

## 10.2 LATROBE LOCAL PROVISIONS SCHEDULE - SUBSTANTIAL MODIFICATIONS

**REPORT AUTHOR:** Jo Oliver, Consultant Strategic Planner

**Note: The Report Author does not have a pecuniary interest in the subject matter**

**AUTHORISING MANAGER:** Jan Febey, Manager Development and Regulatory Services

**REPORT CLASS:** Public/Open

**DATE OF REPORT:** 04/07/2023

**ATTACHMENTS:**

1. Attachment 1 TPC Notice of Decision [**10.2.1** - 3 pages]
2. Attachment 2 - Latrobe Draft LPS - Substantial Modification Amendments [**10.2.2** - 25 pages]

### 1. PURPOSE OF REPORT

For the Planning Authority to prepare the amendments to the Latrobe Local Provisions Schedule (LPS) in accordance with the Tasmanian Planning Commission (TPC) notice contained in the LPS decision of 16 March 2023, pursuant to Section 35KB (4) of the *Land Use Planning & Approvals Act* (LUPAA) 1993.

### 2. BACKGROUND INFORMATION

The decision on the Latrobe Draft Local Provisions Schedule (Draft LPS) was issued by the TPC on 16 March 2023. Following consideration of representations and the Planning Authority recommendations in hearings held in December 2022, the TPC required modifications to the Draft LPS prior to the Latrobe LPS becoming effective on 10 May 2023.

In addition, a number of the required modifications are subject to a further process under Section 35KB of the LUPAA and are known as 'substantial modifications'.

Amendments for substantial modifications:

- must be prepared and submitted to the TPC within 42 days of the LPS coming into effect, or longer period allowed by the TPC; and
- must be publicly exhibited for a period of 28 days.

Representations may be submitted during the exhibition period and the Planning Authority is required to consider any representations received in a further report to the TPC.

### 3. PROPOSAL/SUMMARY

It is a legislative requirement that the Planning Authority comply with the direction contained in the notice to prepare the substantial modifications as amendments to the Latrobe LPS.

Each of the amendments listed in the TPC notice is attached at Attachment 2 of this report and are included in the recommendation.

It is noted however, that the Planning Authority may also submit representation to any of the amendments during the public exhibition period, should it choose to do so.

### 4. RELATIONSHIP WITH STRATEGIC PLANNING AND POLICY

The Latrobe Council Strategic Plan 2020 - 2030 provides the following objectives and strategies that are relevant to the development and implementation of the Tasmanian Planning Scheme, through the Latrobe Local Provisions Schedule:

- Objective 1.1: Provide leadership and advocacy on behalf of our community
- Strategy 1.1.1: Engage with State, Regional and Local Government bodies to promote local projects and development opportunities and resolve strategic issues affecting the municipal area.
- Objective 2.1: Identify, promote, and support business and economic development opportunities
- Strategy 2.1.2: Actively promote the municipal area as an ideal location to conduct business and commerce.
- Strategy 2.1.3: Support and assist developers in identifying and managing opportunities for business growth and development.
- Objective 2.2: Promote, develop, and support tourism activities
- Strategy 2.2.2: Support the development of appropriate short term visitor accommodation.
- Objective 4.1: Effectively manage land use planning and building services
- Strategy 4.1.1: Work with other levels of government and regional stakeholders on regional development and planning issues.
- Strategy 4.1.3: Implement the recommendations of the Port Sorell and Environs Strategic Plan Review 2019.
- Strategy 4.1.7: Implement the new Latrobe Planning Scheme as part of the Tasmanian Planning Scheme Framework.

The planning authority's consideration of the representations to the Draft LPS, as well as the submission of its own representation, takes into account the local objectives and strategies expressed in the Strategic Plan 2020 – 2030 and has informed the progression of the Draft LPS through TPC hearings and the decision of the TPC to modify the Draft Latrobe LPS.

## **5. LEGAL AND RISK IMPLICATIONS**

Latrobe Council, as a planning authority, is required under Section 35KB (4) of the LUPAA to prepare and submit the amendments listed in the TPC notice and publicly exhibit the amendments when directed by the TPC. If Council does not submit the amendments as directed, the TPC may take up the responsibilities of the planning authority and charge Council the costs incurred in doing so.

Council is obliged under the legislation to participate in the process and support the position it takes in regard to its consideration of the representations and its own submissions. Not participating in the process would risk a decision by the TPC that may be contrary to Council's strategic objectives.

## **6. FINANCIAL IMPLICATIONS**

A resource will be required for Council's consultant strategic planning to progress the amendments, through the consideration of any representations and hearings of the TPC. An allocation has been made for this in Council's 2023/24 budget.

## **7. PUBLIC/CUSTOMER IMPLICATIONS**

Refer to comments under Consultation.

## **8. SOCIAL/ENVIRONMENTAL IMPLICATIONS**

The amendments to substantially modify the Latrobe LPS has considered matters raised in the representations through the process of assessing the Draft LPS. This process has taken into account numerous social and environmental aspects that are inherent in the operation of a planning scheme and

in the implementation of local strategies, to the extent possible in the context of the Tasmanian Planning Scheme and the allowable contents of a Local Provisions Schedule.

## **9. CONSULTATION**

The legislation requires that the amendments are publicly notified in two editions of the Advocate newspaper and is placed on Council's website for a period of 28 days.

In addition to the statutory notification requirements, a letter will be sent to each affected property owner identified in Council's rates database, notifying that the amendments to substantially modify the Latrobe LPS are on public exhibition, where to access the documents for viewing and the timeframe for making a representation.

## **10. OFFICER'S COMMENTS/CONCLUSION**

The amendments contained in the TPC notice largely reflect the recommendations of the planning authority in its report that considered the representations to the Latrobe Draft LPS, during the assessment process.

Council may again consider the effect of these amendments and choose to make further representation during the exhibition period.

## **RECOMMENDATION**

That the report by consultant strategic planner Jo Oliver concerning Latrobe Local Provisions Schedule - Substantial Modifications, be received and the Planning Authority:

1. prepare the amendments, detailed in Attachment 2 of this report, to the Latrobe Local Provisions Schedule, in the terms specified in the Tasmanian Planning Commission notice of 16 March 2023, pursuant to section 35KB(4)(a) of the Land Use Planning & Approvals Act 1993; and
2. Submit the amendments to the Tasmanian Planning Commission.