

TASMANIAN PLANNING COMMISSION

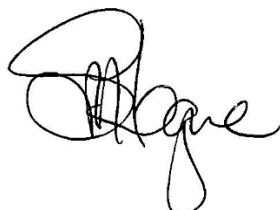
DECISION

Planning scheme	Latrobe Interim Planning Scheme 2013
Amendment	Draft amendment 01-20 Rezone 20 Torquay Road, Latrobe from General Residential to Community Purpose
Permit	218-2019 - upgrade and extension to the existing car parks at 20 and 9-21 Torquay Road, Latrobe
Planning authority	Latrobe Council
Applicant	Department of Health
Date of decision	31 March 2020

Decision

The draft amendment is approved under section 42 of the *Land Use Planning and Approvals Act 1993*.

The permit is modified under section 43H(1)(b)(ii) of the *Land Use Planning and Approvals Act 1993*, as set out in Annexure A.



Sandra Hogue
Acting Executive Commissioner

Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

REASONS FOR DECISION

Background

Amendment

Rezoned the land at 20 Torquay Road, Latrobe (the subject site) from General Residential to Community Purpose.

Permit

Upgrade and extension to the existing car parks at 20 and 9-21 Torquay Road, Latrobe.

Site information

The subject site consists of four parcels of land, including folios of the Register 118340/1, 25827/4, 25827/3 and 118317/1. The draft amendment applies to three parcels of land, being folios of the Register 118340/1, 25827/4 and 25827/3, being the western side of Torquay Road. The proposed development applies to all four parcels of land. All parcels of land are owned by the Crown. An existing hospital, the Mersey Community Hospital, and associated car parking is located at the subject site.

The western side of Torquay Road is zoned General Residential and the eastern side of Torquay Road is zoned Community Purpose. The subject site has a combined area of 6.136ha.

Issues raised in representations

One representation was received from TasWater. TasWater raised no concerns with the draft amendment or proposed development.

Planning authority's response to the representations

The planning authority advised that no representations were received, other than the TasWater notice, and requested the Commission to endorse the draft amendment as presented.

Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. One representation was received and after consultation under section 40(2A) of the Act, the Commission dispensed with holding a hearing.
3. The amendment has been initiated and certified by the Latrobe Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
 - (ea) must not conflict with the requirements of section 300;

- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
5. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.
6. Section 300 includes that:
- (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
7. Subsection 32(1)(e) is not considered relevant to the draft amendment as the land does not adjoin an adjacent planning area.
8. The planning authority considers that the draft amendment is consistent with the relevant requirements of section 20 specified in subsection 32(2).
9. Under section 300, regional impacts of use and development permissible under the amendment have been considered with reference to Living on the Coast: The Cradle Coast Regional Land Use Planning Framework, October 2011 (the regional strategy).

Regional land use strategy

10. In the supporting planning report prepared by Pitt and Sherry (supporting report) that accompanies the Department of Health's application, it is considered that the draft amendment is consistent with policy 5.9a of the regional strategy's land use policies for community services as the draft amendment would allow for a health related use to operate from the subject site (pp 9-10).
11. In its section 35 report, the planning authority considers that the draft amendment is consistent with the following sections of the regional strategy:
- Part B, section 3.5 Employment Land
 - Part B, section 4.10 Healthy and Active Communities
 - Part C, section 3.3.1 Land Use Policies for Economic Activity
 - Part C, section 4.8 Land Use Policies for Health and Educated Communities
 - Part C, section 5.9 Land Use Policies for Community Services
12. The planning authority considers that the draft amendment is consistent with these strategies as follows:
- The proposed amendment directly supports many of the identified strategic outcomes in this document [the regional strategy].
- The Tasmanian Health Plan supports service provision for Tasmanians in rural and remote locations and increasing a wide range of vital services, from GPs to hospital care and specialist health services.
13. The planning authority considers that the draft amendment would allow for the improvement of existing services that relate to the adjacent hospital and therefore would provide greater benefit to the community (pp 9-10).

Commission's consideration

14. The planning authority and applicant's assessment against the regional strategy only assesses the impact the draft amendment would cause to community benefit. No assessment against the impact to housing land supply was provided.
15. The draft amendment is not considered to impact on the overall residential land supply in the Latrobe area, as the subject site is located north of the town centre on the edge of existing residential zoned land and would be located adjacent to an existing Community Purpose zone.
16. Section 4.3.1 (iii) Urban Settlement Areas of the regional strategy states:

Embed opportunity for a mix of use and development within each centre sufficient to meet daily requirements for employment, education, health care, retail, personal care and social and recreation activity.
17. While section 4.5 Land Use Policies for facilitating access to business and community services of the regional strategy states:

Land use planning processes –

 - a) Require each settlement area facilitate a mix of use and development of a nature and scale sufficient to meet for basic levels of education, health care, retail, personal services and social and economic activity and for local employment opportunities for the convenience of the local resident and catchment population
 - b) Locate business and community service activity reliant for operational efficiency on a regional-scale population or on a single or limited number of sites at Burnie or Devonport, and at Latrobe, Ulverstone, Sheffield, Wynyard, Smithton, Currie and Queenstown
18. As the subject site is located north of the town centre and is on the fringe of existing General Residential zoned land, the Commission considers that the subject site is an appropriate location for an extension to the Community Purpose Zone.
19. There are few Community Purpose zoned sites in the Latrobe locality. Based on the above considerations, the Commission finds that the proposed zoning would result in improving an existing use that would benefit the community and is therefore consistent with the regional strategy's community policies in Parts B and C, as mentioned above.

Local strategy

20. The subject site is located in the Latrobe Council Strategic Plan (the local strategy) area, which identifies key priorities for the strategic direction of the municipality.
21. Objective 3.1 Advocacy and Leadership of the local strategy aims to provide leadership to the community to improve the economic, social and environmental wellbeing of the area. An accompanying strategy states:

3.1.3 Support the retention and upgrading of the Mersey Regional Hospital.
22. Additionally, Objective 4.1 Planning and Building Services of the local strategy aims to provide long term planning and development guidance. Accompanying strategies include:
 - 4.1.1 To administer and update the Planning Scheme to manage development and land use.
 - 4.1.2 Enforce planning scheme and planning permit requirements.
23. The planning authority considers the draft amendment to meet these strategies, as stated in its section 35 report (pp 9-10):

The proposed amendment seeks to change the zoning of the subject site to allow for an upgrade and extension of an existing car parking facility that services the needs of the MCH [Mersey Community Hospital].

The proposed amendment is substantially in accordance with Council's Strategic Plan.

Commission's consideration

24. The Commission notes the views of the planning authority and is satisfied that the draft amendment is, as far as is practicable, consistent with the local strategy.

State Policies and Resource Management and Planning System Objectives

25. The Commission finds that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Decision on draft amendment

26. The Commission finds that the draft amendment is in order and gives its approval.

Consideration of the permit

27. Under section 43H, the Commission is required to review the planning authority's decision as reported under section 43F. The Commission supports the planning authority's decision with the exception of the below matters.

Resource Management and Planning System Objectives

28. The Commission finds that the permit seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Modification to permit conditions

29. The draft permit does not include a condition relating to the submission from TasWater which included conditions for the proposed use and development.
30. A new condition (8) is to be included on the permit requiring the development to meet all required conditions specified by TasWater.

TasWater conditions

31. The TasWater notice to the planning authority provided conditions to be included in the permit under sections 56P and 56S of the *Water and Sewerage Industry Act 2008*.

Decision on permit

32. The Commission modifies the conditions attached to the permit granted by the planning authority, as set out above.

Attachments

Annexure A – Modified permit

Annexure A

Modified permit 218-2019

1. Consent is for the proposed new car park and upgrade and extension of the existing car park substantially in accordance with endorsed plans as prepared by Artas Architects: Drwg Nos. A0004-A01, A005-A01 and A7006-A01.

2. **Construction of Works**

The developer is to construct works in accordance with detailed construction plans of all proposed works prepared by suitably qualified persons and complying with current Council standards and approved by the Manager Infrastructure & Assets.

Such plans and specifications are to include the necessary dimensions for vehicle access construction, pavement design, calculations for flow rates in drains, the pipe sizes for drains and the materials used in construction.

The works are to include:

- (a) Stormwater

A stormwater management plan is required to be provided in support of the civil construction plans detailing all necessary stormwater drains and pits to:

- Drain the carpark surface to existing stormwater main upstream from the existing gross pollutant trap with an approved connection point.
- Ensure additional flows do not exceed the capacity of the existing gross pollutant trap.

The developer is to confirm that any additional piped stormwater leaving the development site will not overload the existing downstream stormwater infrastructure.

Any relocation of the gross pollutant trap will require approval for an alternate location and provision for access for maintenance.

- (b) Connections to Council Mains

Any new connections to Council's stormwater system is to be undertaken by Council at the developers cost or by an approved plumber or civil contractor.

- (c) Property Access

A detailed construction drawing is to be provided for approval for the proposed vehicle accesses off Torquay Road. Plans are to show vehicle turning paths.

Redundant vehicle accesses are to have kerb and channel reinstated in accordance with council detail plan ENG 1005 LAT v2.

- (d) Car Parking

Areas set aside for parking vehicles and access lanes must be:

- Set out to comply with the requirements of Australian Standard 2890.1-2004 (Parking Facilities, Part 1: Off-street car parking).
- Be formed and constructed with compacted sub-base and surfaced with an all-weather dustless surface, such as bitumen, concrete, or brick or permeable paving blocks;
- Drained and connected to the stormwater system;
- Provided with appropriate lighting;
- Linemarked and signed to indicate each car space and access lanes;

Disabled carparking spaces are to be clustered in a single location and provide ready access into the sites focal point.

Special attention is to be paid to usability including classification of spaces, circulation, signage and minimisation of blind aisles and provision of pedestrian linkages clear of vehicular areas.

(e) **Cut, Fill and Retaining Structures**

Any areas within the development site subject to cutting or filling are to be detailed on the engineering plans and show the existing natural surface contours, the proposed surface contours, density and material of compaction to be undertaken and any associated works such as the installation of retaining walls, subsoil drainage and railing.

3. Electricity and Telecommunications

The developer is to meet all costs involved in providing underground electricity for the development.

4. Soil and Erosion Control

A management plan is to be developed detailing how soil and water is to be managed and implemented during construction. The management plan is to include such things as:

- Silt fencing and other devices are to be provided, where necessary, to control the loss of silt, gravel, clay and soil from the site;
- Access roads around the site are to be provided to prevent the trafficking of clay etc. onto the street. Humps are to be provided at any downhill access points to divert internal road drainage and soil etc. to the silt fenced area;
- Filter screens are to be used at entrances to the existing drainage system to prevent the discharge of gravel, soil and silt etc. to the drainage system;
- No environmental nuisance or harm, as determined under the *Environmental Management and Pollution Control Act 1994* and associated regulations, to be caused by any activity on the site during the construction phase.

5. Completion of Works

All works are to be carried out to Council standards and to the satisfaction of the Manager Infrastructure & Assets under the direct supervision of a civil engineer engaged by the applicant and approved by Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards must be submitted to the Manager Infrastructure and Assets.

6. Construction Plans

On completion an "As Constructed" plan showing all modifications to council stormwater main within the property is to be complete with levels and is to include all vehicular crossings which is to be lodged with Manager Infrastructure and Assets.

7. Easements

Easements are required over all public services located in private property.

***8. TasWater**

The development must meet all required Conditions of Approval specified by TasWater notice, dated 3 February 2020 (TWDA 2020/00126-LC).

***permit conditions modified by the decision of the Tasmanian Planning Commission dated 31 March 2020**