

GLENORCHY PLANNING AUTHORITY MEETING
AGENDA
MONDAY, 15 MAY 2023



GLENORCHY CITY COUNCIL

- * Aldermen with an interest or concern in relation to a particular item on this Agenda, are invited to attend the meeting.
- * All application information is available to Aldermen for inspection upon request to the relevant Planning Officer.

Chairperson: Alderman Bec Thomas

Hour: 3.30 p.m.

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1. PLANNING AUTHORITY DECLARATION
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The Chairperson stated that the Glenorchy Planning Authority intended to act as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 19 April 2023 be confirmed.

**5. PLANNING SCHEME AMENDMENT REQUEST -
ARCHAEOLOGICAL HERITAGE AMENDMENT – 60 CREEK
ROAD, NEW TOWN AND 36 & 26 CADBURY ROAD,
CLAREMONT**

Author: Strategic Planner (Darshini Bangaru)

Qualified Person: Strategic Planner (Darshini Bangaru)

Property ID: 3238748

REPORT SUMMARY

Application No.:	PLAM-23/01
Applicant:	N/A
Owner:	60 Creek Road, New Town: Ray Taylor Investments Pty Ltd 36 Cadbury Road, Claremont: Claremont City Developments Pty Ltd 26 Cadbury Road, Claremont: Glenorchy City Council
Existing Zoning:	60 Creek Road, New Town: Inner Residential and Environmental Management 36 Cadbury Road, Claremont: Inner Residential 26 Cadbury Road, Claremont: Open Space and Environmental Management
Existing Land Use:	60 Creek Road, New Town: Single Dwelling 36 Cadbury Road, Claremont: Former use as Claremont Primary School until 2010 – currently no operating use 26 Cadbury Road, Claremont: Council Foreshore Reserve
Proposal in Brief:	Amendment to add a new listing and modify an existing listing under GLE-Table C6.4 Places or Precincts of Archaeological Potential
Representations:	Advertising occurs after amendment is prepared
Recommendation:	Prepare and certify amendment, and exhibit for 28 days

REPORT IN DETAIL

EXECUTIVE SUMMARY

The draft amendment is generally in accordance with the requirements of *Land Use Planning and Approvals Act 1993* (LUPAA), and it is recommended that it be prepared.

The draft amendment seeks to add a new listing and modify an existing listing under GLE-Table C6.4 Places or Precincts of Archaeological Potential of the Glenorchy Local Provisions Schedule. The amendment aims to appropriately and accurately identify/list places of archaeological potential (being physical, cultural, resources) thereby providing the opportunity to protect or to mitigate impacts arising from development.

The benefits of the proposed amendment are:

- The opportunity to recognise, protect or appropriately manage potential archaeological sites of significance and their cultural values which contribute to understanding our history and sense of place.

The consequences of the proposed amendment are:

- Potential development impacts depending on whether the values are preserved or otherwise appropriately managed under the development application process.

No detrimental impacts to social, economic or environmental values are anticipated as a result of the proposed amendment. On balance, the proposal will enable consideration of known archaeological potential and is considered to be a fair, orderly and sustainable amendment to the planning scheme, and it is recommended that the planning authority prepare the amendment.

The report provides details of the amendment and the sites. The strategic outcomes of the proposal are outlined, having regard to matters of local, regional and then State importance. The report ends with a discussion of the degree of compliance with legislative requirements.

If prepared, the following two outcomes must occur:

- The amendment is exhibited for 28 days.
- The Tasmanian Planning Commission (the Commission) will decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

Any representations to the amendment will be considered at a future Glenorchy Planning Authority meeting, where modifications can be recommended in response to the representations and for the consideration of the Commission.

If no representations are received, the senior planning staff have delegation to forward a report to that effect to the Commission.

The Commission will assess and decide on the amendment, based on the issues raised in the representations and the outcomes of any hearings it may hold.

PROPOSED PLANNING SCHEME AMENDMENT

The State Planning Provisions define a *place or precinct of archaeological potential* as, “a place that is a site, precinct or parcel of land that has been identified as having the potential to contain archaeological evidence that provides information about the past and is:

(a) shown on an overlay map in the relevant Local Provisions Schedule; and

(b) listed and identified in the places or precincts of archaeological potential list in the relevant Local Provisions Schedule.”

The draft amendment seeks to:

1. Include a new listing known as Calder’s Albion Flour Mill, 60 Creek Road, New Town and associated features in GLE-Table C6.4 Places or Precincts of Archaeological Potential; and
2. Amend an existing listing GLE-C6.4.1 former Ashburton farm complex, 36 Cadbury Road, Claremont under GLE-Table C6.4 Places or Precincts of Archaeological Potential. Note, a small portion of the proposed overlay at 36 Cadbury Road, Claremont crosses over the southern boundary and onto Council’s foreshore reserve at 26 Cadbury Road, Claremont.

The proposed amendment will provide clarity regarding the application of the Local Historic Heritage Code to the affected properties where there are known archaeological sites of significance and ensure appropriate recognition, protection and/or management of these heritage values.

The draft amendment documents are included in **Attachment 1** – Amendment Documents.

A supporting document discussing the heritage features in detail with appendices is included in **Attachment 2** – Supporting Discussion Paper and Appendices.

The following Figures 1 and 2 indicate the extent of the ‘Places or precincts of archaeological potential’ overlay proposed at the two sites.



Figure 1: Aerial image of the site at 60 Creek Road, New Town indicating the extent of 'Places or precincts of archaeological potential' overlay



Figure 2: Aerial image of the sites at 36 and 26 Cadbury Road, Claremont indicating the new extent of 'Places or precincts of archaeological potential' overlay

SITE AND LOCALITY:*Site characteristics*60 Creek Road, New Town

The site at 60 Creek Road, New Town (the subject land) is a triangular shaped lot, located on the border of the Hobart and Glenorchy municipalities, to the north of the New Town Rivulet. An aerial image of the site is below under Figure 3.

The land is currently zoned Inner Residential and is legally defined as Lot 1 on Sealed Plan 113249/1. It has a site area of 7,815m², and is developed with a single dwelling. Access to the site is via a single lane bridge over the rivulet from Creek Road.

The area is understood to be the location of the former Calder's Flour Mill, mill cottage and associated water race/s, built in 1841. It is likely that the mill, with its massive walls housing axles for the water wheel, has survived in an archaeological form. The site and its key attributes are detailed in the supporting document and associated appendix under **Attachment 2**.



Figure 3: Aerial image of the site at 60 Creek Road, New Town

36 Cadbury Road, Claremont

The site at 36 Cadbury Road, Claremont (the subject land) is located on low lying land to the west of the Cadbury peninsula, where Bilton Bay and Windermere Bay form an inlet. The site is bordered to the south by a multi-use track and the Windermere Bay reserve, and to the north, east and west by the tree lined avenue of Cadbury Road. An aerial image of the site is below under Figure 4.

The land is currently zoned Inner Residential and is legally defined as Lot 1 on Sealed Plan 179351. It has a site area of 3.747ha. The site was most recently occupied by Claremont Primary School. However, this use ceased in 2010 when the school relocated to a larger site at 2 Cadbury Road, Claremont. Historically the site was part of farmlands settled in 1811, known as Ashburton. A farm homestead and associated buildings comprising a stone house with 12 rooms and a slate roof and outbuildings including stone stable and barn with a detached laborer's cottage was sited on the north-eastern side of the site. A lagoon extended across the site and was later filled. The site was used as the Claremont Army camp post 1918 and opened as the school in 1923. The Former Claremont Primary School, 'Ashburton' is listed both in the Tasmanian Heritage Register (ID 11600) and as a Heritage Place (item GLE-C6.1.57) under GLE-Table C6.1 Claremont - Local Heritage Places within the Glenorchy Local Provisions Schedule.

The site is also currently listed (as item GLE-C6.4.1) under the GLE-Table C6.4 Places or Precincts of Archaeological Potential of the Glenorchy Local Provisions Schedule.



Figure 4: Aerial image of the site at 26 and 36 Cadbury Road, Claremont

26 Cadbury Road, Claremont

This parcel of land is the Council-owned Claremont Cenotaph Foreshore Reserve abutting the southern boundary of 36 Cadbury Road, Claremont. This land currently consists of a heritage listing (heritage place: Item GLE-C6.1.6 in the Glenorchy Local Provisions Schedule) relating to the former Cadbury Branch line rail formation.

*Adjoining land*60 Creek Road, New Town

The land to the north of the subject land is primarily developed with single dwellings zoned General Residential, as noted under Figure 1. Land to the west is Gerrard Street Reserve included in an Open Space Zone. The New Town Rivulet runs along the south-eastern boundary and is zoned Environmental Management.

36 Cadbury Road, Claremont

The locality within which the subject land is present is characterised by a variety of residential uses and dwelling types, as well as a mix of industrial, commercial and community uses. Use and development within 100m of the site is predominately residential and includes low rise single and multiple dwellings, communal dwellings, and an aged care facility. The residential development opposite the site and adjacent to Cadbury Road is a mix of single and multiple dwellings, with several two-storey dwellings within the streetscape setting. The land immediately abuts the Claremont Cenotaph Foreshore Reserve (26 Cadbury Road, Claremont) area to the south, which is Council land zoned Environmental Management and Open Space.

Infrastructure

The two sites are connected to reticulated sewer, water and stormwater.

*Environmental values*60 Creek Road, New Town

The New Town Rivulet runs along the southern boundary of the land at 60 Creek Road. The site also has some priority vegetation. These assets are protected through the Waterways and Coastal Protection overlay under the Natural Assets Code. Future development of the land will need to comply with the provisions of the Code to ensure natural waterflow and stream habitat are protected. The subject amendment will not conflict with this requirement.

36 Cadbury Road, Claremont

The site is lined with *Pinus radiata* trees along Cadbury Road which have heritage value and are listed in the statement of Local Historic Heritage Significance and Historic Heritage Values for the Local Heritage Place listing of the site. The site is otherwise clear from environmental values. Nevertheless, the subject amendment will not conflict with the application of other Codes.

26 Cadbury Road, Claremont

There are some environmental values present on this property, however as noted in Figure 2 above, the overlay area proposed on this site would be clear of any significant values.

*Social and Cultural Values.*60 Creek Road, New Town

Industry is a key theme in Glenorchy's land use history. The recognition, through statutory listing, of Calder's Albion Flour Mill will promote awareness of the site and, potentially, opportunities to protect, reveal, or 'realise' through appropriate archaeological investigation techniques, key attributes of the place that will contribute to a greater understanding of our social and cultural history, and sense of place.

36 Cadbury Road, Claremont

'Ashburton' was a substantial rural property in the area now known as Claremont. As little is known from the documentary record, there is potential that details of its occupants' lives are embedded in subsurface archaeological contexts. The recognition, through statutory listing, of 'Ashburton farm complex' will promote awareness of the site and, potentially, opportunities to protect, reveal, or 'realise' through appropriate archaeological investigation techniques, key attributes of the place that will contribute to a greater understanding of our social and cultural history, and sense of place.

BACKGROUND:60 Creek Road, New Town

The subject land at 60 Creek Road, New Town, including the adjacent lots at 80, 80A, and 90 Creek Road, were subject to a recent application PLAM-21/04 for a combined planning scheme amendment and subdivision to consolidate the lots.

PLAM-21/04 sought to rezone 60, 80, 80A and 90 Creek Road, New Town from General Residential (60 and 90 Creek Road, New Town) and Light Industrial (80 and 80A Creek Road, New Town) to Inner Residential.

The amendment was approved by the Commission in February 2023, however the Commission determined that a planning permit for subdivision (consolidation of the four titles) could not be considered under PLAM-21/04 as the provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) required the application to be prohibited and not a discretionary application. As such, the lots currently remain as separate titles. It is, however, likely that the proponent will seek a new planning permit for subdivision to consolidate the four lots.

During a site inspection undertaken as part of the assessment of PLAM-21/04, Council officers identified some values on the site that appeared to have heritage significance. Council then engaged Heritage Consultant, Praxis Environment, who undertook further investigation and confirmed the presence of places of archaeological potential at the site. A discussion paper prepared by Council's Heritage Officer providing details on the assessment and findings is included under **Attachment 2**, and the assessment report prepared by Praxis Environment, titled 'Statement of Archaeological Potential (SoAP)– Calder's Albion Mill', is included as Appendix 1 of **Attachment 2**.

Informal consultation has been undertaken, and the landowner was provided with the details of the proposed amendment and background information. The following response was made by the owner: *"We see the merit of delineating areas of high and medium archaeological potential so as to provide developers with certainty of expectations. We find no need to comment further at this stage but may choose to make a formal representation if and when Council proceed to prepare the proposed amendment."*

36 Cadbury Road, Claremont

The site has a recent planning permit issued under PLN-20-097 which approved a staged mixed-use redevelopment for low and medium rise housing with 315 residential dwellings in various forms, a childcare centre, café, commercial tenancies (local shops), and the reuse of the existing 1924, 1936 and 1941 era school buildings as a public hall with a function/exhibition centre and administration space. Substantial commencement of the permit has not yet occurred and approval for an extension of time to act on the permit has been granted until 2025. An amendment to the permit under s56 of LUPAA has also recently been granted to demolish the non-significant school buildings (PLN-20-097.02)

It was during the assessment of PLN-20-097, a 'Statement of Archaeological Potential (SoAP) – Former Claremont Primary School/ Ashburton/ Abbotsfield' prepared by Praxis Environment was submitted as supporting documentation. This SoAP depicted better defined areas relating to the location and extent of the potential archaeological values on the site. Accordingly, a number of conditions were included in the planning permit PLN-20-097 that related to the management of the potential archaeological values.

A discussion paper prepared by Council's Heritage Officer providing details on the assessment and findings is attached as **Attachment 2** of this report and the SoAP prepared by Praxis Environment is under Appendix 2 of **Attachment 2**.

Owner's consent was obtained to utilise the SoAP report to support the subject planning scheme amendment request. Informal consultation has been undertaken, and the landowner was provided with the details of the proposed amendment. The landowner made no comment at this stage, noting there would be an opportunity to submit a formal representation if the draft amendment is prepared for public exhibition.

26 Cadbury Road, Claremont

The SoAP report prepared by Praxis Environment for 36 Cadbury Road, Claremont identified a small area of land with potential archaeological significance that encroaches within Council Foreshore Reserve at 26 Cadbury Road, Claremont. Informal consultation was undertaken with Council's Property Department and Council's Manager Infrastructure Engineering and Design. It is noted that the planning scheme provides exemptions at Table 4.2 for stormwater infrastructure, minor communications infrastructure and minor infrastructure. Relevant internal Council Departments indicated no objection to the proposed amendment.

ASSESSMENT / STRATEGIC OUTCOMES**Local Policy, Strategic Plan and Impacts:***Policy*

The Glenorchy City Council Cultural Development Policy was adopted in November 2021. The draft amendment meets the following policy statement:

“Council will adopt and implement strategies that will ensure the protection and enhancement of local cultural heritage, particularly of diverse communities.”

The draft amendment proposes to protect known cultural heritage values (potential archaeological sites of significance). The draft amendment enables the identification/listing of places of archaeological potential [being physical, cultural, resources] thereby providing the opportunity to protect or to mitigate impacts arising from development.

Strategic Plan

The municipal strategic plan is the Glenorchy Strategic Plan 2023-2032. The amendment is consistent with the Valuing our Environment goal – “We protect and manage our city’s natural environment and special places now and for the future.”

The amendment will enable known archaeological sites of significance identified within the Glenorchy Local Government Area (LGA) to be appropriately protected and managed by the application of the C6.0 Local Historic Heritage Code. This will serve as a trigger for consideration of any development that includes ground disturbance corresponding to the areas of archaeological potential. This will ensure the heritage values are not lost, or that the impacts of development can be mitigated through employment of archaeological techniques that provide the opportunity to gather, record, conserve, and otherwise ‘realise’ the information embedded in archaeological contexts scientifically and in a manner that will deliver a public benefit (e.g., through interpretation).

Infrastructure, Environment and Amenity Impacts

The proposed amendment will have no negative infrastructure, environmental or amenity impacts.

Social and economic impacts

The draft amendment balances social and economic impacts by providing certainty through the recognition, protection and/or mitigation of cultural values (potentially present in archaeological contexts) when decisions are made about the use and development of land.

Regional Strategy and Policy

For the amendment to be approved, compliance with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) must be demonstrated. **Appendix 1** provides a detailed assessment of the amendment against the relevant STRLUS.

The amendment promotes, and is consistent with, the 'Cultural Values' strategy as it will:

- More accurately reflect the extent of an existing listing enabling comprehensive consideration of identified archaeological potential under the Local Historic Heritage Code.
- Facilitate awareness and appropriate management of archaeological values to ensure they are either protected or their potential investigated and 'realised' in a manner that will contribute to the community's understanding of our culture and history.

State Strategy and Policy

The draft amendment furthers the objectives in Schedule 1 of LUPAA by providing for the fair, orderly and sustainable development of land by introducing certainty through the clear definition of extent, application and assessment under the Local Historic Heritage Code. **Appendix 1** includes an assessment against the objectives of Schedule 1 of LUPAA and State Policies.

To be approved, the amendment must be consistent with the State policies.

While the amendment will not result in any direct impacts on water quality, any future development applications that are submitted to Council can be conditioned to manage water quality during development and promote consistency with the State Policy on *Water Quality Management 1997*.

The site at 60 Creek Road in New Town is located more than 2km from the high-water mark. However, the site at 36 Cadbury Road, Claremont is within 100m of the high-water mark so the State Coastal Policy 1996 would apply. The values of the coast will be protected as the Codes relating to the protection of Natural Assets, coastal values, and provisions in the scheme that relate to stormwater will continue to apply, and enable impacts of potential future development on the adjoining coast to be assessed. Furthermore, the *Aboriginal Heritage Act 1975* and the *Urban Drainage Act 2013* will also continue to apply.

There are no known contamination issues with the land at 36 Cadbury Road in Claremont. However the site at 60 Creek Road, New Town is identified as a site of Potential Site Contamination, primarily due to the activities occurring at 80 and 80A Creek Road under the previous Light Industrial Zoning (noting the site was recently approved for Inner Residential zoning). The amendment does not impact on the operation of C14.0 Potentially Contaminated Land Code.

As detailed above, the State Policy on *Water Quality Management 1997*, the *Urban Drainage Act 2013* and the *Environmental Management and Pollution Control Act 1994*, the Natural Assets Code, Attenuation Code and the stormwater provisions in the scheme will continue to apply to enable water and air quality management.

Statutory considerations

Section 34 of LUPAA outlines the LPS Criteria. **Appendix 1** provides a detailed assessment of the amendment against the requirements of these provisions, satisfies the LPS Criteria.

The proposal also meets the requirements of Section 32 of LUPAA. No additional provisions are proposed under the draft amendment to be considered under Section 32(4) of LUPAA. The proposal is only to add a new listing and modify the extent of an existing listing under GLE-C6.0 Local Historic Heritage Code.

CONCLUSIONS ON THE AMENDMENT

The draft amendment relates to C6.0 Local Historic Heritage Code, and specifically to the local heritage listings under GLE-Table C6.4 *Places or Precincts of Archaeological Potential* under the Glenorchy Local Provisions. The proposed amendment is to:

- Include a new listing known as Calder's Albion Flour Mill at 60 Creek Road, New Town and associated features; and
- Amend the existing listing GLE-C6.4.1, former Ashburton farm complex at 36 and include 26 Cadbury Road, Claremont to the listing.

The proposal enables consideration of a new place of archaeological potential at 60 Creek Road, New Town, and introduces a greater degree of accuracy in defining the extent and attributes of an existing place of archaeological potential at 26 and 36 Cadbury Road, Claremont thereby providing the opportunity to protect heritage values or to mitigate impacts arising from development.

For the above reasons, it is assessed that the proposed amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the tenor of the Tasmanian Planning Scheme - Glenorchy and is consistent with the Southern Tasmanian Regional Land Use Strategy and State policies.

Recommendation:

- A. That pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agrees to prepare Amendment PLAM-23/01 to the Glenorchy Local Provisions Schedule for new and modified listing of 60 Creek Road, New Town and 36 and 26 Cadbury Road, Claremont in GLE-Table C6.4 Places or Precincts of Archaeological Potential as shown in **Attachment 1**.
- B. That having decided to prepare the amendment, the Planning Authority certifies pursuant to Section 40F of the *Land Use Planning and Approvals Act 1993* that the draft amendment meets the *Land Use Planning and Approvals Act 1993*.
- C. That, in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993*, the Planning Authority places the amendment on public exhibition for a period of 28 days.

Attachments/Annexures

1 Amendment Documents



2 Discussion Paper and Attachments



Appendix 1 Statutory Assessment – Response to criteria requirements for Local Provisions Schedule under LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria:

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The draft amendment seeks to amend the following under GLE-C6.0 Local Historic Heritage Code of the Glenorchy Local Provisions:

1. Include a new listing known as Calder’s Albion Flour Mill at 60 Creek Road, New Town and associated features to GLE-Table C6.4 Places or Precincts of Archaeological Potential.
2. Amend an existing listing GLE-C6.4.1, former Ashburton farm complex at 36 and 26 Cadbury Road, Claremont in GLE-Table C6.4 Places or Precincts of Archaeological Potential.

Clause LP1.0 Local Provisions Schedules (LPS) Requirements are set out under the State Planning Provisions (SPPs).

Clause LP1.7.4 sets out the requirements for the Local Historic Heritage Code. The proposed amendment includes updates to the overlay map showing the ‘Place or precinct of archaeological potential’ for the application of the Local Historic Heritage Code.

Clause LP1.8 sets out the requirements for Code Lists in Tables. The proposed changes to the Local Historic Heritage Places Code List are in accordance with the requirements of LP1.8.

(b) is in accordance with [section 32](#)

This section identifies the technical aspects of a LPS such as inclusion of zone maps and overlays, and what additional local provisions can be included if permitted to do so under the SPPs, to add to or override the SPPs.

Section 32(4) identifies that a LPS may only include these additional local provisions where:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area;*
or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

Section 32, b), (a) and (b) are not relevant to this draft amendment.

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Comment
<i>(a)</i> <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The draft amendment proposes to appropriately and accurately identify/list places of archaeological potential [being physical, cultural, resources] thereby providing the opportunity to protect or to mitigate impacts arising from development, in a manner that is sustainable.
<i>(b)</i> <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i>	Correct application of the GLE-C6.0 Local Historic Heritage Code for an existing place of archaeological potential at 36 and 26 Cadbury Road, Claremont and the addition of a new site identified to have archaeological potential at 60 Creek Road, New Town will provide for the fair, orderly and sustainable development of land by introducing certainty through the clear definition of extent and application through defined statutory processes.
<i>(c)</i> <i>to encourage public involvement in resource management and planning</i>	The statutory process for assessment of amendments involves a public notification period. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.

<p>(d) <i>to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i></p>	<p>While applying an additional control to the subject land would require additional assessment under the planning scheme, the application of a heritage control is available under the planning system and will not create imbalance in a fair and orderly assessment of the values of the land. The controls are unlikely to cause such economic hardship that the sites cannot be developed and still be responsive to heritage values. It is considered that the amendment is not inconsistent with this objective.</p>
<p>(e) <i>to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i></p>	<p>Community, industry and other government agencies will have the opportunity to comment on the amendment controls during the exhibition process.</p>
<p>Part 2 Objectives</p>	
<p>(a) <i>to require sound strategic planning and co-ordinated action by State and local government</i></p>	<p>The draft amendment will provide a sound basis for strategic planning and action, by reflecting more accurate, up-to-date information regarding the physical qualities (archaeological potential) and characteristics of the land.</p>
<p>(b) <i>to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i></p>	<p>The draft amendment enables consideration of identified archaeological values at 60 Creek Road, New Town, and introduces a greater degree of accuracy in defining the extent and attributes of an existing place of archaeological potential at 36 and 26 Cadbury Road, Claremont. In doing so it achieves consistency with the requirements for the LPS, as set out in LP1.0 Local Provisions Schedule requirements of the SPPs.</p>
<p>(c) <i>to ensure that the effects on the environment are considered and provide for explicit consideration of</i></p>	<p>The draft amendment balances social and economic impacts by providing certainty through the recognition, protection and/or mitigation of cultural values (potentially</p>

<i>social and economic effects when decisions are made about the use and development of land</i>	present in archaeological contexts) when decisions are made about the use and development of land.
(d) <i>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</i>	Enabling appropriate protection and management of heritage and cultural values, by ensuring places of archaeological potential are properly referenced so that the heritage provisions under C6.0 Local Historic Heritage Code can be applied, is consistent with land use and development planning and policies at State, regional and municipal levels.
(e) <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i>	No combined planning permit application is included with the proposed amendment. The proposed amendment will not interfere with the coordination of planning approvals and related approvals in the future (such as Heritage Tasmania, TasWater, TasNetworks, TasGas or Environment Protection Authority approvals etc.). The proposed amendment will be referred to relevant State agencies as part of the exhibition process.
(f) <i>to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation</i>	This objective is not relevant to the draft amendment.
(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	The draft amendment seeks to amend the extent of the area of archaeological potential at 36 and 26 Cadbury Road, Claremont to reflect further and better information that has come to light since it was originally identified. It also seeks to add a new place of archaeological potential at 60 Creek Road, New Town. In both instances, the intention is to conserve

	through regulation, special archaeological values that are potentially of historical and scientific interest and significance.
(h) <i>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</i>	The proposed amendment will be referred to relevant State agencies as part of the exhibition process.
(i) <i>to provide a planning framework which fully considers land capability.</i>	The draft amendment reflects more accurate and up-to-date information about the qualities and characteristics of the land, enabling full consideration of the land's capability through the planning assessment process.

(d) is consistent with each State policy;

Assessment of the amendment against the various policies is provided in the following table.

State Policy	Comment
<i>State Policy on the Protection of Agricultural Land 2000.</i>	The proposal does not involve the conversion of prime agricultural land to non-agricultural use.
<i>State Policy on Water Quality Management 1997</i> Specific outcomes to achieve water quality objectives are specified under the following divisions:	The proposed amendment per se would not result in an increase in sediment transport to surface waters. Any future planning permits issued for developments in the subject area will require that appropriate water quality management measures are put in place at the time of works.

<ul style="list-style-type: none">▪ Division 1 – Measure to achieve policy objectives▪ Division 2 – Management of point sources of pollution▪ Division 3- Management of diffuse sources of pollution.		
<p><i>State Coastal Policy 1996.</i></p> <p>The key principles are:</p> <ul style="list-style-type: none">▪ Natural and Cultural values of the coast shall be protected▪ The coast shall be used and developed in a sustainable manner▪ Integrated management and protection of the coastal zone is a shared responsibility.	<p>While the site at 60 Creek Road in New Town is located more than 2km from the high-water mark, the site at 26 and 36 Cadbury Road, Claremont is within 100m of the high water mark, therefore the <i>State Coastal Policy 1996</i> would apply to this site.</p> <p>An assessment against the three main principles that guide Tasmania’s State Coastal Policy is provided below:</p>	
	<i>Principles</i>	<i>Response</i>
	<i>Natural and Cultural values of the coast shall be protected.</i>	The Codes in the SPP’s relating to the protection of the Natural Assets and Coastal values will continue to apply. The proposed amendment to the listing at 36 and 26 Cadbury Road, Claremont will identify the extent and attributes of the place of archaeological potential more accurately, facilitating certainty and the capacity to properly apply the requirements of the Local Historic Heritage Code (C6.0). The <i>Aboriginal Heritage Act 1975</i> , the <i>Urban Drainage Act 2013</i> and the SPP stormwater provisions will continue to apply addressing impacts of potential future development on the adjoining coast.
	<i>The coast shall be used and developed in a sustainable manner.</i>	The draft amendment supports appropriate protection and management of heritage values on the site at 36 and 26 Cadbury Road, Claremont in a sustainable manner.

		There will be no significant impacts on the coast arising from implementation of the draft amendment.
	<i>Integrated management and protection of the coastal zone is a shared responsibility.</i>	Any future development proposals with a potential impact on the coastal zone would be referred to the Derwent Estuary Program and/or Aboriginal Heritage Tasmania, as required.
<p><i>National Environmental Protection Measures</i></p> <p>National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the <i>State Policies and Projects Act 1993</i> and are administered by the Environment Protection Authority.</p> <p>The NEPMs relate to:</p> <ul style="list-style-type: none"> ▪ ambient air quality ▪ ambient marine, estuarine and fresh water quality ▪ the protection of amenity in relation to noise (but only if differences in markets for goods and services) ▪ general guidelines for the assessment of site contamination ▪ environmental impacts associated with hazardous wastes 	<p>60 Creek Road, New Town is identified a site of Potential Site Contamination in Council records. However, the amendment will not alter how the site is assessed under C14.0 Potentially Contaminated Land Code, noting it was rezoned in February 2023 to an Inner Residential Zone under PLAM-21/04.</p> <p>There are no known contamination issues with the land at 36 Cadbury Road, Claremont.</p> <p>As detailed above, potential impacts to water quality adjoining 60 Creek Road, New Town will continue to be considered with respect to the State Policy on <i>Water Quality Management 1997</i>.</p> <p>Further, air and water quality will also be managed via the SPP stormwater provisions, the Natural Assets Code and Attenuation Code, the <i>Urban Drainage Act 2013</i> and the <i>Environmental Management and Pollution Control Act 1994</i> which will continue to apply, addressing impacts of potential future development at 60 Creek Road, New Town.</p>	

<ul style="list-style-type: none"> the re-use and recycling of used materials. <p>Principle 5 of the NEPMs states that planning authorities <i>'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.'</i></p>	
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(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies have not been implemented.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

The regional land use strategy for Glenorchy is the *Southern Tasmanian Regional Land Use Policy 2010-2035* (STRLUS). Comments against the relevant STRULS strategies are provided below:

Relevant STRLUS strategies	Comment
<p>Cultural Values</p> <p>CV2: Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.</p>	<p>The draft amendment to accurately represent the extent of the area with known archaeological potential at 26 and 36 Cadbury Road, Claremont and the recently identified area of archaeological potential at 60 Creek Road, New Town, will provide for the appropriate application of the C6.0 Local Historic Heritage Code. This is consistent with the Cultural Values regional policy under the STRLUS as it will enable the clear and accurate</p>

<p>CV5: Recognise and manage archaeological values throughout the region to preserve their key values.</p> <p>CV5.1 - Known archaeological sites of significance to be considered for listing as places of either local or state significance within Heritage Codes contained within planning schemes or on the State Heritage Register respectively, as appropriate.</p> <p>CV5.2 Ensure development that includes soil disturbance within archaeology zones of significance is undertaken in accordance with archaeological management plans to ensure values are not lost, or are recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.</p>	<p>identification of the land to which the provisions of the C6.0 Local Historic Heritage Code apply and ensure consideration of protection and management of heritage values that are present at both sites.</p>
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(f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#), that applies in relation to the land to which the relevant planning instrument relates

The municipal strategic plan is the *Glenorchy Strategic Plan 2023-2032*. The amendment is consistent with the following goal:

Valuing our Environment

- We protect and manage our city's natural environment and special places now and for the future.

Response: The draft amendment will ensure known archaeological sites of significance identified within the Glenorchy LGA are appropriately protected and managed by the proper application of the C6.0 Local Historic Heritage Code. This will serve as a trigger for the assessment of any development that includes ground disturbance corresponding to the areas of archaeological potential. to be This will ensure the heritage values are not lost, or that the impacts of development can be mitigated through employment of archaeological techniques that provide the opportunity to gather, record, conserve,

and otherwise 'realise' the information embedded in archaeological contexts scientifically and in a manner that will deliver a public benefit (e.g., through interpretation).

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

LPSs are in effect in the Brighton and Clarence municipalities, which do not adjoin the Glenorchy municipality as they are separated by the River Derwent. There are no LPSs in effect in the remaining neighbouring municipalities. The draft amendment to GLE-C6.0 Local Historic Heritage Code to amend an existing listing and add a new entry to *GLE-Table C6.4 Places or Precincts of Archaeological Potential* would not impact on any of the adjacent LGAs and their associated planning schemes (including the LPS and Interim Schemes).

(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).

The TasGas Declared Pipeline Corridor extends through the Glenorchy LGA from the southern edge along Creek Road to the northern boundary of the municipality.

The Gas Pipeline Corridor intersects the site at 60 Creek Road, New Town (refer to Figure 5 overleaf), however is not near the vicinity of the site at 26 and 36 Cadbury Road, Claremont. The draft amendment to consider archaeological evidence identified at 60 Creek Road under the Local Historical Heritage Code will not impact on access to or the use of the declared gas corridor. The proposal would not provide opportunities for increased development on this site than what is already permissible and only facilitates the appropriate protection of heritage values. TasGas would be notified of the proposed amendment during the formal public consultation process.



Figure 5: Extract of the section of TasGas Declared Gas Pipeline Planning Corridor that intersects the subject site at 60 Creek Road, Newtown

**6. REPORT ON REPRESENTATIONS – AMENDMENT TO GLE-S8.0
GLENORCHY ACTIVITY CENTRE URBAN DESIGN SPECIFIC AREA
PLAN PLAM-22/04 – VARIOUS ADDRESSES – GLENORCHY CBD**

Author: Planning Officer (Angela Dionysopoulos)

Qualified Person: Planning Officer (Angela Dionysopoulos)

Property ID: 3239182

REPORT SUMMARY

Application No.	PLAM-22/04
Applicant	Not applicable
Owner	Various – refer to PLAM_22-04 List of properties PIDs and CTs affected by the amendment_22 March 2023
Proposal	Replace the existing Specific Area Plan for Glenorchy’s principal activity centre, along with associated minor rezoning, nomination of pedestrian priority streets and addition to incorporated documents
Report Purpose	To consider the merits of representations received. The Planning Authority’s assessment must be provided to the Commission under Section 40K of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Seven (7)
Recommendation:	Refer representations and amendment, with recommended changes, to the Commission

REPORT IN DETAIL

INTRODUCTION

The Glenorchy Planning Authority decided to prepare and certify the planning scheme amendment (the draft amendment) at its meeting of 20 March 2023 and place it on exhibition for 28 days.

The draft amendment was publicly notified from **30 March 2023** until **1 May 2023**.

The public notification involved advertisements in the Mercury on Thursday 30 March 2023 and Saturday 1 April 2023, and a mailout of letters to landowners and occupiers of the affected properties and landowners and occupiers of the adjoining land.

Seven (7) representations were received during the exhibition period, including one representation received after completion of the exhibition period. This report examines the merits of the representations.

BACKGROUND

Draft Amendment

The proposal is for a planning scheme amendment to introduce a new specific area plan called the Principal Activity Centre Specific Area Plan (PAC SAP) into the Glenorchy Local Provisions Schedule, to replace the existing Glenorchy Activity Centre Urban Design SAP.

In summary, the PAC SAP seeks to:

- Apply building design, lighting and landscaping controls to promote high quality urban renewal that also respects heritage places
- Ensure ground level development results in active frontages that contribute to a vibrant street environment
- Ensure apartments provide appropriate residential amenity and cater for people of all abilities
- Protect key areas of solar access, view lines and access alongside Humphreys Rivulet, and
- Ensure development doesn't prevent a potential future relocation of the bus mall.

The proposed amendment applies to land in the Central Business Zone and Utilities Zone, as shown in Figure 1.

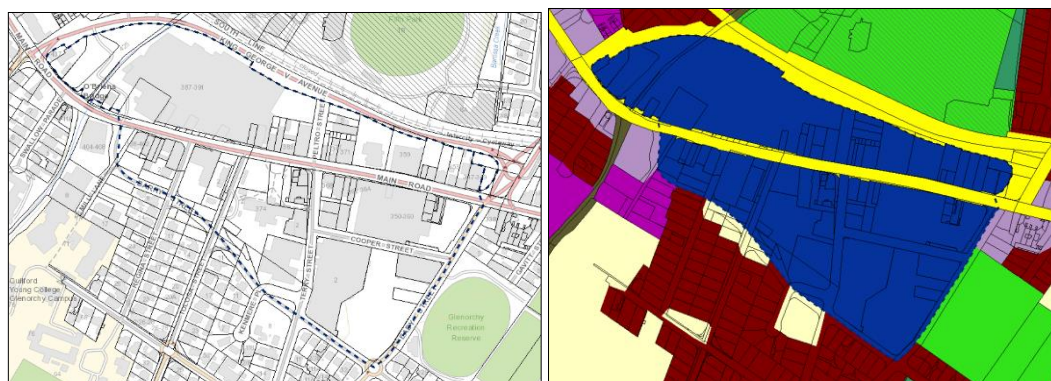


Figure 1 – Existing SAP area (left – dashed outline) and zoning (right – blue CBZ and yellow UZ) - theLIST

The amendment includes minor rezoning to align with existing buildings (Figure 2), application of the Pedestrian Priority Streets Overlay (Figure 3) and nomination of Gateway Sites and a Solar Protection Area (Figure 4).

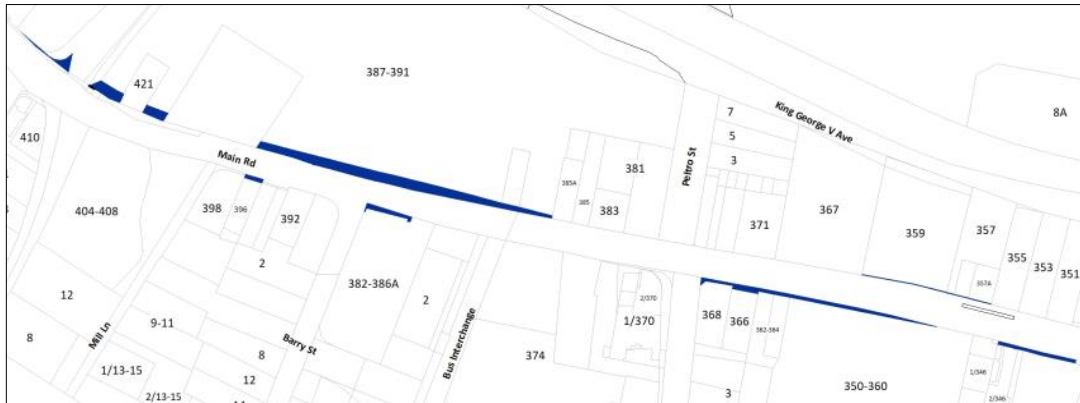


Figure 2 – Proposed rezoning from Utilities Zone to Central Business Zone

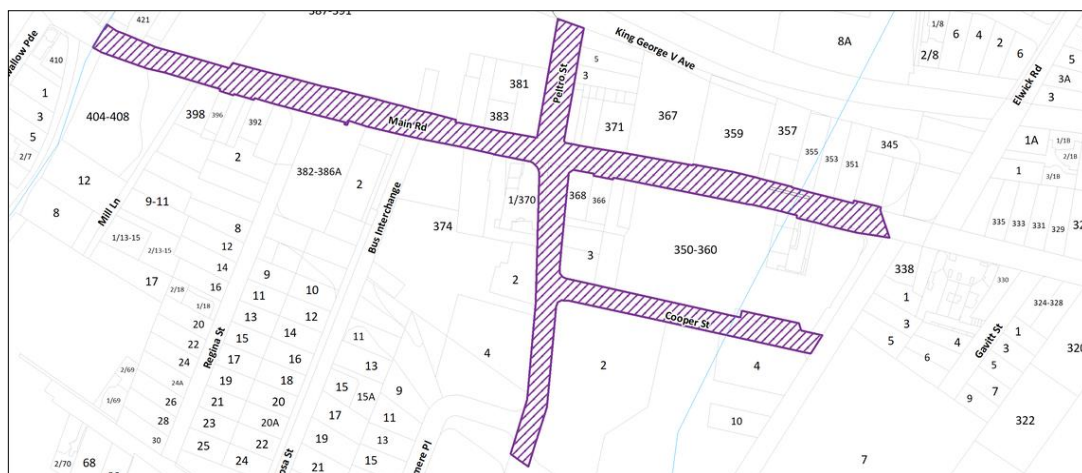


Figure 3 – Proposed Pedestrian Priority Streets



Figure 4 – Proposed Solar Protected Area and Gateway Sites

A copy of the certified amendment is included in **Attachment 1**.

Public exhibition of the draft amendment

Section 40G(2) of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires the exhibition notice is to be published in the Mercury newspaper once before, and once within 14 days after the first day of the exhibition period. The draft amendment was publicly advertised from 30 March 2023 – 1 May 2023. Due to an internal technical error, the notice in the newspaper was published on 30 March 2023, not before the exhibition period commenced.

Advice was sought from the Tasmanian Planning Commission (the Commission) regarding any implications due to the error. The Commission noted that under S40S of LUPAA, that no consequences flow from a failure of the process for exhibition, and this in this instance to amendment was advertised for the full 28 days required.

All affected landowners, occupiers and adjoining landowners were notified via a letter that was sent prior to the exhibition period. Documentation and information on the draft amendment was available on the Glenorchy City Council's website prior to exhibition period. As such, council officers consider that the error with the newspaper notice did not significantly affect the advertising of the draft amendment. This matter will be further addressed at the Commission panel hearings.

Representations received

Seven (7) representations were received during the public exhibition period, including a late submission from TasRail.

A request from TasRail seeking an extension of time to submit a representation was received during the exhibition period. The Commission has the power to consider representations that were received outside the exhibition period. Therefore, TasRail's representation has been included in the discussions below.

STATUTORY REQUIREMENTS

Section 40K(2) of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires a planning authority to provide a report to the Tasmanian Planning Commission (the Commission), comprising:

- (a) *a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) *a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*

- (c) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
- (i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
 - (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

DISCUSSION ON THE MERITS OF THE REPRESENTATIONS

The issues raised in the representations are summarised below with officer comment on the merits of each issue, and the need for modification and the potential impacts on the amendment and the Local Provisions Schedule (LPS) as a whole, if a modification were made.

A detailed summary of the representations and officer responses is included in **Attachment 2**. The issues are summarised below.

- **Ground 1 – Support for the SAP**

Some representations expressed support for the SAP's aims of attracting more people to the area through improved urban design and improving provision of housing.

Strategic Planner's response: It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 2 – Impacts to existing businesses**

Some representations expressed general concern about potential impacts to existing businesses. Specific concerns were also raised about the implications of Residential use for nearby businesses, with respect to noise generation, and the implications of reduced public car parking.

Strategic Planner's response: The proposed SAP would not apply retrospectively to existing use and development. There is also no proposal to alter the allowable uses in the zone. One standard is proposed that restricts Discretionary uses, and use for Utilities, Bulky Goods Sales or Emergency Services from being located at ground floor fronting pedestrian priority streets (GLE-S8.6.1 – A1 and P1). However, this would only apply to a new proposed use. Similarly, the proposed development standards would only apply to future development applied for after the SAP comes into effect. Lawful, existing use and development would retain its existing rights regardless of the proposed standard, in accordance with section 12 of LUPAA.

The proposed standards introduce requirements for Residential development (which is currently allowed in the zone) to 'self-protect' residential amenity, to reduce potential for conflict between uses.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

(Perceived removal of car parking is addressed under separate grounds below.)

- **Ground 3 – Removal of car parking**

Several representations expressed concern that public car parking may be removed. The representors considered the existing car parking to be highly utilised and a key attractor for visitation to the activity centre and were concerned that removal of car parking would reduce trade and place additional pressure on on-street car parking. Representors considered that existing approvals for development with reduced parking provision have relied on the availability of nearby public carparking.

Some representations were concerned that Council-owned land used for car parking may be disposed of.

Strategic Planner's response: The amendment does not include a proposal to remove or dispose of existing car parking areas. The amendment also does not include provisions that affect Council's ability to remove or dispose of public car parks. Instead, the amendment includes design requirements for any new car parking areas.

The Greater Glenorchy Plan, which was adopted by Council in 2021 after community consultation, does recommend conversion of some Council-owned car parks to green spaces. This is outside the scope of the proposed amendment.

Any potential future proposal to remove public car parking would require detailed analysis and would be subject to community consultation as part of Council's decision-making process.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 4 – Conversion of car parking to Residential development**

Some representations were concerned that public car parks may be converted to apartment developments.

Strategic Planner's response: The amendment does not include any proposed development, or any proposal to remove or dispose of existing car parking areas. Residential use and development is currently permissible in the Central Business Zone, and under the proposed SAP must be above ground floor level (except for car parking and access).

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 5 – Residential development will generate more car parking demand**

Several representations raised concerns about the additional demand for car parking associated with potential apartment development.

Strategic Planner's response: The amendment does not alter Residential car parking requirements in the State Planning Provisions and does not change the existing ability for apartments to be located in the Central Business Zone.

It is noted that a proposal for reduced car parking could be viewed favourably, subject to meeting the relevant Code standard – noting the area is a central location that is currently serviced by high-frequency public transport and close proximity to the intercity cycleway, and is adjacent to a future transport hub location identified under the Northern Suburbs Transit Corridor project under the Hobart City Deal. Residential development in the SAP area would be expected to add to the mix of housing types, including for residents with reduced car parking needs, and is not suited to cater for use by residents with relatively high car parking needs. Nevertheless, the proposed SAP does not include any proposed change to the existing car parking requirements under the State Planning Provisions. Any development proposal would be required to demonstrate compliance with the C2.0 Parking and Sustainable Transport Code, noting that any proposal for reduced car parking provision would be Discretionary and would require public exhibition.

Council officers are investigating a future project to review car parking controls within the municipality. However, this project has not yet formally commenced.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 6 – Future provision of car parking**

One representation queried future provision of additional car parking to cater for the needs of various demographics, and a transition to public transport use.

Strategic Planner's response: The proposed amendment does not alter car parking requirements in the State Planning Provisions.

The provision of integrated multi-modal transport solutions, including provision for car parking at transit hubs, is outside the scope of the proposed amendment. The Northern Suburbs Transit Corridor¹ work is part of the Hobart City Deal.

It is noted that the State Planning Office has flagged the review of car parking provision under the Planning Reform project which seeks to review of the State Planning Provisions (SPPs). Council officers are also investigating a future project to review car parking controls within the municipality. However, this project has not yet formally commenced.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 7 – Landscaping of car parking areas**

One representation proposed that landscaping of car parking areas would be beneficial.

Strategic Planner's response: The amendment includes a standard to require landscaping of external car parks. This would apply to any new or altered external car parks. There is no capacity for the planning scheme to apply standards retroactively to existing development.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 8 – Rezoning**

One representation raised concerns about rezoning of various properties in the SAP area, including car parks, to the Central Business Zone, and associated changes in land values.

Strategic Planner's response: The proposed amendment includes minor rezoning of small sections along the frontage of some properties along Main Road, from Utilities to Central Business Zone. The rezoning is to address anomalies whereby the façade of some buildings sit within the Utilities Zone, whereas the remainder of the building, and the associated property, is within the Central Business Zone. The Central Business Zone currently applies to all land in the SAP area (including car parks), other than the Utilities Zone along Main Road.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

¹ https://www.hobartcitydeal.com.au/activating_the_northern_suburbs_transit_corridor

- **Ground 9 – Public consultation and transparency**

Some representations considered that there had been inadequate public consultation (especially regarding the perceived intention to dispose of car parking). One representation was concerned about perceived conflict of interest and interactions with developers.

Strategic Planner's response: The proposed amendment does not facilitate, or include any proposal to, dispose of car parking. There has been no interaction with property developers as part of the development of the proposed amendment. Broad community consultation was undertaken for the development of the Greater Glenorchy Plan, which was a precursor to this amendment. There is no relationship between the proposed amendment and any other project.

The proposal was publicly exhibited from 30/03/2023 to 1/05/2023. In addition to the statutory requirements, Council prepared 'explanatory documents' and publicised the proposed amendment through flyers, its community engagement platform 'Let's Talk, Glenorchy' and Facebook page, and alerted key stakeholder groups to the public exhibition process, with the aim of gaining broad engagement and input into the proposed amendment.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 10 – Pedestrian accessibility**

One representation queries how pedestrian corridors will cater for the needs of different demographics, and raises concerns that traffic will be closed off from parts of the activity centre. The representation queries the meaning of 'legible connections to neighbouring thoroughfares' in proposed Local Area Objective (d).

Strategic Planner's response: No alteration to the road network or traffic flows is proposed.

The *Building Act 2016* deals with accessibility requirements for publicly accessible areas within buildings.

For external pedestrian links, Council's Footpaths Policy² provides design targets that include taking account of the needs of different users, such as people who use wheelchairs. The proposed amendment includes provision to consider any relevant Council policy in assessing provision of public thoroughfare alongside Humphreys Rivulet; this would include the Footpath Policy. Otherwise, the proposed amendment does not alter the pedestrian access requirements under the C2.0 Parking and Sustainable Transport Code in the State Planning Provisions.

'Legible connections to neighbouring thoroughfares' in Local Area Objective (d) is intended to mean that connections between the SAP area and nearby transport infrastructure are easy to recognise. A revision to the Local Area Objective is recommended, to make it easier to interpret.

The following modification is recommended:

Amend Local Area Objective GLE-S8.3.1 (d) to read:

(d) build connections, by providing an accessible pedestrian environment with linkages through the activity centre, integrated transport modes and clear connections to nearby cycling, walking and public transport networks;

The proposed change will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria with this change.

The modification is shown as track changes in the draft SAP in **Attachment 3**.

- **Ground 11 – Pedestrian safety**

One representation queried the safety of people parking on the streets.

Strategic Planner's response: The proposed amendment does not alter requirements for onsite parking or traffic safety considerations in the State Planning Provisions. The nomination of pedestrian priority streets within the SAP area will trigger the application of standards relating to pedestrian priority and safety in the street environment.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

² <https://www.gcc.tas.gov.au/wp-content/uploads/2020/11/footpaths-2020.pdf>

- **Ground 12 – Cash-in-lieu policy for car parking**

One representation queried whether a car parking cash-in-lieu policy is in place.

Strategic Planner's response: There is no current cash-in-lieu policy in effect. The C2.0 Parking and Sustainable Transport Code provides for consideration of cash-in-lieu for car parking, in relation to a parking plan, where one has been adopted by Council. There is no existing parking plan in effect. Potential future consideration of a car parking plan would require detailed analysis and would be subject to community consultation as part of Council's decision-making process, and is outside the scope of the proposed amendment.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 13 – Costs associated with the proposed amendment**

One representation is concerned about potential costs arising from the proposed amendment, including the cost of infrastructure upgrade and maintenance.

Strategic Planner's response: There are no direct costs to Council other than Tasmanian Planning Commission fees and the cost of advertising the proposed amendment (which has been completed). The *Urban Drainage Act 2013* and Council's Stormwater Management Policy, adopted in July 2021, regulate and manage stormwater for new developments, including for higher densities. Greater density reduces the overall costs of providing and maintaining public infrastructure.

It is noted that the Local Government Association of Tasmania is advocating for the State government to implement a standardised approach to developer contributions for infrastructure works.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 14 – Risk assessment**

One representation queries whether a risk assessment has been done for the proposed amendment.

Strategic Planner's response: The proposed amendment has been assessed against the requirements of LUPAA, which involves considering the various social, environmental and economic impacts and trade-offs of the proposed amendment. This is detailed in the Planning Scheme Amendment Report available as part of the exhibited documents.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 15 – Gateway sites**

One representation raises a general concern about the potential implications of the proposed standards for ‘gateway sites.’

Strategic Planner’s response: Additional building design standards are proposed to apply to the identified gateway sites. The aim is to elevate the level of design on key sites to better define the precinct and support the viability of businesses in the area through additional visitation. Any potential development on these sites would be at the initiative of the property owner.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 16 – Safety and accessibility of bus stops**

One representation noted that potential future development should consider opportunities for passive surveillance and accessibility of bus stops.

Strategic Planner’s response: The proposed amendment includes consideration of passive surveillance of the publicly accessible areas of sites, as well as of public places.

Accessibility considerations for bus stops form part of the *Building Act 2016*, and is therefore precluded from the planning scheme.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 17 – Implications regarding the rail corridor**

One representation noted that part of the land in the proposed SAP area is within the 50m attenuation area for the rail corridor, which in proximity to the SAP area is governed by the Tasmanian Transport Museum Society. The representation also notes the presence of stormwater infrastructure within the rail corridor, which would potentially be impacted by future development.

Strategic Planner’s response: The provisions of the C3.0 Road and Railway Assets Code will continue to apply to the properties in the proposed SAP area that are within the attenuation area for the rail corridor. No development is proposed as part of the amendment. Any future development proposal would be referred to the relevant authorities as part of the assessment process.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 18 – Relocation of the bus mall**

One representation queried whether the bus mall is proposed to be moved from its current location.

Strategic Planner's response: There is currently no plan to move the bus mall from its current location. There have been some discussions about relocation, potentially to Terry Street or Peltro Street. This was flagged in the Greater Glenorchy Plan in 2021. However, any potential relocation would be subject to further consideration by Council and the Department of State Growth, and has not progressed at this stage.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 19 – Occupation of apartments**

One representation noted a preference for potential future apartments to be privately owned, rather than public housing.

Strategic Planner's response: Apartments are currently able to be developed in the Glenorchy CBD area, which is in the Central Business Zone. At the moment, there are very limited standards relating to residential development in that zone. The planning scheme amendment aims to improve the standard of any future apartment development in the area, for example in terms of privacy, sunlight and open space. The planning scheme does not play any role in governing the ownership of developments.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

PROPOSED MODIFICATIONS TO THE DRAFT AMENDMENT

As noted above, one modification is proposed in response to the representations received.

In addition, Council's Planning Officers have identified some modifications to correct minor errors, improve clarity and simplify some of the proposed standards.

The proposed modifications are detailed at Appendix A and shown in the Track change version of the SAP at **Attachment 3**.

The recommended changes are summarised as follows:

- Minor clarifications, corrections and removal of duplication
- Simplification of some standards, where requirements relating to development on a site adjoining a heritage place, or within a waterway and coastal protection area (i.e. adjacent to Humphreys Rivulet), have been consolidated, and

- One modification to delete the proposed acceptable solution for provision of pedestrian thoroughfares through sites where there are multiple frontages to pedestrian priority streets. The proposed standard was deemed to be qualitative in nature, and not suitable to assess as an acceptable solution. Instead, the standard is modified to require discretionary assessment against a performance criterion. It is noted that while this modification would remove a Permitted pathway, the number of sites potentially affected is very small, and relevant proposals (for substantial redevelopment) would likely entail other discretions in any case.

The proposed modifications are primarily considered to be minor in nature. The proposed modifications would be localised to the draft SAP and would not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria as required under Section 34 of LUPAA with this change.

However, subject to the assessment of the Tasmanian Planning Commission, it is expected that the proposed deletion of an acceptable solution, in particular, may be determined to require readvertising of the proposed amendment. If so, this would be determined by the Tasmanian Planning Commission and completed as part of their assessment process.

CONCLUSION

The representations received primarily relate to the perceived rezoning, removal and disposal of public car parking, which does not form part of the proposed amendment and which the proposed amendment does not facilitate.

Other key issues raised relate to increased parking demand associated with potential apartment development, and concerns regarding potential impacts to existing businesses. The proposed amendment does not alter existing parking requirements or the ability to develop apartments in the area under the State Planning Provisions, and introduces requirements to reduce potential conflicts between Residential use and other nearby uses.

It is considered that no modifications to the amendment are warranted on these grounds.

The representations included a query regarding the meaning of one of the proposed Local Area Objectives. A modification is recommended to improve the clarity of the provision.

In addition, further review by Council Officers identified some proposed modifications to clarify, correct and simplify the proposed SAP, and improve its operation. Subject to review by the Tasmanian Planning Commission, the recommended modifications may require further advertising as part of their assessment process.

The modified amendment is considered to meet the LPS criteria as required under Section 34 of LUPAA and it is recommended it is submitted to the Tasmanian Planning Commission in the proposed modified form as shown in the track change version in **Attachment 3**.

THE PROCESS FROM HERE

The representations, this report and attachments will be forwarded to the Commission. The Commission may hold a public hearing prior to making a determination on the amendment.

Recommendation:

That the Glenorchy Planning Authority, after considering the merits of the representations, and being satisfied that the proposed modifications to the amendment are warranted:

1. AGREE to the recommended changes to the Principal Activity Centre Specific Area Plan shown in **Attachment 3**
2. AGREE that the recommended changes shown in **Attachment 3** satisfy the LPS Criteria at S34 of the *Land Use Planning and Approvals Act 1993*
3. PROVIDE the representations, and this GPA Report on PLAM-22/04 on land in the Glenorchy Activity Centre to the Tasmanian Planning Commission under S40K of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1 Certified Amendment Documents



- 2 Summary of Representations (de-identified)



- 3 Principal Activity Centre SAP _Track ChangeVersion



Appendix A – proposed modifications to the draft amendment

Reference	Proposed modification	Rationale
Local Area Objectives		
GLE-S8.3.1 (d)	(d) build connections, by providing an accessible, pedestrianised environment with networked linkages throughout the activity centre, integrated transport modes and legible clear connections to neighbouring thoroughfares nearby cycling, walking and public transport networks;	Improve clarity.
GLE-S8.4.1 Definitions		
Adjoining heritage report definition	(b) accurate illustration of the proposed development (such as scaled elevations, pedestrian eye level trajectory views intersecting adjoining heritage places and the proposed development; and/or correctly rendered montage/s) showing how key public views to, from, and of, adjoining heritage places will be retained; and	Improve clarity.
Heritage place definition	means a place or category of place that is listed, and the specific extent identified, in: (a) the Tasmanian Heritage Register (THR); or (b) the Glenorchy Local Provisions Schedule – GLE-C6.0 Local Historic Heritage Code, a local heritage place or a registered place as defined in the C6.0 Local Historic Heritage Code, excluding GLE-C6.1.129 O'Brien's Bridge and GLE-C6.1.140 Glenorchy War Memorial.	Consistency with the proposed PLAM-22/10 Northern Apartments Corridor Specific Area Plan, based on feedback from Heritage Tasmania.

Use standards		
GLE-S8.6.2 Hours of operation for a use in an outdoor entertainment area A1	Hours of operation for a use being undertaken located in an outdoor entertainment area within 50 m of an existing apartment must be within: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	Improve clarity.
Development standards		
GLE-S8.7.2 Building setback A2	Building setback from a side boundary must be nil, unless the boundary adjoins a heritage place or is within a waterway and coastal protection area, in which case there is no Acceptable Solution.	<p>The requirements for a setback from a boundary within a waterway and coastal protection area are provided in a separate standard.</p> <p>The setback requirements specifically for development on a site adjoining a heritage place relate to frontage setback, not side setback. The affected sites, and the adjoining heritage places, either already have a nil side boundary setback, or the relevant heritage place already includes curtilage within its site boundaries.</p> <p>Therefore, the requirements for side boundary setback from a boundary adjoining a heritage place does not need to be differentiated from the requirements that apply to other sites.</p>
GLE-S8.7.2 Building setback P2	Building setback from a side boundary must avoid creation of entrapment spaces and must have regard to: (a) making a positive contribution to the streetscape; (b) functional necessity; and (c) furthering the local area objectives at Clause GLE-S8.3.1;	As above.

	including where unless the boundary adjoins a heritage place or is within a waterway and coastal protection area.	
GLE-S8.7.2 Building setback A3	For a new building, or a change to the frontage setback, excluding protrusions, of an existing building, on a site adjoining a heritage place, there is no Acceptable Solution for frontage setback.	Improve clarity in line with the rationale for A2/P2 above.
GLE-S8.7.2 Building setback P3	<p>For a building on a site adjoining a heritage place, buildingthe frontage setback must, in addition to meeting clause P2P1 of this standard, be compatible with, and not detract from, the heritage significance of the adjoining heritage place, having regard to:</p> <ul style="list-style-type: none"> (a) not intruding upon on key public views of the adjoining heritage place; (b) the setback of buildings forming part of the extent of the adjoining heritage place, including: <ul style="list-style-type: none"> (i) achieving harmony with the siting and orientation of buildings on the adjoining heritage place; and (ii) mediating the transition between building setback on the adjoining heritage place and the setback of other adjacent buildings on the same street; and <p>the recommendations contained in an adjoining heritage report.</p>	Improve clarity in line with the rationale for A2/P2 above.

GLE-S8.7.2 Building setback A4	For a new building, or a change to the frontage setback, excluding protrusions, of an existing building, on a site adjoining Tolosa Street, there is no Acceptable Solution for frontage setback.	Improve clarity. The maintenance of the view corridor along the current road casement depends on frontage setback, not side setback.
GLE-S8.7.2 Building setback P4	The frontage setback of a building, on a site adjoining Tolosa Street, must, in addition to meeting clause P2P1 of this standard, retain or enhance views from adjacent publicly accessible areas to kunanyi/Mount Wellington, having regard to furthering the local area objectives at Clause GLE-S8.3.1.	As above.
GLE-S8.7.2 Building setback A5	For a new building, or a change to the setback, excluding protrusions, of an existing building, on land within a waterway and coastal protection area, there is no Acceptable Solution for setback from a boundary within the waterway and coastal protection area.	Improve clarity on the application of the standard.
GLE-S8.7.3 Façade design Objective	That buildings support urban vitality through: (a) interaction between the public and private realms; (b) being appropriately designed for pedestrian amenity and sociability; (c) opportunities for mutual passive surveillance; and (d) respecting heritage places.	Simplify. The deleted words do not add further meaning or clarity beyond that provided in objective (a).
GLE-S8.7.3 Façade design A1	A ground floor level facade in a pedestrian priority street must: (a) provide a pedestrian entrance that connects the ground floor use directly to a publicly accessible area;	Simplify. Façade design on a site adjoining a heritage place is dealt with in a separate standard.

	<p>(b) provide low reflectance, transparent glazing that:</p> <ul style="list-style-type: none"> (i) is not less than 60% of the total surface area of that façade; or (ii) maintains or increases the total area of glazing of an existing facade, if the surface area of that façade is already less than 60%; and <p>(c) not include:</p> <ul style="list-style-type: none"> (i) a single length of blank wall greater than 20% of the length that facade; or (ii) any increase to the length of an existing blank wall, if already greater than 20% of the length of that façade; <p>unless the site adjoins a heritage place, in which case there is no Acceptable Solution.</p>	
GLE-S8.7.3 Façade design P1	<p>A ground floor level facade in a pedestrian priority street, includingexcluding on a site adjoining a heritage place, must be designed to provide an active frontage, having regard to:</p> <ul style="list-style-type: none"> (a) the location and extent of pedestrian entrances and transparent glazing that connects the ground floor use to the street; (b) the location and extent of any length of blank wall; (c) the prominence of the façade in the streetscape; (d) any design features that provide visual interest at 	<p>Simplify.</p> <p>Façade design on a site adjoining a heritage place is dealt with in a separate standard. The relevant additional considerations (of providing an active frontage, and crime prevention through environmental design) are more simply considered through inclusion in that standard, rather than requiring assessment of a proposal across two standards dealing with façade design.</p>

	<p>ground floor level; and</p> <p>(e) the recommendations of a crime prevention through environmental design report.</p>	
<p>GLE-S8.7.3 Façade design A2</p>	<p>A ground floor level facade in a waterway and coastal protection area, or in a street that is not a pedestrian priority street, must:</p> <p>(a) provide a pedestrian entrance that connects the ground floor use directly to a publicly accessible area;</p> <p>(b) provide low reflectance, transparent glazing that:</p> <p style="padding-left: 40px;">(i) is not less than 40% of the total surface area of that façade; or</p> <p style="padding-left: 40px;">(ii) maintains or increases the total area of glazing of an existing facade, if the surface area of that façade is already less than 40%; and</p> <p>(c) not include:</p> <p style="padding-left: 40px;">(i) a single length of blank wall greater than 30% of the length that facade; or</p> <p style="padding-left: 40px;">(ii) any increase to the length of an existing blank wall, if already greater than 30% of the length of that façade, unless the site adjoins a heritage place.</p>	As above.
<p>GLE-S8.7.3 Façade design P2</p>	<p>A ground floor level facade in a waterway and coastal protection area, or in a street that is not a pedestrian priority street, must be designed to provide a pedestrian-friendly</p>	As above.

	<p>environment, having regard to:</p> <ul style="list-style-type: none"> (a) the location and extent of pedestrian entrances and transparent glazing that connects the ground floor use to external public access; (b) the location and extent of any length of blank wall; (c) any design features that provide visual interest at ground floor level; and (d) the recommendations of a crime prevention through environmental design report, <p>unless the site adjoins a heritage place.</p>	
GLE-S8.7.3 Façade design P5	<p>For a new façade of a building on a site adjoining a heritage place, façade design must be compatible with, and not detract from, the heritage significance of the adjoining heritage place, having regard to:</p> <ul style="list-style-type: none"> (a) not visually dominating the heritage place; (b) being sympathetic to the heritage place in terms of materials and detailing; (c) being distinguishable as new development; (d) the provision of: <ul style="list-style-type: none"> (i) an active frontage, if in a pedestrian priority street; or (ii) a pedestrian-friendly environment, if not in a pedestrian priority street; 	<p>Simplify.</p> <p>To include the relevant additional considerations (of providing an active frontage, and crime prevention through environmental design) from the other façade design standards, rather than requiring assessment of a proposal across two standards dealing with façade design.</p>

	<p>(e) the recommendations contained in a crime prevention through environmental design report; and</p> <p>(f) the recommendations contained in an adjoining heritage report.</p>	
GLE-S8.7.4 Design of landmark buildings P2	<p>A new building at a gateway location shown in Figure GLE-S8.1 must be designed as a recognisable local landmark that:</p> <p>(a) provides distinctive, contemporary architectural design that:</p> <ul style="list-style-type: none"> (i) defines an entry to the principal activity centre; (ii) enhances the surrounding streetscape; (iii) responds to the design of any other gateway buildings approved since this planning schemespecific area plan came into effect; (iv) distinguishes the principal activity centre from its surrounds; and (v) has local civic meaning; and <p>(b) addresses the findings of a site analysis and design response report; and</p> <p>(c) further the local area objectives at Clause GLE-S8.3.1.</p>	<p>Correct the reference to the planning scheme to instead refer specifically to the specific area plan.</p> <p>Remove duplication, as the site analysis and design response report is defined at GLE-S8.4.1 and includes a requirement to address the Local Area Objectives.</p>
GLE-S8.7.5 Design of apartment buildings	Each apartment must have a secure, individual storage	Correction to align the acceptable solution with the

A8	<p>area that:</p> <ul style="list-style-type: none"> (a) has a minimum volume of 4 m³ plus 2 m³ for each bedroom in the apartment; (b) is located externally to the apartment; (c) is not co-located with waste and recycling bin storage; and (d) is screened or located away from public view and other non-residential use on the site. 	performance criteria, which includes consideration of separation of individual storage areas from waste and recycling bin storage.
GLE-S8.7.7 Access, Parking and Sustainable Transport P1	<p>Parking structures and access must be designed and located to ensure no parking area is a dominant visual element of the activity centre, the site on which it is developed, or the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the character of the activity centre; (b) avoiding blank walls and expression of sloping ramps in the facade design; (c) visual and acoustic screening; and (d) maintaining opportunities for active uses on a street frontage in a pedestrian priority street whether the road is a pedestrian priority street. 	Improve clarity.
GLE-S8.7.8 Pedestrian movement A1	<p>If For substantial redevelopment on a site, other than a corner site, that has more than one frontage adjoining a pedestrian priority street, any substantial redevelopment</p>	The terms 'substantial redevelopment' and 'activation of the interface' are qualitative and not suited to consideration under an acceptable solution. The standard will apply to very

	<p>must provide pedestrian thoroughfare through the site, with activation of the interface between the thoroughfare and uses on the site there is no acceptable solution for pedestrian thoroughfare through the site.</p>	<p>few sites in the SAP area, as there are very few non-corner sites with multiple frontages to the proposed pedestrian priority streets. In addition, it is likely that any substantial redevelopment would entail multiple discretions. Therefore the absence of a permitted pathway for this standard would have a very limited impact.</p>
GLE-S8.7.8 Pedestrian movement P1	<p>If a site, other than a corner site, has more than one frontage adjoining a pedestrian priority street, any substantial redevelopment must provide safe pedestrian thoroughfare through the site where feasible, having regard to:</p> <ul style="list-style-type: none"> (a) any site constraints, such as existing buildings or the characteristics of the lot; (b) proximity to a road junction or existing pedestrian thoroughfare; (c) activation of the interface between any thoroughfare and uses on the site; and (d) the findings of a site analysis and design response report; and (d) furthers the local area objectives at Clause GLE-S8.3.1. 	<p>Remove duplication, as the site analysis and design response report is defined at GLE-S8.4.1 and includes a requirement to address the Local Area Objectives.</p>

**7. REPORT ON REPRESENTATIONS – NORTHERN APARTMENTS
CORRIDOR SPECIFIC AREA PLAN (NAC SAP) PLAM-22/10 –
COMMERCIAL ZONE ALONG MAIN ROAD BETWEEN MOONAH
& MONTROSE**

Author: Strategic Planner (Darshini Bangaru)

Qualified Person: Strategic Planner (Darshini Bangaru)

Property ID: 3238586

REPORT SUMMARY

Application No.	PLAM-22/10
Applicant	N/A
Owner	Multiple landowners
Proposal	Introduce a new Specific Area Plan to the Glenorchy LPS to facilitate residential use in the Commercial Zone along Main Road between Moonah and Montrose
Report Purpose	To consider the merits of representations received. The Planning Authority's assessment must be provided to the Commission under Section 40K of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Thirteen (13) (including one indicating no objection from TasWater)
Recommendation:	Refer representations and amendment, with minor modification, to the Commission

REPORT IN DETAIL

INTRODUCTION:

The Glenorchy Planning Authority decided to prepare and certify the planning scheme amendment (the draft amendment) at its meeting of 20 March 2023 and place it on exhibition for 28 days.

The draft amendment was publicly notified from **30 March 2023** until **1 May 2023**.

The public notification involved advertisements in the Mercury on Thursday 30 March 2023 and Saturday 1 April 2023, and a mailout of letters to landowners and occupiers of the affected properties, and landowners and occupiers of the adjoining land.

Thirteen (13) representations were received during the exhibition period, noting that one from TasWater indicated no objection to the proposed amendment. This report examines the merits of the representations.

BACKGROUND:

Draft Amendment

The proposal is for a planning scheme amendment to introduce a new specific area plan called the Northern Apartments Corridor Specific Area Plan (NAC SAP) into the Glenorchy Local Provisions Schedule. The amendment will apply to the Commercial Zone along Main Road between Moonah and Montrose, except for the site at 404 – 408 Main Road, Glenorchy (NAC SAP area). The NAC SAP seeks to:

- Provide for residential use primarily above ground floor level or behind commercial use, typically as medium to high density apartments. (Note, residential use is currently prohibited in the Commercial Zone under the State Planning Provisions SPPs);
- Maintain the primary economic focus of the area by ensuring street level commercial activity is not dominated by the residential use; and
- Facilitate well-designed apartments with an appropriate level of residential amenity to the occupants, so that the residential use does not compromise the existing and proposed non-residential uses on the site and adjacent lands.

A key driver of this proposal is Hobart City Deal's "Activating the Northern Suburbs Transit Corridor (NSTC)" project, which is the area around the existing disused rail corridor that is being planned for a future rapid transport solution. The proposed amendment will provide housing opportunities and help activate the NSTC by allowing people to live close to major transport links and have good access to services, along with work and entertainment options. The area to which the proposed NAC SAP will apply, is shown in Figure 1.

A copy of the certified amendment is included in **Attachment 1**.

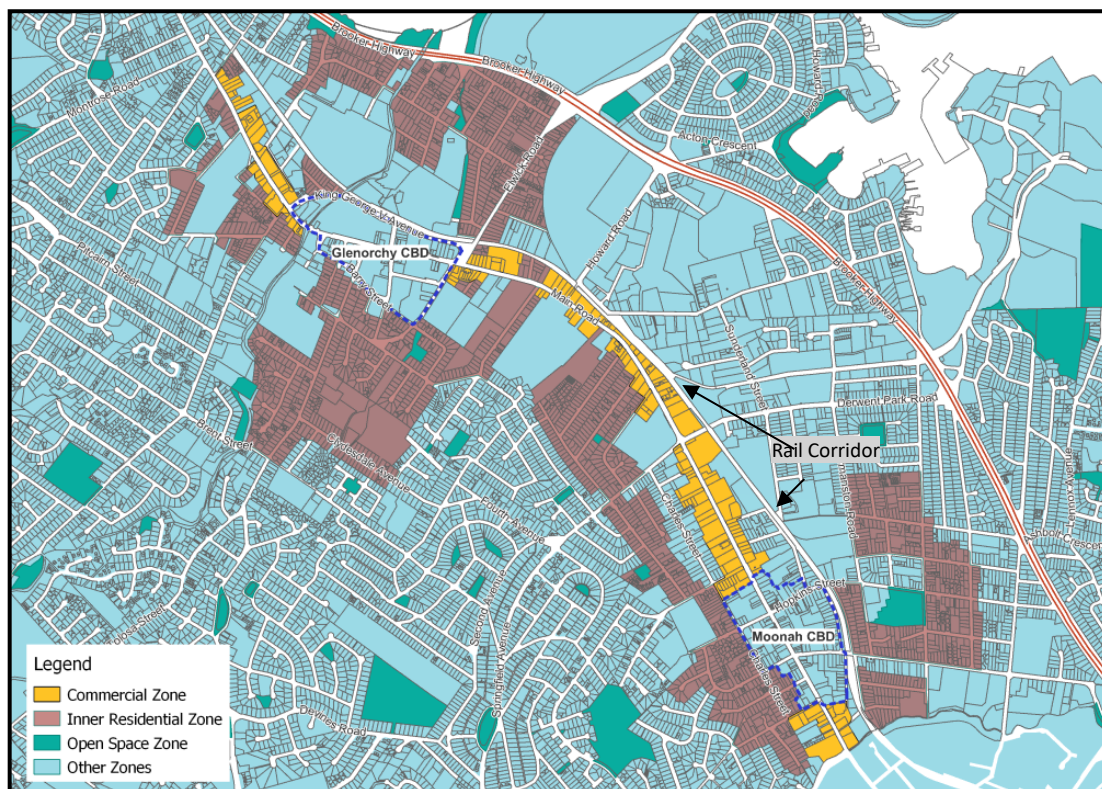


Figure 1: Area subject to the proposed amendment - Commercial zone along Main Road highlighted in yellow (described as NAC SAP area in this report).

Public exhibition of the draft amendment

Section 40G(2) of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires the exhibition notice is to be published in the Mercury newspaper once before, and once within 14 days after the first day of the exhibition period. The draft amendment was publicly advertised from 30 March 2023 – 1 May 2023. Due to an internal technical error, the notice in the newspaper was published on 30 March 2023, not before the exhibition period commenced.

Advice was sought from the Tasmanian Planning Commission (the Commission) regarding any implications due to the error. The Commission noted that under S40S of LUPAA, that no consequences flow from a failure of the process for exhibition, and in this instance the amendment was advertised for the full 28 days required.

All affected landowners, occupiers and adjoining landowners and occupiers were notified via a letter that was sent prior to the exhibition period. Documentation and information on the draft amendment was available on the Glenorchy City Council's website prior to exhibition period. As such, council officers consider that the error with the newspaper notice did not significantly affect the advertising of the draft amendment. This matter will be further addressed at the Commission panel hearings.

In addition to the statutory requirements, Council prepared 'explanatory documents' and publicised the proposed amendment through flyers, its community engagement platform 'Let's Talk, Glenorchy' and Facebook page, and alerted key stakeholder groups to the public exhibition process, with the aim of gaining broad engagement and input into the proposed amendment.

Representations received

Thirteen representations (13) were received during the public exhibition period, including a notice of no objection from TasWater and a late submission from TasRail.

A request from TasRail seeking an extension of time to submit a representation was received during the exhibition period. The Commission has the power to consider representations that were received outside the exhibition period. Therefore, TasRail's representation has been included in the discussions below.

STATUTORY REQUIREMENTS:

Section 40K(2) of the LUPAA requires a planning authority to provide a report to the Tasmanian Planning Commission (the Commission), comprising:

- (a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
 - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
 - (ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*

- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

DISCUSSION ON THE MERITS OF THE REPRESENTATIONS:

Thirteen (13) representations were received during the public notification period, including one notice of no objection from TasWater.

The issues raised in the representations are summarised below with officer comments on the merits of each issue, the need for modification and the potential impacts on the amendment and the Local Provisions Schedule (LPS) as a whole, if a modification were made.

Five of the thirteen representations strongly supported the draft amendment and raised no concerns. A few others indicated they broadly supported the concept, however raised a few matters for further consideration. One representor was against the proposal.

A detailed summary of the representations and officer responses is included in **Attachment 2**. The issues are summarised below.

- **Ground 1 – Request to include land outside of the NAC SAP area under the proposed controls**

One of the representations was from landowners of a site within the Light Industrial Zone (LIZ) at Fleet Street. This representation indicated interest for their property to be included within the NAC SAP area so residential use would be permissible. The representor provided details about the surrounding land uses along Fleet Street, including existing residential uses, which are non-conforming uses in the LIZ.

Strategic Planner's response: It is acknowledged that the representor's site and the immediate area along Fleet Street are not typically utilised for Light Industrial purposes and may be suitable for mixed-use opportunities, being near the rail corridor and Main Road. However, this area was not included in the background investigations undertaken by Council relating to the subject proposal. This area would require further studies to determine the current land zoning, surrounding zones, uses, opportunities and broader implications to the area and the LGA.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 2- Undersized stormwater pipes cannot cope with higher densities**

One representation was against the draft amendment due to the current undersized stormwater pipes, and the associated stormwater management issues that would arise due to increased densities.

Strategic Planner's response: Stormwater management would be considered at the development approval process stage. As per the current requirements, any future development applications seeking an increase to impervious areas on a site would

need to demonstrate stormwater can be managed in accordance with Council's Stormwater Management Policy. This may involve construction of onsite stormwater detention systems, or upgrades to public stormwater systems to Council's Standards. While it is acknowledged that neither the SPPs, the LPS nor specific controls under the proposed NAC SAP have standards relating to stormwater management, there are adequate provisions within the *Urban Drainage Act 2013* and *Council's Stormwater Management Policy*, adopted in July 2021, to regulate and manage stormwater for new developments, including for higher densities.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 3- Car parking standards to be reconsidered so there is no minimum requirement**

Two of the representors raised that mandatory requirements for off-street car parking should be removed in the proposed SAP. One of these representors stated, *"I do not suggest that developers must provide no residential car parking. I do say: they should be able to provide as much or as little as they wish."* The other representor stated, *"Would like to see fewer mandatory parking spaces so that car-ownership is not built-in, but that's a broader-reform thing too."* Concerns were raised that building car parks is unnecessary, induces demand, and is an inefficient use of space given the accessible location of the area. The representors pointed out that less car parking allows more apartments and/or cheaper apartments.

Strategic Planner's response: We agree with the points raised in the representations and support concepts of reduced car parking within highly accessible areas along transport networks. However, as one of the representors pointed out, this review needs to occur more holistically at a broader level. Currently this matter has been flagged for review under the Planning Reform during the review of the SPPs. Furthermore, Council officers are also investigating a future project to review car parking controls within the municipality. However, this project has not yet formally commenced.

Nevertheless, it is important to note that developers would be able to provide as much, or as little car parking as they want under the current controls of the Parking and Sustainable Transport Code in the SPPs, subject to meeting all the requirements. The parking shortfall will need to be supported by a Traffic Impact Assessment (TIA) to satisfy the performance criteria. A TIA will help assess critical information such as adequacy of existing public transportation, frequency of buses, other alternatives available, public parking places and on-street parking options available in the vicinity of the site. Limiting the removal of car parking requirements within the NAC SAP area alone, without the background investigation, may have broader implications in the surrounding area. In this context, Council would have limited opportunity to carefully

consider the proposed car parking arrangements, in the absence of a TIA / background studies.

It is considered that the representations do not have adequate merit to warrant modification to the draft amendment.

- **Ground 4 – Assessment of places listed in the Tasmanian Heritage Register**

A representation was received from the Tasmanian Heritage Council (THC). It pointed out that there are a number of properties listed on the Tasmanian Heritage Register within the NAC SAP area that will be affected by the draft amendment. The representor pointed out that some standards in the NAC SAP refer to the term 'Heritage place', however this term is not defined in the LPS or the SPPs. The representor suggested the term be defined in the SAP to include both local and Tasmanian Heritage Register (THR) listings. Furthermore, the representor noted that whilst the THC in-principle supports the amendment to facilitate more diverse housing, concerns were raised that the resulting development may not be consistent with the THC's *Works Guidelines*. The representation concluded by indicating an interest for the THC to be proactively involved in pre-DA advice for future development within this area, involving a property listed under the THR.

Strategic Planner's response: It is recommended that the draft NAC SAP be updated to include a definition for the term 'Heritage place', covering both state and local listings. The NAC SAP provisions will not supplant or over-ride any heritage standards set out in the SPPs or the *Historic Cultural Heritage Act 1995*. As per current practice, any future development proposed for a place included in the THR will be referred to the Tasmanian Heritage Council through Heritage Tasmania as required by the legislation. Council officers will continue to recommend that proponents considering development of places that are included in the THR discuss their proposals with Heritage Tasmania as early as possible in the design development process.

It is considered that that some aspects of this representation have merit and it is recommended that the draft controls are modified to reflect this.

The proposed change will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria with this change.

The modification is shown as track changes in the draft SAP in **Attachment 3**.

- **Ground 5- Active Transport as a 'preferred mode'**

One of the representations suggested that it would be good if active transport was a 'preferred mode'. The representor pointed out that car-dependent design is expensive (adds significant costs to maintenance, construction and daily trips) and can remove the actual choice of viable alternatives.

Strategic Planner's response: The proposed NAC SAP includes controls to promote active transportation by requiring bike parking spaces for apartments. The NAC SAP

also includes controls to ensure bikes have safe access and parking within apartment developments. Furthermore, one of the Local Area Objectives (LAO) of the NAC SAP states, “take advantage of the highly accessible location and promote sustainable and active transport opportunities.”

While the planning scheme cannot stipulate a ‘preferred mode’, the above objectives in the NAC SAP and associated controls will support and encourage active transportation modes.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 5 – Noise restriction implications on non-residential uses**

A representation was received from the Northgate Shopping Centre that noted they fully support the nature and type of the proposed amendment to facilitate increased housing in the area. However, they raised concerns on noise restriction implications for delivery to the shopping centre with closer residential dwellings, and the implications this may have on the functionality of the centre.

Strategic Planner’s response: As emphasised in the LAO of the proposed NAC SAP, apartments are required to be compatible with the existing / currently permissible uses in the area and not undermine the primary commercial and economic focus of the locality. Apartments will be required to be well-designed so that there is an appropriate level of residential amenity to the occupants without impacting the function of the non-residential uses and to avoid conflict of uses. The NAC SAP has specific controls requiring all new apartment buildings to be designed to achieve acceptable internal noise levels. Further, it is worth noting the Northgate Shopping Centre is not contained within the NAC SAP area, and is within the Central Business Zone, which currently allows residential use within the zone. There are also other existing dwellings within the surrounding Inner Residential Zone that are in close proximity to the shopping centre. (Note that this representation was considered in the assessment of issues under PLAM-22/04 the Principal Activity Centre Specific Area Plan.)

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

- **Ground 6 – Implications on Rail Network**

A representation was received from TasRail encouraging Council to consider the rail corridor and rail safety requirements when allowing for future development of land within the amendment area, in order to avoid the potential for conflict. Concerns were raised regarding the properties that are in close proximity to the rail corridor. TasRail advised that due diligence is required to be undertaken prior to development to inform the orientation of habitable rooms and the selection of building materials.

TasRail also requested the consideration of sighting distances to/from the rail corridor and the crossings on roads. TasRail also recommended that the capacity of the existing infrastructure within State Rail Network land boundaries be confirmed.

Strategic Planner's response: The draft amendment to include the proposed NAC SAP into the LPS is seeking to provide opportunities for residential use within the area, there is no development associated with the draft amendment. The Roads and Railway Assets Code in the SPPs stipulates controls to minimise adverse effects on the safety and efficiency of the road and rail network. As per current practice, any future development applications proposed on lots within the railway attenuation area defined under the Road and Railways Assets Code will be referred to TasRail for comment on layout, design and any development conflicts with the rail corridor. The Code also consists of controls to consider the location and design of buildings to mitigate impacts to sensitive (residential) use from the rail corridor. Furthermore, infrastructure upgrades will be undertaken by the relevant authorities as per the current practices, when and if required, in consultation with TasRail.

It is considered that the representation does not have adequate merit to warrant modification to the draft amendment.

Other recommended changes to the SAP

- **Clerical errors**

Clerical errors relating to numbering were identified after the GPA Report to prepare the amendment was considered and prior to the draft amendment being certified for exhibition. Correction to the numbering and formatting was made to Clauses GLE-S15.7.5 (P3.2) and (P3.3). The corrected certified document was exhibited to make it easier for interested parties to understand; however, it is recommended that the GPA confirm this change (refer to the track change version of the draft SAP at **Attachment 3**).

These are minor modifications to the draft SAP and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria with this minor clerical change.

- **Update to Clause GLE-S15.7.2 (A8)**

A minor wording correction is recommended for Clause GLE-S15.7.2 (A8) to align the acceptable solution with the performance criteria, which includes consideration of

separation of individual storage areas from waste and recycling bin storage (refer to the track change version of the draft SAP at **Attachment 3**).

This is a minor modification to the draft SAP and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria with these minor clerical changes.

CONCLUSION

It is considered that some elements of the representation do have merit and the following changes are recommended to the proposed the Northern Apartments Corridor Specific Area Plan (NAC SAP):

- Include the definition for 'heritage place' under GLE-S15.4 Definition of Terms;
- Amend Clauses GLE-S15.7.5 (P3.2) and (P3.3) to fix numbering; and
- Correct the acceptable solution under GLE-S15.7.2 (A8) to better align with the associated performance criteria.

The changes to the draft SAP are localised and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria as required under Section 34 of LUPAA with this change.

THE PROCESS FROM HERE:

The representations, this report and attachments will be forwarded to the Commission. The Commission may hold a public hearing prior to making a determination on the amendment.

Recommendation:

That the Glenorchy Planning Authority, after considering the merits of the representations, and being satisfied that proposed changes to the SAP are minor:

- 1 AGREE to the recommended changes to the Northern Apartments Corridor Specific Area Plan shown in **Attachment 3**.
- 2 AGREE that the recommended changes shown in **Attachment 3** satisfy the LPS Criteria at S34 of the *Land Use Planning and Approvals Act 1993*.
- 3 PROVIDE the representations, and this GPA Report on PLAM-22/10 on land zoned Commercial along Main Road between Moonah and Montrose, to the Tasmanian Planning Commission under S40K of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1** Certified Amendment Documents- PLAM- 22 10
[!\[\]\(687b6c142f51ac6f390f8bd444e38d03_img.jpg\)](#)
- 2** Summary of Representations received -PLAM_22_10
[!\[\]\(861b7aaa71df51b93037a486c3b17630_img.jpg\)](#)
- 3** Draft Northern Apartment Corridor Specific Area Plan with
[!\[\]\(605f40b2c3d6e1d01a5766f59c82e1d4_img.jpg\)](#) trackchanges