

SUBJECT: SECTION 43A APPLICATION – PLANNING SCHEME
AMENDMENT (SITE SPECIFIC QUALIFICATION) AND
PROPOSED RESEARCH AND DEVELOPMENT USE
75 EAST GLEN, PORT SORELL

AUTHOR: STRATEGIC PLANNER – SHARON HOLLAND

DATE: 3 MARCH 2020

FILE REF: AM02/20 & DA 29/2020

ATTACHMENTS: DRAFT AMENDMENT 02/20 AND SUPPORTING
SUBMISSION

1. PURPOSE OF REPORT

The purpose of this report is to:

1. Initiate an amendment to the Latrobe Interim Planning Scheme 2013 to introduce a site specific use qualification for the property known as 75 East Glen, Port Sorell to enable the site to be used for a research facility for horticultural purposes; and
2. Consider an application for use of the site for that purpose.

2. BACKGROUND INFORMATION

Council is in receipt of an application made under Section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993*. The application seeks approval for:

- an amendment to the Latrobe Interim Planning Scheme 2013 (LIPS) to introduce a site-specific use qualification into Clause 14.2 (Use Table) for the property known as 75 East Glen, Port Sorell to enable the site to be used for research and development for horticultural purposes, and
- the use of the property for a research facility for horticultural purposes.

3. SITE LOCALITY AND CHARACTERISTICS

The subject title, CT 16202/27, located at 75 East Glen, Port Sorell comprises 2.005ha. It is basically a rectangular shaped lot with a width varying between 115.34m for the frontage onto Summerhill Drive and 125.85m along the rear boundary, and a depth varying between 145.3m along the western boundary and 150.41m along the eastern boundary. Although it has an extensive frontage onto Summerhill Drive it is currently accessed from East Glen via an access strip with a width of 6.06m and a length of approximately 20m.

The subject title is zoned Environmental Living under LIPS and contains a dwelling, a greenhouse, a shed and a small dam in the south-western corner. Development is located in a cleared area in the north-western corner of the lot and is adjoined by native vegetation to the east.

The subject title is part of a subdivision developed for residential purposes and is adjoined by similar sized lots to the east, west and south. All of these lots contain a dwelling in a cleared area surrounded by native vegetation, excepting for the lot immediately south. This lot is described in Certificate of Title 4227/1 and is the same

ownership as the subject title. It is vacant and contains a small cleared area adjoined by native vegetation to the east.

A copy of the Survey Plan for the subject title is shown in Figure 1.

The relationship of the subject title to adjoining lots, and development in the immediate area can be seen in the aerial map in Figure 2.

The zoning of the subject title and those in close proximity to it is shown in Figure 3

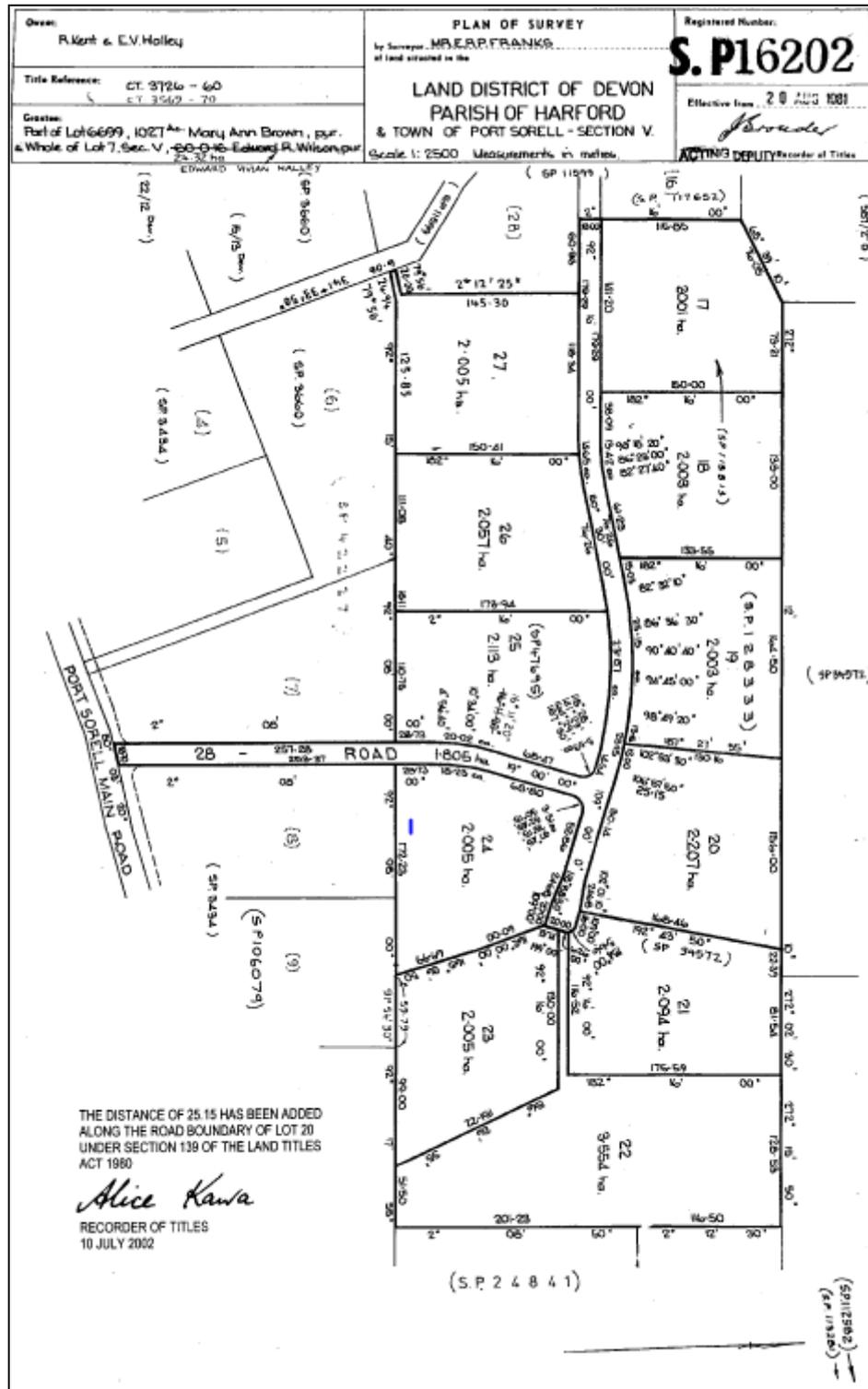


Figure 1 Copy of Survey Plan for Certificate of Title 16202/27



Figure 2 Aerial View of Subject Title and Surrounding Area

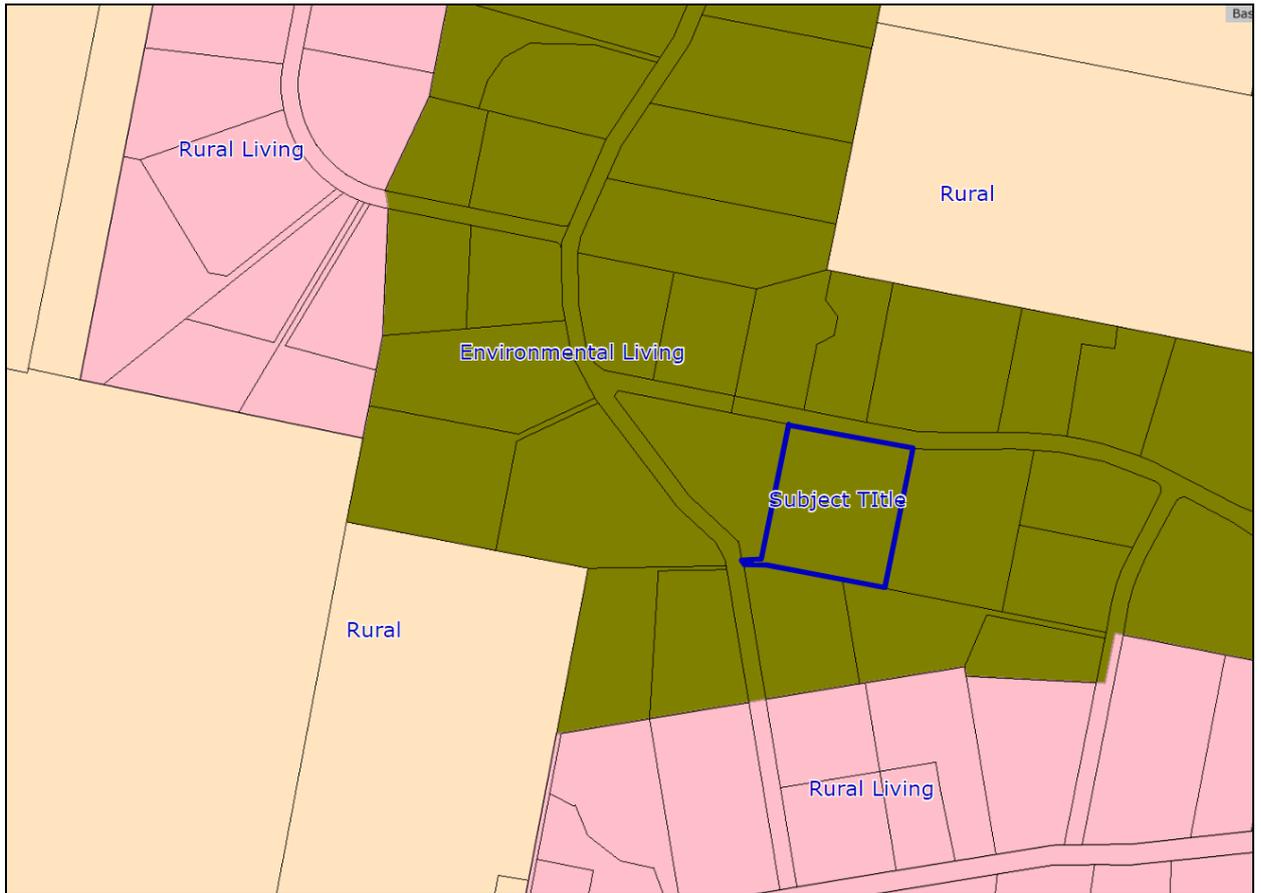


Figure 3 Zoning Map

Slope and Drainage

The elevation of the subject title rises gently from 65m at road level (both East Glen and Summerhill Drive) up to 75m at the highest point in the centre of the lot.

Drainage is directly naturally into the small dam in the south-western corner of the lot.

Flora and Fauna

A flora and fauna survey was not required with the application as the subject title is zoned for residential purposes and the State database TASVEG identifies the vegetation community as being agricultural, urban and exotic vegetation.

A search of the State database revealed no recorded sightings of threatened flora or fauna species any closer than 160m to the subject title.

Bushfire Hazard

A bushfire hazard risk assessment was not required with the application as the subject title has already been developed for residential purposes and no new habitable buildings or subdivision development is proposed. The LIPS bushfire prone area overlay extends across all of the lot.

Land Stability and Geology

The subject title is not within any identified landslip area.

Services

Water Supply & Sewerage

TasWater does not have reticulated water infrastructure located in the area. Water supply is provided by on-site storage.

There is no reticulated sewerage infrastructure available in the area. The subject title contains a dwelling as well as a greenhouse and shed used for hobby purposes ancillary to the residential use on the site. It is currently serviced by an on-site wastewater management system approved by Council.

Road Network

Access to the site is via East Glen and the subject title also has an extensive frontage onto Summerhill Drive. Both are fully constructed Council maintained roads.

Stormwater Management

Any overland flow generated by development of the subject site must be managed within the lot boundaries. Currently stormwater naturally drains to the small dam in the southwestern corner of the subject title.

Power Supply

The subject title has an existing connection to TasNetwork's' electricity supply.

Heritage

A desktop survey was undertaken for Aboriginal Heritage values on the subject site. This search did not identify any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

It is noted that in accordance with the requirements of the *Aboriginal Heritage Act 1975*, should any suspected Aboriginal site be uncovered during the course of development, work should cease immediately and the Manager of TALSC or an Aboriginal Heritage Officer be contacted for advice.

There are no buildings or works of cultural significance on the site listed in Local Heritage Code of LIPS or on the Tasmanian Heritage Register.

(a) Site Contamination

The subject title contains a dwelling as well as a greenhouse and shed used for hobby purposes ancillary to the residential use on the site. It also has a small dam in the south-western corner. It is currently serviced by an on-site wastewater management system approved by Council. There is no evidence or history of contamination from activities on the site.

4. COMPLIANCE WITH STRATEGIC PLANS

Port Sorell and Environs Strategic Plan 2008

The application is supported by the following Objective set out in Clause 2.1 of the *Port Sorell and Environs Strategic Plan 2008*, which reads as follows:

The Objectives that inform this Plan are:

2.1 Social

- (a) *To attract more visitors as well as investment in residential, commercial and industrial opportunities;*
- (b) *To create local job opportunities.*

The new use class proposed for the subject site will enable the owner of the subject title to invest in a new micro-enterprise and facilitate the establishment of a new business on the site that has the potential to employ 2 full time persons.

Latrobe Council Strategic Plan

Council's Strategic Plan *Our Place, Our Plan – A Strategic Direction 2012 - 2017* includes the following objective for Planning and Building Services:

To effectively manage land use planning and building issues.

The relevant strategies to achieve this objective include:

- *To administer and update the Planning Scheme to manage development and land use;*
- *Enforce Planning Scheme and planning permit requirements;*
- *Implement, where considered appropriate, the Port Sorell and Environs Strategic Plan 2008 including planning scheme amendments and vegetation management controls.*

Council's Strategic Plan also includes the following objective for Business Development:

To identify, promote and support economic development opportunities in the Latrobe Council area.

The relevant strategies to achieve this objective include:

- *Actively promote the Municipality as an ideal location to conduct business and commerce;*
- *Support and assist potential and existing developers in identifying and managing opportunities for business growth and development;*
- *Support the diversification of industries within the Municipality to reduce reliance on major industry.*

The proposed amendment seeks to introduce an additional use class for the subject title to allow for use of the property for research and development for horticultural purposes.

It will enable the owner of the lot to invest in a new micro-enterprise and facilitate the establishment of a new business on the site that has the potential to employ 2 full time persons.

The proposed amendment is supported by the objectives that inform the *Port Sorell and Environs Strategic Plan 2008* and Council's Strategic Plan.

Regional Land Use Strategy

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

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

In Section 4 it discusses economic activity and employment and states that the economic base of the Cradle Coast region is founded on resource industries. It also states that businesses in the region are relatively small with only 1% employing more than 50 persons, 80% employing less than 20 persons and 58% having no employees. It goes further to state that 85% of employment is in the private sector with a large proportion involved with the agricultural, forestry or fishing sector and that land, water, vegetation and other harvestable biological resources are critical to economic activity in the Cradle Coast region.

Section 3.5.3 discusses land for micro-enterprises, and states that:

- small business enterprise comprises 80% of the Region's individual businesses and 58% of those do not employ labour;
- they are small scale, may be home-based, can exist as an adjunct to other activity and provide important employment opportunities in remote and smaller centres; and
- planning must be careful not to unnecessarily constrain, or render unlawful, micro-enterprise.

Part C is the Cradle Coast Land Use Strategy. Section 3.3 sets the regional land use policy for economic activity and jobs.

Section 3.3.1a reads as follows:

Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations.

Section 3.3.3 Agricultural Production reads as follows:

Ensure industries which support and service agricultural production are able to diversify, adjust, innovate and value add.

Section 3.3.10 Micro-Enterprises reads as follows.

Provide opportunity for housing rural area where –

- *facilitate location in association with other land use, including home-based business, in housing areas where scale and nature will not adversely affect domestic character;*
- *promote opportunities for lifestyle and creative enterprise;*
- *require micro-enterprise to locate on designated industrial or business land only where of a scale or nature inappropriate for alternative areas.*

The proposed amendment directly supports many of the identified strategic outcomes in this document. It seeks to introduce an additional use class for the subject title to allow for use of the property and existing infrastructure as a research facility for horticultural purposes.

The new use class proposed for the subject site will enable the owner, who is a resident of the subject title, to invest in a new small scale commercial enterprise and facilitate the establishment of a new business. The micro-enterprise proposed has the

potential to employ persons in addition to the property owner himself and support agricultural and other business opportunities in the area.

5. RISK ISSUES

The combined amendment and development application process requires a public exhibition period that has the potential to result in representations being made against the proposal. If the Tasmanian Planning Commission upholds these objections, then the amendment could be refused.

6. FINANCIAL IMPLICATIONS

Financial implications of the proposal include the \$324.00 fee payable to the Tasmanian Planning Commission for the Planning Scheme amendment, and staff time. Costs for lodgment of the amendment and advertising, as per the requirements of LUPAA, should it be approved are to be met by the proponent.

7. CONSULTATION

The planning scheme amendment process requires a statutory public exhibition period of at least 28 days to be undertaken once Council certifies the amendment. This statutory exhibition period must be advertised twice in the local newspaper and will ensure that the public has ample opportunity to make comment.

8. OFFICER'S COMMENTS

Current and Proposed Environmental Living Use Table

The subject title is currently zoned Environmental Living. The purpose of the Environmental Zone is detailed in Clause 14.1.1 of LIPS as follows:

- To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterized by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.

The Local Area Objectives, which support the zone purpose statement are found in Clause 14.1.2 of LIPS and read as follows:

- Use and development retains the natural or landscape setting;*
- Residential use or development in a natural or landscape setting make efficient use of land and optimize available infrastructure through a balance between infill and redevelopment of established environmental living areas and release of new land;*
- Use and development has a low impact on natural and landscape values;*
- (The type, scale, and intensity of use or development is consistent with land capability and the level of risk from exposure to natural hazards;*
- Environmental living areas support a dwelling density of not more than 1 dwelling per hectare;*
- New or intensified use or development is restricted if the limit of a constraint on residential use is unknown or uncertain;*
- Environmental living areas provide opportunity for housing in single and multiple dwellings for individual, shared, and supported accommodation through private, public, and social investment;*
- Environmental living areas enable small scale employment opportunities in home occupation and home-based business;*
- Environmental living areas have no priority purpose for conservation management or primary industry use;*
- The amenity and character of residential use is commensurate with the location of housing and support activity within a natural or landscape setting and is to take into account the likely impact from:*
 - Occupational and operational practices of conservation, primary industry, and other use on adjacent land;*
 - An obligation to minimize disturbance of the natural landscape and to reduce apparent bulk and scale of buildings and structures;*
 - Possible absence or under provision of transport infrastructure and utilizes:*
 - Possible absence of facilities for convenience retail, education, entertainment, health and social support, and for sports and recreation;*
 - Likelihood of exposure to a natural hazard; and relative remoteness from an urban centre.*

The Desired Future Character Statements, which also support the zone purpose statement are found in Clause 14.1.3 of LIPS and read as follows:

Use or development in an environmental living area is to:

- (a) Occur as a discrete, contiguous, and ordered cluster of dwellings and associated buildings embedded in a natural or landscape setting;
- (b) Involve minimal clearing and conversion of native vegetation and modification to the natural topography to maintain the natural or landscape setting;
- (c) Provide opportunity for a buffer between areas of high conservation value or exposure to a high level of hazard and areas of intensive settlement use;
- (d) Provide sites that are larger than suburban lots, although size is dependent on land capability and retention of natural and cultural values;
- (e) maintain a landscape in which buildings and development areas have low site coverage and profile;
- (f) provide housing as a predominate but not exclusive use;
- (g) provide choice and diversity in the type and form of buildings for housing and non-housing development;
- (h) provide buildings that are typically one or two storeys;
- (i) provide a landscape in which buildings are set well apart from buildings on adjacent sites and from the frontage road;
- (j) be generally self-sufficient with respect to provision of utilities for water supply and disposal of sewage and stormwater.

The amendment proposes the addition of the use class Research and Development to the Environmental Living Use table with discretionary status, for the subject title only and with qualification as follows:

Discretionary	
Use Class	Qualification
Research and Development	If: <ul style="list-style-type: none"> (a) for research and development for horticultural purposes; (b) involving no more than 2 full time employees; and (c) comprised on Certificate of Title 16202/27.

Table 8.2of LIPS (Use Classes) identifies Research and Development to mean:

Use of land for electronic technology, biotechnology, or any other research and development purposes, other than part of an educational use.

Clauses 14.3.1 and 14.3.2 of LIPS detail the provisions for discretionary use in the Environmental Living zone as follows. Again, they support the purpose of the zone.

14.3.1 Discretionary permit use

Objective: Use in this zone that is a discretionary permit use is to service and support the routine requirements of the local community without impact on natural setting and residential amenity.	
Acceptable Solution	Performance Criteria

<p>A1</p> <p>There is no acceptable solution.</p>	<p>P1</p> <p>Discretionary permit use must –</p> <ul style="list-style-type: none"> a) be consistent with the local area objectives; b) be consistent with any applicable desired future character statement; c) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone
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14.3.2 Impact of use

<p>Objective:</p> <p>Use in this zone that is a discretionary permit use is required to serve local needs and must minimise adverse impact on the amenity of residential use.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Permitted non-residential use must adjoin at least one residential use on the same street frontage.</p>	<p>P1</p> <p>Use that is not a residential use must –</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statements; (c) be required to service and support the local community; and (d) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone
<p>A2</p> <p>Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>P2</p> <p>Use that is not a residential use must –</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statements; be required to service and support the local community; (c) be dependent on the site for provision of significant social, economic, or environmental benefit to the local community; (d) be required to obtain vehicular and pedestrian access from a no-through road as a consequence of – <ul style="list-style-type: none"> (i) the effect of topography on ability to create access upon a

	<p>through road; or</p> <p>(ii) a regulatory limit on the ability to obtain pedestrian or vehicular access upon a through road; and</p> <p>(e) have minimal likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone</p>
<p>A3</p> <p>Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00 am and 9.00 pm</p>	<p>P3</p> <p>Other than for emergency services, residential, and visitor accommodation, hours of operation, including for the delivery and despatch of goods and the conduct of routine cleaning, maintenance and service, must be reasonable to requirements of the use and unlikely to cause conflict or interference to other use on adjacent land in the zone</p>

Clause 14.3.1 requires any proposed discretionary use to be consistent with the local area objectives and desired future character statements and minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone.

Clause 14.3.2 requires that any proposed discretionary must minimise adverse impact on the amenity of residential use. This clause allows for non-residential use in the zone, provided it is not a predominant use, and restricts the generation of additional vehicle movements and operating hours for non-residential use.

The qualification proposed constrains the use Research and Development to one lot in the Environmental Living zone, for horticultural purposes only and involving nor more than 2 full-time employees.

The Research and Development Use Class with the qualifications proposed, is consistent with the Local Area Objectives for the Environmental Living zone. It is of a type, scale and intensity that will not impact residential amenity or the natural and landscape values of the area and will enable a small-scale employment opportunity. The qualifications proposed for the Research and Development Use Class seek to minimize any impact of the proposed non-residential use in the zone.

The subject title contains a dwelling as well as a greenhouse and shed used for hobby purposes ancillary to the residential use on the site. It is adjoined by lots containing dwellings except for the lot to the south, which is also owned by the owner of the subject title and is vacant.

Residential use has permitted status in the Environmental Living zone.

If it were not for the floor area of the existing greenhouse the proposed use would satisfy the definition of a home-based business as specified in Clause 4.1.3 of LIPS as follows:

Home based business means use of part of a dwelling by a resident for non-residential purposes if:

- (a) no more than 50m² of floor area of the dwelling is used for the non-residential purpose;

- (b) the person conducting the business normally uses the dwelling as their principal place of residence;*
- (c) it does not involve employment of more than 2 workers who do not reside at the dwelling;*
- (d) any load on a utility is no greater than for domestic use;*
- (e) there is no activity that causes electrical interference to other land;*
- (f) there is, on the site, no storage of hazardous materials;*
- (g) there is, on the site, no display of goods for sale;*
- (h) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m² in area;*
- (i) there is, on the site, no refueling, servicing or repair of vehicles not owned by the resident;*
- (j) not more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and*
- (k) all vehicles used by the business are parked on the site.*

All development standards, which support the Desired Future Character Statements for the zone, will still apply to any further development of the site and also provide protection of the amenity of the area.

9. STATE POLICIES

State Policy for the Protection of Agricultural Land 2009

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

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

According to the class definition and methodologies outlined in the Land Capability Handbook for Tasmania (Grose, K, DPIWE, 1999) the subject title and those that adjoin it consist of Class 5 land as can be seen in the Land Classification map in Figure 4.

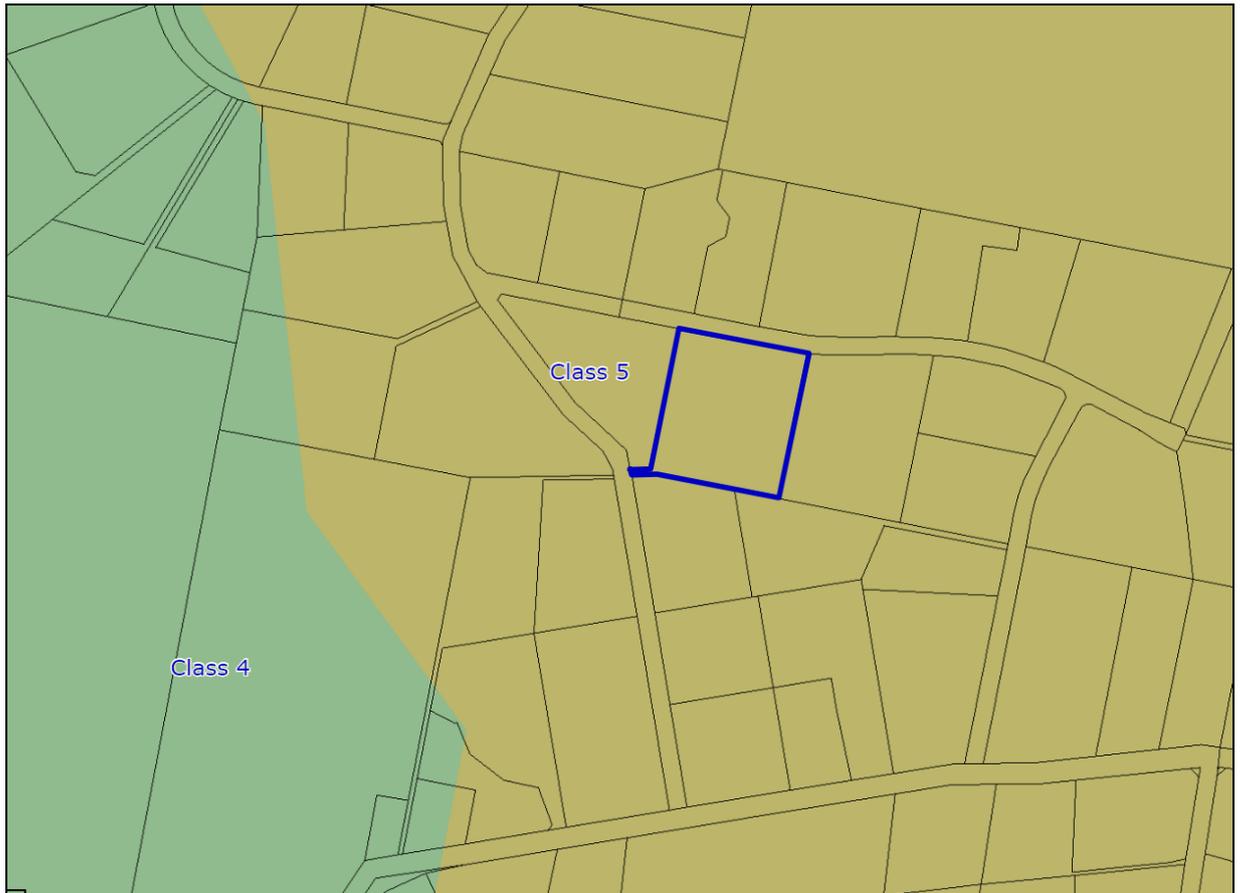


Figure 4 Land Classification Map

Class 5 land is described as being unsuitable for cropping, of medium pastoral suitability and having limited land use options, and as being suitable for grazing.

The Principles of the Policy applicable to the subject title are Principles 1, 5 and 7.

The amendment proposes the addition of the use class Research and Development to the Environmental Living Use table, with discretionary status, for the subject title only and with qualifications that restrict the use to horticultural purposes only and involving nor more than 2 full-time employees.

The subject title is zoned Environmental Living under LIPS and, containing a dwelling, greenhouse and shed, is currently used for residential purposes.

The proposed amendment is consistent with the Policy.

State Policy on Water Quality Management 1997

The State Policy on Water Quality Management 1997 applies to all surface waters, including coastal waters, and groundwaters (with exceptions for those in private ownership or not accessible to the public), or waters in any tank, pipe or cistern.

The purpose of this Policy is

to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of the RMPS.

The amendment proposes the addition of the use class Research and Development to the Environmental Living Use table with discretionary status, for the subject title only

and with qualifications that restrict the use to horticultural purposes only and involving nor more than 2 full-time employees.

The subject title contains a dwelling as well as a greenhouse and shed used for hobby purposes ancillary to the residential use on the site. It is currently serviced by an on-site wastewater management system approved by Council. If it were not for the floor area of the existing greenhouse the proposed use would satisfy the definition of a home-based business and no permit would be required.

Should any further development occur on the site then the provisions of the Environmental Management zone pertinent to the management of wastewater and stormwater will apply.

The proposed amendment is consistent with the Policy.

State Coastal Policy 1996

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

National Environmental Protection Measures (NEPM)

- Ambient Air Quality June 2002
- Diesel Vehicle emission 2001
- Assessment of site contamination 1999
- Used Packaging Materials 1999
- Movement of Controlled Waste between States and Territories 1998
- National Pollutant Inventory June 2000

The amendment proposes the addition of the use class Research and Development to the Environmental Living Use table with discretionary status, for the subject title only and with qualifications that restrict the use to horticultural purposes only and involving nor more than 2 full-time employees.

The subject title contains a dwelling as well as a greenhouse and shed used for hobby purposes ancillary to the residential use on the site. It is currently serviced by an on-site wastewater management system approved by Council. If it were not for the floor area of the existing greenhouse the proposed use would satisfy the definition of a home-based business and no permit would be required.

The proposed amendment does not impact any of the NEPM.

The proposed amendment is not contrary to any State Policies.

10. LAND USE PLANNING AND APPROVALS ACT 1993

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

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

The amendment proposes the addition of the use class Research and Development to the Environmental Living Use table with discretionary status, for the subject title

only and with qualifications that restrict the use to horticultural purposes only and involving not more than 2 full-time employees.

The subject site is adjoined by land zoned and developed for Environmental Living purposes except for the lot to the south, which is owned by the owners of the title subject of the amendment and is currently vacant.

Each of these titles has an area of approximately 2ha and the dwellings located on them are setback a minimum of 30m from the subject title. Each also contain significant amounts of native vegetation along their boundaries, which provides a buffer and the screening of use for adjoining lots.

The qualifications on the use proposed for the subject title will limit the scale of the operation and the development standards for the Environmental Living zone will limit the size of any future new development proposed.

The proposed use is unlikely to cause any greater impact than the current use of the property for hobby horticultural purposes.

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

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

The proposed use will allow for the establishment of a low-impact micro-enterprise with the potential to employ 2 full time persons on a lot already used for residential purposes.

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

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

Part 1

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

The subject title is zoned for residential purposes and the State database TASVEG identifies the vegetation community as being agricultural, urban and exotic vegetation.

A search of the State database revealed no recorded sightings of threatened flora or fauna species any closer than 160m to the subject title.

The proposed amendment does not impact this Objective.

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

There is no reticulated water, sewerage or stormwater infrastructure in the area. Water supply is by on-site storage and wastewater is managed in accordance with a system designed in accordance with AS1357 and the National Construction Code and approved by Council.

Stormwater from any building is directed away from the wastewater disposal area and overland flow naturally drains into the small dam in the south-western corner of the lot.

Access to the site is via East Glen and the subject title also has an extensive frontage onto Summerhill Drive. Both are fully constructed Council maintained roads.

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

The proposed amendment satisfies this Objective.

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

The proposed amendment is supported by the objectives of the *Port Sorell and Environs Strategic Plan 2008* and is in accordance with the Cradle Coast Land Use Strategy, which were both the result of extensive public consultative processes. The community will have the opportunity to comment on the proposed amendment during the statutory public exhibition period.

The proposed amendment satisfies this Objective.

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

The proposed rezoning will provide the opportunity for establishment of a low-impact micro-enterprise with the potential to employ 2 full time persons, in accordance with the above objectives.

The proposed amendment satisfies this Objective.

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

The proposed amendment does not impact this Objective.

Part 2

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

The proposed amendment is supported by the objectives of the *Port Sorell and Environs Strategic Plan 2008* and is in accordance with the Cradle Coast Land Use Strategy

The subject land has been developed in accordance with the provisions of the Environmental Living zone under LIPS.

The proposed amendment satisfies this Objective.

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

The subject title is zoned for residential purposes and the State database TASVEG identifies the vegetation community as being agricultural, urban and exotic vegetation.

A search of the State database revealed no recorded sightings of threatened flora or fauna species any closer than 160m to the subject title.

Stormwater from any building is directed away from the wastewater disposal area and overland flow naturally drains into the small dam in the south-western corner of the lot.

The proposed amendment will allow for the establishment of a low-impact micro-enterprise with the potential to employ 2 full time persons on a lot already used for residential purposes.

The proposed amendment will have no adverse impacts on the environment and will provide an opportunity for further economic development and additional employment.

The proposed amendment satisfies this Objective.

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

The proposed amendment furthers the objectives of the *Land Use Planning and Approvals Act 1993*, and is not in conflict with State Policies.

The proposed amendment satisfies this Objective.

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

The application was submitted to Council under Section 43A of the *Land Use Planning and Approvals Act 1993*. The application requests an amendment to the LIPS to introduce an additional use class for the subject title to allow for use of the property for research and development for horticultural purposes.

It also seeks approval for use of the property for a research facility associated with horticulture within existing infrastructure on the lot.

The proposed amendment satisfies this Objective.

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

The proposed amendment seeks to introduce an additional use class for the subject title to allow for use of the property, with existing infrastructure, for research and development for horticultural purposes without creating conflict with adjoining land uses.

The proposed amendment will allow for the establishment of a low-impact micro-enterprise with the potential to employ 2 full time persons on a lot already used for residential purposes.

The proposed amendment satisfies this Objective.

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

The subject title has no known scientific, historical or special cultural values. If any aboriginal heritage sites are discovered in the interim or as part of any future development works, then the *Aboriginal Relic Act 1975* will apply for reporting and management processes.

The proposed amendment does not impact this Objective.

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

There is no reticulated water, sewerage or stormwater infrastructure in the area. Water supply is by on-site storage and wastewater is managed in accordance with a system designed in accordance with AS1357 and the National Construction Code, and approved by Council.

Stormwater from any building is directed away from the wastewater disposal area and overland flow naturally drains into the small dam in the south-western corner of the lot.

Access to the site is via East Glen and the subject title also has an extensive frontage onto Summerhill Drive. Both are fully constructed Council maintained roads.

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

The proposed amendment does not impact this Objective.

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

The subject title has an area of 2.002ha and is zoned Environmental Living under LIPS. It contains a dwelling, a greenhouse and a shed, with a small dam in the south-western corner.

The proposed amendment will allow for the establishment of a low-impact micro-enterprise with the potential to employ 2 full time persons on a lot already used for residential purposes.

The proposed amendment satisfies this Objective.

The proposed amendment gives effect to all relevant legislation.

11. DEVELOPMENT PROPOSAL

The application is for research and development associated with horticultural purposes predominately within the existing greenhouse and shed on the subject title.

INTERNAL REFERRALS

The application was referred to Council's Engineering, Environmental Health and Building departments.

Engineer's report and recommended conditions.

Comments:

The existing access appears to be graveled. The increased use may require greater maintenance due to the nominated 2 employees and residents use.

A current day standard access (TSD R03 v1 & TSD R04 v1) should be created with an allowance for the commercial use, nominated 8 vehicle movements per day assume no heavy vehicle with deliveries or visitors. The internal gate to be installed to restrict access. Traffic will be expected to turn inside the property and there should be provision for passing.

No public stormwater infrastructure available.

Conditions:

1. The existing vehicular access from the road to the property boundary is to be upgraded to the current standard TSD R03 v1 & TSD R04 v1 and allow for passing vehicles and a hold area off the road. Construction is to be suitable for the expected vehicle types and frequency and approved by the Manager of Infrastructure and Assets.
2. Stormwater discharge from the development and overland flows from the property are to be connected to the existing private stormwater system contained within the property's boundary.

Note:

An application for a road works permit is required by Council's Infrastructure & Assets Department to assess, approve and issue a permit for any activity within the road reserve including the upgrade of the existing vehicular access, with the exception of reshaping and grassing nature strips.

Environmental Health Officer's report and recommended conditions.

Comments:

Existing greenhouse proposed to be used for research.

Conditions:

Ensure any proposed works do not adversely impact the existing on-site wastewater disposal system for the dwelling.

Note:

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations* or the *Environmental Management and Pollution Control Act 1994*.

Development Application Assessment

The application for a proposed research facility for horticultural purposes is assessed against the relevant provisions of the Environmental Living Zone as well all relevant Codes under LIPS.

The assessment assumes approval by Tasmanian Planning Commission (TPC) of draft amendment DA 02/20.

Clause 8.2 of the Planning Scheme requires use or uses of land for which use and development is proposed to be categorized in accordance with the definitions contained in Table 8.2. The proposal has been categorized as Research and Development

Under Table 8.2: Use Classes, Research and Development means:

Use of land for electronic technology, biotechnology, or any other research and development purposes, other than part of an educational use.

Under Clause 14.2: Use Table, Research and Development has discretionary status in the Environmental Living zone.

14.3 Use Standardsⁱ

14.3.1 Discretionary permit use

Objective: Use in this zone that is a discretionary permit use is to service and support the routine requirements of the local community without impact on natural setting and residential amenity.	
Acceptable Solution	Performance Criteria
A1 There is no acceptable solution.	P1 Discretionary permit use must – d) be consistent with the local area objectives; e) be consistent with any applicable desired future character statement; f) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone

The subject title comprises 2.002ha and contains a dwelling as well as a greenhouse and shed used for hobby purposes ancillary to the residential use on the site. These all carry the appropriate approvals issued by Council.

If it were not for the floor area of the existing greenhouse the proposed use would satisfy the definition of a home-based business as specified in Clause 4.1.3 of LIPS.

The proposal is for a small-scale research facility. It will utilise the existing greenhouse and shed.

The proposed use is consistent with the Local Area Objectives for the Environmental Living zone. It is small in scale and is of a type that has minimal emission and so will not impact adjoining residential amenity. It will enable opportunity for small-scale employment.

No additional development is proposed.

The existing development complies with the required development standards which support the Desired Future Character Statements for the zone

The qualifications on the Research and Development Use Class seek to minimize any impact of the proposed use.

Use of the existing buildings for research for horticultural purposes will have no greater impact than the use of them for hobby purposes at present.

The proposal complies with this Standard.

14.3.2 Impact of use

<p>Objective:</p> <p>Use in this zone that is a discretionary permit use is required to serve local needs and must minimise adverse impact on the amenity of residential use.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Permitted non-residential use must adjoin at least one residential use on the same street frontage.</p>	<p>P1</p> <p>Use that is not a residential use must –</p> <ul style="list-style-type: none"> (e) be consistent with local area objectives; (f) be consistent with any applicable desired future character statements; (g) be required to service and support the local community; and (h) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone
<p>A2</p> <p>Permitted non-residential use must not generate more than 40 average daily vehicle movements.</p>	<p>P2</p> <p>Use that is not a residential use must –</p> <ul style="list-style-type: none"> (f) be consistent with local area objectives; (g) be consistent with any applicable desired future character statements; be required to service and support the local community; (h) be dependent on the site for provision of significant social, economic, or environmental benefit to the local community;

	<ul style="list-style-type: none"> (i) be required to obtain vehicular and pedestrian access from a no-through road as a consequence of – <ul style="list-style-type: none"> (iii) the effect of topography on ability to create access upon a through road; or (iv) a regulatory limit on the ability to obtain pedestrian or vehicular access upon a through road; and (j) have minimal likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone
<p>A3</p> <p>Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00 am and 9.00 pm</p>	<p>P3</p> <p>Other than for emergency services, residential, and visitor accommodation, hours of operation, including for the delivery and dispatch of goods and the conduct of routine cleaning, maintenance and service, must be reasonable to requirements of the use and unlikely to cause conflict or interference to other use on adjacent land in the zone</p>

The proposal is for a small-scale research facility. It will utilise the existing greenhouse and shed on the site. If it were not for the floor area of the existing greenhouse the proposed use would satisfy the definition of a home-based business as specified in Clause 4.1.3 of LIPS.

The qualifications on the Research and Development Use Class seek to minimize any impact of the proposed use.

The proposed use is consistent with the Local Area Objectives for the Environmental Living zone. It is small in scale and is of a type that has minimal emission and so will not impact adjoining residential amenity. It will enable opportunity for small-scale employment.

The existing development complies with the required development standards which support the Desired Future Character Statements for the zone

The proposal complies with A1 for this Standard.

The qualifications on the Research and Development Use Class limit the number of employees to no more than 2 full time persons. The proposed use will entail minimal additional vehicle movements apart from those associated with attendance by employees to the site.

The proposal complies with A2 for this Standard.

The proposed use of the greenhouse includes the running of electric fans and water pumps 24 hours a day. The proposal relies on the Performance Criteria for this Standard.

The greenhouse is located more than 80m from the nearest dwelling on an adjoining lot. A band of native vegetation, with a minimum width of 50m separates both uses. Use of the existing buildings for research for horticultural purposes will have no greater impact than the use of them for the hobby purposes pursued at present.

The proposal satisfies P3 for this Standard.

14.4 Development Standards

The proposed use is to be conducted in an existing greenhouse and shed on the property. No additional development is proposed. Clause 14.4 is not applicable to the proposal.

E9.0 TRAFFIC GENERATING AND PARKING CODE

E9.5.1 Provision for parking

Objective:	
Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road	
Acceptable Solutions	Performance Criteria
A1 Provision for parking must be - (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	P1 (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or (b) Adequate and appropriate provision must be made for vehicle parking to meet - (i) anticipated requirement for the type, scale, and intensity of the use; (ii) likely needs and requirements of site users; and (iii) likely type, number, frequency, and duration of vehicle parking demand

Table E9.1 requires the provision of 1 space per 40m² per gross floor area office or laboratory area plus 1 small rigid truck space per 400m² gross floor area for the Use Class Research and Development.

No office area or laboratory is associated with the proposed use. The existing greenhouse and shed have an aggregate floor area of 190m². The subject title comprises 2.002ha. There is a cleared graveled area, with an area of approximately 500m², to the south of the existing building area on the lot that has the capability of containing sufficient parking provision for both cars and a small rigid truck.

The proposal satisfies A1 for this Standard.

E9.5.2 Provision for loading and unloading of vehicles

Objective:

Provision is made for conveniently located and accessible areas for the loading and unloading of goods and materials and for the pick-up and set-down of passengers from vehicles	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>There must be provision within a site for -</p> <p>(a) on-site loading area in accordance with the requirement in the Table to this Code; and</p> <p>(b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces</p>	<p>P1</p> <p>(a) It must be unnecessary or unreasonable to require arrangements for loading and unloading of vehicles; or</p> <p>(b) Adequate and appropriate provision must be made for the loading and unloading of vehicles to meet-</p> <p>(i) likely volume, type and frequency of vehicles associated with the delivery and collection of goods and passengers; and</p> <p>(ii) likely frequency and duration of requirements for delivery and collection of goods or people</p>

The subject title comprises 2.002ha. There is a cleared graveled area, with an area of approximately 500m², to the south of the existing building area on the lot that has the capability of providing an on-site loading area if required.

The proposal satisfies A1 for this Standard.

E9.6.1 Design of vehicle parking and loading areas

Objective:	
Vehicle circulation, loading, and parking areas –	
<p>(a) protect the efficient operation and safety of the road from which access is provided</p> <p>(b) promote efficiency, convenience, safety, and security for vehicles and users; and</p> <p>(c) provide an appropriate layout and adequate dimension to accommodate passenger or freight vehicle associated with use of the site.</p>	
Acceptable Solution	Performance Criteria
<p>A1.1</p> <p>All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>A1.2</p> <p>Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and maneuvering area must –</p> <p>a) Be in accordance with AS/NZS</p>	<p>P1</p> <p>The layout and construction of a vehicle parking area, loading area, circulation aisle, and maneuvering area must be adequate and appropriate for –</p> <p>a) the nature and intensity of the use;</p> <p>b) effect of size, slope and other physical characteristics and conditions of the site;</p> <p>c) likely volume, type, and frequency of vehicles</p>

<p>2890.1 (2004) – Parking Facilities - Off Street Car Parking;</p> <p>b) Be in accordance with AS/NZS2890.2 (2002) Parking Facilities - Off Street Commercial Vehicles;</p> <p>c) Be in accordance with AS/NZS 2890.3 1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>d) Be in accordance with AS/NZS 2890.6 Parking Facilities - Off Street Parking for People with Disabilities;</p> <p>e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>accessing the site;</p> <p>d) likely demand and turnover for parking;</p> <p>e) delivery and collection vehicles;</p> <p>f) familiarity of users with the vehicle loading and vehicle parking area;</p> <p>g) convenience and safety of access to the site from a road;</p> <p>h) safety and convenience of internal vehicle and pedestrian movement;</p> <p>i) safety and security of site users; and</p> <p>the collection, drainage, and disposal of stormwater.</p>
<p>A2</p> <p>Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB</p>	<p>P2</p> <p>Design of internal access roads and vehicle circulation, movement and standing areas for permitted use on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be adequate and appropriate for the likely type, volume, and frequency of traffic</p>

Stormwater currently drains naturally to the small dam in the south-western corner of the subject title.

The subject title comprises 2.002ha. There is a cleared graveled area, with an area of approximately 500m², to the south of the existing building area on the lot that has the capability to provide for appropriate maneuverability in accordance with the relevant standards.

The proposal satisfies A1 for this Standard.

The proposal does not entail any changes to the existing access arrangements, which have been approved by Council as the road authority. Council's engineer requires a

condition to be imposed on any permit issued to upgrade the access to make appropriate provision for the proposed new use.

The subject title comprises 2.002ha. There is a cleared graveled area to the south of the existing building area on the lot with the capability of providing appropriate maneuverability in accordance with the relevant standards.

The proposal satisfies A2 for this Standard.

12. CONCLUSION

The proposed development satisfied the requirements of the *Latrobe Interim Planning Scheme 2013*, assuming approval by Tasmanian Planning Commission (TPC) of draft amendment DA 02/20.

13. RECOMMENDATION

That the report by the Planning Officer dated 2 March 2020 concerning Draft Amendment 02/20 and DA 29/20 be received and Council:

1. Approve the proposed amendment as presented; and
2. Certify the proposed amendment;
3. Advertise the proposed amendment in *The Advocate* and place it on public exhibition for a period of 28 days; and
4. Approve the proposed use subject to the following conditions:
 - (a) Consent is for a research facility for horticultural purposes substantially in accordance with Sections 5.1 and 5.2 of the report prepared by Veris titled *Section 43A Application: 75 East Glen, Port Sorell, February 2020*, a copy of which is attached and endorsed to be a document forming part of this permit.
 - (b) No more than 2 full term employees to be associated with the use on the site.
 - (c) The existing vehicular access from the road to the property boundary is to be upgraded to the current standard TSD R03 v1 & TSD R04 v1 and allow for passing vehicles and a hold area off the road. Construction is to be suitable for the expected vehicle types and frequency and approved by the Manager of Infrastructure and Assets.
 - (d) Stormwater discharge from the development and overland flows from the property are to be connected to the existing private stormwater system contained within the property's boundary.
 - (e) Ensure any proposed works do not adversely impact the existing on-site wastewater disposal system for the dwelling.

Note:

An application for a road works permit is required by Council's Infrastructure & Assets Department to assess, approve and issue a permit for any activity within the road reserve including the upgrade of the existing vehicular access, with the exception of reshaping and grassing nature strips.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations* or the *Environmental Management and Pollution Control Act 1994*.
