

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 15 JANUARY 2018



GLENORCHY CITY COUNCIL

- * The Acting General Manager certifies that the reports contained in this Agenda have been written by qualified persons under *Section 65 of the Local Government Act 1993*.
- * 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: Commissioner Sue Smith

Hour: 1.00 p.m.

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6. **PLANNING SCHEME AMENDMENT REQUEST - PLAM-17/02: TO
APPLY A SPECIFIC AREA PLAN TO 651-655 MAIN ROAD,
BERRIEDALE AND ADJOINING LAND WITHIN THE DERWENT
RIVER (MONA SPECIFIC AREA PLAN) ADDRESS: 651-655 MAIN
ROAD, BERRIEDALE AND AN AREA OF CROWN LAND WITHIN
55M OF THE BOUNDARY OF 651-655 MAIN ROAD, BERRIEDALE23**

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 11 December 2017 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - NEW SCOREBOARD AND DEMOLITION OF EXISTING SCOREBOARD - ABBOTSFIELD PARK, 1B DEWAR PLACE, CLAREMONT

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5317592

REPORT SUMMARY:

Application No.:	PLN-17-351
Applicant:	Optimus Consulting
Owner:	Glenorchy City Council
Zone:	Recreation
Use Class	Sports and Recreation
Application Status:	Discretionary
Discretions:	Clause E17.6.1 Use Standards and Clause E17.7.1 Standards for Signs (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time granted until 16 Jan 2018
Existing Land Use:	Sports Ground, Outdoor Recreational Facility and Passive Recreation
Proposal In Brief:	New scoreboard and demolition of existing scoreboard
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal will be for the demolition of the existing score board for the Sports Ground and construction of a new one in a different location.

The proposal will include signage facing toward the oval, consisting of an LED screen placed to the south-east. The proposed LED screen will be used for scoring for games at the sports ground. The proposed scoreboard will consist of a pole/pylon sign with a maximum height of 5m and a width of 5.5m. The sign face/display area will be 2.5m by 5.5m, with a distance of 2.5m between the sign and natural ground level (figure 1).

The proposed illumination for the scoreboard will be P16 LED matrix modules, the size of individual modules will be 256mm wide by 128mm high. Each module will have a 7-colour display (white, blue, yellow, green, red, magenta and cyan). The board will only show scrolling text messages (no imagery/video/animation).

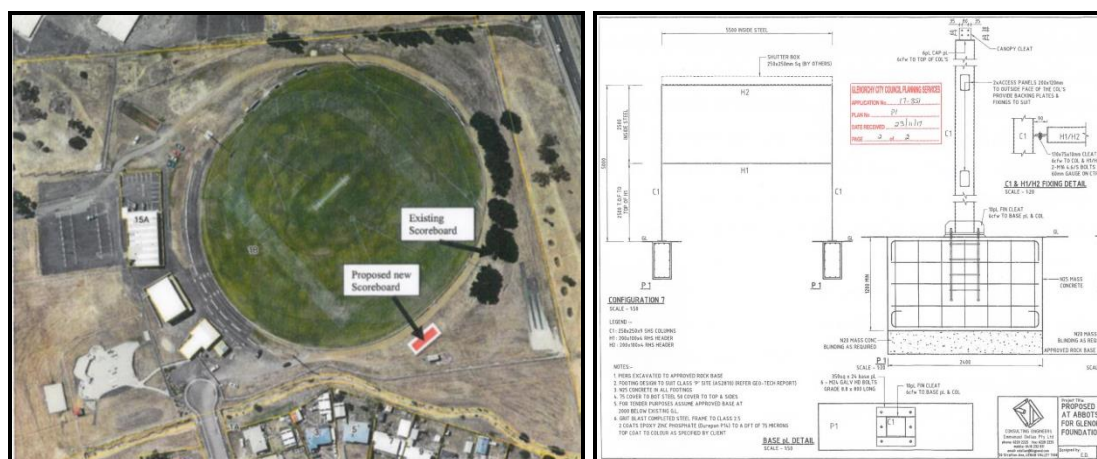


Figure 1: Plans of 1B Dewar Place, Claremont.

The proposal would be reliant on performance criteria for Clause E17.6.1 Use Standards and Clause E17.7.1 for standards for signs.

SITE and LOCALITY

The subject site is located on the western side of the Brooker Highway, the northern end of Dewar Place and the eastern side of Adelphi Road, Claremont.

The property has a combined frontage of approximately 288m, an average depth of 314m, and a total area of 6.814ha.

The site has a moderate to flat slope falling toward the east, with an average gradient of 1 in 17. The land has existing buildings near the middle of the site. The property consists of four buildings of varying size and scale. A skate park is located in the south-west corner and the main parking area to the west via access from Adelphi Road. The oval for the sports ground is located on the eastern portion of the site.

The site is located within the Recreation zone and is surrounded by the General Residential zone to the north, west and south. The Utilities zone for the transmission lines to the north and south, and for the Brooker Highway to the east (figure 2).



Figure 2: Aerial photo of 1B Dewar Place, Claremont.

ZONE

The subject property is within the Recreation Zone under the Glenorchy Interim Planning Scheme 2015 (figure 3).

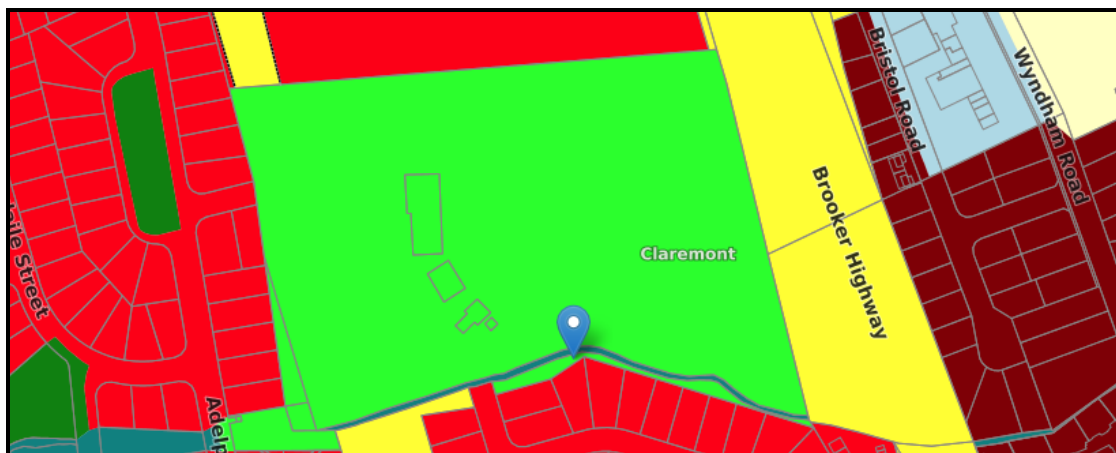


Figure 3: Recreation Zone over 1B Dewar Place, Claremont.

BACKGROUND

There is no background information relevant to this application.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the Land Use Planning and Approvals Act 1993 (LUPAA).

A condition is recommended requiring appropriate soil and water management to prevent erosion and the transport of sediments into surface waters, consistent with the State Policy on Water Quality Management.

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

Planning Scheme Operation (Does a SAP or Code override Zone provisions?)

No SAP provisions override the code or zone provisions in this assessment.

Use Class Description (Table 8.2):

The individual use is Sports Ground, which is listed within the use class of Sports and Recreation.

The definition of Sports and Recreation use class states:

use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

Other relevant definitions (Clause 4.1):

Nil.

Part C: Special Provisions

The following special provisions of the Scheme apply to this proposal:

Demolition

The proposal includes demolition, therefore Clause 9.4 of the Scheme applies:

Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective or desired future character statement of the applicable zone;
- (c) the purpose of any applicable code; and
- (d) the purpose of any applicable specific area plan.

The proposal would involve demolition of a sign to the south-east of the site. The demolition forms part of the proposal of signage and therefore the demolition will be considered with the proposed use and development, in accordance with the Scheme.

Part D: Zones

The land is within the Recreation zone and the following Scheme zone purpose statements, use table, use standards and/or development standards apply to this proposal.

Zone Purpose Statements

The Recreation zone purpose statements in Clause 18.1.1 of the Glenorchy Interim Planning Scheme 2015 are as follows:

18.1.1.1

To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land.

18.1.1.2

To encourage open space networks that are linked through the provision of walking and cycle trails.

The proposed Signage for scoreboard will assist in providing a range of active and organised recreational use that will complement the existing recreational use of the land. The proposal will encourage the use of existing open space networks. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 18.1.1 of the Scheme.

Use Table

The proposed use of 'Sports Ground' is permitted with qualifications, in accordance with the use table in Clause 18.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses E17.6.1 and E17.7.1.

Use Standards

Not applicable.

Development Standards for Buildings or Works

Not applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E17.0 Signs Code

Clause E17.6.1 – Standard A1, Use of Signs

The proposal would include a Pole/Pylon Sign that is discretionary with the Recreation zone. The proposal is required to be a permitted sign, in accordance with Clause E17.7.3 – standard A1. The proposal is considered in accordance with the performance criteria:

A sign must be a discretionary sign in Table E.17.3.

The proposed sign is discretionary in accordance with Table E.17.3. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

Clause E17.6.1 – Standard A3, Use of Signs

The proposal includes a Pole/Pylon Sign with LED lights that will show scrolling text messages. The proposal is required not to contain any moving or changing messages in accordance with Clause E17.7.1 – standard A3. The proposal is considered in accordance with the performance criteria:

A sign contain flashing lights, moving parts or moving or changing messages or graphics must not have an unreasonable impact upon the residential amenity of a residential use caused by light shining into windows of habitable rooms, movement or visual intrusion or cause undue distraction to drivers of motor vehicles.

The proposed sign would be facing inward toward the oval and would have a minimal impact on surrounding residences and traffic. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

Clause E17.7.1 – Standard A1, Standards for Signs

The proposal will include a Pole/Pylon Sign with an area exceeding 2m² and will be a discretionary sign in Table E17.3. The proposal would require the signs to comply with the standard measurements in Table E17.2 and be a permitted sign in Table E17.3, in accordance with Clause E17.7.1 – standard A1. The proposal is considered in accordance with the performance criteria:

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;*
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;*
- (d) not result in loss of amenity to neighbouring properties;*
- (e) not involve the repetition of messages or information on the same street frontage;*
- (f) not contribute to or exacerbate visual clutter;*
- (g) not cause a safety hazard.*

The proposed sign will be located a reasonable distance from the streetscapes and will be replacing a scoreboard at the sports oval. The design and location would not have an unreasonable impact on safety. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Not applicable.

EXTERNAL REFERRALS

TasWater

The application was referred to TasWater which was supportive of the proposal with recommended conditions. The *Water and Sewerage Industry Act 2008* requires the Planning Authority to include conditions from TasWater if a permit is approved.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with one representation being received. The issues raised are as follows:

1. Residential Development

The representor states that building units for people to live in would be 'better than scoreboards and demolition'.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application.

CONCLUSION

The proposal is relying on the performance criteria to comply with the applicable standards of the Scheme in relation to: use and standards for signs.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the Recreation zone, as well as the relevant standards of the Signs Code.

The application was publicly advertised for the statutory 14-day period and one representation was received raising concern regarding the lack of residential development of the site.

It is concluded that the proposal is consistent with the Scheme's zone and code purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of New scoreboard and demolition of existing scoreboard at Abbotsfield Park 1B Dewar Place, Claremont subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-351 and Drawing No. P1 submitted on 23 November 2017, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. The sign is only to display material relating to the nature of the activity occurring on the land, or the business operating from the land, and is not to contain any third party advertising.

Advice to Applicant

This advice does not form part of the permit but is provided for the information of the applicant.

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the Building Act 2016 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

APPENDIX 1**18.0 Recreation Zone**

Standard	Acceptable Solution	Proposed	Complies?
18.3 Use Standards			
18.3.1 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 7.00 am to 8.00 pm Mondays to Fridays inclusive; (b) 8.00 am to 6.00 pm Saturdays; (c) 10.00 am to 5.00 pm Sundays and Public Holidays; except for office and administrative tasks.	Not applicable.	N/A

18.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Not applicable.	N/A
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone, except if a school system used for school announcements.	Not applicable.	N/A
18.3.3 External Lighting	A1 External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must comply with all of the following: (a) be turned off between 9:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.	Not applicable.	N/A

	A2 Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	Not applicable.	N/A
18.3.4 Commercial and Patron Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive; (b) 8.00 am to 7.00 pm Saturdays; (c) 10.00 am to 6.00pm Sundays and Public Holidays.	Not applicable.	N/A
18.3.5 Discretionary Use	A1 No Acceptable Solution	Not applicable.	N/A
18.4 Development Standards for Buildings and Works			
18.4.1 Building Height	A1 Building height must not be more than: (a) 10m. (b) 15m if in the KGV Sports and Community Precinct and 10m or more from that Precinct boundary other than a boundary with a residential zone.	Not applicable.	N/A

	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not applicable.	N/A
18.4.2 Setback	A1 Building setback from frontage must be must be no less than: (a) 5m; (b) the alignment of adjoining buildings; whichever is the lesser.	Not applicable.	N/A
	A2 Building setback from a residential zone must be no less than: (a) 3 m; (b) half the height of the wall, whichever is the greater.	Not applicable.	N/A
18.4.3 Design	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade;	Not applicable.	N/A

	(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place.		
	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	Not applicable.	N/A
18.4.4 Passive Surveillance	A1 Buildings design must complying with all of the following:	Not applicable.	N/A

	(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.		
18.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.	Not applicable.	N/A

	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2 m.		
18.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	Not applicable.	N/A
18.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.	Not applicable.	N/A

APPENDIX 2**E17.0 Signs Code**

Standard	Acceptable Solution	Proposed	Complies?
E17.6 Use Standards			
E17.6.1 Use of Signs	A1 A sign must be a permitted sign in Table E17.3	The proposed sign will be discretionary in Table E17.3.	Performance criteria Refer to discussion in the report.
	A2 A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.	Complies. A condition has been recommended.	Yes
	A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign	The proposed sign contains LED lights with moving text.	Performance criteria Refer to discussion in the report.
	A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.	Complies. The proposed sign will be 30m from the nearest residence to the south-west.	Yes
E17.7 Development Standards			
E17.7.1 Standards for Signs	A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	The proposed sign will exceed an area of 2m ² and be discretionary in Table E17.3. Compliance will require the sign to have a maximum area of 2m ² and be permitted in Table E17.3. There the proposal relies on performance criteria.	Performance criteria Refer to discussion in the report.

Standard	Acceptable Solution	Proposed	Complies?
	A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.	Not applicable.	N/A
	A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	Complies.	Yes
	A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary.	Not applicable.	N/A
E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts	A1 No acceptable solution	Not applicable.	N/A

Attachments/Annexures

- 1  Abbotsfield Park - 1B Dewar Place, Claremont

**6. PLANNING SCHEME AMENDMENT REQUEST - PLAM-17/02:
TO APPLY A SPECIFIC AREA PLAN TO 651-655 MAIN ROAD,
BERRIEDALE AND ADJOINING LAND WITHIN THE DERWENT
RIVER (MONA SPECIFIC AREA PLAN)
ADDRESS: 651-655 MAIN ROAD, BERRIEDALE AND AN AREA
OF CROWN LAND WITHIN 55M OF THE BOUNDARY OF 651-
655 MAIN ROAD, BERRIEDALE**

Author: Strategic Planner (Lyndal Byrne)

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 2250425

REPORT SUMMARY:

Application No.: PLAM-17/02

Applicant: Ireneinc Planning

Owner: Claremont Partners (Tas) Pty Ltd and the Crown

Existing Zoning: Major Tourism Zone and Environmental Management Zone

Existing Land Use: MONA museum, winery and associated activities

Proposal In Brief: The amendment proposes to apply a Specific Area Plan to 651-655 Main Road, Berriedale and an area of the Derwent River (owned by the Crown) within 55m of 651-655 Main Road, Berriedale.

Representations: Advertising occurs after the amendment is initiated.

Recommendation: Council initiate and certify the amendment, subject to modifications, and place it on public exhibition for 28 days.

REPORT IN DETAIL:

PROPOSAL: The amendment seeks to apply the MONA Specific Area Plan (MONA SAP) over the subject site, delete the Desired Future Character Statements from Clause 30.1.3 of the Major Tourism Zone and delete the notation to the Desired Future Character Statements (DDO1) from planning scheme maps. (Refer to Attachment 1)

The provisions of the MONA SAP, primarily 'open up' use and development opportunities within the Environmental Management Zone by extending the uses allowed in the Major Tourism Zone (with some modifications) to cover an area of the river 55m from the boundary of 651-655 Main Road, Berriedale.

Key elements of the MONA SAP are:

- Identifying use and development objectives for the site and promoting quality design outcomes in the Plan Purpose Statements.
- Providing a no-permit-required pathway for temporary structures, such as art installations, that are not catered for under the exemption provisions of the Glenorchy Interim Planning Scheme 2015 (GIPS 2015).
- Including height provisions that override the provisions within the underlying zones and enable significantly higher buildings to be considered.
- Including provisions for buildings and works that override the provisions in the Waterway and Coastal Protection Code and the Inundation Prone Areas Code, and enable temporary art installations, art works or structures for occasional events to be constructed without a planning permit. These provisions are also designed to enable the potential future hotel to cantilever over the river, a design and use that would be prohibited under the Inundation Prone Areas Code.

While a key objective of the MONA SAP is to facilitate the potential MONA hotel, the proposal is not a combined planning permit application and planning scheme amendment. This is due to statutory limitations under the *Historic Cultural Heritage Act 1993*. Should the amendment be approved, a separate application for the hotel proposal would need to be lodged and considered by the planning authority; such an application is likely to be discretionary and would be subject to a public notification process.

Recommended changes

During discussions with the applicant prior to lodgement of the amendment request and as part of the request for further information, Council officers identified a number of concerns with the draft amendment.

While the applicant has made some changes to the draft MONA SAP, further changes are recommended to ensure appropriate use of the site, clarify terms and protect natural values of the site. A 'track-change' version of the MONA SAP is included in Attachment 2 and identifies changes recommended by planning officers.

The applicant was given the opportunity to respond to the proposed changes prior to the GPA considering this report. However they have indicated they would prefer to make a submission on the changes during the exhibition process (should the amendment be initiated). Any representations received will be considered by the Planning Authority and further reviewed by the Tasmanian Planning Commission during a Panel hearing.

In summary the recommended changes are:

- Specific identification of the area covered by the MONA SAP at Clause 1.2.1 to identify it includes an area owned by the Crown within 55m of the boundary of the 651-655 Main Road, Berriedale.

Reason: This creates clarity as to the extent of the area covered by the MONA SAP.

- Inclusion of definitions for the terms 'MONA', and 'Occasional event' at Clause 1.3.1.

Reason: 'Occasional', in particular, is a very difficult word to define and has caused confusion in determining whether events require a planning permit on the subject site. Defining this term will improve clarity and make the planning process more efficient for applicants and Council.

- Deletion of the Discretionary use of 'Business and Professional Services' (Use Table at Clause 1.4)

Reason: As the applicant has not provided documentation on how this use would impact on surrounding activity centres. Given the potential to drain office uses from Council's designated activity centres, it is recommended this use class be removed. It is noted that office uses necessary for the operation of the hotel, museum and other uses on the site are permissible as ancillary uses under the scheme.

- Inclusion of 'Resource Development' as Discretionary uses rather than Permitted use and limited to Agricultural uses only. 'Resource Development' for a winery retained as a Permitted use. (Use Table at Clause 1.4)

Reason: Given the residential and recreational nature of the surrounding area, and potential impacts from Agricultural uses, it is recommended such uses be fully assessed in respect to their amenity impacts.

- Rewording the applicable standard on hours of operation at Clause 1.5.3 to clarify that use of the site within 50m of a residential zone meets reasonable operating hours as identified in the Acceptable Solution or be assessed as a discretionary application.

Reason: The change makes this applicable standard consistent with similar provisions elsewhere in the scheme. While an activity – such as the proposed hotel – may be physically located over 500m from a residential zone, the use of the site is generally considered to relate to the whole land. However, in the case of large sites, Council officers would consider the location of the actual use (the noise source) and consider its distance from the residential zone. It is also noted that a specific standard to limit noise measured at the residential zone boundary is included in the MONA SAP.

- Rewording the applicable standard on building height at Clause 1.6.1 to require a visual impact assessment to demonstrate how a building higher than 10m will meet the Plan Purpose Statements, particularly in respect to view lines to and from the site, and ensure that development enhances pedestrian amenity on the site.

Reason: Requiring a visual impact assessment will ensure compliance is appropriately demonstrated and documented by the applicant.

- Limiting the Acceptable Solution for buildings and works within 20 metres of the Environmental Management Zone or within that zone (Clause 1.6.2 A3), or within a Waterway and Coastal Protection area (Clause 1.6.4 A1), to temporary structures only.

Reason: Extensions to existing buildings, and buildings and works associated with Resource Development uses could be extensive and have significant impacts on coastal values. Unless the buildings and works are temporary they require full assessment under the Performance Criteria in these sensitive areas.

- Modifying the applicable standard at Clause 1.7.1 to require subdivision within an Inundation Prone area or Waterway and Coastal Protection Area to be considered under the relevant Code.

Reason: The existing provisions in the relevant Codes are considered appropriate for subdivision occurring in these areas, and it is not necessary to override them through the MONA SAP.

- Typographical and grammatical changes, updating of Clause numbers to reflect numbering in the GIPS 2015.

Reason: to improve clarity and consistency in the provisions.

As these changes have been recommended by Council officers, the applicant's Planning Report will, in several sections, be inconsistent with the MONA SAP as recommended for initiation. This will not affect the amendment as it forms part of the applicant's request that the Planning Authority is required to assess. Should the amendment be initiated, a copy of this Report will be exhibited with the applicant's documents.

The revised MONA SAP which includes the above changes form part of the Amendment documents in Attachment 1.

SITE AND LOCALITY:

The subject land is located at 651-655 Main Road, Berriedale, and includes the adjoining area within the River Derwent extending 55m from the boundary of the 651-655 Main Road (Figure 1).

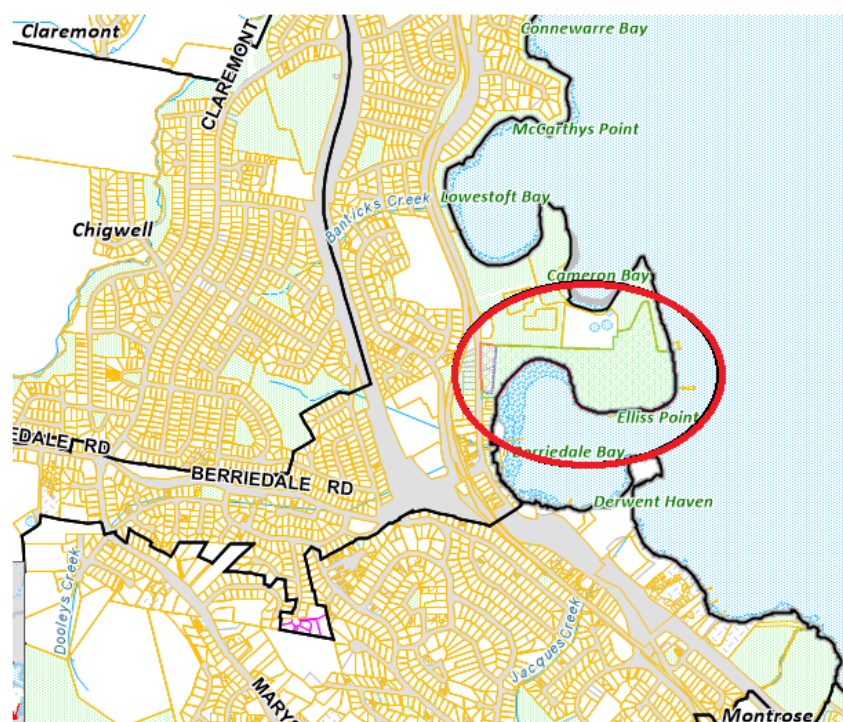


Figure 1 – Location Plan

The extent of the area to be covered by the MONA Specific Area Plan (MONA SAP) is shown in Figure 2.

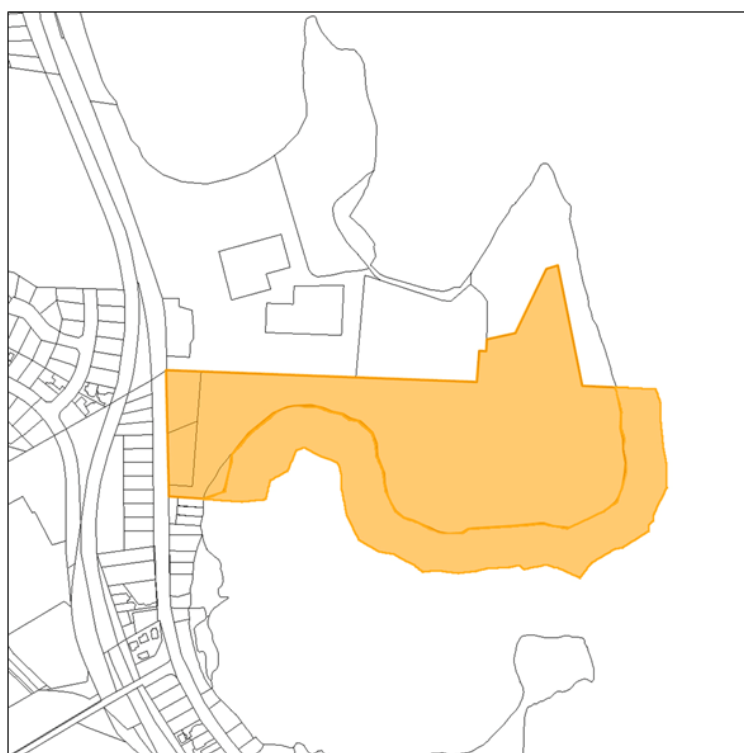


Figure 2 – Extent of area to be covered by the MONA SAP

The land includes certificate of titles 164039/1, 61366/4 and 61366/3, noting that the small parcel of Crown land in Berriedale Bay and the River Derwent have no title. The land at 651-655 Main Road, Berriedale (the MONA site) is 9.56ha in area.

The site is developed with the MONA (Museum of Old and New Art) museum on the eastern side of the site, with associated facilities and function areas. The site also contains the Moorilla Estate winery, with vineyards on the western portion of the site, and the winery building with associated wine bar, reception, cellar door, restaurant, and function rooms on the eastern side of the site. Access to the site is from the western boundary off Main Road, and car parking areas are located in the north and south. Visitor accommodation areas are located to the east of the site. (Refer to Figure 3 – Aerial image)

Land to the north of the site is owned by Glenorchy City Council. It provides the Berridale Foreshore Reserve to the east, Taswater's Sewage Treatment Plant (centre) and recreational facilities and car parking areas to the west.

Land to the west and south includes commercial (Granda Tavern) and residential uses.



Figure 3 – Aerial image of the subject site

BACKGROUND:

Planning Scheme Provisions:

The subject site is included in the Major Tourism Zone and the Environmental Management Zone under the Glenorchy Interim Planning Scheme 2015 (GIPS 2015). (Refer to Figure 4)

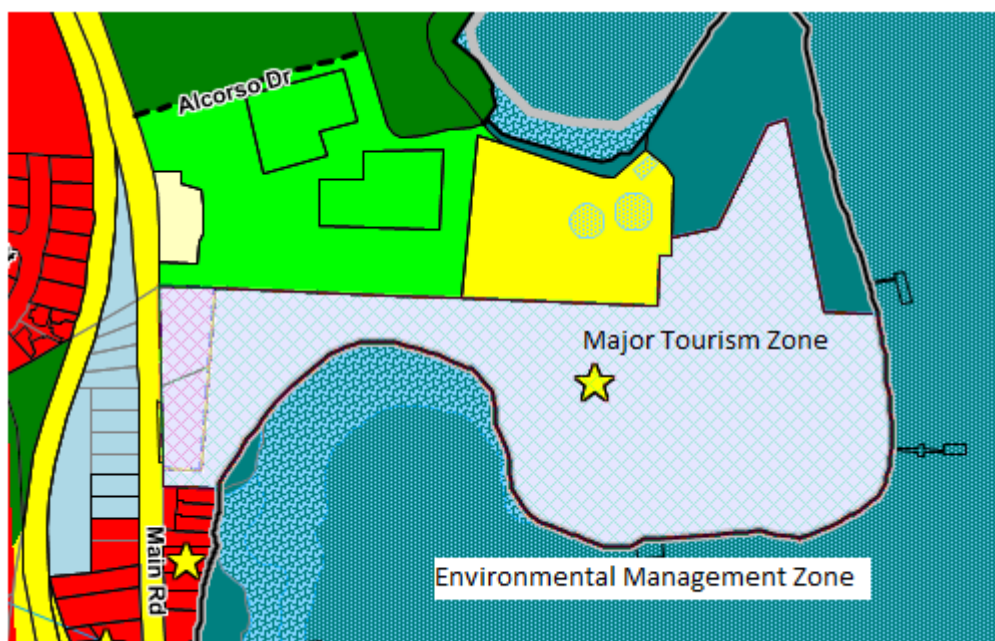


Figure 4 – Zoning controls under the GIPS 2014

Areas along the coastal edge of the site are affected by the Waterways and Coastal Protection Code, the Landslide Code, and Inundation Prone Areas Code. The Biodiversity Code also covers the area within an Environmental Management Zone.

The entire site is within the attenuation area of 10 Alcorso Drive, Berriedale (TasWater waste-water treatment plants).

The site is also listed on the Tasmanian Heritage Register (THR 7088 - Courtyard House, Round House (both designed by Roy Grounds) and original dwelling). The site is dual listed by Council under the Historic Heritage Code, noting that the Code does not apply to THR listed sites.

Planning Permit applications

Council records indicate numerous planning permit applications have been sought for the site. Significant applications are listed in Appendix B of the applicant's planning report (Attachment 3).

Amendment Request – extension of time for assessment

The planning scheme amendment request was received by Council on 9 June 2017 and made valid on 31 August 2017. A request for further information was satisfied on 28 November 2017. Under Section S33(3), former provisions, of the *Land Use Planning and Approval Act 1993* (LUPAA), the 42 day time frame for assessment would have expired on 12 December 2017, giving inadequate time for a report to be prepared for the 11 December 2017 GPA meeting. The Tasmanian Planning Commission has granted an extension to the assessment time frame until 16 January 2018.

STATUTORY REQUIREMENTS:

Matters for consideration under the Land Use Planning and Approvals Act 1993 (LUPAA)

Section 20(1), former provisions, of LUPAA is relevant in that a planning scheme amendment is also considered to be the making of a planning scheme. Under this provision, the amendment must, in the opinion of the planning authority:

- Seek to further the objectives set out in Schedule 1 of the Act.
- Be prepared in accordance with State Policies made under [section 11](#) of the [State Policies and Projects Act 1993](#).
- Have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the [Local Government Act 1993](#) as adopted by the council at the time the planning scheme is prepared.
- Have regard to the safety requirements set out in the standards prescribed under the [Gas Pipelines Act 2000](#).

Section 33(2B), former provisions, of LUPAA requires that before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider:

- whether the requested amendment is consistent with the requirements of section 32, former provisions, that is:
 - Must as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
 - Must not conflict with the requirements of section 30O, former provisions, (i.e., be to a local provision of the scheme, not conflict with a planning directive, and be, as far as practicable, consistent with the regional strategy).
 - Must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms.
- Any representation made under [section 30I](#), former provisions, and any statements in any report under [section 30J](#), former provisions, as to the merit of a representation, that may be relevant to the amendment.
- The advice of a person with the necessary qualifications and experience (section 65 of the *Local Government Act 1993*).

ASSESSMENT OF AMENDMENT REQUEST

Planning Assessment:

A planning assessment of the merits of the draft amendment is provided below.

Consistency with the Objectives of Schedule 1 of LUPAA

The “Part 1” objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;**

The site is an existing urban area and with various development (building and agricultural uses) across the site, and has therefore been largely modified from its natural state. Future development will be required to satisfy relevant standards relating to natural values, with only temporary development (that does not require any vegetation removal, excavation or soil disturbance or have structural requirements that disturb the land/coast) permitted as of right.

- (b) to provide for the fair, orderly and sustainable use and development of air, land and water;**

The amendment enables a greater range of use and development on the site than facilitated by the Major Tourism Zone; however the uses are more tailored to the existing use of the land.

The provisions of the MONA SAP override some code provisions – specifically to enable habitable buildings to occur in areas subject to coastal inundation, as the applicant’s intent is to cantilever the proposed hotel over the water which includes an area within a high Coastal Inundation Hazard band. However the provisions of the MONA SAP require that development (including structural works undertaken in coastal inundation areas) will be fully assessed under an inundation risk management plan. As the site is within an urban area, it is considered that the opportunity to consider such development is appropriate.

The MONA SAP also includes provisions requiring consideration of residential amenity and is considered to promote fair, orderly and sustainable use and development.

- (c) to encourage public involvement in resource management and planning;**

The statutory process for a planning scheme amendment request 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 (TPC), which in turn may hold public hearings into representations.

- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);**

The amendment will facilitate development that complements the MONA Museum (which has had sizeable economic benefit to the state). It allows for temporary art works to be considered through a ‘no permit required’ pathway, however it ensures that other development is appropriately assessed in respect to its impacts on environmental values and hazards, and that residential amenity is not unreasonably reduced.

- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.**

The assessment process promotes the involvement of the public as well as local and state government. The subject site includes an area (the water) owned by the Crown and therefore required consent to lodge the proposed amendment. Any future planning permit applications within the area owned by the Crown will also require Crown consent for lodgement.

The recommended changes to the amendment (contained in Attachment 2) were also informally provided to the Crown.

The “Part 2” objectives of the resource management and planning system of Tasmania are:

- (a) to require sound strategic planning and co-ordinated action by State and local government;**

The amendment has been prepared with respect to relevant strategic outcomes of the state and local government. The consistency of the draft amendment with Council plans and strategies, the Southern Regional Land Use Strategy and State Policies is discussed later in this Report.

- (b) 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;**

The proposal is seeking to amend the planning scheme with the inclusion of a Specific Area Plan (the MONA SAP). The MONA SAP has been prepared with respect to the existing provisions of the GIPS 2015 to achieve the strategic intents consistent with relevant objectives and policies.

A detailed assessment of the draft amendment is considered in the section on ‘Impact on Glenorchy Interim Planning Scheme 2015’ below.

- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;**

The draft amendment includes provisions to ensure that use and development will be assessed with regard to environmental impacts where necessary (noting that temporary structures are to be ‘permitted as of right’). It is noted that MONA has provided substantial economic and social benefits to the state and the draft amendment seeks to facilitate temporary structures that support MONA and to enable new development (the proposed hotel) to be assessed under the MONA SAP.

- (d) 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;**

As the draft amendment seeks to modify the existing GIPS 2015 provisions, this objective is not directly applicable.

However the draft amendment has been prepared with consideration to the broader sustainable development context of the objectives of LUPAA.

- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;***

The draft amendment seeks to provide site specific controls under the GIPS 2015 by including key provisions within the MONA SAP. The MONA SAP will not impact on the operation and consideration of other codes specifically applying to the site (Attenuation, Landslide, and Biodiversity Codes) other general codes relevant to development (such as the Parking and Access Code and Stormwater Management Code) and applicable standards of Codes that are not specifically overridden by the MONA SAP (such as those within the Waterways and Coastal Protection Code and Inundation Prone Areas Code).

Applications impacting THR heritage sites will be assessed by Heritage Tasmania.

- (f) 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;***

The proposal should provide for increased opportunities for pedestrians to access the foreshore and provide for improved landscaped areas.

- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;***

The site is recognised for its heritage buildings which have been given greater status through the Museum development of the land, and the number of architecturally designed buildings on the site. The draft amendment will facilitate the continued evolution and interest on the site that is part of its special cultural values.

Applications impacting THR heritage sites will still be assessed by Heritage Tasmania.

- (h) 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;***

The site is located where it is capable of being serviced by public infrastructure. Future applications will need to be designed to ensure that they do not impact on provision of orderly infrastructure.

- (i) to provide a planning framework which fully considers land capability.***

While the site is used for tourism and agricultural purposes (winery) it is within an existing urban area. The MONA SAP facilitates the continued use of the site for these purposes. The MONA SAP also supports complementary uses and requires 'discretionary' uses to be assessed in respect to their impact on existing activity centres and residential amenity.

Consistency with State Policies

State Policy on Water Quality Management 1997

The draft amendment *per se* will not result in an increase in sediment transport to surface waters.

Planning Permit applications will be required to be assessed under the Stormwater Management Code. Development (with the exception of temporary structures) that is not setback back from the Environmental Management Zone or is to be located within a Waterway or Coastal Protection Area will need to appropriately manage sedimentation and runoff impacts. Temporary development that involves a new stormwater point that discharges into a watercourse will become 'Discretionary' and need to be assessed under the Waterway and Coastal Protection Code.

The retention of these provisions for assessment of future planning permits ensures that the draft amendment is consistent with this Policy.

State Coastal Policy 1996.

As the site is entirely located within the Coastal Zone the State Coastal Policy applies. It is noted that the site is within an urban area, and while predominantly under agricultural use (winery) there are developments throughout the site (MONA museum, winery buildings, visitor accommodation and car parking areas).

The following is an assessment with regard to the three main principles that guide Tasmania's State Coastal Policy:

Principles	Amendment Response
Natural and Cultural values of the coast shall be protected.	The site has identified cultural values for Aboriginal and European Heritage. The draft amendment will not alter the existing requirements for approval from the respective agencies for further development that may impact on these values. Future applications would need to be prepared in line with the requirements that protect natural values for the coastal edge and maritime environment. The applicant's submitted assessment on ecological values of coastal edge and maritime environment ('MONA Natural Values Summary', Northbarker Ecosystem Services, and 'MONA Maritime Survey, Aquenal Pty Ltd) identify that

	specific works for the potential future hotel would be unlikely to impact on listed threatened flora and fauna. For works or structures to meet the 'no permit required' pathway, they must meet the definition of 'temporary' under the MONA SAP and not disturb the land or coast or remove vegetation or soil. It is considered that the draft amendment provides appropriate protection of coastal values.
The Coast shall be used and developed in a sustainable manner	This principle recognises: <i>'The economic and social values of tourism and recreation in the coastal zone'</i>. It is noted that the site is located within an existing urban area, and sections of the site have previously been developed along the coast. The draft amendment will enable the potential future hotel to gain advantage from its coastal location. Such a proposal would be assessed under the provisions of the MONA SAP and relevant Codes. The plan purpose of the MONA SAP also seeks to promote public access to the foreshore. Stormwater management in the sensitive coastal area will be managed through the Stormwater Management Code, noting that there are also requirements for stormwater impacts to be considered under the Waterways and Coastal Protection Code, covering any temporary structures that propose new stormwater discharge points into a watercourse. It is considered that the draft amendment provides for appropriate assessment of use and development and will ensure the

	coast is used and developed in a sustainable manner.
Integrated management and protection of the coastal zone is a shared responsibility	The draft amendment, and any future applications for development that include coastal land, require consent from the State Government as the landowner of the River Derwent. It is considered that management and protection of the coastal zone will continue to be a shared responsibility by local and state governments.

The provisions of the MONA SAP, 'open up' development opportunities within the Environmental Management Zone by extending the uses allowed in the Major Tourism Zone (with some modifications) to cover the area of the river 55m from the boundary of 651-655 Main Road, Berriedale.

It is noted that the Crown will be required to give its consent for any development occurring within this area, and that only temporary art works/installations and structures have a 'no permit required' pathway.

It is considered that the provisions of the MONA SAP and existing Code provisions will provide appropriate levels of assessment and protection for this coastal site.

National Environmental Protection Measures

National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the *State Policies and Projects Act 1993* and are administered by the Environment Protection Authority.

Principle 5 of the NEPM states that planning authorities *'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.'*

There are no known contamination issues associated with the land. Impacts from adjoining uses with adverse amenity potential (ie spray drift from the wastewater treatment plants to the north of the site) will be considered through application of the Attenuation Code.

State Policy on the Protection of Agricultural Land 2000

The proposal does not involve the conversion of prime agricultural land to non-agricultural use.

Consistency with the Glenorchy City Council Strategic Plan 2016-2025

The amendment is consistent with the following objectives of Council's strategic plan:

Objective 3.1: Create liveable and desirable City:

- Strategy 3.1.2: Enhance our parks and public spaces with public art and contemporary design.
- Strategy 3.1.4: Deliver new and existing services to improve the City's liveability.

Objective 3.2: Manage our natural environments now and for the future:

- Strategy 3.2.1: Identify and protect areas of high natural values.
- Strategy 3.2.2: Encourage access to and appreciation of natural areas through the development of trail networks and environmental education.
- Strategy 3.2.3: Enhance, protect and celebrate the Derwent Foreshore.

The plan purpose statements and relevant applicable standards are consistent with these objectives.

Gas Pipelines Act 2000

The western boundary of the site is within the Declared Pipeline Corridor (Refer to Figure 5). However as the amendment request does not include a planning permit application, there is no requirement to refer the proposal to the pipeline licensee.

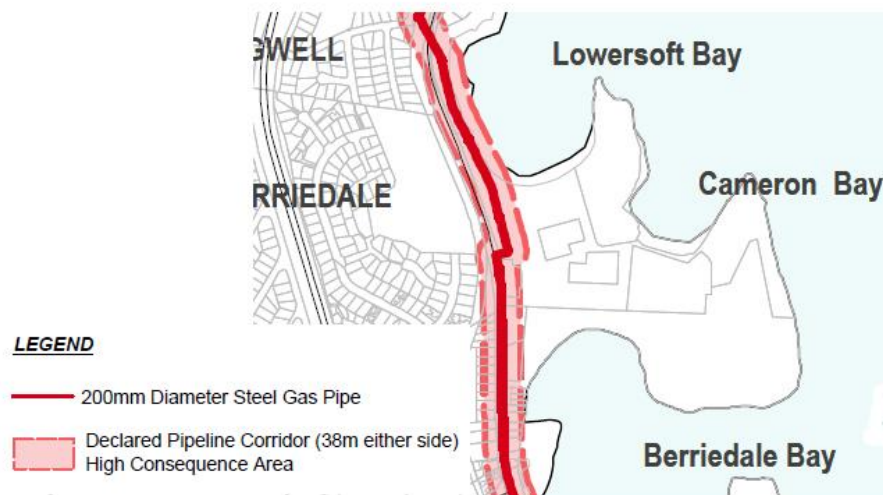


Figure 5 – Gas Pipeline Corridor

Potential for Land Use Conflict with Adjacent Planning Scheme Areas

The draft MONA SAP includes standards to minimise impacts on residential amenity. While opportunity for buildings with significant height is contemplated under the provisions, development higher than 10m will be discretionary and subject to public notification and appeal rights. As the height of the potential hotel may impact land holders across the river, it is recommended that Clarence City Council is notified of the draft amendment during the public notification process, subject to it being initiated.

Council receives a number of applications for art works / installations on the site which incorporate significant lighting displays. As the draft MONA SAP provides a 'no permit required' pathway for temporary art works / installations, these proposals would no longer be assessed by the Planning Authority. However the *Environmental Management and Pollution Control Act 1994* (EMPCA) will still be applicable should any works create a visual nuisance or cause environmental harm.

Consistency with the requirements of Section 300 of the Act

The draft amendment is considered to be consistent with the requirements of Section 300 of the Act as it:

- Involves a change to the local content of the planning scheme as it seeks to apply a Specific Area Plan the land.
- Is consistent with the *Southern Tasmanian Regional Land Use Strategy, 2010-2035* (the STRULS) as the new provisions are consistent with the surrounding land use and is appropriate at a local level. The draft amendment is considered to promote the following strategies of the STRULS:

Biodiversity and Geodiversity

- *BNV 1 Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.*
- *BNV 2 Protect threatened vegetation communities, flora and fauna species, habitat for threatened species and places important for building resilience and adaptation to climate change for these.*

The draft amendment is consistent with these regional policies as it only provides a 'no permit required' pathway to 'temporary' buildings and works, which, by definition in the MONA SAP are '*...demountable; [do] not require any vegetation removal, excavation or soil disturbance or have structural requirements that disturb the land/coast.*' Buildings and works which do not satisfy this requirement will be assessed against a modified provision from the Waterways and Coastal Protection Areas Code (specific to the coastal nature of the site) within the MONA SAP and the Biodiversity Code.

Water Resources

- *WR 1 Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries.*
- *WR 2 Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.*

The draft amendment is consistent with these regional policies as buildings and works which require a new stormwater discharge point will be required to satisfy the relevant provisions of the Waterways and Coastal Protection Code and relevant provisions of the Stormwater Management Code. The MONA SAP is designed to promote tourism activities on the site and the Plan Purpose Statements seek to encourage public access to the foreshore.

The Coast

- *C 1 Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.*
- *C 2 Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession.*

Noting that the site is within an existing urban area, the MONA SAP still achieves consistency with these regional strategies. Only temporary structures which do not require vegetation removal or cause soil disturbance, are 'no permit required'. The Plan Purpose Statements encourage tourism and social activities, and public access to the coast. Development that is not 'temporary' is required to comply with the relevant provisions of the Biodiversity, Waterways and Coastal Protection and Inundation Prone Areas Codes.

Managing Risks and Hazards

- *MRH 2 Minimise the risk of loss of life and property from flooding*

The MONA SAP includes a specific provision for buildings and works within an Inundation Prone Area that facilitates temporary structures or development above 2.4m AHD (which is the minimum level for habitable rooms in Berriedale)

- *MRH 3 Protect life and property from possible effects of land instability.*

Development will be required to respond to relevant provisions of the Landslide Code.

Cultural Values

- *CV 1 Recognise, retain and protect Aboriginal 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.*

Aboriginal heritage values have been identified as existing on the site. Any development that impacts these sites would require a permit under the *Aboriginal Relics Act 1975* (the Act) prior to works proceeding.

- *CV 2 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.*

The site also contains places of State significance which have been listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council.

Tourism

- *T 1 Provide for innovative and sustainable tourism for the region*

The MONA SAP generally reflects the underlying uses permissible in the Major Tourism Zone. The Plan Purpose Statements seek to encourage activities on the site that will '*facilitate the creative, economic, cultural, community and social activities of MONA and its affiliated cultural and philanthropic activities*'.

Strategic Economic Opportunities

The strategies relating to economic opportunities in the STRULS are quite specific and nominate actual sites. While MONA is not identified in these strategies, it is noted that the museum opened while the STRULS was being finalised. However the economic and cultural value places of arts, culture and recreation can provide is acknowledged and MONA is specially identified in this general section of the STRULS. By reflecting the uses and general intent of the Major Tourism Zone, the MONA SAP is considered to support and promote the intent of these regional objectives.

Impact of Permissible Use and Development on the Region

The range of permitted and discretionary (or permissible) use categories under the MONA SAP is similar to that of the existing Major Tourism Zone. The key change is that *Hotel industry* is now 'permitted' rather than 'discretionary'. (It is noted that *Hotel industry* is a permitted use class in this zone under the State Planning Provisions.)

Given the urban nature of the site, and the potential for reasonable separation distances of uses from land within a residential zone, it is considered that the proposed uses are appropriate for the area. Further, the range of permissible uses provides for improved social and cultural opportunities within the area and the region.

Consideration of any representation under section 30I and statements under section 30J of the Act

A representation was made by Ireneinc on behalf of Moorilla Estate during the public exhibition of the Glenorchy Interim Planning Scheme 2015. The representation raised concerns on:

- Major Tourism Zone being an inappropriate zone for the site

- Code application (particularly the Inundation Prone Areas Code)
- Heritage
- Subsidence issues – particularly where a site has many lots in various zones
- Temporary works exemptions
- Desired future character statements do not connect to zone purpose
- Development within the Environmental Management Zone.

The representation is included in Appendix C of the applicant's planning report (Attachment 2)

The representation was heard by the Panel at a public hearing on 4 and 5 February 2016 and the Panel directed Council and the representor to provide a written submission back to the Panel on whether the issues raised in the amendment could be considered in a future amendment.

The joint report outlined the ability to consider the various issues as part of a future planning scheme amendment and was provided to the Panel on 29 February 2016. (Refer to Attachment 4)

A formal response has not been received from the Panel in respect to the joint submission. The final Panel Report on the GIPS 2015 has not been received.

Consistency with the Glenorchy Interim Planning Scheme 2015

- *Is the draft amendment clear and concise and will it achieve its intended purpose?*

The MONA SAP is intended to facilitate temporary uses and enable, in the future, a hotel to be constructed so it cantilevers over the River Derwent. To achieve this, several Code provisions must be overridden and this can only be done via a Specific Area Plan.

- *Is the draft amendment consistent with the strategy, intent and all relevant objectives and provisions of the planning scheme?*

As discussed above, the MONA SAP seeks to override provisions of the GIPS 2015 to facilitate specific development outcomes for the subject area. Noting that the area is predominantly within a Major Tourism Zone and the proposed outcomes are generally consistent with the purpose of that zone, albeit, more focused on the current land uses, it is considered that the amendment is consistent with the strategy and intent of the GIPS 2015.

- *What is the effect of the proposed amendment on the status of use and development?*

The table in Attachment 5 provides a comparison of the Use Tables for the land before and after the amendment.

The key differences between the permissible uses under the current zonings and under the MONA SAP are:

- Temporary art installations, art works or occasional events associated with or ancillary to an existing use in the Community meeting and Entertainment use class are 'no permit required'.
- Hotel industry is a Permitted use (whereas it is prohibited in the Environmental Management Zone, and Discretionary in the Major Tourism Zone)

As noted above the MONA SAP has the effect of 'opening up' use and development options within the area covered by the Environmental Management Zone, whereas the range of uses permissible in the MONA SAP and the Major Tourism Zone are very similar.

It must be noted that use class status under the Use Table is only one aspect of determining permissibility of a proposal. Permissibility will also be determined based on whether the proposal meets the acceptable solution or performance criteria of any applicable standard within the scheme.

Given the relatively isolated nature of the site, on a peninsular, with few abutting properties, the range of uses is considered appropriate. The built form and impacts of these uses will be fully assessed by the provisions of the MONA SAP or relevant Code provisions and this will determine whether the scale and operation of any permissible use is appropriate.

- *What is the effect of the proposed amendment on any specific land and adjacent land?*

The draft amendment facilitates some new uses on the site and provides greater flexibility for development on the site than the current planning controls – particularly regarding the potential height of the proposed hotel. However if a proposed hotel exceeds 10m in height it will become a discretionary application and require public exhibition. This will provide adjoining property owners and interested parties the opportunity to raise any concerns with the proposal and have them considered through the assessment process. Appeal rights to the Resource Management and Planning Appeals Tribunal would also be available.

THE PROCESS FROM HERE:

Draft amendments to the Glenorchy Interim Planning Scheme 2015, once initiated by the Planning Authority, require public notification in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA) which includes advertising in *The Mercury* on two occasions, one of which is to be on a Saturday, and letters to adjoining owners and occupiers of land where the proposed amendment is site specific. In accordance with Section 38, former provisions, of LUPAA the amendment must be advertised for 28 days.

Any representations received would be reported to a future meeting of the Glenorchy Planning Authority for consideration, as the Planning Authority is required to report to the Tasmanian Planning Commission (TPC) as to the public notification outcomes and any recommendations or modifications to the draft amendment resulting from them.

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

The TPC would then assess and decide upon the draft amendment after taking into account the outcomes of any hearings it may hold.

CONCLUSION:

The draft amendment seeks to rationalise key provisions applying to the site into one control – the MONA SAP. Use and development must still satisfy standards relating the visual and environmental values of the sites location on the Derwent River, and be responsive to surrounding residential amenity, with only temporary artworks and structures, considered via a ‘no permit required’ pathway.

For the above reasons, it is assessed that the draft amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the tenor of the Glenorchy Interim Planning Scheme 2015 and is not contrary to any State Policies.

Recommendation:

- A. That pursuant to *Section 34(1)(a)*, former provisions, of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agree to initiate Amendment PLAM-17/02 to the Glenorchy Interim Planning Scheme, to apply a Specific Area Plan (MONA Specific Area Plan) to 651-655 Main Road, Berridale and adjoining area within 55m of the Derwent River of 651-655 Main Road Berriedale, delete the Desired Future Character Statements from Clause 30.1.3 and delete DDO1 from the planning scheme maps, as shown in Attachment 1 to this report.
- B. That having decided to initiate an amendment, and having prepared that amendment, the Planning Authority certifies pursuant to Section 35, former provisions, of the *Land Use Planning and Approvals Act 1993* that the draft amendment meets the requirements specified in Section 32, former provisions, of the Act.
- C. That, in accordance with Section 38, former provisions, 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 [Attachment 1 - Amendment Documents](#)
- 2 [Attachment 2 - Track-change version of MONA SAP](#)
- 3 [Attachment 3 - Applicants Planning Report](#)
- 4 [Attachment 4 - Joint Report to the TPC Panel on the GIPS 2015 Exhibition](#)
- 5 [Attachment 5 - Permissible Uses Comparison Table](#)