

TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Latrobe Interim Planning Scheme 2013
Amendment	04-20 – amend the Operational Airspace Code overlay to incorporate the helipad for Mersey Community Hospital and amend E2.0 Airport Impact Management Code with modified provisions
Planning authority	Latrobe Council
Applicant	PDA Surveyors
Date of decision	30 April 2021

Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.



Sandra Hogue
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

The draft amendment proposes to amend the operational airspace overlay to incorporate the helipad for Mersey Community Hospital and amend E2.0 Airport Impact Management Code with modified provisions.

Site information

The draft amendment applies to land in the vicinity of the Mersey Community Hospital. The draft amendment affects titles in the hospital helicopter flight path, by setting development height restrictions for new development.

Issues raised in representations

One representation was received from TasWater. TasWater advised that it does not object to the draft amendment.

Planning authority's response to the representations

With the exception of the TasWater representation, the planning authority advised that no representations were received and requested that the Commission 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. The draft amendment has no implications for any common provisions and section 32(1)(e) is not considered relevant to the draft amendment as the land does not adjoin an adjacent municipal area.

Regional Land Use Strategy

8. The relevant regional strategy under section 300(1) is the Cradle Coast Regional Land Use Strategy 2010 – 2030, 27 October 2011 (the regional strategy).
9. Both the applicant and planning authority consider that Latrobe is identified as a District Activity Centre in the regional strategy.
10. The applicant considers that the draft amendment is consistent with the regional strategy, as follows:

Protecting the safety and efficiency of emergency patient transport directly into and out of the Hospital represents a consolidation of regional health services out of the Mersey. The CCRLUS [regional strategy] acknowledged the potential for District Activity Centres to provide activity of a regional scale and on this basis the amendment would be consistent with this objective. (p. 14)
11. The planning authority considers that the draft amendment is consistent with the regional strategy as the helicopter service is an important element in providing transport and access to services in other parts of Tasmania.
12. Additionally, the planning authority submits that, as the draft amendment supports the principles of Tasmania's Health Plan (2007) which is referred to in the regional strategy, the draft amendment is consistent with Part C of the regional strategy.

Commission's consideration

13. The Commission is satisfied with the justification provided by the applicant and planning authority.
14. The Commission considers that the draft amendment is, as far as is practicable, consistent with the regional strategy.

Development standards

15. In its section 35 report, the planning authority states that titles affected by the draft amendment are all located in the General Residential Zone. The Acceptable Solution for building height of development in this zone is not more than 8.5m.
16. The applicant's supporting planning report identifies that the minimum Obstacle Limitation Surface associated with the draft amendment is 4.5m-6m in height under Acceptable Solution E2.6.2 A1 of the interim planning scheme.
17. Section 3.3 of the applicant's supporting report states that titles affected by this height limitation are either completely developed, or developed with further subdivision potential.

18. The applicant notes that there is capacity under the Performance Criteria to assess variations in the height of proposed development.

Demonstrating compliance with the Performance Criteria would require consideration of risk to safe movement of helicopters. Determination of what is and what is acceptable is to be undertaken by the helipad (airport) operator, ideally based on advice from someone with an appropriate qualification. (p. 6)

Commission's consideration

19. The Commission acknowledges that height restrictions associated with helipads are an important requirement for hospitals to deliver the services required to the public, and that in some cases the introduction of the overlay may restrict development potential on some parcels of land.
20. The Commission is satisfied with the applicant's and planning authority's justification that while these height limits apply, applicants may apply for a variation to the height limits if expert evidence supports the application.

State Policies and Resource Management and Planning System Objectives

21. 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.

Modifications required to draft amendment

22. The planning authority confirms that the certified draft amendment has omitted the proposed change to E2.1.1 (b) in error, as requested by the applicant.
23. Following consultation with the planning authority, the Commission modifies the draft amendment to reflect the text and drafting changes as requested by the applicant as set out in Annexure A.

Decision on draft amendment

24. Subject to the modifications described above, the Commission finds that the draft amendment is in order and gives it approval.

Annexure A - Modified Amendment

Amendment 04-20 to the Latrobe Interim Planning Scheme 2013

The Latrobe Interim Planning Scheme 2013 is amended as follows:

- 1) insert the words 'and Mersey Community Hospital helipad' after the words 'Devonport airport' in Clause E2.1.1 (a)(i) of the Airport Impact Management Code;
- 2) insert the words 'and Mersey Community Hospital helipad; and' after the words 'Devonport airport' in Clause E2.1.1 (a)(ii) of the Airport Impact Management Code;
- 3) insert the words 'and Mersey Community Hospital helipad; and' after the words 'Devonport airport' in Clause E2.1.1 (b) of the Airport Impact Management Code;
- 4) insert the words 'and Mersey Community Hospital helipad.' after the words 'Devonport Airport' in Clause E2.1.1 (c) of the Airport Impact Management Code;
- 5) insert the words 'or the Mersey Community Hospital helipad' after the words 'Devonport Airport' in the definition of 'airport' in Clause E2.3 Definition of Terms of the Airport Impact Management Code; and
- 6) insert the Mersey Community Hospital Airport Obstacle Limitation Area Overlay maps, as made applicable by the Airport Impact Management Code E2.0.





