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 30O(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

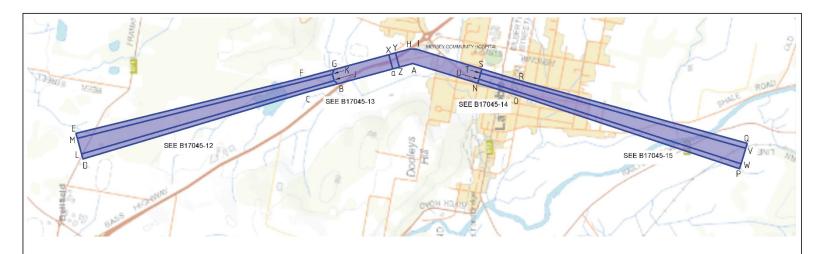
24. Subject to the modifications described above, the Commission finds that the draft amendment is in order and gives it approval.

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.



NOTES:

The Design Development Overlay (DDO) is based on optimal helicopter flights into and out of the Accident and Emergency (A&E) of the Mersey Community Hospital. The DDO identifies the horizontal and vertical extent of the airspace that must be protected against incursions by governing authorities to enable the safe movement of helicopters into and out of the A&E building.

The Object Identification Surface (OIS) and Visual Flight Rules (VFR) Approach/Departure Paths are defined per the Guidelines for Hospital Helicopter Landing Sites in NSW, published 28 April 2018 (GL2018_10). The geometry of the protected airspace has been derived using the OIS for this site and extended to the edge of the VFR approach/departure paths with some modifications to protect land ownership rights.

The contours shown on this plan represent the height at which a proposed development is spatially restricted. Proposed developments that extend above the contours on this plan must obtain approval from the Aviation Authority.

Contour interval 0.5 metres.

Height datum is Australian Height Datum 1983. Horizontal datum is MGA, zone 55 GDA94.

Coordinate origin per SPM10271 with reputed coordinates: 451570.019E 5435444.881N 15.521 AHD83

Surveyed: 26/10/2017

GIS boundaries have been sourced from LISTmap. PDA Surveyors accepts no responsibility for the accuracy of the data.



SCALE 1: 20,000(A3)

0 200 400 600 800 100 Metres

LEGEND:

DDO PERIMETER
PROPERTY BOUNDARY



DRAWINGS REGISTER (B17045)					
Number	Title				
12	DDO - Northern Approach				
13A	DDO - Northern Approach				
14	DDO - Southern Approach				
15	DDO - Southern Approach				

DDO Geometry Coordinates - MGA55_GDA94 - AHD83

10.	EASTING	NORTHING	HEIGHT
Α	451440.591	5435724.873	24.455
В	451234.468	5436486.334	30.000
C	451148.547	5436803.741	47.234
D	450470.874	5439077.663	173.715
E F	450731.396	5439148.185	173.715
	451293.285	5436842.911	47.233
G	451379.202	5436525.513	30.000
Н	451587.678	5435755.365	24.455
	451586.706	5435690.023	24.455
J	451266.379	5436524.026	30.000
K	451332.636	5436541.962	30.000
L	450521.936	5439091.485	147.255
M	450680.334	5439134.362	147.255
N	451240.434	5435064.004	24,455
0	451116.611	5434655.172	47.233
Р	450371.641	5432402.390	173.715
Q	450629.952	5432324.155	173.715
R	451260.114	5434611.699	47.234
S	451383.940	5435020.541	24.455
Т	451342.874	5435032.978	24.455
U	451281.499	5435051.567	24.455
V	450579.323	5432339.489	147.255
W	450422.270	5432387.056	147.255
X	451530.215	5435967.643	30.000
Υ	451548,499	5435900.100	24.455
z	451403.764	5435860.921	24.455
a	451385.480	5435928.464	30.000

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Γ	DESIGN DEVELOPMENT OVERLAY	
	HELICOPTER LANDING SITE	4
	MERSEY COMMUNITY HOSPITAL	8
	9-21 TORQUAY ROAD, LATROBE	1
	for TASMANIAN HEALTH SERVICES	

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