

**GLENORCHY PLANNING AUTHORITY MEETING**  
**AGENDA**  
**MONDAY, 8 JULY 2024**



**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 Sue Hickey

**Hour:** 3.30 p.m.

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**1. PLANNING AUTHORITY DECLARATION**

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 11 June 2024 be confirmed.

**5. REPORT ON REPRESENTATIONS – MILL LANE REZONING 404-408 MAIN ROAD, 8 MILL LANE, 9-11 MILL LANE, 12 MILL LANE, 1/13-15 MILL LANE, 2/13-15 MILL LANE AND 17 MILL LANE, GLENORCHY**

Author: Strategic Planner (Darshini Bangaru Hyde)

Qualified Person: Strategic Planner (Darshini Bangaru Hyde)

Property ID: 5382909

### **REPORT SUMMARY**

<b>Application No.</b>	<b>PLAM-23/04</b>
<b>Applicant</b>	<b>N/A</b>
<b>Owner</b>	<b>Multiple landowners</b>
<b>Proposal</b>	<b>Rezone land to the Urban-Mixed Use Zone and introduce a new Specific Area Plan</b>
<b>Report Purpose</b>	<b>To consider the merits of representations received. The Planning Authority's assessment must be provided to the Tasmanian Planning Commission under Section 40K of the <i>Land Use Planning and Approvals Act 1993</i></b>
<b>Representations:</b>	<b>Seven (including one indicating no objection from TasWater)</b>
<b>Recommendation:</b>	<b>Refer representations and amendment, with no modification, to the Tasmanian Planning Commission</b>

### **REPORT IN DETAIL**

#### **INTRODUCTION:**

The Glenorchy Planning Authority decided to prepare and certify this planning scheme amendment (the draft amendment) at its meeting of 15 April 2024 and place it on exhibition for 28 days.

The draft amendment was publicly notified from **27 April 2024** until **27 May 2024**.

The public notification involved advertisements in the Mercury on Saturday 27 April 2024 and Wednesday 1 May 2024, and a mailout of letters to landowners and occupiers of the affected properties, and landowners and occupiers of the adjoining land.

Seven representations were received during the exhibition period, including one submission from TasWater indicating 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 that applies to the 'Mill Lane Precinct' (see *Figure 1* below) which includes the site at 404-408 Main Road, Glenorchy (currently zoned Commercial) and sites at 8 Mill Lane, 9-11 Mill Lane, 12 Mill Lane, 1/13-15 Mill Lane, 2/13-15 Mill Lane and 17 Mill Lane, Glenorchy (currently zoned Light Industrial).



*Figure 1: Zoning map of the area highlighting the sites in the Mill Lane Precinct (within the red boundary line)*

The draft amendment seeks to:

- Rezone the sites within the Mill Lane Precinct from Commercial and Light Industrial Zones to an Urban Mixed Use Zone (UMUZ); and
- Apply the 'Mill Lane Specific Area Plan' (Mill Lane SAP) to the Mill Lane Precinct.

The location of the Light Industrial Zone in a prime area next to the Central Business Zone (Glenorchy CBD) and an Inner Residential Zone is not appropriate due to the

impact of uses that could be allowed in the Light Industrial Zone. Residential use is prohibited in the current zones. This is a lost opportunity for more housing, given the proximity of the Mill Lane Precinct to the Glenorchy CBD and a range of services including public transport options.

#### *Proposed rezoning*

The UMUZ provides for a mix of residential and non-residential activities in urban locations of a type and scale that supports and does not compromise the nearby residential uses or activities in the Glenorchy CBD. The UMUZ includes standards for residential use and development, however, to ensure that the new residential use would 'fit-in' to the surrounding context, additional planning controls are proposed.

#### *Proposed Mill Lane Specific Area Plan*

The Mill Lane SAP will include extra controls not provided for in the UMUZ and seek higher design standards for apartments. They will require new apartment buildings to 'self-protect' from, and coexist with, the non-residential uses while respecting the residences in the adjoining Inner Residential Zone. The Mill Lane SAP also provides for existing businesses to stay. One of the existing uses in the Mill Lane Precinct, being motor repairs (automotive electrical repairs), is not a permissible use in the UMUZ. The SAP will override the prohibition in the zone, to allow this use to stay but prevent new light industrial uses, including new motor repairs uses, from establishing in the Mill Lane Precinct.

The draft amendment documents are included in **Attachment 1** – Certified and exhibited amendment documents.

#### Public exhibition of the draft amendment

Section 40G(2) of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires the exhibition notice 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 27 April 2024 until 27 May 2024. Due to an internal technical error, the notice in the newspaper was published on 27 April 2024, not before the exhibition period commenced. However, the amendment was advertised for a full 31 days which is greater than the 28 days required by LUPAA. Therefore, it is considered there would be no consequences that flow from a failure of the process for exhibition in this instance as the error did not significantly affect the advertising of the draft amendment.

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 Glenorchy City Council's website when the exhibition period commenced.

In addition to the statutory requirements, an 'explanatory document' was advertised, and the project was publicised through Council's community engagement platform 'Let's Talk, Glenorchy', Glenorchy Newsletter, and Facebook page. Officers also wrote to members of the community who participated in the informal engagement and opted to keep updated about the project.

### Representations received

Seven representations were received during the public exhibition period, including a notice of no objection from TasWater and a late submission from the Department of Health. The Tasmanian Planning Commission (the Commission) has the power to consider representations that were received outside the exhibition period.

### **STATUTORY REQUIREMENTS:**

Section 40K(2) of LUPAA requires a planning authority to provide a report to 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:**

Seven 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 and if there is a need for modification to the proposed amendment.

Two of the six representations (excluding TasWater's notice of no objection) supported the draft amendment. The remaining four representations raised matters for further consideration. A detailed summary of the representations and officer responses is included in **Attachment 2**.

The issues are summarised below.

- **Ground 1 – Support for the amendment**

Two representations, one from the Department of State Growth and the other from the Department of Health, expressed support for the proposed amendment for provision of infill housing opportunities in a suitable location that is close to amenities, health services and public transport options. The Department of Health, who is the landowner for the site at 404 – 408 Main Road, Glenorchy (within the Mill Lane Precinct), indicated support for their land to be rezoned from the Commercial Zone to UMUZ and noted that their existing use would not be affected.

*Strategic Planner's response:* Noted comments - no modification is required to the draft amendment.

- **Ground 2 – Occupation of apartments**

One representation made comments about immigrants occupying the apartments and suggested prohibition on migrant residency in the area.

*Strategic Planner's response:* The planning scheme does not play any role in governing the ownership of developments or limit who it can be occupied by.

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

- **Ground 3 – The purpose of the rezoning when there is 'no appetite' for it**

One representation from a landowner in the Mill Lane Precinct noted that they have no intention of redeveloping their site for housing and considered that it would be the same with the other businesses in the precinct.

*Strategic Planner's response:* The proposed amendment is not only to provide infill housing, but also to rezone the Mill Lane Precinct to an appropriate zoning that suits the current uses. This is to minimise uses typically permissible under the current Light Industrial and Commercial zones that would have negative amenity impacts on existing businesses, surrounding dwellings and the Glenorchy CBD. Given no other current landowners in the Mill Land Precinct raised this issue, and ownership of sites may change over time, it cannot be pre-empted that none of these sites would be



developed to have a mix of non-residential with residential uses. The proposed amendment provides housing opportunities for the future.

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

- **Ground 4 – Concerns relating to increased rates**

One representation from a landowner raised concerns about increases in Council rates due to the rezoning to UMUZ.

*Strategic Planner's response:* Council rates are classified as residential rates, and non-residential rates. Therefore, the zoning of the land would not impact on the way the rates are calculated. However, it is acknowledged that the zoning of the land may have some implications for the AAV (assessed annual value) of the property calculated by the Valuer General. It is worth noting that zoning is only one element of how the AAV is calculated, which also includes other elements such as location of site, capital value, buildings and structures, existing infrastructure and other matters. It is therefore difficult to quantify whether the change in zoning would have a significant impact on the AAV, and subsequent rate charges. It is noted that the inclusion of zoning as a factor in the AAV is intended to reflect the potential impact of zoning on the market value of land; an increase in the AAV is intended to correspond with an increase in the value of the land. However, it is similarly difficult to quantify the extent of this impact. Nevertheless, Council has policies in place for rates exemptions for uses that are for charitable purposes.

- **Ground 5 – Redevelopment of 9-11 Mill Lane, Glenorchy Council car park**

One representation from a landowner in the Mill Lane Precinct considered that 9-11 Mill Lane, Glenorchy (Council car park) may be the only site that would be developed for apartments. If this were the case, they sought assurances that access to car parks that are located between their building and the associated right of way are protected. The representor also raised concerns about how development on this land may affect a billboard sign that is located on their property.

*Strategic Planner's response:* There are no agreements for private usage of car parks within Council's public car park at 9-11 Mill Lane, Glenorchy. However, there is no disposal or redevelopment of this car park currently being considered by Council. In addition, any car parks within private properties and private rights of way could not be impacted, in the case of any future decision of Council to undertake a land disposal or redevelopment process.

The billboard sign is a not a relevant planning matter for the proposal, noting that no development is proposed, and the planning scheme does not include any provisions relating to maintaining the visibility of signage on adjacent properties. Should a future disposal or redevelopment be considered for the property, then concerns relating to the visibility of adjacent signage would be considered as part of that consultation process. The landowner would have further opportunities to raise their concerns about the billboard signage at that stage. However, it is noted that no disposal or redevelopment of the Council car park is currently anticipated.

- **Ground 6 – Disposal of Council car parks and redevelopment for residential use**

Two representations expressed concern that Council-owned car parks at 9-11 Mill Lane, Glenorchy and the car park at the Barry Street and Regina Street intersection may be disposed of. The representors considered the existing car parks to be highly utilised and a key attractor for visitation to the Glenorchy CBD and its services and 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.

*Strategic Planner's response:* The amendment does not include a proposal to dispose of or redevelop existing public car parking areas. The amendment also does not include provisions that affect Council's ability to dispose of or redevelop public car parks. Instead, the amendment includes a rezoning that also applies to a Council car park at 9-11 Mill Lane, Glenorchy. While Council has no intention of selling this land or using it for other purposes, it would not be a good planning approach to leave this land out of the project and rezone the sites around it. This would create a stand-alone site in the Light Industrial Zone that could have negative impacts on future housing opportunities for surrounding land. It should also be noted that the car park could be sold or developed for another use without a rezoning or the Mill Lane SAP. However, Council does not have plans to dispose of this land. Any future disposal of this land would have to go through a public consultation process under the Disposal of Council Land Policy and the *Local Government Act 1993*.

If new planning controls are approved for the sites, the Council car park would still remain. The new controls could also allow for opportunities to keep the car park at ground level and have apartments on the top of the car park in the future. However, there is no redevelopment currently being considered.

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

- **Ground 7 – Residential development will generate more car parking demand, and concerns relating to car parks not being a requirement under the proposed amendment**

One representation raised concerns about why car parking is not required under the proposed amendment and pointed out that only bicycle parking was required, which is challenging to be used by families, the elderly and people with a disability. Two 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 (SPPs). While additional bicycle provisions are included in the proposed Mill Lane SAP, as these are not provided for in the SPPs, the car parking requirements for residential use under the SPPs will continue to apply.

It is noted that a proposal for reduced car parking for a potential future development application could be viewed favourably, subject to meeting the relevant Code standard. This is because the area is in a central location that is currently serviced by high-frequency public transport, is in 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 preclude car parking as this requirement would continue to apply under the SPPs. 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.

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

- **Ground 8 – 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 SPPs.

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 Corridor<sup>1</sup> work is part of the Hobart City Deal.

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<sup>1</sup> [https://www.hobartcitydeal.com.au/activating\\_the\\_northern\\_suburbs\\_transit\\_corridor](https://www.hobartcitydeal.com.au/activating_the_northern_suburbs_transit_corridor)

It is noted that the State Planning Office has flagged the review of car parking provisions under the Planning Reform project which seeks to review the current provisions under the 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 9 – Actions under the Greater Glenorchy Plan relating to public car parks**

One representation raised concerns about how the Greater Glenorchy Plan includes actions to consider public car parks for parks and infill housing.

*Strategic Planner's response:* The Greater Glenorchy Plan, which was adopted by Council in 2021 after community consultation, provides a range of ideas, identifies opportunities and does recommend conversion of some Council-owned car parks to green spaces and some Council land, including 9- 11 Mill Lane, Glenorchy for infill housing. However, none of these actions have been initiated and they are 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 10 – Safety on the roads due to reduced car parking**

One representation queried the safety of people due to increased on-street parking as no car parks are required under the proposed amendment, and existing public car parks are to be disposed of.

*Strategic Planner's response:* The proposed amendment does not alter requirements for onsite parking or traffic safety considerations in the SPPs. There is currently no intention to dispose of any Council car parks.

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

- **Ground 11 – Costs associated with the proposed amendment**

One representation is concerned about potential costs arising from the proposed amendment, including the cost of infrastructure upgrades and maintenance. They pointed out that ratepayers will have to pay for infrastructure upgrades required for increased population in this area.

*Strategic Planner's response:* There are no direct costs to Council other than the 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. In the absence of these Developer Contribution charges, it would be up to the developer or Council to undertake infrastructure upgrades. It is challenging to pre-empt what funding would be available for any future infrastructure upgrades at this stage. However, providing for additional capacity for housing within existing infrastructure in urban areas is more economical than constructing new infrastructure for greenfield sites to meet housing demand and targets.

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

- **Ground 12 – Risk assessment**

One representation queried 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 13 – Landscaping of car parking areas**

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

*Strategic Planner's response:* There is no capacity for the planning scheme to apply standards retrospectively to existing development. The draft amendment includes landscaping requirements for higher-density apartments. Although this does not mandate landscaping of car parks, it supports a potential increase in green space in the Mill Lane Precinct.

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

## CONCLUSION

There were seven representations received in relation to the draft amendment, including one notice of no objection from TasWater. Four representations were against the proposal and raised matters for consideration. However, in this instance, it is considered that the matters raised in the representation do not have adequate merit to support any modifications to the amendment.

The amendment is considered to meet the LPS criteria as required under Section 34 of LUPAA and it is recommended that the amendment be submitted to the Tasmanian Planning Commission in the form in which it was publicly notified, without 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 no changes to the amendment are required:

1. PROVIDE the representations, and this GPA Report on PLAM-23/04 on land zoned at 404-408 Main Road, 8 Mill Lane, 9-11 Mill Lane, 12 Mill Lane, 1/13-15 Mill Lane, 2/13-15 Mill Lane and 17 Mill Lane, Glenorchy to the Tasmanian Planning Commission under S40K of the *Land Use Planning and Approvals Act 1993*.

## Attachments/Annexures

- 1 Summary of Representations with responses



- 2 Certified amendment

