

# **LATROBE COUNCIL**

## **DISCRETIONARY AND PERMITTED DEVELOPMENT APPLICATIONS**

### **A GUIDE FOR APPLICANTS**

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Where a development requires the issue of a permit under the provisions of the *Latrobe S. 46 Planning Scheme* ordinance, an application shall be lodged with Council and shall contain such information as is necessary for Council to determine compliance with the Ordinance.

This shall include, where applicable, the following:

- 1) The name and address of the applicant, the location of the land, a copy of the title to the land, the name and postal address of the owner, and if the application is made by any person not the owner, the consent in writing of the owner to the making of the application or certification from the applicant that the owner has been notified;
- 2) The use or development of the land at the date of application;
- 3) The intended use(s) and any proposed development of the land;
- 4) A plan or plans drawn to scale showing:

- a) The relationship of the land to lot boundaries, levels or contours, title boundaries and roads;
- b) Rights of way, easements and covenants affecting the land;
- c) Existing buildings and works;
- d) Site preparation, including details of buildings and works to be demolished, areas to be cut and filled, and trees to be removed and other land clearing;
- e) New buildings and works and alterations to existing buildings and works, including floor plans, elevations, dimensions, relative site levels, provisions for drainage, the proposed use of rooms, other enclosed spaces and structures;
- f) Existing and proposed vehicular access points to roads from the land, the sight distances available to and from the proposed point(s) of access together with an estimate of the speed of passing traffic, and the areas set aside and other provisions made for vehicular passage, manoeuvring and parking;
- g) Landscaping, including details of site beautification, tree planting and screening;
- h) The materials proposed for construction purposes, and the colour of such materials on all exterior surfaces;
- i) Signs, including details of dimensions, wording, logos, colours, illumination, supporting structures, and positions on buildings and works and the methods of fixing thereto;
- j) Floodlighting and other exterior lighting, including the location and direction of the light sources and the strength of illumination.

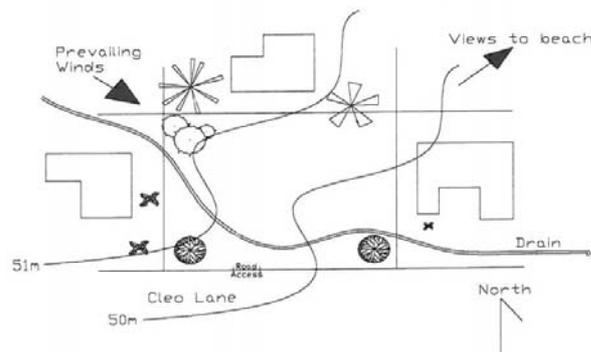


Figure 1: typical site analysis plan

## **ADDITIONAL INFORMATION REQUIRED ON CERTAIN APPLICATIONS**

### **Environmental Report**

1. Where the Council considers a proposed use or development pursuant to Clause 2.5 or 2.6 will have a significant impact on the environment; or
2. Where any use or development is likely to be subject to pollution or to generate pollution which may result in conflict between incompatible uses, Council shall require the applicant to submit a report setting forth the results of a study carried out by a suitably qualified person to determine as follows:
  - a) The characteristics and conditions of the environment;
  - b) The environmental impacts of the proposed development;
  - c) The impact on the environment of the proposed development;
  - d) Any measures necessary to be undertaken to protect the environment from anticipated effects of the use or development;
  - e) The standards to be achieved at the boundary of the site and appropriate monitoring methods proposed or required; and
  - f) Whether the proposed use or development is likely to be adversely affected by the pollution as to warrant not allowing the use or development to proceed.

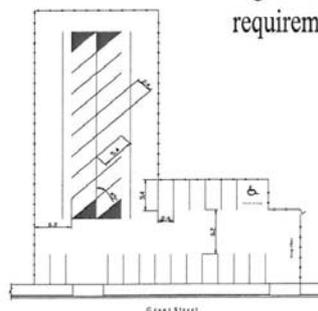
## **CONSIDERATION OF APPLICATIONS FOR PERMIT**

In considering an application for a permit the Council is to take into consideration the following:

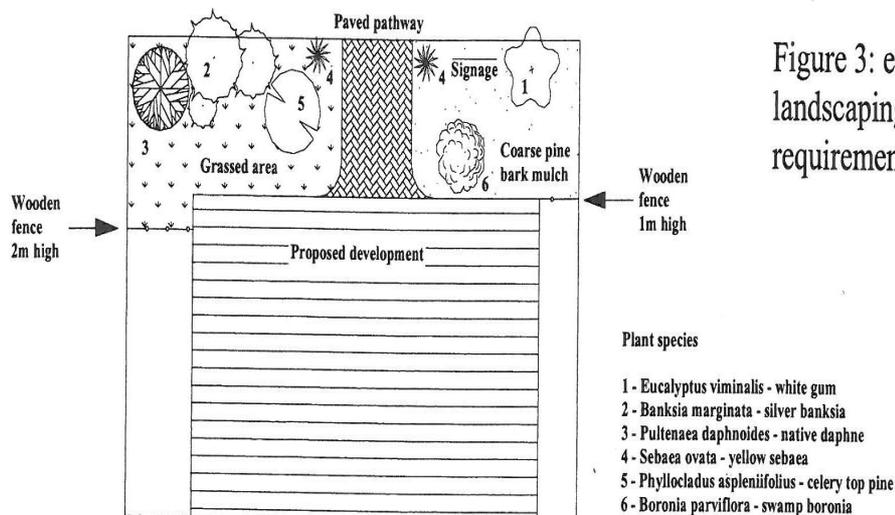
- 1) The objectives, the intent of the zoning, any development plan affecting the land and any relevant development standards or other relevant requirements of the Ordinance;
- 2) Where the use or development furthers the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*;
- 3) Any relevant proposals, reports or requirements of any public authorities;
- 4) Any representations received following the public notification of the application for a permit; (Discretionary applications)
- 5) Whether all or any part of the land to which the application for a permit relates is likely to be subjected to:
  - a) Landslip, soil instability, or erosion;
  - b) Excessive slope;
  - c) Ponding or flooding;
  - d) Bush fire hazard;
  - e) A Protected Catchment District under Section 26 of the *Water Act 1957*; or
  - f) Pollution;
  - g) Other hazards to safety or health.

- 6) Whether the proposed development is satisfactory in terms of its siting, size or appearance and levels of emissions in relation to:
- Existing site features;
  - Adjoining land;
  - The streetscape and/or landscape;
  - The natural environment;
  - Items of historic, architectural or scientific interest;
  - Buffer zones, attenuation areas, safety areas;
  - Power line easements;
  - A water supply for fire fighting purposes;
  - Any received pollution.
- 7) Whether the proposed use or development will be supplied with an adequate level of infrastructure and services, and if there is any necessity to improve deficient access to the site of the proposed development, roads or road junctions, water, sewerage, electricity or transport services and the like, without detriment to existing users;
- 8) Whether the proposed use or development would adversely affect the existing and possible future use or uses of adjacent land, and vice versa; (Discretionary application)
- 9) Where the proposed use or development is discretionary on rural land or nearby to land used for agricultural purposes, the Council is to have regard to:
- the agricultural quality of the land which is the subject of the application for a permit
  - existing and potential agricultural practices involving spraying, noise, smells, dust, hours of operation and the like; and
  - the effect of the proposed development on the nearby lands and inhabitants of nearby lands.
- 10) The provision of adequate landscaping, amenity facilities and illumination, and the treatment of the site generally; and
- 11) The sight distances available to and from proposed point(s) of access, together with an estimate of the speed of passing traffic.

Figure 2: example of car parking detail requirements



- 12) Whether any use or development involving a subdivision proposal makes suitable provision for:
- i) the provision of adequate open space for both active and passive recreation and the location of the open space in relation to other land uses and other recreation areas in the vicinity of the land which is the subject of the permit application and shall give particular attention to the provision of adequate open space
  - ii) the need to protect watercourses from disturbance;
  - iii) land likely to be required for public purposes;
  - iv) potential conflict with adjacent uses;
  - v) the provision of suitable access to a State Road and the requirements pursuant to Part 9 of the Planning Scheme Ordinance;
  - v) the suitability of the layout of streets and allotments having regard to:
    - a) the ease of access for residents within and to/from the proposed subdivided lots;
    - b) the discouragement of through traffic;
    - c) the ease of access to all allotments by attention to gradients and curves and ease of movement through the subdivision by vehicles and pedestrians;
    - d) the location and frequency of intersections and avoidance of cross roads;
    - e) the economies and amenity to be gained by careful design and location of streets and lot boundaries, and lots having appropriate solar orientation;
    - f) the achievement of good visibility at intersections by appropriate alignment and grading of streets and adequate truncation of property boundaries.
- 13) Whether subdivision and the subsequent use or development of the land would assist the consolidation of an identifiable existing settlement.



## **SOME USEFUL TIPS ABOUT DEVELOPMENT APPLICATIONS**

1. Prior to submitting a development application, it is advised to make an appointment with the Senior Planner to discuss your proposal.
2. If you are not the owner of the property the subject of the application, you should ensure the owner is made aware of the application, and if the land is Crown or Council Land, you will be required to obtain the signature of the Minister or General Manager.
3. Ensure you provide 3 copies of all plans to scale, relevant to the application, and any other documentation as requested by the Senior Planner.
4. A copy of the whole title – Cover Page, Diagram and Schedule of Easements.
5. Before submitting an application, ensure you have contacted any relevant State Departments, and include their comments with the application.

## **GENERAL INFORMATION**

Permitted Planning application period is a maximum of 42 days to assess the application and issue a planning permit with or without conditions.

Discretionary Planning application period is a maximum of 42 days to assess the application, and issue either a Planning Permit or a Refusal of Planning Permit. Within the 42 days, the application will be placed on public exhibition for 14 days, through notice in the Advocate newspaper, and letters sent to all adjoining landowners, and a notice placed on the site the subject of the application. Any member of the public can view the details at the Council offices during that time.

Any member of the public can lodge a representation in the form of concerns, support or objection in regard to the application within the 14 day public exhibition period. An objection needs to state clearly how the development will have a detrimental impact on the representor(s).

Council also needs to take into account the requirements of any State Policy, State Agency or Referral Authority and any state planning directives. Receiving appropriate advice can sometimes take over 28 days.

Should there be objection(s) lodged, the application information will need to be presented to the next ordinary Council meeting for consideration. Council may need to apply to the applicant(s) for an Extension of Time, which will extend until the next working day after the next ordinary Council meeting.

It is at Council's discretion whether the discretionary application is approved or refused.

Objectors and applicants then have the option of lodging an appeal with the Resource Management and Planning Appeal Tribunal, within 14 days of the date applicants and the objectors being notified of the Council's planning decision.

**FURTHER INFORMATION**

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**DISCLAIMER**

*This information sheet is a guide only. Verification with original local laws, Acts, Planning Schemes, and other relevant documents is recommended for detailed references. The Council accepts no responsibility for errors or omissions.*