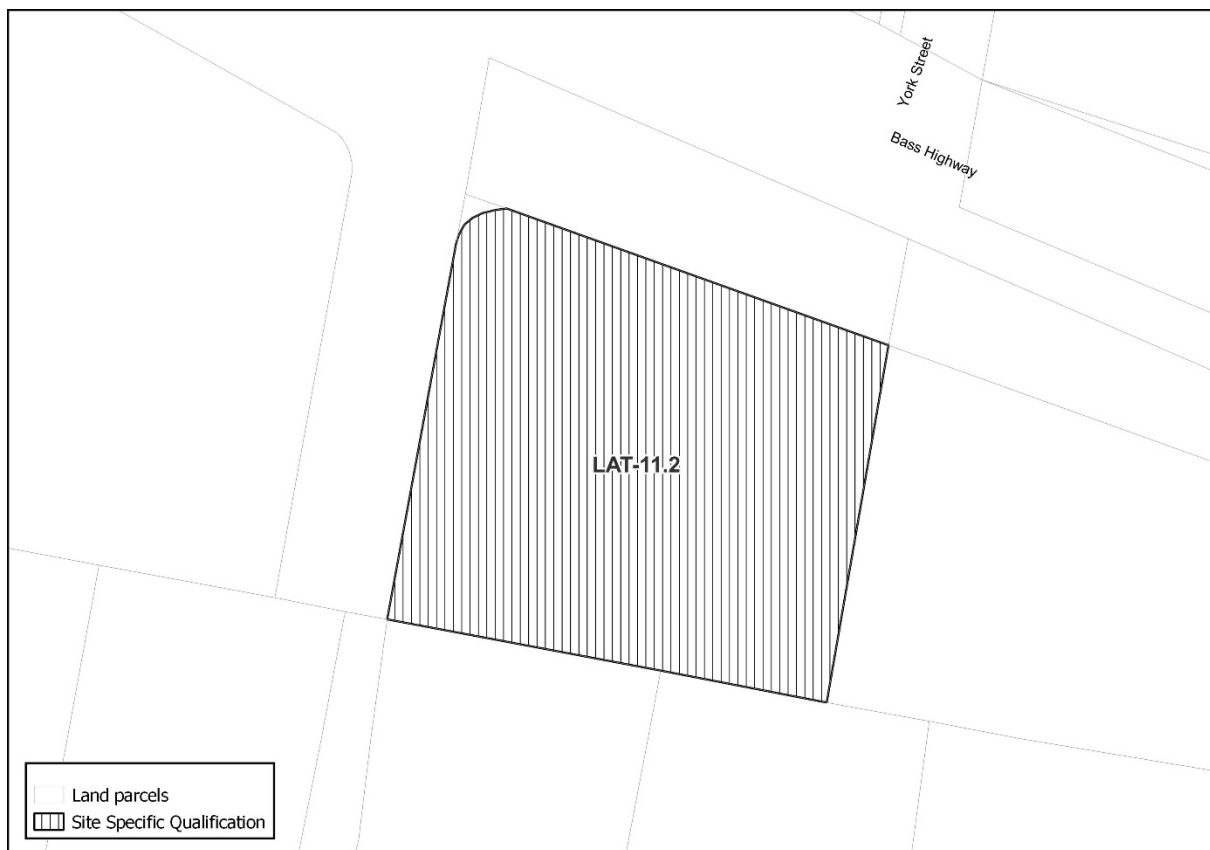


Figure 7.2 – Application of Site-specific Qualification LAT-11.2 at 8659 Bass Highway Latrobe

8.0 Site-specific Qualification LAT-21.1 and LAT-21.2

8.1 Insert Site-specific Qualification LAT-21.1 and Site-specific Qualification LAT-21.2 as follows:

Reference Number	Site Reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
LAT-21.1	9 Conservatory Road, Sassafras	213008/1	Additional Discretionary Use Classes for this site are: <ul style="list-style-type: none"> • Food Services; and • General Retail and Hire, with the qualification 'If not listed as Permitted.'	Agriculture Zone - 21.2 Use Table
LAT-21.2	9 Conservatory Road, Sassafras	213008/1	An additional Permitted Use Class for this site is: Community Meeting and Entertainment.	Agriculture Zone - 21.2 Use Table

8.2 Apply the Site-specific Qualifications overlay and clause number annotations to the land at 9 Conservatory Road, Sassafras folio of the Register 213008/1 as shown in Figure 8.2 below:



Figure 8.2 – Application of Site-specific Qualifications LAT-21.1 and LAT-21.2 at 9 Conservatory Road, Sassafras

9.0 LAT-P5.0 Particular Purpose Zone – Devonport Airport

- 9.1 Insert LAT-P5.0 Particular Purpose Zone – Devonport Airport into the LPS as set out in Annexure A to Attachment 3.
- 9.2 Apply LAT-P5.0 Particular Purpose Zone – Devonport Airport and clause number annotations to 13 Airport Road, Wesley Vale folio of the Register 130335/1 as shown in Figure 9.2 below:

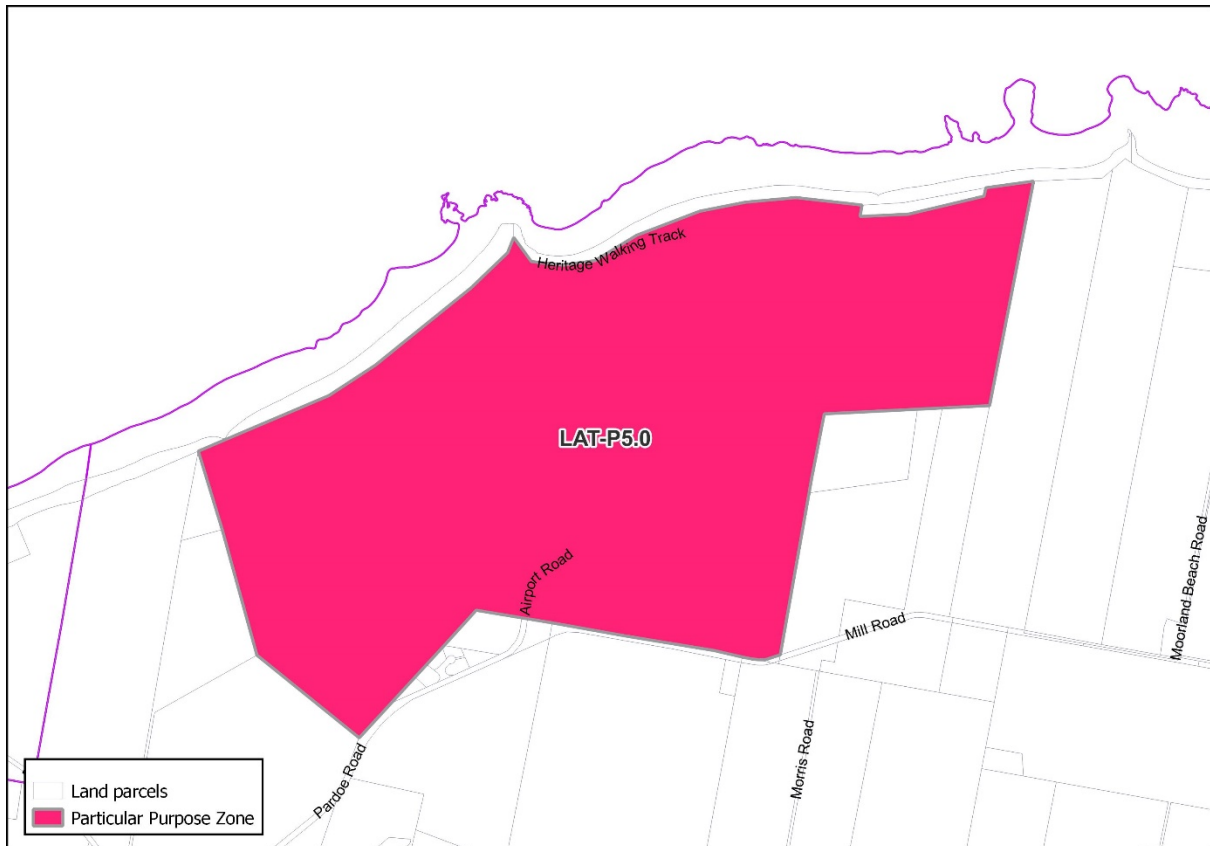


Figure 9.2 – Application of LAT-P5.0 Particular Purpose Zone – Devonport Airport at 13 Airport Road, Wesley Vale

9.3 Apply a *Defined terms overlay* and clause number annotations to 13 Airport Road, Wesley Vale folio of the Register 130335/1 as shown in Figure 9.3 below:

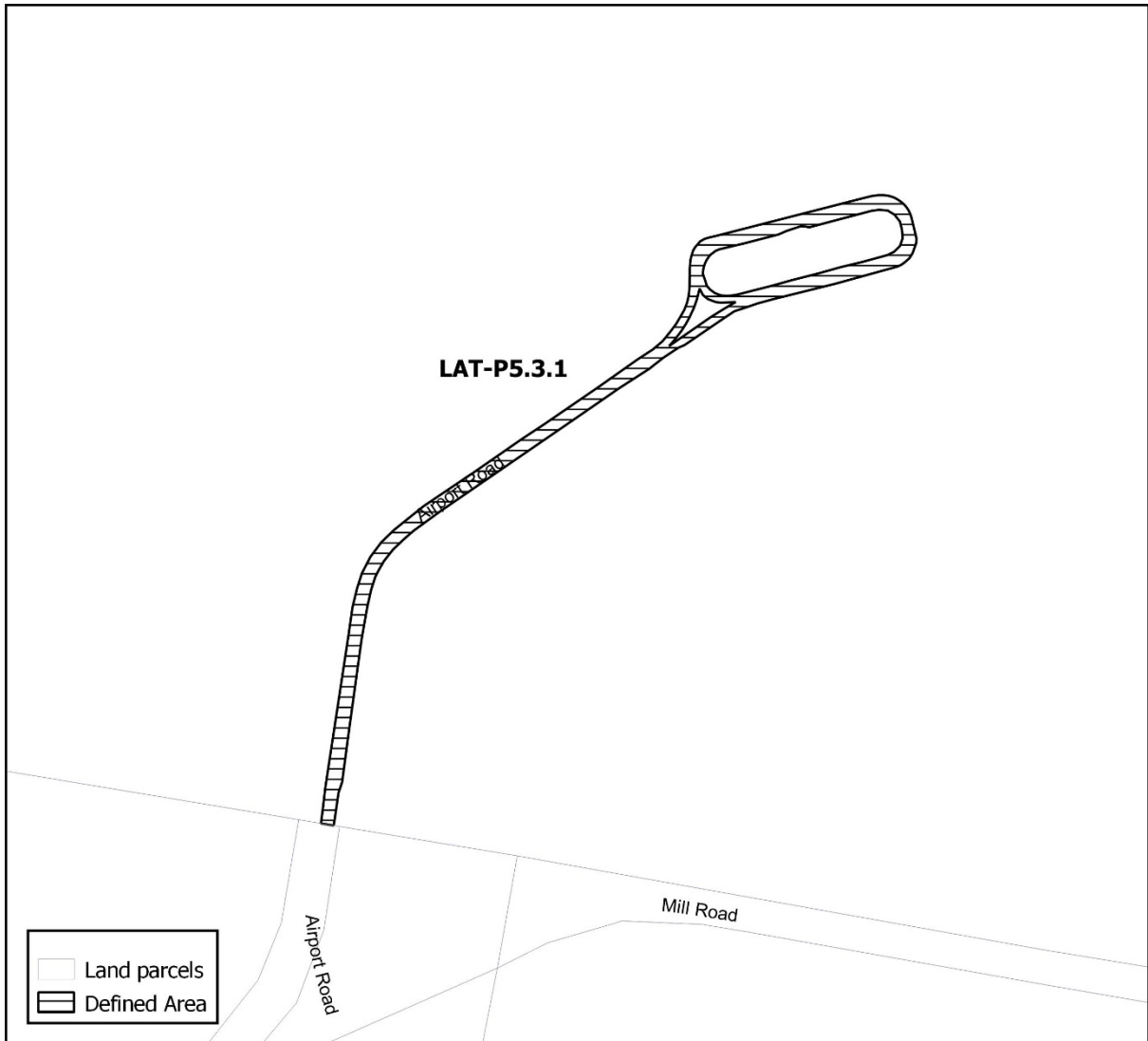


Figure 9.3 – Application of *Defined terms overlay* – Devonport Airport at 13 Airport Road, Wesley Vale

Attachment 3: Annexure A

Modifications to Latrobe LPS written document

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:

Terms	Definition
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.

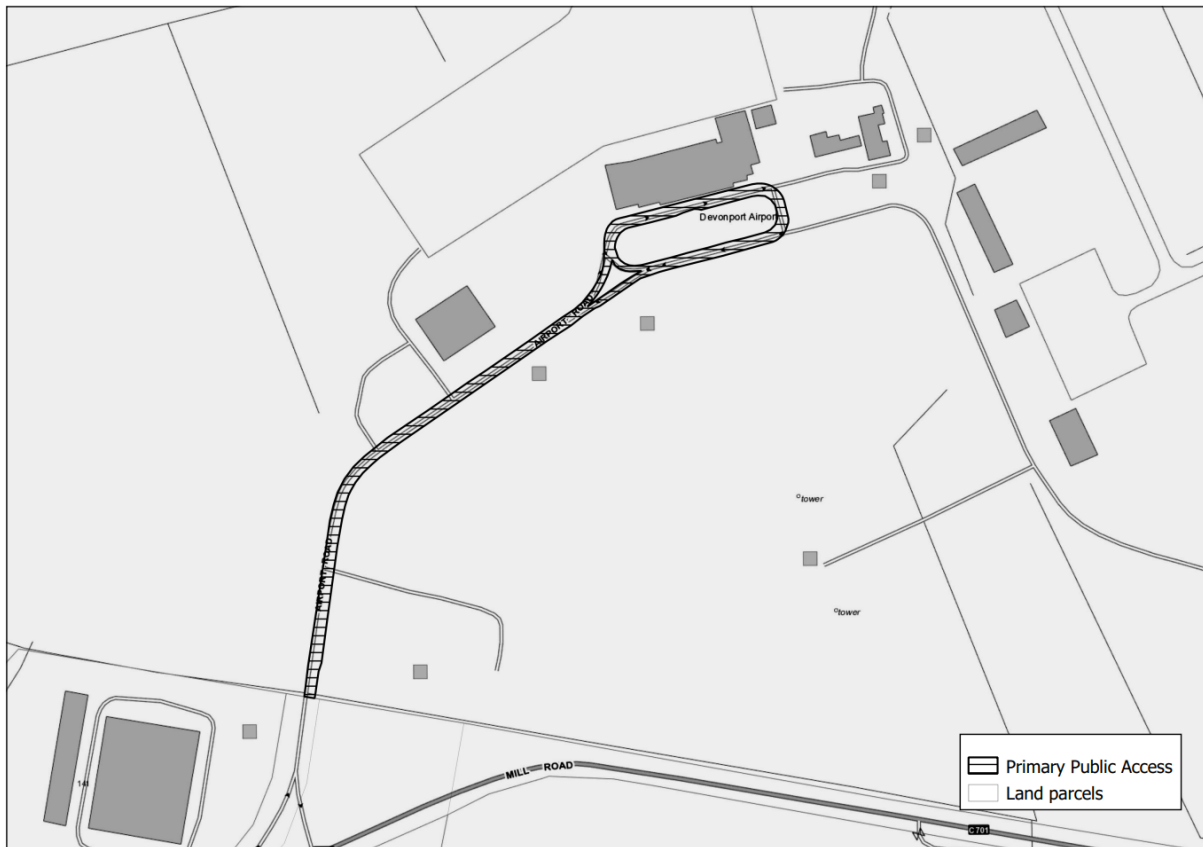


Figure LAT-P5.1 Primary public access as required by clause LAT-P5.6.1 P1, clause LAT-P5.6.2 A1/P1, clause LAT-P5.6.3 A1, clause LAT-P5.6.4 A1/P1

LAT-P5.4 Use Table

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

Use Class	Qualification
Utilities	If not listed as No Permit Required.
Vehicle Parking	
Discretionary	
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	
Prohibited	
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.	
Acceptable Solutions	Performance Criteria	
A1 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	P1 No Performance Criterion.	

areas of the airport, unless for the specific provision of aviation light signals required to direct aircraft.	
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LAT-P5.5.2 Discretionary uses

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

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"> (a) is necessary for the operation of the use; and (b) is compatible with the presentation of the airport site as viewed from the primary public access and surrounding public roads.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must be not more than:</p> <ul style="list-style-type: none"> (a) 10m; or 	<p>P1</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</p>

<p>(b) 15m if for a structure, such as a tower, pole or similar.</p>	<p>from the primary public access and surrounding public roads, having regard to:</p> <ul style="list-style-type: none"> (a) the bulk and form of the building; (b) the visual character of the area; (c) the topography of the site; (d) the visibility of the building from adjoining roads and public spaces; and (e) any existing or proposed screening by vegetation or other measures.
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LAT-P5.6.2 Setbacks

<p>Objective:</p>	<p>That the siting of buildings:</p> <ul style="list-style-type: none"> (a) minimises potential conflict with use on adjoining sites; and (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</p>		<p>Performance Criteria</p>
<p>A1</p> <p>Buildings, excluding light poles, must have a setback from:</p> <ul style="list-style-type: none"> (a) the frontage to Mill Road of not less than 15m; and (b) the primary public access of not less than 10m. 	<p>P1</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> <ul style="list-style-type: none"> (a) the design and presentation of the development, including the provision of vehicle access and parking; (b) retention of existing vegetation or proposed landscaping; (c) the setback of buildings on adjoining properties; and (d) the safety of road users. 	
<p>A2</p> <p>Buildings, excluding structures for communications and light poles, must have a setback from side or rear boundaries of not less than:</p> <ul style="list-style-type: none"> (a) 5m; or (b) an existing building on the site that fronts the same boundary. 	<p>P2</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> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; 	

	<ul style="list-style-type: none"> (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	
A1 Outdoor storage areas, excluding any goods for sale, must not be visible from any road adjoining the site or the primary public access.	P1 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:	<p>That:</p> <ul style="list-style-type: none"> (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, and is designed to enhance the visual amenity of the primary public access. 	
Acceptable Solutions	Performance Criteria	
A1 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: <ul style="list-style-type: none"> (a) includes a contiguous line of a species of tree know to grow to a minimum height of 12m; and (b) includes not less than 20% of the area planted with shrubs, except areas developed with buildings and vehicle access.	P1 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: <ul style="list-style-type: none"> (a) the movement of vehicles and pedestrians; (b) the safety of junctions, driveways and footpaths; (c) the requirements for infrastructure and services; (d) the degree of visibility of the frontage and primary public access from public roads and access points; (e) the need for visibility for commercial uses; and 	

	(f) signage requirements.
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LAT-P5.7 Development Standards for Subdivision

LAT-P5.7.1 Subdivision

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development supported by the zone purpose; and (b) is provided with appropriate frontage to a road.
Acceptable Solutions	Performance Criteria
<p>A1</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>P1</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; and</p> <p>(d) the presence of any natural hazards.</p>
<p>A2</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>P2</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> <p>(b) the topography of the site;</p> <p>(c) the functionality and useability of the frontage;</p> <p>(d) the anticipated nature of vehicles likely to access the site;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the ability for emergency services to access the site.</p>

<p>A3</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>P3</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"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; and (d) the pattern of development existing on established properties in the area.
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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>A1</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"> (a) be connected to a full water supply if the frontage of the lot is within 30m of a full water supply service; or (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, <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p>P1</p> <p>No Performance Criterion.</p>
<p>A2</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>P2</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>
A3	P3

<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>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">(a) the size of the lot;(b) topography of the site;(c) soil conditions;(d) any existing buildings on the site;(e) any area of the site covered by impervious surface; and(f) any watercourse on the land.
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LAT-P5.8 Tables

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