

GLENORCHY PLANNING AUTHORITY

ATTACHMENTS

MONDAY, 15 JANUARY 2018



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PLANNING

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1B Dewar Place, Claremont

Item:



The graphic information on this map is produced by Glenorchy City Council.
 As errors or omissions may occur please verify data before any projects are commenced.
 The representation of roads or tracks is no evidence of right of way.
 This map is not to be used as a site plan for making an application to council.

1

GLENORCHY CITY COUNCIL PLANNING SERVICES

APPLICATION No. 17-351

PLAN No. 51

DATE RECEIVED 15/11/2017

PAGE 1 OF 1

Map data supplied by
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Map Scale: 1:1,645

Map Width: 312.5 m

Date of Print: Wednesday, 15 November 2017



The graphic information on this map is produced by Glenorchy City Council.
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The representation of roads or tracks is no evidence of right of way.
This map is not to be used as a site plan for making an application to council.









Submission to Planning Authority Notice

Council Planning Permit No.	PLN-17-351	Council notice date	03/01/2018
TasWater details			
TasWater Reference No.	TWDA 2018/00022-GCC	Date of response	03/01/2018
TasWater Contact	Paul Clark	Phone No.	(03) 6237 8259
Response issued to			
Council name	GLENORCHY CITY COUNCIL		
Contact details	gccmail@gcc.tas.gov.au		
Development details			
Address	DEWAR PL, CLAREMONT	Property ID (PID)	5317592
Description of development	Demolition & rebuilding of scoreboard		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
-	Annotated aerial photograph of site	-	15/11/2017
E.D. – Emmanuel Deltas Pty. Ltd.	Proposed Sign Frame/S1	0	October 2017
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater does not object to the proposed development and no conditions are imposed.			
Advice			
General For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards For application forms please visit http://www.taswater.com.au/Development/Forms Service Locations Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure. - A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater - TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies - TasWater will locate residential water stop taps free of charge - Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			



Authorised by

A handwritten signature in black ink, appearing to read "J. Taylor".

Jason Taylor

Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

**GLENORCHY INTERIM PLANNING SCHEME 2015
AMENDMENT PLAM-17/02**

The Glenorchy Interim Planning Scheme 2015 is amended as follows:

Land affected by this amendment: 651-655 Main Road Berriedale and an area of Crown Land within 55m of the boundary of 651-655 Main Road, Berriedale.

The Planning Scheme Ordinance is amended by:

1. Deleting Clause 30.1.3 Desired Future Character Statements from the Major Tourism Zone and replacing with the following: 'There are no desired future character statements for this zone.'
2. Inserting the MONA Specific Area Plan, as attached at Annexure 1, following Clause F10.

The Planning Scheme maps are amended by:

1. Applying the MONA Specific Area Plan to the land, as shown in Figure 1.
2. Deleting DDO1 Moorilla Estate from the maps as shown in Figure 2.

In witness whereof the common seal of
Glenorchy City Council has been affixed on
the day of
 20 as
authorised by Council in the presence of:

Council Delegate

Figure 1 – MONA Specific Area Plan

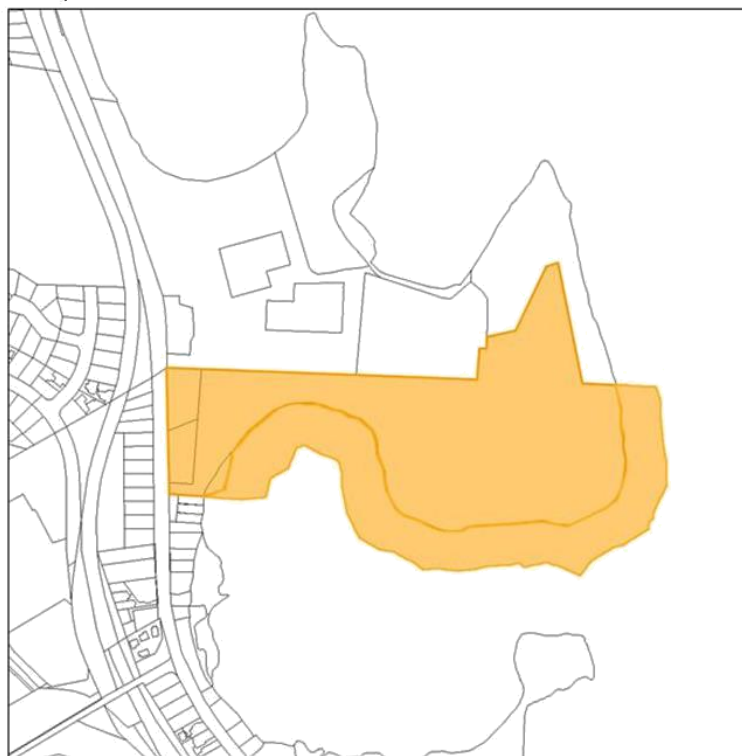
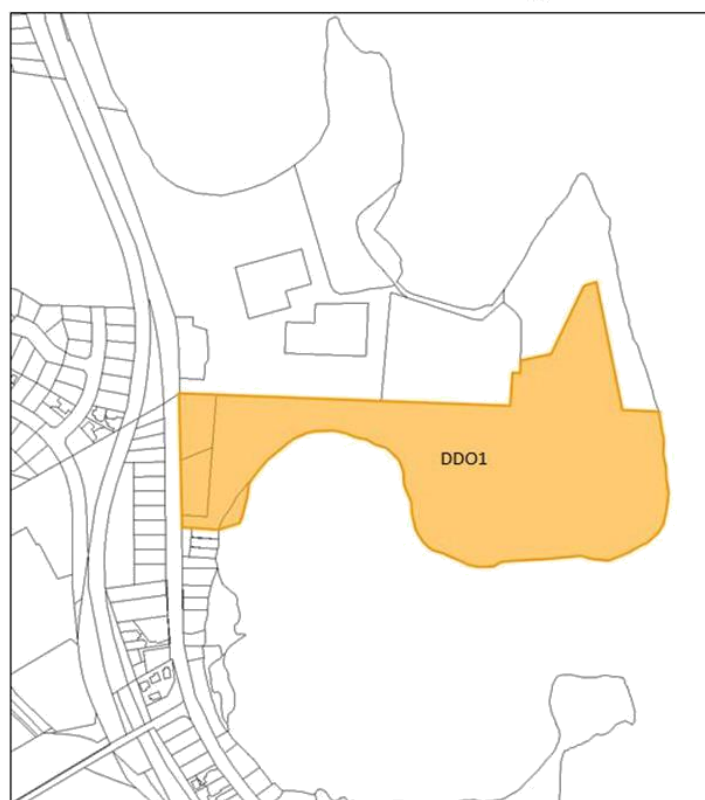


Figure 2 – Area of DDO1 to be deleted from the Planning Scheme Maps



ANNEXURE 1

F11 MONA Specific Area Plan**F11.1 Purpose of Specific Area Plan****F11.1.1 Plan Purpose Statements**

The purpose of this specific area plan is to:

- (a) Recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.
- (b) Provide appropriate provisions for use and development which will facilitate the creative, economic, cultural, community, and social activities of MONA; and its affiliated cultural and philanthropic activities.
- (c) Provide public access points to the foreshore.
- (d) Make provision for short term displays, occasional events associated with the use of the site, and ephemeral artworks to be expedited.
- (e) Identify and manage use and development in areas at risk of inundation.
- (f) Promote design outcomes that recognise MONA is a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.
- (g) Support development that reflects the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings contained on the south-eastern knob, reducing in scale where adjacent to the street frontage or residential zones.
- (h) Create a variety of landscaped areas to enliven the experience of the site.

F11.2 Application of Specific Area Plan

- (a) This specific area plan applies to the area designated as the MONA Specific Area Plan (F11) on the overlay maps and in Figure 1.
- (b) The MONA Specific Area Plan comprises:
 - 651-655 Main Road, Berriedale
 - An area of Crown land within 55m of the boundary of 651-655 Main Road, Berriedale

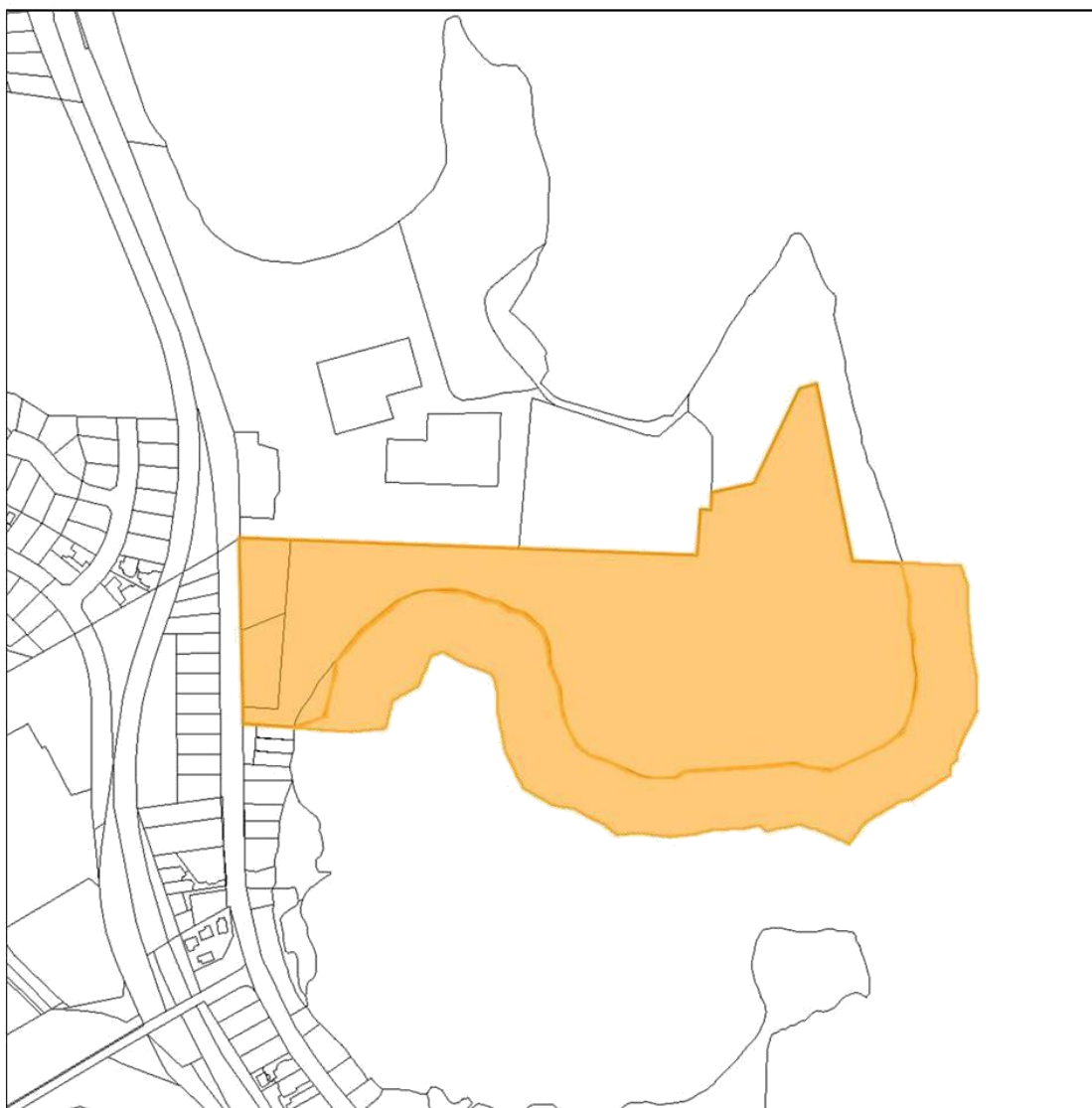


Figure 1: MONA Specific Area Plan

F11.3 Definition of Terms

F11.3.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definitions
Inundation risk management plan	Means a specific site plan acceptable to the planning authority that details: a) The risk of inundation of the site, with respect to the proposed location and floor levels of buildings, within applicable timeframes (current, year 2050 and/or year 2100). b) Any inundation control measures or design features proposed to achieve and maintain a tolerable risk. Prepared by a suitably qualified person in accordance with best practice guidelines.
MONA	Means Museum of Old and New Art
Occasional event	Means an event that occurs a maximum of four (4) times within a twelve month period.
Temporary	Means, in relation to development, outdoor non-habitable art installations, the erection of structures to facilitate occasional events (for the duration of that event), or structures created to rehouse MONA activities for continued public access during construction, for up to a year. Temporary developments are to be demountable; not require any vegetation removal, excavation, or soil disturbance, or have structural requirements that disturb the land/coast.
Tolerable risk	Means the lowest level of likely risk from the relevant hazard: a) to secure the benefits of a use or development in a relevant hazard area; and b) which can be managed through: (i) routine regulatory measures; or (ii) by specific hazard management measures for the intended life of each use or development.

F11.4 Use Table

Use Class	Qualification
No Permit Required	
Community Meeting and entertainment	Only if for temporary art installations, art works or occasional events associated with or ancillary to an existing use.
Natural and Cultural Values Management	
Passive Recreation	
Utilities	Only if minor utilities
Permitted	
Community Meeting and entertainment	Except if No permit required.
Food Services	
General Retail and Hire	Only if for markets (weekly or less frequently)
Hotel Industry	
Research and development	
Resource Development	Only if for vineyard
Resource processing	Only if a winery a brewery or a distillery
Tourist operation	
Visitor Accommodation	
Discretionary	
Educational and occasional care	
Emergency Services	
General Retail and Hire	Except if permitted
Pleasure boat facility	
Port and shipping	Only if for loading and unloading of passengers and associated facilities
Residential	
Resource Development	Only if for Agriculture
Sports and Recreation	
Utilities	Except if no Permit required
Vehicle Parking	
Prohibited	
All other uses	

F11.5 Use Standards

F11.5.1 Discretionary Use

Objective:	
To ensure that innovative and creative uses associated with MONA can be accommodated within the area, whilst ensuring that detrimental off site impact is minimised.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 A use listed as Discretionary must: a) complement or support permitted uses on the site; b) be consistent with the plan purpose statements at Clause F11.1.1; c) not cause an unreasonable loss of amenity of neighboring residential properties; and d) not compromise the role of existing activity centres, having regard to: (i) the size and scale of the proposed use; (ii) the functions of the surrounding activity centres; and (iii) the extent that the proposed use impacts on surrounding activity centres.

F11.5.2 Noise

Objective:	
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone	
Acceptable Solution	Performance Criteria
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 to 7.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in	P1 Noise emissions measured at the boundary of a residential zone must not cause or be likely to cause environmental harm within that residential zone.

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.	
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F11.5.3 Hours of Operation

Objective:	
To ensure that hours of operation of uses located on the site in proximity to residential zones do not have unreasonable impact on residential amenity.	
Acceptable Solution	Performance Criteria
A1 Use of the site within 50 m of a residential zone must be restricted to the following hours of operation: (a) 7.00 am to 9.00 pm	P1 Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

F11.6 Development Standards

F11.6.1 Building Height

Objective:	
To ensure that new use and development uses can be accommodated within the site, encouraging artistic and architectural expression and innovation, whilst maintaining a high quality of architectural and landscape design.	
Acceptable Solution	Performance Criteria
A1 Building height must be no more than 10 m.	P1 Building height must satisfy all of the following: a) be consistent with the plan purpose statements at Clause F11.1.1; b) demonstrate, through a visual impact assessment prepared by a suitably qualified person (architecture, or urban design), how the proposal meets the plan purpose statements at Clause F11.1.1 and is responsive to views and vistas to and from the site to the Derwent River and foreshore, Meehan Range, Mount Direction, Wellington Range, Goat Hills, Mount Faulkner and Dogshear Point;

	c) deliver a scale of development that provides a high level of pedestrian amenity with respect to sunlight, views and wind conditions; d) for buildings within 50m of a residential zone, not cause unreasonable loss of amenity from overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings, having regard to: (i) the height, bulk and form of the building; (ii) separation from existing buildings on adjoining properties; and (iii) any buffers created by natural or other features.
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F11.6.2 Setback

Objective:	
To ensure that building setback contributes positively to the streetscape and riverscape and does not result in unreasonable impact on environmental values or the amenity of adjoining land.	
Acceptable Solution	Performance Criteria
A1 Building setback from the frontage must be no less than 5m.	P1 Buildings must have a setback from a frontage that is compatible with the character of the surrounding area, having regard to: a) the plan purpose statements at Clause F11.1.1; b) the setbacks of buildings existing on established adjacent properties; and c) provision of adequate vehicle access, sight distance, parking and landscaping.
A2 Building setback from a residential zone must be no less than: d) 5 m; or e) half the wall height of the building, whichever is the greater.	P2 Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by: a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; b) overlooking and loss of privacy; and

	c) visual impact when viewed from adjoining lots, taking into account aspect and slope.
A3 Buildings and works must have a setback of no less than 20m from land zoned Environmental Management, unless for temporary: a) art installations; b) art works; or c) structure for occasional events.	P3 Buildings and works within 20m of, or within an Environmental Management Zone must satisfy all of the following: a) there is be no direct impact from the development on environmental values; b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised; c) there is no potential for contaminated water runoff or sediment impacting the land zoned Environmental Management; d) development is consistent with the plan purpose statements at Clause F11.1.1

F11.6.3 Landscaping

Objective:	
To ensure landscape character is identified, and enlivens the experience of the site.	
Acceptable Solution	Performance Criteria
A1 Development is consistent with a landscape management plan approved under this planning scheme.	P1 A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority how landscaping will enliven the experience of the site.

F11.6.4 Buildings and Works within a Waterway and Coastal Protection area

Objective:	
To ensure that buildings and works in proximity to the River Derwent and the coast, will not have an unnecessary or unacceptable impact on natural values.	
Acceptable Solution	Performance Criteria
A1 Building and works must not be located within 40m of the High Water Mark unless for a temporary: a) Art installation; b) Art work; or c) Structure for Occasional events	P1 Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: a) avoid or mitigate impact on natural values; b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; c) avoid or mitigate impacts on riparian or littoral vegetation; d) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

F11.6.5 Buildings and Works within an Inundation Prone Area.

Objective:	
(a) That buildings and works can achieve and maintain a tolerable risk from inundation. (b) That areas at risk of inundation are properly managed.	
Acceptable Solution	Performance Criteria
A1 Development is: (a) situated where the natural ground level is above 2.4m AHD; or (b) for a temporary: (i) Art installation; (ii) Art work; or (iii) Structure for Occasional events.	P1 An inundation risk management plan must satisfy that: a) Floor levels of habitable rooms are designed with respect to Coastal Inundation Hazard Levels identified in Table E15.1 of this planning scheme b) risk to users of the site, adjoining or nearby land is acceptable; c) risk to adjoining or nearby property or public infrastructure is acceptable; d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design

	methods; e) need for future remediation works is minimised; f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site; and g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works.
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F11.7 Development Standards for Subdivision

F11.7.1 Subdivision, except within an Inundation Prone Area or a Waterway and Coastal Protection area.

Objective:	
To limit subdivision to maintain integrated use and development.	
Acceptable Solution	Performance Criteria
A1 Subdivision is for the purpose of providing lots for public open space, a reserve or provision of Utilities.	P1 Subdivision must facilitate development and use consistent with the plan purpose.

MONA SPECIFIC AREA PLAN



ireneinc & smithstreetstudio
PLANNING & URBAN DESIGN

1. MONA SPECIFIC AREA PLAN

1.1 Plan Purpose

1.1.1 The purpose of the MONA specific area plan is to:

1. Recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.
2. ~~To provide~~ appropriate provisions for use and development which will facilitate the creative, economic, cultural, community, and social activities of MONA; and its affiliated cultural and philanthropic activities.
3. ~~Where possible, Provide~~ public access points to the foreshore ~~are to be provided~~.
4. ~~To make~~ provision for short term displays, occasional events associated with the use of the site, and ephemeral artworks to be expedited.
5. ~~To identify~~ and manage use and development in areas at risk of inundation.
6. ~~Design~~ Promote design outcomes ~~that~~ recognise ~~that~~ MONA is a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.
7. ~~Development Support development should that~~ reflects the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings contained on the south-eastern knob, reducing in scale where adjacent to the street frontage or residential zones.
8. ~~A Create a~~ variety of landscaped areas ~~should to~~ enliven the experience of the site.

1.2 Application of this Plan

1.2.1 This specific area plan applies to the area of land designated as the MONA Specific Area Plan on the overlay maps and in Figure 1.

The MONA Specific Area Plan comprises:

- 651-655 Main Road, Berriedale
- An area of Crown land within 55m of the boundary of 651-655 Main Road, Berriedale

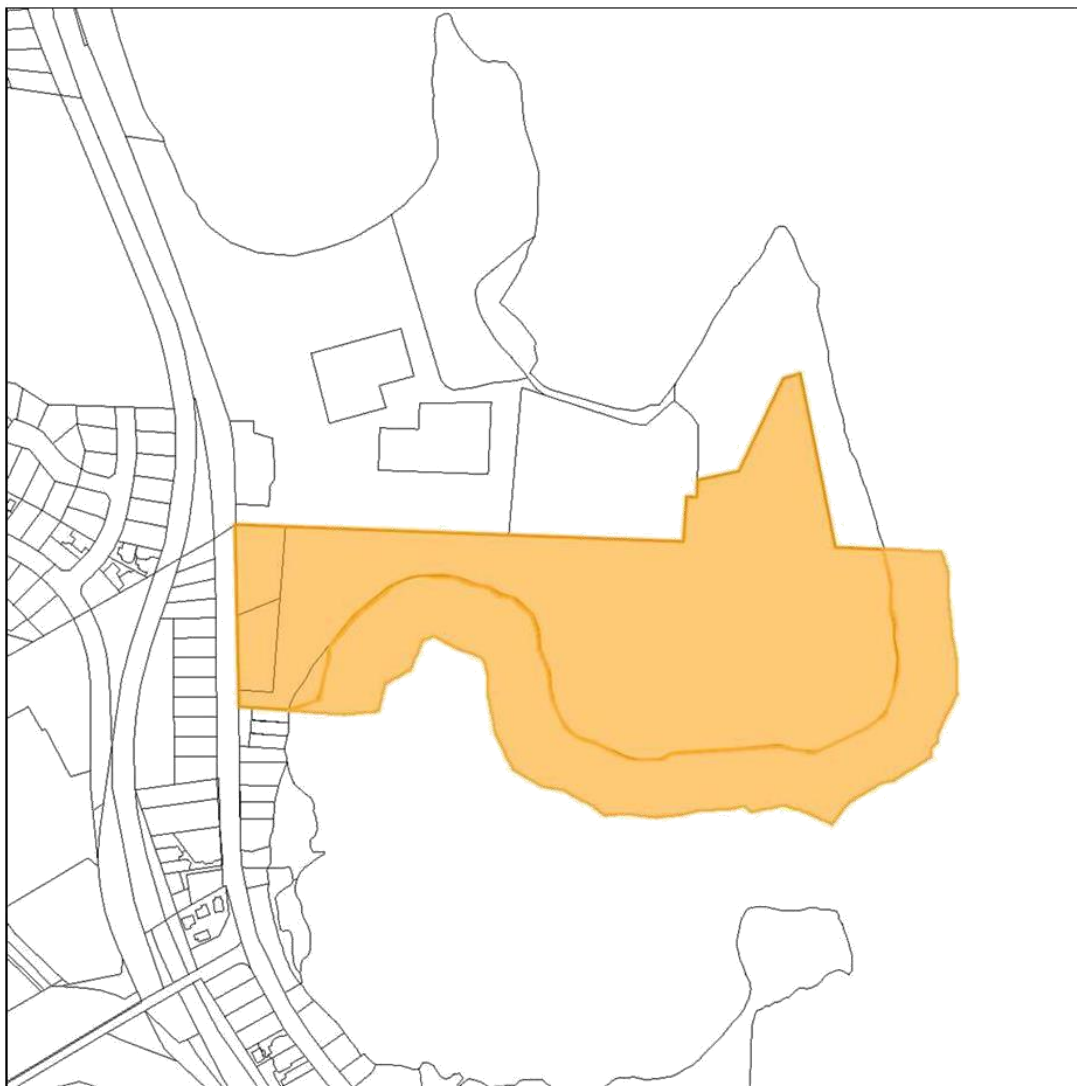


Figure 1: MONA Specific Area Plan

~~1.3 Local Area Objectives~~

~~1.3.1 Local Area Objectives~~

Sub-clause	Area Description	Local Area Objectives

~~4.41.3 Definition of Terms~~

~~4.4.41.3.1~~ In this Specific Area Plan, unless the contrary intention appears:

Terms	Definitions

Inundation risk management plan	Means a specific site plan acceptable to the planning authority that details: a) The risk of inundation of the site, with respect to the proposed location and floor levels of buildings, within applicable timeframes (current, year 2050 and/or year 2100). b) Any inundation control measures or design features proposed to achieve and maintain a tolerable risk. Prepared by a suitably qualified person in accordance with best practice guidelines.
<u>MONA</u>	<u>Means Museum of Old and New Art</u>
<u>Occasional event</u>	<u>Means an event that occurs a maximum of four (4) times within a twelve month period.</u>
<u>Suitably qualified person</u>	<u>Means a person with tertiary qualifications in urban design landscape architecture or similar.</u>
<u>temporaryTemporary</u>	<u>Means, in relation to development, temporary includes outdoor non-habitable art installations, the erection of structures to facilitate occasional events (for the duration of that event), or structures created to rehouse MONA activities for continued public access during construction, for up to a year. Temporary developments are to be demountable; not require any vegetation removal, excavation, or soil disturbance, or have structural requirements that disturb the land/coast.</u>
Tolerable risk	Means the lowest level of likely risk from the relevant hazard: a) to secure the benefits of a use or development in a relevant hazard area; and b) which can be managed through: (i) routine regulatory measures; or (ii) by specific hazard management measures for the intended life of each use or development.

4.5.1.4 Use Table

Use Class	Qualification
No Permit Required	
Community Meeting and entertainment	<u>For Only if for</u> temporary art installations, <u>art works or</u> occasional events associated with or ancillary to <u>the an existing</u> use of the site.
Natural and Cultural Values Management	
Passive Recreation	
Utilities	Only if minor utilities
Permitted	
Community Meeting and entertainment	Except if No permit required.
Food Services	
General Retail and Hire	<u>For Only if for</u> markets (weekly or less frequently)
Hotel Industry	

Research and development	
Resource Development	<u>Only if for vineyard</u>
Resource processing	Only if a winery a brewery or a distillery
Tourist operation	
Visitor Accommodation	
Discretionary	
Business and Professional Services	
Educational and occasional care	
Emergency Services	
General Retail and Hire	Except if permitted
Pleasure boat facility	
Port and shipping	only <u>Only if</u> for loading and unloading of passengers and associated facilities
Residential	
<u>Resource Development</u>	<u>Only if for Agriculture</u>
Sports and Recreation	
Utilities	Except if no Permit required
Vehicle Parking	
Prohibited	
All other uses	

4.6.1.5 Use Standards

4.6.1.5.1 Discretionary Use

Objective: To ensure that innovative and creative uses associated with MONA can be accommodated within the area, whilst ensuring that detrimental off site impact is minimised.

Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 A use listed as Discretionary must: a) Complement <u>complement</u> or support permitted-uses on the site; b) be consistent with the plan purpose of the Specific Area plan; c) not cause an unreasonable loss of amenity of neighboring residential properties; and d) not compromise the role of existing activity centres, having regard to: (i) Tthe size and scale of the proposed use; (ii) Tthe functions of the surrounding activity centres; and (iii) Tthe extent that the proposed

	use impacts on surrounding activity centres.
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4.6.21.5.2 Noise

Objective: To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.

Acceptable Solution	Performance Criteria
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 to 7.00 am; (c) 65dB(A) (L_{max}) 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.	P1 Noise emissions measured at the boundary of a residential zone must not cause or be likely to cause environmental harm within that residential zone.

4.6.31.5.3 Hours of Operation

Objective: To ensure that hours of operation of uses located on the site in proximity to residential zones do not have unreasonable impact on residential amenity.

Acceptable Solution	Performance Criteria
A1 Uses Use of the site located on the site within 50 m of a residential zone must be restricted to the following hours of operation: (a) 7.00 am to 9.00 pm	P1 Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

4.71.6 Development Standards

4.7.41.6.1 Building Height

Objective: To ensure that new use and development uses can be accommodated within the site, encouraging artistic and architectural expression and innovation, whilst maintaining a high quality of architectural and landscape design.

Acceptable Solution	Performance Criteria
A1 Building height must be no more than 10 m.	P1 Building height must satisfy all of the following: a) be consistent with the plan purpose; b) demonstrate, through a visual impact

	assessment prepared by a suitably qualified person, how the proposal meets the plan purpose and is responsive to views and vistas to and from the site to the Derwent River and foreshore, Meehan Range, Mount Direction, Wellington Range, Goat Hills, Mount Faulkner and Dogshear Point; c) deliver a scale of development that provides a high level of pedestrian amenity with respect to sunlight, views and wind conditions; d) for buildings within 50m of a residential zone, not cause unreasonable loss of amenity from overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings, having regard to: (i) the height, bulk and form of the building; (ii) separation from existing buildings on adjoining properties; and (iii) any buffers created by natural or other features.
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4.7.21.6.2 Setback

Objective: To ensure that building setback contributes positively to the streetscape and riverscape and does not result in unreasonable impact on environmental values or the amenity of adjoining land.

Acceptable Solution	Performance Criteria
A1 Building setback <u>from the frontage</u> must be no less than: 5m.	P1 Buildings <u>setback</u> must have a setback from a frontage that is compatible with the character of the surrounding area, having regard to: a) <u>The the plan purpose of the Specific Area Plan</u>; b) the setbacks of buildings existing on established adjacent properties; <u>and</u> c) provision of adequate vehicle access, sight distance, parking and landscaping.
A2 Building setback from a residential zone must be no less than: d) 5 m; or e) half the wall height of the building, whichever is the greater.	P2 Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by: a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;

	b) overlooking and loss of privacy; <u>and</u> c) visual impact when viewed from adjoining lots, taking into account aspect and slope.
A3 Buildings and works must have a setback of no less than 20m from land zoned Environmental Management, unless <u>for temporary:</u> a) <u>an alteration or extension to an existing buildingart installations;</u> b) <u>for temporary artworkart works;</u> or c) <u>resource development structure for occasional events.</u>	P3 Buildings and works within 20m of, or <u>in-land zonedwithin an</u> Environmental Management <u>Zone</u> must satisfy all of the following: a) there is be no direct impact from the development on environmental values; b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised; c) there is no potential for contaminated water runoff or sediment impacting the land zoned Environmental Management; d) <u>Development development should beis</u> consistent with the <u>plan purpose-of the Specific Area Plan.</u>

4.7.31.6.3 Landscaping

Objective: To ensure landscape character is identified, <u>and, and</u> enlivens the experience of the site.	
Acceptable Solution	Performance Criteria
A1 Development is consistent with <u>an approved a</u> landscape management plan <u>approved under this planning scheme.</u>	P1 A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority <u>that how landscape landscaping character is identified, andwill</u> enlivens the experience of the site.

1.7.41.6.4 Buildings and Works within ~~the a~~ Waterway and Coastal Protection area

Objective:

To ensure that buildings and works in proximity to the River Derwent and the coast, will not have an unnecessary or unacceptable impact on natural values.

Acceptable Solution

A1

Building and works ~~must not be located~~ within 40m of the High Water Mark ~~must not be located closer to the coastal edge than existing building works,~~ unless for a temporary:

- a) Art installation;
- b) Art work; or
- c) ~~Structure for~~ Occasional events.

~~unless for a temporary art installation or art work.~~

Performance Criteria

P1

Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- a) avoid or mitigate impact on natural values;
- b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;
- c) avoid or mitigate impacts on riparian or littoral vegetation;
- d) works are undertaken generally in accordance with "Wetlands and Waterways Works Manual" (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

1.7.51.6.5 Areas Buildings and Works within an Inundation prone ~~Prone to inundation~~Area.

Objective:

(a) ~~To identify areas that are at periodic or permanent risk of inundation through flooding, storm tide and sea level rise~~ That buildings and works, can achieve and maintain a tolerable risk from inundation.

(b) ~~To ensure t~~ That areas at risk of inundation are properly managed.

Acceptable Solution

A1

Development is:

(a) ~~—~~ situated where the natural ground level is above 2.4m AHD, ~~or~~

(b) ~~—~~ or are for a temporary:

- ~~art (i)~~ Art installation;
- ~~or art (ii)~~ Art work; or
- ~~Q (iii)~~ Structure for Occasional events.

Performance Criteria

P1

An inundation risk management plan must satisfy that ~~buildings~~:

- a) Floor levels of habitable rooms are designed with respect to Coastal Inundation Hazard Levels identified in Table E15.1 of this planning scheme
- b) risk to users of the site, adjoining or nearby land is acceptable;
- c) risk to adjoining or nearby property or public infrastructure is acceptable;
- d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;
- e) need for future remediation works is minimised;
- f) access to the site will not be lost or substantially compromised by expected future sea level rise either

- | | |
|--|---|
| | on or off-site; <u>and</u>
g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works. |
|--|---|

4.8.1.7 Development Standards for Subdivision

4.8.1.7.1 Subdivision, except within an Inundation Prone Area or a Waterway and Coastal Protection area.

Objective: To limit subdivision to maintain integrated use and development.	
Acceptable Solution	Performance Criteria
A1 Subdivision is for the purpose of providing lots for public open space, a riparian or littoral reserves or <u>provision of utilities</u> .	P1 Subdivision must facilitate development and use consistent with the <u>plan</u> purpose of the <u>Specific Area Plan.</u>

651-655 MAIN ROAD, BERRIEDALE
PLANNING SCHEME AMENDMENT



ireneinc & smithstreetstudio
PLANNING & URBAN DESIGN

651-655 MAIN ROAD, BERRIEDALE

Submission to the Glenorchy City Council

Planning Scheme Amendment

Last Updated - 8 December 2017

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EXECUTIVE SUMMARY

There is growing acknowledgement of the community benefits of MONA, however there is no doubt about the tourism and economic benefits MONA has brought and will continue to bring. Much of the potential of the site was realised through an open discretion, that being a heritage clause under the *Glenorchy Planning Scheme 1992*, which allowed for uses otherwise prohibited, but consistent with the heritage values of the place, to be considered.

With the introduction of the *Glenorchy Interim Planning Scheme 2015*, the site has been designated as a Major Tourism Zone, however a number of prescriptive regulations and codes have resulted in a statutory environment which will limit or prevent future developments occurring on the site.

Ireneinc Planning has been engaged by Moorilla Estate Unit Trust to prepare a report which forms part of an application for a planning scheme amendment to the *Glenorchy Interim Planning Scheme 2015*, pursuant to the former clause Section 33 of the *Land Use Planning and Approvals Act 1993*. Following advice from the Tasmanian Planning Commission and Glenorchy City Council, this has taken the form of a Specific Area Plan. It is the intention of this SAP to enable the long-term opportunities for MONA, and to restore opportunities that previously existed and under which imminent projects were conceived.

Whilst the amendment does not take the form of a combined development application and scheme amendment due to statutory limitations under the *Historic Cultural Heritage Act 1993*, the proposal will specifically make reference to the concept for a hotel and casino proposal at MONA, which has been previously lodged with Council under the former planning scheme. Concepts for development of the Hotel MONA, with the long term aspiration of a Hotel/Casino have been included in this application, with respect to the Berriedale Masterplan, to assist in outlining the current intentions for the amendment. The Hotel MONA concept has been earmarked since prior to 2013, as such an outline of MONA's involvement within the ongoing changes to the statutory framework has been included with an assessment of the relative impacts.

This report outlines the demonstrated benefits of the existing development that has occurred at MONA and reviews how further development would fit in relation to relevant strategies. In particular there is potential for increased growth in tourism and economic development that is consistent with State Government strategies for tourism, and regional land use strategies. As with MONA, cities interstate and internationally have demonstrated that the arts and culture sector are recognised to have substantial benefits for economic growth and for the community. Expansion at MONA has the potential to continue to consolidate and enhance the role of recognised Activity Centres within Greater Hobart consistent with land use strategies.

This is of particular significance, as the museum operates at a loss, subsidised personally by David Walsh, to the tune of \$13 million annually. The MONA Hotel and Casino concept has been developed as a means to future proof the museum, with revenue from the casino to support the operation of the Museum. The Hotel responds to the significant increase in tourist numbers and hotel occupancy generated by MONA, contributing to the immersive visitor experience

A site analysis consolidates the understanding of the issues surrounding the site including the features, constraints and opportunities of the specific land, and to determine the potential impacts of development concepts to the surrounding land.

There is a complexity of strategic and statutory issues that have been assessed in detail to determine the intents of the amendment. These intents have been imbedded within the wording of the proposed MONA SAP and its standards as follows:

- Recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.
- To provide appropriate provisions for use and development which will facilitate the creative, economic, cultural, community, and social activities of MONA; and its affiliated cultural and philanthropic activities.
- Where possible, public access points to the foreshore are to be provided.
- To make provision for short term displays, occasional events associated with the use of the site, and ephemeral artworks to be expedited.
- To identify and manage use and development in areas at risk of inundation.
- Design outcomes recognise that MONA is a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.
- Development should reflect the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings contained on the south-eastern knob, reducing in scale where adjacent to the street frontage or residential zones.
- A variety of landscaped areas should enliven the experience of the site.

In preparing this submission, the provisions of the *Glenorchy Interim Planning Scheme 2015*, the relevant state policies, the State Planning Provisions, the regional land use strategies and objectives of *Land Use Planning and Approvals Act 1993* have been taken into account.

1. INTRODUCTION

Ireneinc Planning has been engaged by Moorilla Estate Unit Trust to prepare an application for an amendment to the *Glenorchy Interim Planning Scheme 2015* (GIPS) for the land at Berriedale Peninsula, Glenorchy. In accordance with S87C of the *Land Use Planning and Approvals Act 1993* and the Savings and Transitional Provisions of Schedule 6, a request for amendment to the Scheme is made under the former *Land Use Planning and Approval Act 1993* in accordance with the former Section 33 provisions.

This report has been prepared with reference to the *Southern Tasmanian Regional Land Use Strategy*, the provisions of the *Glenorchy Interim Planning Scheme 2015*, the *Tasmanian Planning Scheme: State Planning Provisions*, and other applicable provisions of state, regional and local policies.

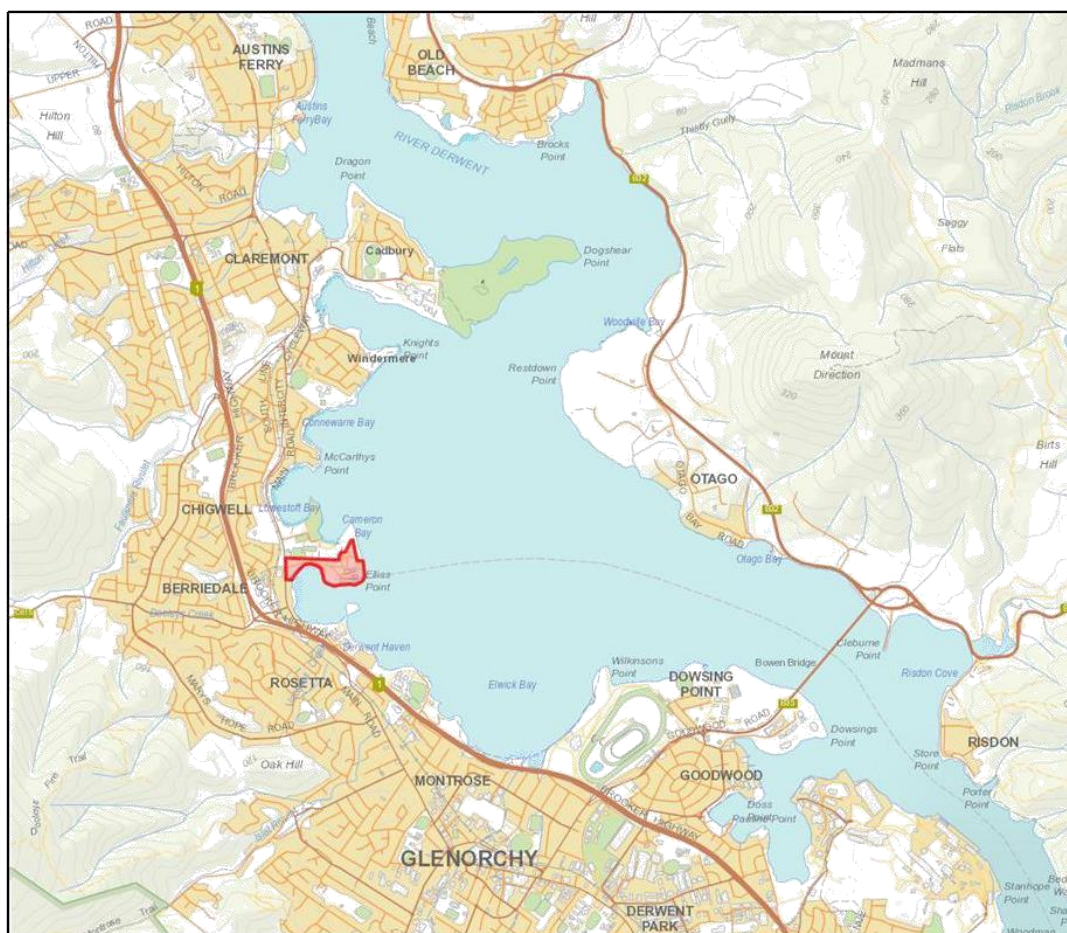


Figure 1: Locality plan (source: The LIST)

2. STRATEGIC ANALYSIS

MONA has hit Tasmania like a cultural storm. Academics are now studying the “MONA Effect”, which is seeing ripples of creativity and innovation arising from the cultural stimulus, which MONA has provided.

The Times UK labelled MONA as “the most exciting addition to the Australian Cultural landscape since the Sydney Opera House”¹. Lonely Planet rated MONA the second best museum on Earth, after the British Museum, and the 20th best place to visit overall in the world.

MONA has received a multitude of accolades and awards. It has been credited as the anti-museum that turned the art-world on its head² and a watershed in the way art is understood by the general public³. The museum itself is located at the Moorilla Estate which is listed on the state and local heritage register for two buildings designed by the celebrated architect Roy Grounds, for Claudio Alcorso who himself is recognised for his contribution to the wine and textile industries in Tasmania.

Prior to the museum a number of other award winning buildings were added to the site, including the MONA Pavilions (Fender Katsilidis) the Ether building including the Source restaurant (Rosevear architects and JAWS Architecture) and the Moo Brew Brewery building. The geography of the site as a peninsula within the River Derwent contributes as much to the site as the built fabric. The promontory is as much characterized by its vineyards, remnant bushland, and less conspicuously its aboriginal sites.

The Moorilla Estate is located only several kilometres from where David Walsh grew up and was selected more by accident than intent as a site to house Walsh’s growing art collection. The choice of Glenorchy had the benefit of lower real estate values of somewhere like New York or London and as Walsh acknowledges he had some opinions he wanted to share and “who would hear what MONA had to say in New York, or even Sydney, with all that cultural noise blaring”⁴

As a commodity, the museum is also recognized for its impacts on the tourism industry and economics of Tasmania; likened to the Bilbao Guggenheim as “The MONA Effect”⁵. With over two million visitors since the museum was opened in 2011⁶ it is credited with contributing more than \$100 million annually to the state’s economy⁷. The opening of MONA is credited with sparing Hobart from the worst of the tourism decline caused by the global financial crisis, exacerbated by cancelled direct flights to Hobart and the decline in airline seats in general¹.

¹ Max Anderson, August 20 2011, Australian art at end of the world, The Sunday Times

² Cosolovich G, 2012, Art’s wild child up and walking, The Sydney Morning Herald, January 7.

³ Kaldor from Flanagan R, 2013, At home with David Walsh, the gambler, The Monthly, February.

⁴ Walsh D, 2013 Reasons to be cheerful: Humility and Hubris from Glenorchy, Tasmania: The Tipping Point? Griffith Review, Autumn.

⁵ The Mercury Editorial, 2014, Editorial: The amazing MONA effect, The Mercury, April 10.

⁶ Tourism Tasmania, 2015, MONA Visitor Profile: September 2015, accessed at 21/02/16:

<http://www.tourismtasmania.com.au/research/reports/mona_statistics> ,

⁷ Stewart C, 2014, David Walsh: from shy misfit to bigtime gambler who founded MONA, The Australian, October 4.

Beyond the cultural edifice and landmark of the museum, there are the festivals, activities, arts and culture that have spread beyond the seams of the Berriedale Peninsula. Even before the museum opened there was the launching of MONA FOMA in 2009. The festival launched the MONA brand, which festival curator Brian Ritchie of the Violent Femmes identified in its inaugural program, “MONA FOMA is determined to turn Hobart into a musical and visual dreamland where anything can happen”⁸. The initial success of the program resulted in the festival continuing annually and being consolidated by its seamier twin; Dark MOFO. The festival single-handedly boosted Hobart’s mid-winter dead spot⁹, resulting in a high occupancy of accommodation with an event that celebrates the very feature of cold and dark, which had previously been such a deterrent.

Succinctly described; “MONA is widely viewed as Tasmania’s existential if not economic salvation”¹⁰.

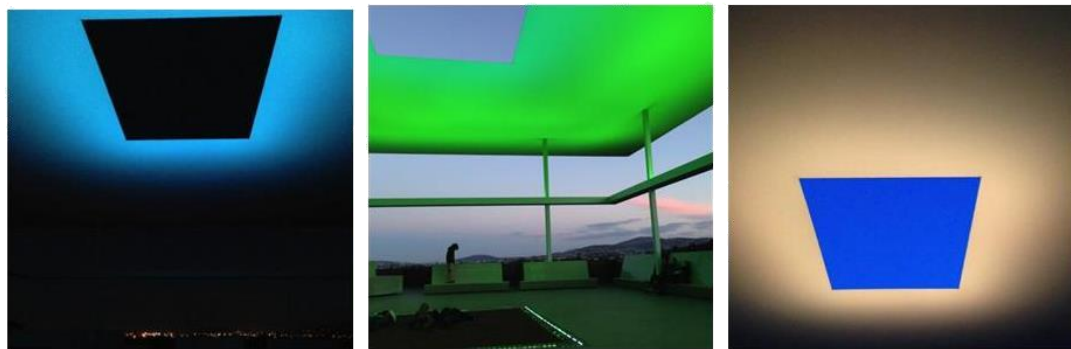


Figure 2: 'Armana' James Turrell

The importance of the arts to the economic and social fabric of our urban environments is well established.

Artists contribute most to the city’s economic and social fabric by:

- *building community,*
- *bolstering neighbourhood identity,*
- *spurring innovation and economic development*¹¹

Gallery spaces and the arts are cited as being globally recognised as agents for change from manufacturing based economies to knowledge-based economies.

The contribution of museums to cities:

Short term effects:

- *Increased economic activity*
- *Increased employment and spending*
 - *Creation of new jobs*
 - *Increase tourism*

⁸ Franklin A, 2014, The Making of MONA, Penguin Group, Melbourne.

⁹ Salmon G, 2016, Capital gains: How MONA got Hobart humming, ABC, accessed 21 February at < <http://www.abc.net.au/news/2016-01-13/mona-got-hobart-humming/7081376>>.

¹⁰ Cica N, 2013, The cracks are how the light gets in, Tasmania: The Tipping Point? Griffith Review, Autumn.

¹¹ “Neighbourhood diversity, economic health, and the role of the arts” Foster, N. Grodach, C. Murdoch, J. Journal of Urban Affairs, 2016

- Increase income
- Increase real estate value

Long term effects include :

- Advance social, educational and creativity values
- Non use value
- Crucial to place making, local identify and citizenship
- Contribute to the city's image and how it is perceived.¹²

Fundamental to MONA, and the arts in general, is the importance of thinking outside of the box. MONA deliberately and intentionally challenges traditional conventions through which we view and interpret the world across a range of mediums including art, architecture, festivals, communication platforms, marketing, products, and, relevant to this application, land use.

The constraints of the planning framework adopted through the interim planning schemes (and forthcoming state scheme) clearly demonstrate the restriction that such provisions can create on the potential for emerging and creative industries.

The lessons from MONA direct us toward a more constructive planning approach, with the use of enabling language (rather than constraining terminology), and goal oriented statements and objectives. This is in contrast to overly prescriptive regulatory provisions, which have the potential to diminish opportunities for positive innovative and creative outcomes.

2.1 DEMONSTRATED BENEFITS, AND LOCAL AND REGIONAL LAND USE STRATEGIES

The following is an assessment of the demonstrated benefits of the existing MONA development with respect to relevant land use strategies, and with regard to the further opportunities facilitated by the expansion of infrastructure. The most recent planning strategy applicable to the region that has been referenced is the *Southern Tasmanian Regional Land Use Strategy 2010-2035* (as amended 1 October 2013), which has been used to establish the purpose and objectives included within the *Glenorchy Interim Planning Scheme 2015*.

2.1.1 Tourism and Economic Development

MONA had newly opened at the time that the Southern Tasmanian Regional Land Regional Land Use Strategy (STRLUS) was declared in October 2011. The strategy recognised MONA as a 'Strategic Economic Opportunity', and as 'A place of arts, culture and recreation'. The strategy recognises that promoting and enhancing MONA's role will attract a greater number of visitors as well as increased employment numbers. However, due to timing of the strategy there is limited robust strategic land use planning with regard to MONA.

The STRLUS identified that state visitor numbers were at 932,700, contributing \$1.4 Billion to the economy. Since the STRLUS was written the numbers of visitors has increased to 270,000 per annum. In 2012 Deloitte Access Economics was engaged to do an economic, social and cultural study of the contribution of Mon. The main economic finding of the report was that MONA contributed \$54 million to Tasmanian gross state product in 2011-12, and \$71 million nationwide. Conservatively, the economic contribution to the Tasmanian gross state product would be well in excess of \$100 million p.a.

¹² Jimenez, J. The economics of Museums and Cities, in *Cities, Museums and Soft Power*, Lord, G. & Blankenberg, N. AAM Press 2015

The state government has subsequently identified in its T21¹³ strategy of 2015 that it has the ambitious target of increasing this to 1.5 million visitors in 2020, with an expenditure of \$2.5 Billion. The increase in tourism is to be achieved through the following priorities that are relevant to MONA:

- Generate more demand for travel to Tasmania; including through marketing, reasons for visiting, and infrastructure.
- Invest in quality visitor infrastructure; including water-based tourism, innovative visitor products, experiences and infrastructure, and development of new experiences that complement Tasmania's competitive strengths.
- Building capability, capacity and community; encourage a culture of excellence, attract and train hospitality and events workers, foster innovation.

The ability for MONA to contribute to this expansion in tourism is particularly relevant as demonstrated through Tourism Tasmania visitor surveys; MONA has been consistently the second most visited attraction in Tasmania since opening in 2011¹⁴. These figures do not recognise the additional contribution that MONA has had overall to the Tasmanian brand, and visitor numbers attributed to festivals such as MOFO and Dark MOFO. MONA is number 1 on Lonely Planets' Top experiences in Tasmania and has contributed to Tasmania being included on the top destination lists for travel guides around the world.

Even prior to the opening of MONA, the increase in visitor numbers was resulting in a shortfall in accommodation. Tourism Tasmania identified in 2010 the following in relation to supply and demand:

Greater Hobart is approaching capacity with an annual average occupancy of 76%. Only June to September experienced occupancy levels below 74%. When a destination is operating at this level, it can be difficult for visitors to find their preferred type and standard of room at a time that meets their requirements. It can also be very difficult to locate the last available rooms.¹⁵

This shortfall was resulting in a higher than national average revenue generated per available room, and was intended to demonstrate to town planners the shortfall as well as the opportunities that existed for private investors. More recently the tourism economy was identified as growing to 80.2% occupancy in 2016¹⁶, with rooms fully booked during peak times such as Dark MOFO.

Independent economist Saul Eslake recognises that the consistent shortfall in accommodation is "very much related to the influx of tourists that MONA has attracted. And those visitors have generally been more affluent and have wanted to spend more on hotel accommodation, restaurants and the like than the kind of visitors Tasmania was attracting before the opening of MONA."¹⁷

MONA has substantially contributed to the tourism economy through its innovation, which needs to continue to evolve to be desirable. Greater Hobart has an identified shortfall in

¹³ T21, State of Tasmania, November 2015, *The Tasmanian Visitor Economy Strategy 2015-2020*.

¹⁴ Tourism Tasmania Corporate Website, Museum of Old and New Art Visitor Statistics, accessed at 14 May 2017, <http://www.tourismtasmania.com.au/research/reports/mona_statistics>

¹⁵ Tourism Tasmania, 2 June 2010, *Research Snapshot Accommodation Supply and Demand in Greater Hobart 2010-2017*,

¹⁶ Property Observer, 8 November 2016, Hobart Hotel market records strong occupancy levels and rate growth, accessed at <<http://www.propertyobserver.com.au/finding/commercial-investment/leisure/61493-hobart-hotel-market-records-strong-occupancy-levels-and-rate-growth.html>>

¹⁷ Gregor Salmon, 4 October 2016, Capital Gains: How MONA got Hobart humming, accessed at <<http://www.abc.net.au/news/2016-01-13/mona-got-hobart-humming/7081376>>

accommodation, and while there are a number of hotels approved and under construction in Central Hobart these are removed from MONA and do not provide for accommodation convenient to the attraction.

The benefits of MONA are more directly demonstrated through the employment generated for 270 full-time equivalent jobs, regularly increasing to over 430 for casual and seasonal employees. Of these jobs, approximately 25% live in the surrounding Glenorchy Municipality. These jobs are across several sectors including hospitality, gallery front-of-house, art management, curatorial, festivals, grounds and maintenance, sales and marketing, design and publishing, public relations, finance and administration, viticulture, winemaking, brewing, cleaning and security.

The STRLUS specifically identifies strategy for Tourism and recognises the need to provide for innovative tourism. The following policy are particularly relevant to the further development of MONA:

T 1.6 Recognise, planning schemes may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.

T 1.7 Allow for objective site suitability assessment of proposed tourism use and development through existing non-planning scheme based approval processes (43A application).

This application demonstrates that MONA is particularly in need of an innovative planning response to future use and development.

2.1.2 Community Benefits

Kirsha Kachele has been instrumental in a number of community-orientated projects integrated with MONA. Projects include the establishment of the 24 Carrot Gardens - creating school kitchen gardens partnered with fun, learning activities in the creative arts, culinary arts, science and sustainability. Children and their families are actively involved with growing and cooking produce, and learning about healthy eating and exercise.

Fifteen local schools are now involved, each partnered with local businesses who provide financial support, and architects who help the children design their sustainable patch. The 24 Carrot Gardens activities have tied in with the MONA site through curated masterclasses and workshops for both staff and students, as well as the annual 24 carrot carnival held each spring at MONA.



Figure 3: 24 Carrot Carnival at MONA, 2015 (Source: 24 Carrot Gardens)

MONA's community education projects also include 'Heavy Metal' which promotes a multi-disciplinary approach to researching and interpreting heavy metal pollution in the River Derwent in collaboration with the University of Tasmania, CSIRO and the Derwent Estuary Program. The Mona Market runs weekly over the summer months, and from 2014-2016 MONA also supported the MONA GASPI Fun Run and Walk as a recreation activity integrated with the GASPI

These activities integrate with the site at MONA and provide community facilities that contribute to the amenity of the locality and the region, and importantly for the schools involved in 24 Carrot Gardens, is within close proximity. This is not a core focus of MONA's activities but when considered in relation to the arts and cultural contribution (discussed further below) provides an unconventional source of social infrastructure consistent with the STRLUS policies, in particular:

SI 1.5 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.

Not ordinarily provided for by the private sector there is greater flexibility in the activities that MONA provides enabling dynamic and enriching environment for learning and social interaction. The integration of MONA with the community increases the knowledge sharing to the benefit of both the museum and the local population. In the past, these activities have struggled to fit within the arts and culture definitions constraining use within the site.

2.1.3 Arts and Culture

The STRLUS provides no substantial strategic planning policy for the arts other than as a strategic economic opportunity. One of the visions for the strategy is for 'thriving and innovative industries' (STRLUS, p 17). The strategy does recognise that the 'unique identity of a community defined by cultural development, landmarks, urban design, the developing local economy and the natural landscape' are important to creating liveable communities (STRLUS, p 20). However 'cultural' values within the strategy are generally attributed to Aboriginal and Historic Cultural

Heritage, rather than to an Arts and Cultural economy. The omission of the arts from the Strategy may be related to its timing relative to the opening of MONA.

While the STRLUS may not have elaborated on the benefits of the economic benefits from Arts and Culture, the more recent *Tasmanian Visitor Economy Strategy 2015-2020* recognises Tasmania's 'burgeoning contemporary arts and creative industries' as being at the heart of the visitor economy. The emerging recognition of the importance of arts industries in government strategies should be reflected in updates to land use planning strategies.

The success of MONA is intrinsically linked with the arts as it was developed as a museum in the first instance rather than for its specific tourism or economic benefits. David Walsh admits himself that he wasn't sure whether anyone would come when it first opened. As it is there are further, less tangible benefits that the arts are capable of contributing to the urban fabric of cities. Studies in New York have found that Artists contribute most to the city's economic and social fabric by building community, bolstering neighbourhood identity and spurring innovation and economic development.¹⁸ A greater understanding consolidates these findings through the works of Richard Florida and others, of how the creative class can contribute to the economic growth of cities.



Figure 4: Opening of MONA (left), Dark MOFO 2015(right)

The Tasmanian State Government is beginning to recognise the value of the cultural and creative industries with the introduction of a Cultural and Creative Industries Strategy in 2015. The Strategy recognised that the industry directly employed over 9000 Tasmanians¹⁹. The Victorian Government has a more established precedence of assessing the economic impact to the state at direct value of \$6.1Billion and 68,000 full time equivalent jobs²⁰. Unsurprisingly, the City of Melbourne is now leveraging the arts to create a strategy to be 'a bold, inspirational, sustainable and creative city', with the introduction of its Arts Strategy 2014-17, which is consistent with the municipality prioritising 'creativity' in its City plan²¹.

While current strategic planning in Tasmania does not yet have robust policy in terms of the arts, T21 (pg.6) does recognise that Tasmania has a vibrant contemporary arts and cultural sector. Arts Tasmania, as the government agency responsible for policy and planning for arts and culture for Tasmania identifies the following in its Vision Statement:

The arts and cultural sector will be a key component of Tasmania's competitive advantage in innovation, economic and social strategies. Utilising the arts as an instrument for social

¹⁸ "Neighbourhood diversity, economic health, and the role of the arts" Foster, N. Grodach, C. Murdoch, J. Journal of Urban Affairs, 2016

¹⁹ Cultural and Creative Industries Strategy, 27 December 2015, <http://www.premier.tas.gov.au/releases/cultural_and_creative_industries_strategy>

²⁰ KPMG, 2013, Economic Impact of the Victorian Arts and Cultural Sector

²¹ City of Melbourne, 2014, City of Melbourne Arts Strategy 2014-17

change and also a part of a population and attraction strategy is an important element in branding and realising Tasmania as an attractive place to live, work, study, invest and visit. Tasmania will become a global “smart spot” - a place where our rich cultural life, combined with educational and scientific institutions, meshes with our unique physical environment to attract more artists, entrepreneurs and niche industries - the “creative economy”.

Furthermore, it recognises that MONA leads Tasmania’s internationally recognised success and innovation in the arts.²² The introduction of the Hadley’s Art Prize in January of this year, the richest landscape art prize in the world, is directly attributed to MONA’s contribution to Tasmania as a thriving arts community, and recognises the importance the arts has as a ‘cultural tourism drawcard’²³.

In addition to MONA, the Glenorchy municipality has the Glenorchy Arts and Sculpture Park (GASP) and the Moonah Arts Centre (MAC) contributing to the arts culture of the area. Locally and with the Greater Hobart region there exists an opportunity to continue to improvement policy and strategic planning to not only direct employment and economic benefits of the arts and creative industries, but also the indirect flow onto the broader community.



Figure 5: Artworks, Exxopolis MOFO 2015 (left), Dark MOFO 2015

²² Arts Tasmania Vision Statement, accessed 14 May 2017 at: http://www.arts.tas.gov.au/about_us/arts_tasmania_vision_statement

²³ New \$100K art prize cements Tasmania’s cultural reputation, 25 January 2017, accessed at < <http://www.themercury.com.au/news/new-100k-art-prize-cements-tasmanias-cultural-reputation/news-story/0d4d6683833d7eeafa505b6706ee3b5e>>

2.1.4 Transport

The STRLUS strongly emphasises the importance of alternative transportation types. Of particular relevance to the future transportation needs of MONA the strategy recognises the River Derwent for passenger transport; that car parking is the key determinant of car based travel; and the protection of the rail corridor for future development of transport options.

Policy statements from the STRLUS are structured around the following:

Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner

MONA is exemplary in Tasmania for its continued promotion of alternative transportation types with private vehicles being continually emphasised as the least popular option for transport to the site. As shown in the hierarchy advertised for the concert ‘standing in the shadows of MONA’ (refer Figure 6), MONA is situated with convenient connections to a range of transportation types, including the River Derwent, the South Line rail corridor that is also used as a cycleway, and the Brooker Highway. Private and public bus services also contribute to the range of transportation types.

AND HERE, IN ORDER OF GREATNESS,
ARE THE BEST WAYS TO GET THERE:

- 1. FERRY (feel the wind in your ‘fro).
- 2. BUS (with your groupies).
- 3. TAXI (just like being chauffeured, minus the limo).
- 4. BIKE (because you’re just that socially responsible).
- 5. WALK (see option 4).
- 6. SEAPLANE (for real. [Click here](#))
- 7. HELICOPTER (because you’re a superstar. [Click here](#))
- 8. PARACHUTE (diva).
- 9. DRIVE (limited parking available).

Figure 6: Extract of advertising flyer

The museum is directly accessed by the existing ferry service that is currently privately operated. Traffic from the ferry service is predominantly for visitors from Hobart travelling to the site, however with the construction of a boardwalk around the coast the ferry is seen as an option for improvements in efficiency with a commuter service to fill return trips. With increasing traffic congestion on roads a network of ferry services is seen as a possible option that is being championed by a number of municipalities²⁴ and supported by the private sector²⁵.

While there is not an existing rail service that uses the South Line corridor, there is ongoing exploration of the ability for the former heavy rail corridor to be used for a passenger service. The options for reuse have been consolidated with the Glenorchy to Hobart Public Transport Corridor Project that has been endorsed by Hobart City Council, which seeks to intensify urban development at key site along the Corridor.

²⁴ *Hobart City Council acts on River Derwent ferry service*, May 10 2016, accessed at: <
<http://www.themercury.com.au/news/council-acts-of-ferry-service/news-story/e5cf8e01f1a67e53c42c0ddbdf50a4c6>>

²⁵ *incat pitches ferry service proposal with ‘bus fare’ prices to ease Hobart’s traffic woes*, 6 April 2016, accessed at: <
<http://www.abc.net.au/news/2016-04-06/ferry-service-proposal-to-ease-traffic-woes-in-hobart/7305530>>

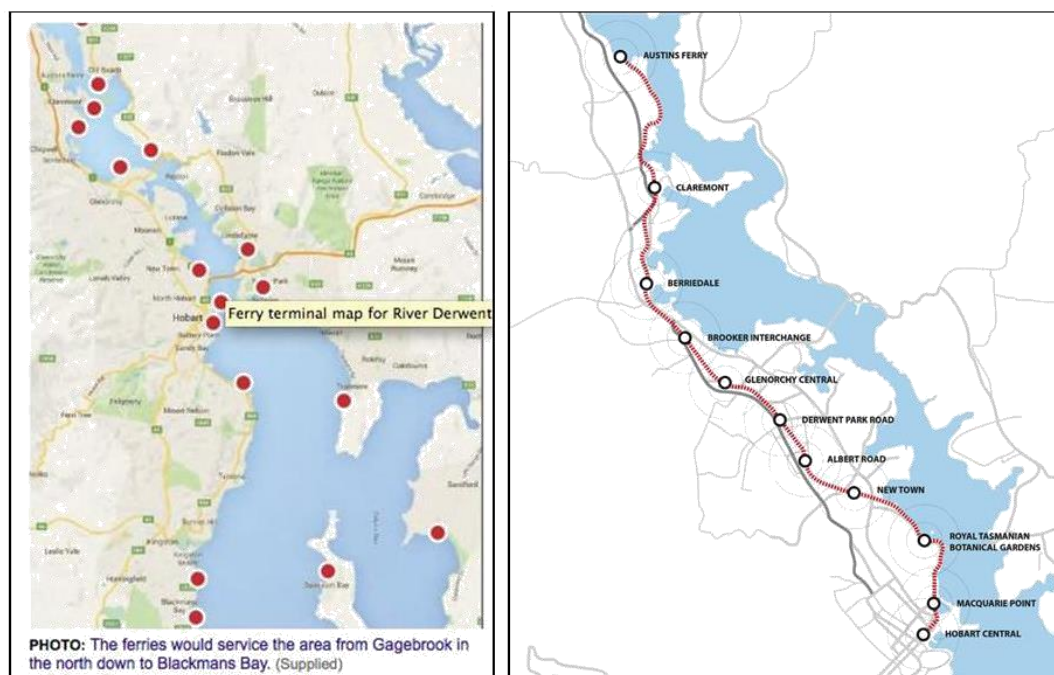


Figure 7: Ferry service concept (Source: ABC News), and proposed rail route (Source: GHD²⁶).

Located in close proximity to the cycleway and providing access to bike hire, MONA is acknowledged by Bicycle Tasmania for its continued promotion of the growth of bicycle riding as a form of transport.

MONA has a demonstrated commitment to seeking innovative alternative transportation options to the site. Expansion of activities on the site will improve the feasibility of options for alternative transportation types that will assist in servicing not only MONA but also a variety of other sites in the region.

2.1.5 Environmental Management

Relevant to the strategic use of land on the edge of the River Derwent are STRLUS policies for management of environmental values, including those for; Biodiversity and Geodiversity, Water Resources, The Coast, and, Managing Risks and Hazards for Sea Level Rise and Storm Surge. These values have been discussed further in this report in relation to the *State Coastal Policy 1996*, and the *State Policy on Water Quality Management* as a statutory requirement of an amendment application.

WR 2 - Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.

Accompanying this report and discussed further in the site analysis are the results of investigations into the natural values of MONA including land and maritime assessments, as well as survey investigations which demonstrate mapped areas at risk of inundation.

The site has already been substantially developed for the museum and various artworks and accommodation. This development has been undertaken in accordance with requirements to protect recognised species and vegetation where required, and has undertaken revegetation

²⁶ p21, GHD, Report for Hobart City Council and Glenorchy City Council - Glenorchy to Hobart Public Transport Corridor

works with local native species along coastal edges. Activities have focused on integrating with and improving public access to the coastal edge.

Concepts for future development are focused on private land, except where access is to be improved to the coastal edge. In order for the development to occur detailed design of stormwater management and management of the coastal edge will be required to be provided as part of the application for development. Crown Consent inclusive of a works application detailing construction management methodology is required for works that will be located in the Derwent.

2.1.6 Activity Centres

The STRLUS strongly emphasises the importance of consolidating existing Activity Centres as a focal points in its policies. In particular, the policy below, where Hobart is defined as a Primary Activity Centre and Central Glenorchy is a Principal Activity Centre.

AC 2 Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania

Where Activity Centres are defined as follows:

Activity Centres - Are mixed use areas that provide a focus for services, employment, retail and commercial activity and social interaction in cities and towns. They also include community meeting places, community and government services, education facilities, settings for recreation, leisure and entertainment and may include in larger activity centre residential development in mixed land use settings.

The definition of the Primary Activity Centre includes that entertainment should incorporate night time activities and major cultural facilities of the region.

Consideration of the MONA land is required with regard to Activity Centres policies, as it is a focal point for a number of the activities defined by the Strategy (above). It is assumed that MONA has not been addressed in the Strategy in relation to Activity Centres as its influence has been established concurrently with the finalisation of the Strategy. The Museum was approved prior to the Strategy and has now resulted in impacts on the urban fabric of Hobart, including not only an increase in accommodation construction but also recognition for its contribution to the 'new eateries, cafes, and shops changing the complexion of the city'²⁷.

While growth in the Primary Activity Centre of Hobart City is directly attributed to MONA, the direct impact to Central Glenorchy, the municipality, and to the area outside the immediate boundaries of the site are less apparent. In the Glenorchy Hobart Public Transport Corridor report, it is recognised that there would be benefit in increased urbanisation in Berriedale integrated with MONA. The following are desirable characteristics for Berriedale:

- *Residential village with modern built form to reinforce the creative character and nearby MONA, featuring a new civic space at its heart.*
- *Berriedale will be an art, craft and cultural precinct designed to encourage cultural activities and events, an attractor for retail to showcase local food and wine and hub for street life, performances, temporary art, creative industries and boutique small businesses.*

²⁷ Salmon G, 2016, Capital gains: How MONA got Hobart humming, ABC, accessed 21 February at < <http://www.abc.net.au/news/2016-01-13/mona-got-hobart-humming/7081376>>.

- *The inclusion of a hotel and art hub encourages the organic growth of a cultural precinct, home to students, visitors, artists and entrepreneurs, resulting in job opportunities.*
- *Civic space provides an intimate and attractive pedestrian environment, strategically located for gathering and events.*



Figure 8: Berriedale Visualisation (Source: GHD)

The existing use of the site does not undermine the existing Activity Centre hierarchy of the strategy, but rather consolidates and enhances opportunities within the urban area and has seen expansion consistent with the strategy. Further intensification of visitor infrastructure will ensure the continued role of the museum as a focal point of the community; it will also provide more opportunity for localised activity.

3. FUTURE DEVELOPMENT OPTIONS

The following is an outline of the recent concepts explored for the site to provide a framework for the assessment of the statutory documents and intents of the proposed amendment.

3.1 DRAFT BERRIEDALE MASTERPLAN

In recognition of the need for broader principles to guide the future use and development of Council owned land on the Berriedale Peninsula, Glenorchy City Council and MONA developed the *Berriedale Reserve + MONA: Masterplan*, prepared by Inspiring Place and Ireneinc Planning in August of 2014. While the Masterplan included community and stakeholder involvement, it has not been formally endorsed by Council or publically advertised.

The Draft Masterplan found the following overall vision for the Peninsula:

MONA as a world-recognised place of cultural excellence, providing outstanding and engaging experiences for all; and Berriedale Reserve as a well-managed open space, providing for the activity needs of current and future generations within the City and wider community.

The guiding principles elaborate on the above vision:

One Integrated Landscape - an integrated approach to the development and management of the two sites is required to get best 'value' from the overall setting.

Protecting Intrinsic Values - The environmental, cultural, economic and social values all add to the sense of place for both local residents and visitors.

Pushing Outwards - MONA has enticed Tasmanians and others to progress thinking 'outside of the box' pushing the limits that previously constrained the cultural expression and unleashing a greater awareness about the vitality of the island community.

Delivering the Full Benefits - These include environmental, social and economic benefits that protect inherent values, enhance livability and become a catalyst for pushing further flow-on effects within the local, regional and state economy.

Partners in Management - The potential benefits of sharing a common vision for the future of the peninsula will be enduring.

The resulting Draft Masterplan is in the following image. The secondary action of the Masterplan, after adopting it, was to "Ensure the planning mechanisms align with the principles and direction of the Masterplan". Also included are a number of actions that dependent on changes to the planning scheme, including; installation of compost facility and community garden, review of the caravan park lease, formalisation of the car parking for MONA, and construction of the MONA hotel.



Figure 9: Berriedale Masterplan

3.2 HOTEL MONA

MONA is worth in excess of \$100 Million per annum to the state's economy, and has substantial benefits that are yet to be quantified and exceed those that can be calculated in dollars. There is no doubt of the importance of MONA to Tasmania and yet. The current operating costs subsidised by David Walsh to the tune of over \$13 million a year²⁸.

The long term operational feasibility of the site can be ensured by facilitating a complex of integrated facilities, focused on providing visitors with accommodation consistent with the qualities anticipated of the Museum. The \$250 Million development of a Hotel (Hotel at Mona or HOMO) will operate as part of the Mona experience and will promote synergies with other cultural and commercial operations on site. The integration of art and performance in conjunction with food and beverage has established Mona as a market leader. HOMO will provide a complete visitor experience and offer facilities and services to build on and improve Mona's existing products and reputation.

Unlike the museum building, Hotel MONA would not be built underground, or into the peninsula but rather as an unapologetically prominent landmark. Cantilevering out over the River Derwent the building, will demonstrate an internationally significant standard of engineering and architectural innovation.

Designed by Nonda Katsilidis of Fender Katsalidis Architects, the Hotel MONA concept has been through many iterations. A development application for the Hotel was lodged in 2013, although this was withdrawn as the plans were revised. Similarly to the most recent iteration, the 2013 application involved a hotel cantilevering over the River Derwent. The application was discretionary in accordance with the *Glenorchy Planning Scheme 1992*, however the options for development diminished with the introduction of the *Glenorchy Interim Planning Scheme 2015*, which as discussed in the Planning Scheme Provisions Section of this report, now inadvertently prohibits the development.

3.2.1 Casino

Central to the Hotel MONA concept is a 'High Rollers Casino', this has been openly discussed within the community and is dependent on receiving a licence for a gambling facility^{29,30}. The casino will not cater for the local population, but rather international guests that will be transferred to private gaming rooms with a minimum bet value that attracts a specific high value clientele.

This amendment application is not seeking approval for the Casino as such use is already permitted on the site. The objective of this application is to reinstate the development rights that existed prior to the introduction of the Interim Planning Scheme, which would have allowed for a discretionary application for the development of a hotel.

3.2.2 Development Concept

Accompanying this report are the most recent plans for the hotel building, which have been provided at the request of the Crown to illustrate the extents of development projecting out over the coastal boundary. This application does not seek approval for the development. Due to the scope of the project, there is the likelihood that some minor modifications may still ensue prior to completion.

²⁸ Flanagan R, *The Gambler*, February 2013, The Monthly

²⁹ Stuff we are planning to do, 2015, accessed at < <https://monablog.net/tag/hotel-mona/> >

³⁰ MONA owner David Walsh reveals plans for next phase of multi-million-dollar developments in Hobart, 2015, accessed at: < <http://www.abc.net.au/news/2015-12-13/mona-reveals-plans-for-multi-million-dollar-developments/7024514> >

It is anticipated that the Hotel MONA will increase the number of MONA's staff by 120 FTE; 300 including offshoot companies. Total employment during construction phases of these developments equates to approximately 450 FTE construction industry jobs.

The concept of the new development is for a building focused on providing hotel rooms with balconies for guests extending out over the river. The hotel will provide a terrace, restaurant, bar and gym facilities. Forming part of the plinth for the hotel, there is a theatre and function space with respective break out spaces. Further development includes spa facilities that will be a further attraction of the site, and office facilities for the expanding staff numbers.

Additional gallery space will consolidate the existing museum with custom-built art pieces including the 'Vortex' and 'Our Time', work by Ai Wei Wei, as well as a new library. The outdoor performance space will expand so that the stage is sufficient to accommodate an orchestra and site specific children's playground artworks by internationally renowned artists Tochiko MacAdam and Tom Ottoriness. The functionality of the museum is to improve with the increased on-site storage of artworks.

The Hotel MONA concept also consolidates accessibility and circulation by providing access for various waterborne crafts to a lift that provides sheltered access to the museum and facilities. Additional on-site parking is provided through multi-storey on-site parking, and servicing will be situated internally to minimise impacts to visitor access around the site. The concept requires the demolition or relocation of a number buildings, and further extensive excavation.

The location of the Hotel MONA concept has been prepared to minimise the footprint of such a substantial infrastructure, and with minimal impact on the landscape values of the winery and vineyard. The extent of changes within the curtilage of heritage buildings is minimal, with the only change including an additional access at the rear of the Courtyard House.

4. EXISTING STATUTORY PROCESS

4.1 PLANNING REFORM

The breadth of activities and development associated with MONA on Berriedale Peninsula has been growing with over 20 development applications required since 2005 (refer Appendix B for detail). These have predominantly had permits approved and have resulted in a significant expansion of the activities on the Berriedale Peninsula. However, with the ongoing state-wide planning reforms, opportunities for the anticipated future developments of MONA and its long-term feasibility are now being encumbered by planning regulation.

For at least four years, there has been a recognised need by the landowner, and Local and State Government that the statutory instruments need modification to address the unique circumstances that are occurring on the Berriedale Peninsula, and to achieve more integrated planning outcomes. The need for these changes is outlined formally in the submissions made in response to the *Glenorchy Interim Planning Scheme 2015*, and the *Draft State Planning Provisions* respectively (refer Appendix C).

Both submissions emphasise that, amongst other issues, the Major Tourism Zone that applies to the land at 651-655 Main Road Berriedale does not adequately address the past, present, and anticipated activities of the Museum. There was general agreement in relation to the issues that have repeatedly been raised in representations at hearings by the Tasmanian Planning Commission Panel and Glenorchy City Council planners that a Specific Area Plan would be the most appropriate outcome. However, it was found that the inclusion of a Specific Area Plan in the Interim Scheme was outside the terms of reference and an application would be required to be prepared by the Landowner.

Consistent issues raised in relation to the Draft State Planning Provisions and the Glenorchy Interim Planning Scheme are as follows:

- That the application of the Major Tourism Zone is inappropriate and that the Purpose Statements and Use Table are inconsistent with the activities and intentions of the site.
- There is a mandatory discretion for building design for the Major Tourism Zone, and for any application to be accompanied by a landscaping plan by a qualified landscape architect.
- Desired Future Character Statements are not related to and are more restrictive than the higher purpose Zone Purpose Statements; including being unclear in relation to the intents for retention of views.
- Clarification on how the qualification of a use applies when a development 'site' is over multiple titles.
- The provisions of the Historic Heritage Code require that Development must be 'subservient' to the listed place.

- There should be greater scope for temporary works associated with cultural events to be exempt from requiring a planning permit, and/or for greater discretion to the provisions of the zones and code.
- A greater number of uses should be discretionary within the Major Tourism Zone.
- The Inundation Code prohibits development for habitable buildings that project over mapped areas even if the height of the habitable floors is significantly above the height where they would be at risk of inundation.

The adaptation of these recommendations is discussed further in relation to the assessment of the State Planning Provisions in Section 4.3.

4.2 GLENORCHY INTERIM PLANNING SCHEME 2015

Within the *Glenorchy Planning Scheme 1992* (GPS 1992), use or development of a heritage place is considered discretionary in accordance with the following:

(b) Any Use or Development of a heritage place shall be deemed to be discretionary (D) in accordance with Clause 7.5 unless it is for Development listed in Clause 9.5.2 Heritage Exemptions

Council was required to consider that the proposal would not result in adverse impacts to the Cultural Heritage Significance of the Place.

Furthermore, any use or development that extended out of the planning area, that is, into the River Derwent, was likewise assessed as a discretionary application in accordance with 9.8 *Accretions from the sea and structures which extend into or over the sea.*

Table 1: Existing and Future Use Status, on page 45 of this planning report demonstrates the number of existing and future uses of the site that were previously discretionary under the 1992 scheme and are now prohibited. A full breakdown of the use status of development from the 1992 scheme, the existing interim scheme, and the proposed amendment has been included in the Appendix to this report.

This application demonstrates that in order to enable the long-term viability of the site, it is necessary that the possibilities existing prior to the introduction of the Interim Scheme be restored.

4.3 STATE PLANNING PROVISIONS

The State Planning Provisions (SPP) have been released and result in modified provisions from the current interim planning schemes. At the time of writing this report, there is still uncertainty in relation to the Local Planning Provisions that will be included within the finalised State Planning Scheme, as it is understood that they are currently being drafted by Council.

4.3.1 SPP Response to Submissions

The SPP have removed Desired Future Character Statements as they are applied in the Zones, however there is potential that alternative controls could be embedded in the Zones through Local Planning Provisions with Local Area Objectives. It is assumed that without an amendment MONA will remain within the Major Tourism Zone. There is uncertainty as to whether Local Area Objectives will be applied to MONA in this Zone and the implications that this will have to any discretionary use or development on the site.

The SPP controls for the categorisation of Use Class or Development does not make a distinction in relation to zoning of the part of the site or which title the proposed use is to occur. Where an application for development includes a site that spans multiple titles and zones, as such the

application would be made for a use that would potentially have a different use status depending on the zone.

In terms of temporary use and development, there is scope for exemptions for occasional use for cultural events. There are exemptions for markets and for minor infrastructure, including playground equipment and public art; if only on public land, or by a public authority respectively. As such, there is limited scope for exemptions for temporary works or development for artworks on MONA land and permit applications will still be necessary.

Mandatory requirements for landscaping and building design have been removed from the Major Tourism Zone. Performance Criteria have been revised to exclude assessment with respect to Desired Future Character Statements.

The Historic Heritage Code refers to development being compatible with local historic heritage significance, rather than being 'subservient'. The Code also continues to include exemptions for places listed on the Tasmanian Heritage Register, which was previously a provision that only applied to the GIPS 2015. As such, the heritage values of MONA will continue to be assessed by Heritage Tasmania.

The Inundation Code has been renamed as the Coastal Inundation Hazard Code and the standards have been changed. Use and development within a High Coastal Hazard Band is still required to demonstrate that it 'relies upon a coastal location'; there are controls for Vulnerable Use, inclusive of Visitor Accommodation for an emergency evacuation plan; and the need for buildings areas to be located outside the inundation hazard area for subdivision.

4.3.2 Further SPP Standards

Further to those points raised in previous submissions, there is potential for further issues with the following provisions:

Sign: means a device, structure, depiction, or the like, that is intended to give information, advertise or attract attention to a place, product, service or event.

There is the possibility that light displays used as part of previous MONA festivals and as part of the 'Armana' installation may fall within the definition of a sign as they attract attention to a place or event. These artworks could be considered prohibited with regard to clause C1.6.2 *Illuminated Signs*, as there is no Performance Criteria for the following:

A2 An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.

These light displays are an integral part of MONA's activities and discretion is required to enable their use.



Figure 10: Articulated Intersect³¹, and Pulse Column by Lozano-Hemmer as part of Dark MOFO

The Waterway and Coastal Protection Code and the Biodiversity Code, are now addressed within the provisions of the Natural Assets Code. It is unclear from the definition of 'Watercourse' whether the site would be considered as a Class 1 or Class 4 watercourse: this is likely to depend on the mapping. Much of the existing development is situated within the mapped areas. The Code allows for few exemptions for use or development within the mapped area as discussed in relation to the Waterway and Coastal Protection Code (Section 6.14).

³¹ Rafael Lozano-Hemmer, Dark MOFO 2014, http://www.lozano-hemmer.com/articulated_intersect.php

5. SITE ANALYSIS

The following is an assessment of the qualities of the site that are relevant in relation to the proposed amendment.

5.1 LAND TITLES

The subject land is located at 651-655 Main Road, Berriedale, and includes the adjoining coastal land within the River Derwent. The land includes titles 164039/1, 61366/4 and 61366/3, and the River Derwent that has no title, including the small parcel of Crown land in Berriedale Bay. The total land area proposed as part of the amendment is 9.56ha, excluding the area for Crown Land within the River Derwent.



Figure 11: Berriedale Peninsula and surrounds (source: The LIST)

5.1.1 Existing Use and Development

Access to the site is from the western side through reasonably discreet concrete walls that mark the entrance. The entrance way is relatively narrow and defined by the landscape features of

the vineyard and an avenue of trees on either site. Near the entrance is the original Alcorso dwelling on the site, currently used as staff quarters.

Located on the northern boundary is a works building and yard, as well as an ample chicken coop. The coop accommodates a wide variety of poultry that occupy much of the site and adds to the visitor experience with the rural activities contrasting with those associated with the Museum.

A clustering of freestanding buildings is located on the higher point of the peninsula including a small staff building, a substantial winery building, and associated wine bar and the Ether building including reception, cellar door, restaurant, and function rooms. To the south of the Ether building is the former brewery, now bakery; to the north is a stage for outdoor performances with the open space used for picnics, and markets.

On the steep eastern coastal edge of the peninsula, eight free standing accommodation units and a pool building are located overlooking the river. The northern jetty is located via Council land and provides improved accessibility for people travelling to the site by ferry.

The main museum building is situated along the southern edge of the peninsula. Visitors predominantly access the site from the ferry terminal, past the Boltanski Pavilion, up a staircase of 99 steps to the forecourt (inclusive of tennis court) and through the main entrance of the Courtyard House. The Courtyard House includes the shop and a café, which spills out on to a lawn space on the eastern edge.



Figure 12: Ferry access and Boltanski Pavilion (left), Wim Delvoye artwork (right)

The museum building is quarried into the site and so from the centre of the Courtyard building visitors descend three storeys in to the subterranean gallery with the excavated stone as a feature. In addition to museum and gallery there is a cinema, bar, library, staff facilities, function room, and back of house space. The space is connected to the Round House by a subterranean tunnel. Currently under construction and projecting into Berriedale Bay is “Pharos” formerly called the Turrell Gallery.

The grounds accommodate a range of vehicle circulation types parking as well as vineyards, landscaped gardens, and areas of native vegetation. Interspersed within the landscape are a variety of art installations of varying permanence, and discrete signage, which extends the gallery space outside the walls of the Museum.

Permanent artworks include the ‘Armana’ Skyspace by James Turrell on the terrace of the Museum, with a variable light sequence that occurs at dawn and dusk every day. The Wim Delvoye ‘Chapel’ is located on the southern edge of the site; with only a small footprint it is used as a focal point for events and activities, including weddings.

The site has been subject to a substantial number of applications over recent years that have been outlined in the Decisions Analysis (refer Appendix). Of these applications, the MONA Museum made the most substantial changes to the site, which was approved in 2005 before being opened in 2011.

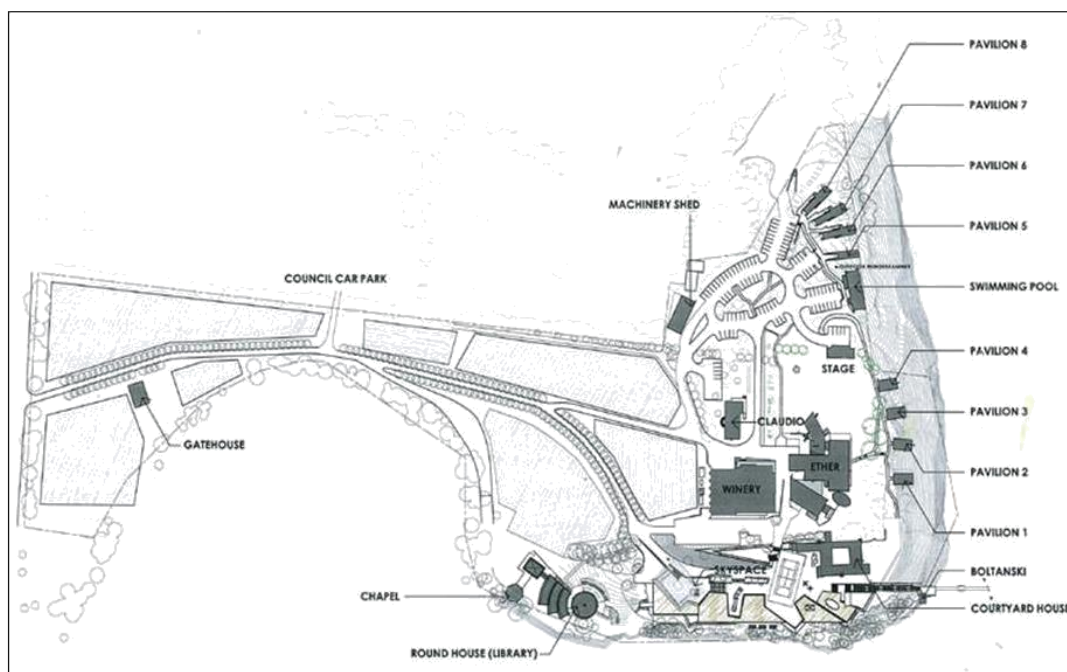


Figure 13: MONA site plan (Source: MONA)

5.2 HERITAGE

5.2.1 European Heritage

The site is listed twice on the Tasmanian Heritage Register for Place ID 7,088 Moorilla Estate - Courtyard House, and Place ID 7,089 Moorilla Estate - Round House; both designed by notable Australian Architect Roy Grounds. The site is listed locally within the planning scheme for the original farm house as well as the two Roy Grounds buildings. The site is recognised for its history in relation to Claudio Alcorso, who is recognised for his contribution to the establishment of the Tasmanian Wine Industry.

David Walsh's contribution to the site's architecture and history integrated with the two Roy Ground buildings may be found to have given the two listed buildings greater significance than they held prior to the development of the Museum. They are part of a development that has established significance in its own right, and the extent of the impacts are not yet fully realised. However, the listings have not been updated with respect to the Museum since it was constructed.

The site is subject to the provisions of the *Historic Cultural Heritage Act 1995*; works and development require a discretionary application in accordance with the provisions of the *Land Use Planning and Approvals Act*.

5.2.2 Aboriginal Heritage

The land that is the subject of this amendment is identified as including Aboriginal Heritage sites. Investigations have been undertaken to assess the sites values and to prepare a

management plan for approval by Aboriginal Heritage Tasmania in accordance with the requirements of the *Aboriginal Relics Act*.

5.3 TOPOGRAPHY AND VISUAL LANDSCAPE

The site is situated on the Berriedale Peninsula within the River Derwent, colloquially known as 'Large frying pan island'. To the south is Berriedale Bay and Frying Pan Island. A detailed survey plan of the site accompanies this application. The highest part of the MONA site is in excess of 20m AHD.

The site steeply falls away in the south eastern corner, this part remained undeveloped until relatively recently because of the significant grade. The site is comprised of sandstone (refer geotechnical report) which has been integral to the ability for the existing museum building to be excavated into the ground.



Figure 14: Site Contours (Source: The LIST)

Due to the location of MONA within the river valley on a prominent peninsula, it is clearly visible from the surrounding areas. As can be seen in the following figure, the peninsula is able to visually connect with a number of the neighbouring areas. To the east are outlooks towards Mount Direction, to the southwest, the Wellington Range, and westerly Mount Faulkner. The Peninsula is visible from various aspects around the river, including the higher suburbs of Chigwell, Berriedale and Rosetta to the west. There are also opportunities to see the site on the River's edge around Claremont, Otago Bay and Elwick Bay.

While the topography and waterfront vistas contribute to the assets of the MONA site, the distance from the surrounding urban areas diminishes the impact of the development on the site respective to the broader landscape qualities.

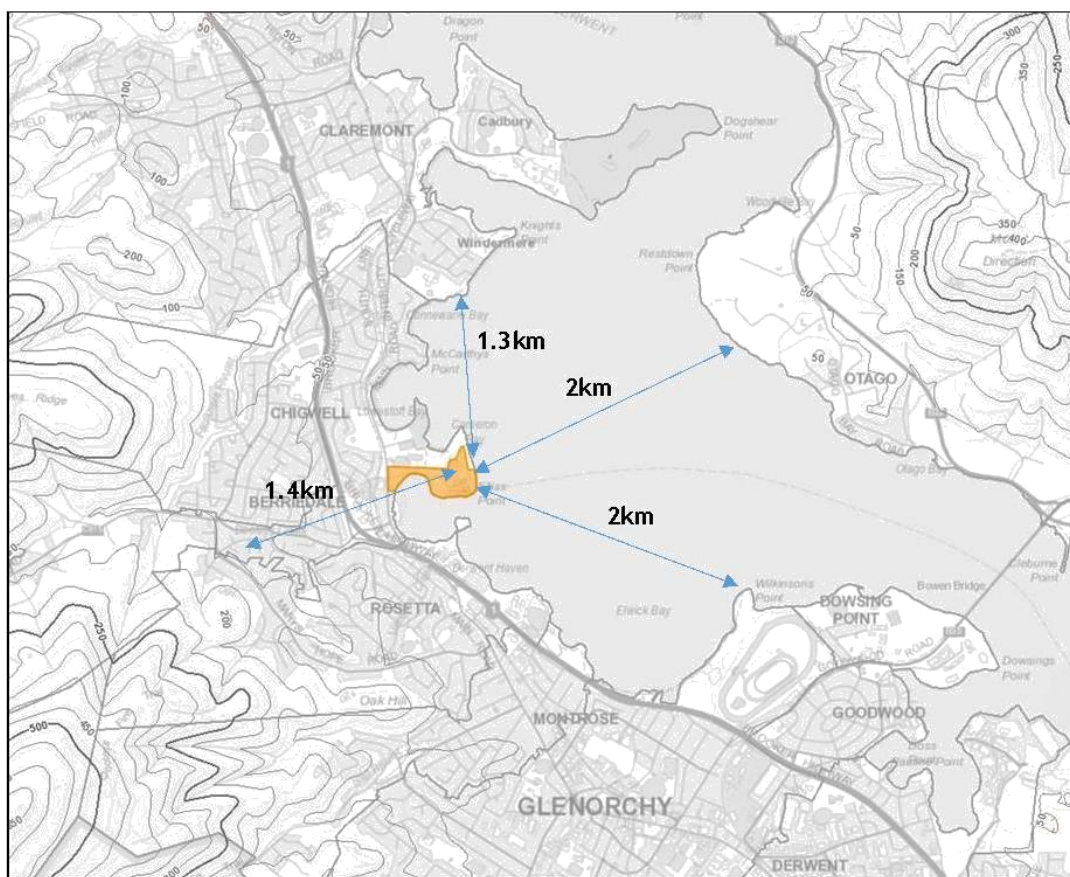


Figure 15: Surrounding topography - 10m Contours (source: The LIST)

5.4 NATURAL VALUES

5.4.1 Maritime

Accompanying this report are results of aquatic surveys that have been undertaken by Aquenal to determine marine values within the River Derwent. It was found that there are sediments on the sea floor, which were assumed to be contaminated. No threatened species were observed during the 2013 survey, which is consistent with results from surveys in 2007, and a survey at the nearby GASP project in 2010.

5.4.2 Flora and Fauna

In terms of Natural Values, there are no threatened vegetation communities, and no listed flora species on that part of the site where it is anticipated that there will be removal of vegetation for the construction of the Hotel MONA. The site does not provide significant habitat for any listed threatened fauna.

There are a number of declared weed species, and targeted weed control measures have been undertaken to manage these. The recommendations of the assessment include a vegetation management plan that emphasises environmental weed management.

5.5 INFRASTRUCTURE

A reticulated water mains connection is located in the north west corner of the site adjacent to the Berriedale Childcare Centre. Waste water from winery processes is filtered through a reed bed, which is then used for irrigation of landscaped areas.

The site is connected to a reticulated sewerage system part way along the northern boundary with pump stations connecting it to the Cameron Bay Sewerage Treatment plant.

Due to the sites proximity to the River Derwent, there are a number of stormwater drains that discharge directly into the river.

The site is connected to a Reticulated Natural Gas system.

The site has recently been connected to the National Broadband Network.

5.6 MOVEMENT NETWORK

MONA has established an exemplary range of alternative transportation types to the site. As transport includes a privately operated bus and ferry service, detailed records are maintained providing concise data on the volume of guests accessing the various modes of transport. Since opening there has been an incremental increase in visitors travelling by bus and ferry in excess of 50%.

The following is an outline of the various means of transportation types provided for visitors.



Figure 16: Landscaped avenue access within the site

5.6.1 Pedestrian

Pedestrian access to the site is through the main entrance, providing easy access to the public bus stop on Main Road at the frontage. Access is also available by walking along the northern boundary of the site. The site is within a short distance of a shared walking/cycle track to the south that connects to the GASP! trail. There is also a further walking trail to the north that connects open space of the Berriedale Reserve to Cadbury Estate.

A boardwalk has been approved along the southern edge of the site bordering Berriedale Bay, which is accessed from the southern frontage of the site. The boardwalk provides level access and connects to the Museum building at a number of points. It is approved to be located underneath the Turrell Pavilion currently under construction.



Figure 17: Approved Boardwalk plan (Source: Burbury Consulting)

The current ferry access to the site requires visitors to walk a substantial number of stairs or, rely on the northern jetty on Council land for greater accessibility as this is ramped and assistance is provided with a golf buggy.

Within the site, the distance from the frontage to the museum is around 500m with a substantial increase in elevation. Additionally, access to the museum is through the Courtyard forecourt. This configuration can result in visitors that need to queue at the arrival of the ferry, or those accessing other buildings on the site, exposed to the elements. Improved accessibility and circulation around the site are a necessary component of alterations to the site.

5.6.2 Bicycles

The site is situated with convenient access to the Intercity Cycleway which is located in the former rail corridor, and runs from Claremont to Hobart. The cycleway can be accessed to the south 360m from the entrance to MONA on Berriedale Road, or to the north 250m along Main Road. The site has a number of permanent bike racks, and visitors are able to hire bikes from Brooke Street Pier for visitors to cycle along the Intercity Cycleway to MONA.



Figure 18: Valet Bike Parking (Source: Bicycle Network³²)

³² Valet Parking is Rocking MONA, 14 December 2014, accessed at: <<https://www.bicyclenetwork.com.au/general/policy-and-campaigns/3163/>>

For occasional events, MONA has collaborated with Bicycle Network Tasmania to run a bike valet service to encourage visitors to access the site by bicycle. As can be seen in the figure this service has been well received.

5.6.3 Bus

There is a public bus stop at the frontage of the site serviced by Metro Tas numbers 510, 520, 521, 522 and X20. A private express bus service is provided by MONA leaving from Brooke Street Pier or the airport, delivering visitors to the centre of the site. A number of other coach operators include options for visiting MONA as part of their services.

5.6.4 Boat

The MONA ROMA fast ferry transfers visitors to the site from Brooke Street Pier within 25min. During festivals and events a second ferry is utilised and the timetable is increased. There is existing infrastructure for the use of the ferry, however there is limited scope for this to be utilised by other watercrafts. It is desirable for opportunities to exist to increase access to MONA from the river, including the current construction of a new ferry for fast ferry service.

5.6.5 Train

The frontage of MONA is situated within 70m of the Southline rail corridor that is currently unused for trains since heavy rail was diverted and managed at the Brighton Transport Hub. Opportunities for the reuse of the rail corridor have been discussed previously in the Strategic Analysis. While there is currently no firm government agenda to support the reuse, further urban intensification along the corridor would be likely to result in improve feasibility to explore various options that would likely have broader benefits to the local community.

5.6.6 Car

The site is easily accessed from the Brooker Highway, and with frontage to Main Road is situated where the capacity of local roads is reasonably substantial. In addition to taxis accessing the site, guests staying in the accommodation are able to book chauffeur transfers from the airport.

Transport by private vehicle is discouraged to minimise the demand for on-site parking, including encouragement for staff to car pool. MONA has a lease over an area of the adjoining Council Land in order to accommodate overflow parking. Parking is distributed in such a way as to retain landscaped elements and to minimise the visual impact of parking, whilst providing for convenient access for visitors.

5.6.7 Commercial Vehicles

The operation of the site requires a variety of commercial vehicles to be able to access the site to service the processing activities of the brewery and winery, a dock to allow for the movement of artwork and waste management and deliveries necessary for the regular operation of the various commercial activities.

Loading areas are located at the eastern and western end of the Museum and rely on vehicles traversing the main pedestrian way connecting the Museum forecourt to parking and the Ether Building. This configuration is not ideal and as discussed in relation to pedestrian movement, improvements to circulation around the site are an important component of the proposed alterations.

5.6.8 Other Transportation

A permit has previously been issued for helicopter transport to the neighbouring Council land specifically to transfer guests to MONA. A seaplane service has also provided services to visitors.

MONA continues to explore avenues for transportation to the site and options for alternatives to private vehicle.

5.7 ADJOINING DEVELOPMENT AND LAND USE

The site area within the River Derwent is managed by the Crown. To the north of the site is the Berriedale Reserve, owned by Glenorchy Council, with the immediately surrounding land otherwise privately owned.

Berriedale Reserve includes land leased and used by MONA for car parking. The eastern end of the site is remnant bushland; centrally there is the sewage works, managed by TasWater; on the frontage is a child care centre; parkland areas include Glenorchy Tennis Club, Berriedale Bowls Club, and Southern BMX Riders Club.

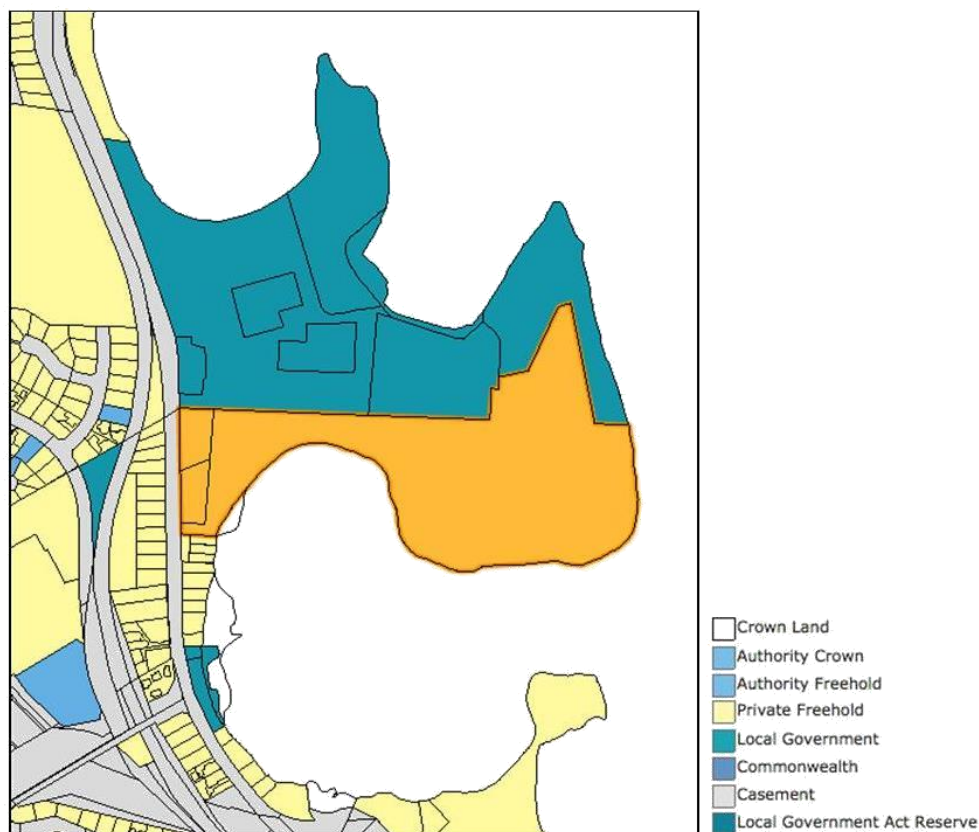


Figure 19: Land Tenure



Figure 20: Granada Tavern and car parking opposite entrance

On the opposite side of Main Road from MONA is the Granada Tavern with a substantial amount of car parking on the frontage, and two vacant lots. On the southern boundary of the site are dwellings. Plantings as part of the Boardwalk development have been situated on the boundary to provide additional separation. While the surrounds are largely residential, there is very little residentially zoned land within 500m of where the Hotel MONA concept is situated.



Figure 21: Approximate distances of residential development relative to development area (source: adapted from The LIST)

6. PLANNING SCHEME PROVISIONS

The amendment is subject to the *Glenorchy Interim Planning Scheme 2015* (GIPS 2015). The relevant provisions of the Scheme are assessed in the following section. Comments have been included with respect to the State Planning Provisions, however there is still some uncertainty as to the Local Planning Provisions that will be included when the State-wide Planning Scheme is declared.

6.1 DECISIONS ANALYSIS

Included in Appendix B to this report is a Decisions Analysis, which investigates the applications for over 20 Development Applications that have been made at the subject land since 2005. The analysis provides an outline of the scope of applications that have been applied for at the site and an outcome of the decisions made. Most of the applications were discretionary due to the heritage listing of the site, and for development which constituted an accretion from the land.

The mandatory discretions for heritage under the GPS 1992 meant that works that may otherwise have been exempt from planning were discretionary, and that all applications no matter how minor were required to be advertised even where they were for temporary artworks that could not be seen from outside the site and were outside the curtilage of the heritage buildings.

6.2 ZONING

Figure 22 demonstrates the zoning, which applies to the MONA site and the surrounding area.

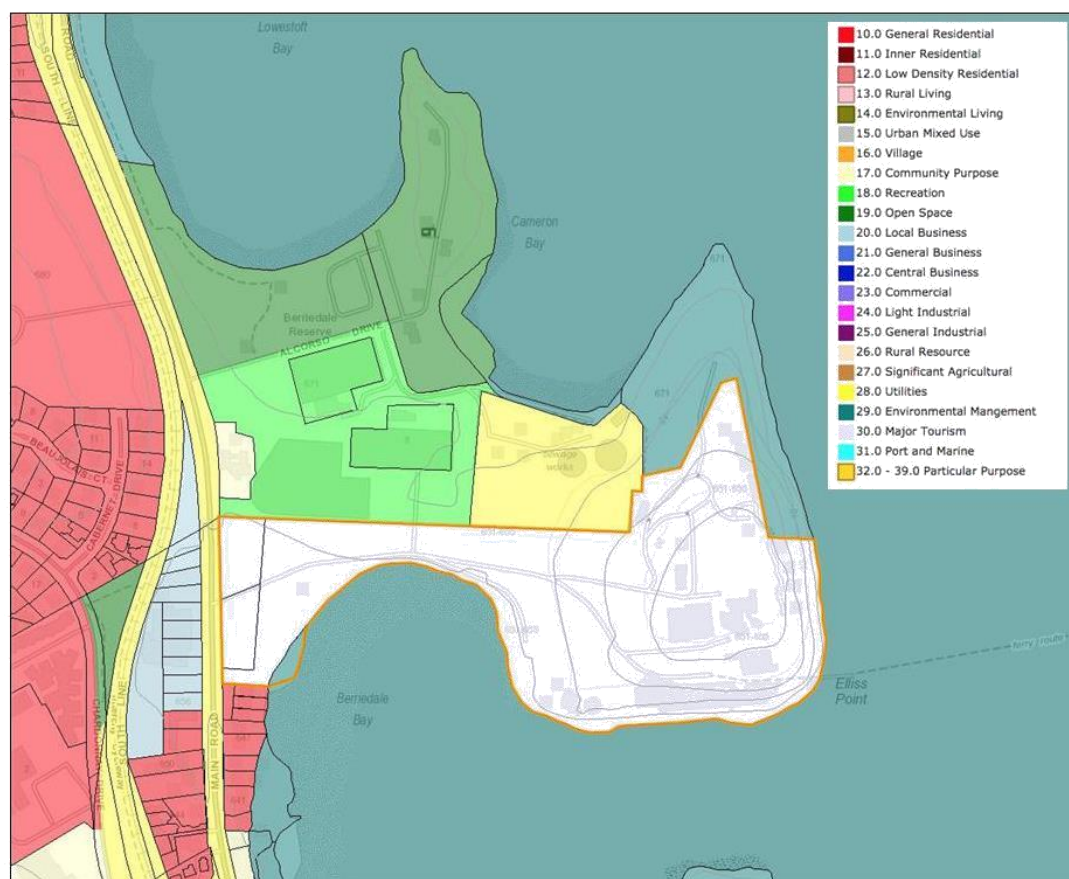


Figure 22: Site Zoning (source: The LIST)

MONA is within the Major Tourism Zone and anticipated development in the River Derwent is located in the Environmental Management Zone. Surrounding land includes development in the General Residential, Local Business, Utilities, Open Space, Recreation and Environmental Management Zone.

6.3 NO PERMIT REQUIRED

Installations, activities, artworks and events contribute to the richness of experience at MONA and are an anticipated role of the Museum. Facilitating a strong cultural life and economy is also a benefit that has been identified in a recent discussion paper for Sydney where options are being explored to minimising planning constraints for cultural events³³.

The scheme provides a general exemption for occasional use in the following provision:

5.1.1 The use of land for occasional sporting, social and cultural events.

However, this is associated with use and not development.

Minor Structures and Outbuildings are provided for in accordance with the Limited Exemptions of clause 6.1 of the Scheme, as the Heritage Code does not apply (as discussed later in this report).

6.1.4

³³ *An Open Creative City: planning for culture and the night time economy*, October 2017; City of Sydney

A permit under this planning scheme is not required for a use or development described in subclauses 6.1.5 and 6.1.6 unless there is:

- (a) a code in this planning scheme which lists a heritage place or precinct and requires a permit for the use or development that is to be undertaken;
- (b) disturbance of more than 1m² of land that has been affected by a potentially contaminating activity;
- (c) excavation or fill of more than 0.5m depth in a salinity hazard area or landslip hazard area as shown in the planning scheme;
- (d) the removal of any threatened vegetation; or
- (e) land located within 30m of a wetland or watercourse.

6.1.5 Construction, placement or demolition of minor outbuildings or structures if:

- (a) no new outbuilding is closer to a street frontage than the main building is;
- (b) the gross floor area of each outbuilding or structure does not exceed 9m² and a combined total area of such buildings or structures does not exceed 20m²;
- (c) no side is longer than 3m;
- (d) no part of the outbuilding or structure is higher than 2.4m above natural ground level;
- (e) the maximum change of level as a result of cut or fill is 1m; and
- (f) no part of the outbuilding encroaches on any service easement or is within 1m of any underground service.

6.1.6 Construction, placement or demolition of an unroofed deck not attached to or abutting a building, that has a floor level less than 1m above natural ground level and is at least 1m from any boundary.

There are a number of art installations on the site that have required planning applications as they have not met with exemption clauses. The artworks have been temporary and the site has been remediated at the completion of the installation. In some instances the preparation and statutory application time for the installation has been longer than the exhibition time. These include signage as part of the 'Southdale Shopping Centre', the Caravilla, and Cameron Robbins Tide Lines, as shown in the images below. The artworks have been in place for the duration of the relevant advertised exhibition, 5 months, 1 year and 15 weeks respectively.



Figure 23: Temporary artworks

From Left: Southdale signage, Caravilla, and Tide Lines (Source: Cameron Robbins³⁴)

There are also further non-habitable works that have been installed and do not impact on the surrounds but contribute to the experience of the place, including Wim Dilvoye's 'Cement Mixer', the trampoline in the forecourt 'Danser La Musique', and Kirsha Kaechele's teepees on the concert lawn.

The exemptions within the State Planning Provisions allow for exemptions for play equipment and public art by public authorities, however would not extend to the development of MONA.

It is an expectation that the landscape and surrounds of the museum site contribute to the visitor experience of MONA in a similar way as the internal exhibition spaces do. MONA is required to be capable of changing, adapting and being used as an exhibition space, where it does not impact on the surrounding land uses or without diminishing the values of the site. Ideally the Scheme will enable use and development for artworks to proceed without requiring a permit application, as per Residential use in the Residential Zones, Sports and Recreation use within the Recreation Zone, and Resource Development use in the Rural Resource Zone.

6.4 SPECIAL PROVISIONS

There are a number of special provisions that are necessary to consider with respect to future development of the land at MONA.

6.4.1 Boundaries

In terms of the long term, tenure of the site boundaries along the edge of Crown Land may need to be reconsidered. Changes to boundaries would not be capable of complying with the requirements of a boundary adjustment (9.3.1) as it would not satisfy the following:

(e) no lot boundary that aligns with a zone boundary will be changed.

Changes to boundaries would therefore be discretionary in accordance with the following:

9.7 Subdivision

9.7.1 A permit is required for development involving a plan of subdivision.

9.7.2 A permit for development involving a plan of subdivision is discretionary unless:

(a) for adjustment of a boundary in accordance with clause 9.3.1;

(b) the subdivision is prohibited in accordance with clause 8.9; or

(c) the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.

6.4.2 Use of a Heritage Place

The land at 651-655 Main Road, is listed on the Tasmanian Heritage Register and in the Historic Heritage Code, for the Courtyard House and the Round House, therefore the following provision applies:

9.5.1 An application for a use of a Heritage Place listed in the Historic Heritage Code or a place on the Tasmanian Heritage Register that would otherwise be prohibited is discretionary.

9.5.2 The planning authority may approve such an application if it would facilitate the restoration, conservation and future maintenance of the historic cultural heritage significance of the place.

³⁴ Source: <https://cameronrobbins.com/tide-lines/>

9.5.3 In determining an application the planning authority must have regard to all of the following:

- (a) a statement of significance, as defined in the Historic Heritage Code;
- (b) a heritage impact statement and a conservation plan, as defined in the Historic Heritage Code, written with regard to the proposed use;
- (c) the degree to which the restoration, conservation and future maintenance of the historic cultural heritage significance of the place is dependent upon the commencement of the proposed use;
- (d) the extent to which the proposal provides for the active use or re-use of any heritage fabric;
- (e) the likely impact of the proposed use on the residential amenity of the area if within a residential area.

Additional development on the site is unlikely to be specifically related to the conservation of the listed places and meeting with the tests above. This provision does not apply to development areas outside of the listed place, including that which is within the adjoining Environmental Management Zone. The State Planning Provisions include a similar provision in clause 7.4.

6.5 USE

Special Provision 9.5 *Change of Use of a Heritage Place* of the GIPS 2015 results in the use of land at 651-655 Main Road that would otherwise be prohibited to be assessed as discretionary, with respect to the facilitating the restoration, conservation and maintenance of the heritage significance of the place.

The existing and future uses anticipated for the development of the site are as follows, where P = Permitted, D = Discretionary, X = Prohibited.

Table 1: Existing and Future Use Status under the GIPS 2015

Activity	Use Class & Description	Major Tourism Zone (30.2)	Environmental Management Zone (29.2)
EXISTING			
Museum and Library	Community meeting and entertainment	P	D
Accommodation	Visitor Accommodation	P	D
Restaurant, Cafe	Food Services	P	X
Wine Bar	Hotel Industry	D	X
Winery	Resource Processing	P only if winery, microbrewery or a distillery	X
Markets	General Retail and Hire	D	X
Stage	Community meeting and Entertainment	P	D
Various art	Ancillary to Community meeting and entertainment	P	D
Ferry	Utilities	D	D

Activity	Use Class & Description	Major Tourism Zone (30.2)	Environmental Management Zone (29.2)
service			
Vineyard	Resource Development: Use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.	P only if vineyard	X
FUTURE			
Museum and Library	Community meeting and entertainment: use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, church, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre.	P	D
Child Care	Educational and Occasional Care	P	X
Hotel	Visitor Accommodation: use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.	P	D
Casino	Hotel Industry: use of land to sell liquor for consumption on or off the premises. If the land is so used, the use may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling. Examples include a hotel, bar, bottle shop, nightclub and tavern.	D	X
Jetty	Pleasure Boat Facility: use of land to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation. An example is a marina. Or,	D	X
	Utilities: use of land for utilities and infrastructure including: (a) telecommunications; (b) electricity generation; (c) transmitting or distributing gas, oil, or power; (d) transport networks; (e) collecting, treating, transmitting, storing or distributing water; or (f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage. Examples include an electrical substation or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir. Or,	D	D
	Port and shipping: use of land for: (a) berthing, navigation, servicing and maintenance	D - Only for loading and	X - Only if existing facility

Activity	Use Class & Description	Major Tourism Zone (30.2)	Environmental Management Zone (29.2)
	of marine vessels which may include loading, unloading and storage of cargo or other goods, and transition of passengers and crew; or (b) maintenance dredging. Examples include berthing and shipping corridors, shipping container storage, hardstand loading and unloading areas, passenger terminals, roll-on roll-off facilities and associated platforms, stevedore and receipt offices, and a wharf.	unloading of passengers and associated facilities	
Apartment	Residential: use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, homebased business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.	D	X
Office	Business and Professional Services: use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.	X	X
Spa	Business and Professional Services: (as above) or	X	X
	General Retail and Hire: use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, commercial art gallery, department store, hairdresser, market, primary produce sales, shop, shop front dry cleaner, supermarket and video shop. or	D	X
	Tourism operation: use of land specifically to attract tourists, other than for accommodation. Examples include a theme park, visitors centre, wildlife park and zoo.	P	D
Art Storage	Storage: use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and wood yard.	X	X
Restaurants	Food Services: use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and takeaway food premises.	P	X
Helipad	Utilities (as above)	D	D

Further to this table, an assessment of uses with respect to the previous scheme, the current planning scheme, the State Planning Provisions, and the proposed amendment is included in the appendix to this report.

As can be seen, uses associated with the MONA development that might otherwise be permitted on land are prohibited where they project beyond the High Water Mark, which marks the title boundaries. While it is anticipated that the hotel development may be largely overhanging and meet with the requirements of *9.8 Development Overhanging Land in a Different Zone*, concept plans have shown that the footings are to be located beyond the title boundaries and would be assessed in relation to the provisions of the Environmental Management Zone.

As discussed in relation to the planning reforms, the proposed changes to use status are consistent with those that would have been possible under the previous planning scheme.

6.5.1 Use Categories

Future potential activities at MONA include uses that are substantial enough to be individually categorised, rather than to be defined as ancillary to existing uses, but that do not clearly fit within the defined use categories. These activities include the spa and the jetty as defined in the table above. It is not clear whether the spa would fall within the definition of a 'Tourism Operation', 'General Retail and Hire', or 'Business and Professional Services'; and whether the jetty would be a 'Pleasure Boat Facility', 'Utilities', or 'Port and Shipping'.

The MONA Hotel concept includes an immersive spa experience that is partially interconnected with artworks and terraced outdoor spaces, which could exceed 1,200m² in floor area. Comparatively, to the area of approximate spa facilities within Tasmania the Waldheim spa at Cradle Mountain is around 300m², and Savoy Baths in Hobart is around 400m². The spa has been influenced by projects such as the Theme Vals in Switzerland designed by architect Peter Zumthor, which has in itself become a tourism experience and is a keystone in pilgrimages of the architects work. While it is anticipated that it will be primarily for guests at the hotel, it is possible that it could provide a further attraction that would contribute to the appeal of visiting MONA, and would provide a unique visitor experience within Tasmania.

Use of the jetties on site is an important component for transportation to MONA, with over 50% of visitors currently arriving by the MONA ROMA ferry. Redevelopment of the site is particularly concerned with improving pedestrian circulation, as the existing southern jetty access does not provide sheltered, or level access to the museum. There is scope with the development of the boardwalk on the south of the site, and any future commuter ferry services that the jetties will serve as an important community transportation function.

The MONA Hotel looks to expand on these options for transportation services with potential for additional private and commercial services, and also in addition, provide for a choice of vessels. While the use of existing and future jetties may well be seen as ancillary to other use and development, there is potential that defining the associated use will become challenging, and this may constrain flexibility for future expansion of transportation options to the site. Options include the custom designed, 25-person 'Motoscafi', which is intended to be able to take smaller groups outside of hours³⁵.

There are also substantial areas of the MONA Hotel Concept that are for storage of artworks and offices. While these areas are ancillary to the overall operation of MONA, they represent a floor area of approximately 2,700m² of office, and 3,000m² of storage. These floor areas would ordinarily be seen as substantial and categorised separately, however when they are considered relative to the scale of development, they provide ancillary activities. As indicated in the table above, if not considered as ancillary they would be a prohibited use class.

Retention of vineyards on the site is desirable for their landscape qualities, and the economic benefits of the produce, the vines also contribute to the authenticity of the produce that is served within the restaurants on the site. The use qualification limiting Resource Development to 'only if vineyard' excludes the ability for other activities that contribute to the agrarian activities on the site to be expanded. While existing poultry on the site would be ancillary to the existing uses on the site, expansion of kitchen gardens similar to the 24 Carrot Gardens, and

³⁵ Stuff we are planning to do, 2015, accessed at: < <https://monablog.net/2015/12/13/stuff-we-are-planning-to-do/> >

keeping of bees could be prohibited. Removal of the qualification would allow greater flexibility and innovation in agricultural activities that would complement other uses of the site.

Issues with the defined use classes of the Scheme could be resolved with further definition appropriate to the Hotel MONA Concept, however this may not provide sufficient discretion at a later stage when unanticipated activities are proposed. Where uses are proposed that are integrated with the Museum and hotel activities there is required a greater scope for discretion in the Use Table, which would prevent potential prohibition where definitions of uses are insufficient.

6.6 MAJOR TOURISM ZONE

The area being assessed for an amendment is primarily located within the Major Tourism Zone. This zone was applied to the site as part of the establishment of the State Planning Provisions. It is currently applied to 5 sites within Tasmania. These include:

- Golf Courses at 1764 Greens Beach Road, Greens Beach;
- Quamby Estate, 1145 Westwood Road, Hagley;
- Barnbougle Dunes, and Barnbougle Lost Farm Golf Course, Waterhouse Road, Bridport; and
- Country Club Tasmania Golf Course, 100 Country Club Avenue, Prospect Vale.

Prior to the GIPS 2015, MONA was zoned in the Local Business - Winery Zone. The conversion of the site to the Major Tourism Zone was inconsistent with the previous zoning and has resulted in purpose statements as follows that are being applied more broadly to development for country clubs which bear no relationship to the development at MONA.

The Major Tourism Zone will still apply to the site. The use and development provisions of the zone have been used as a template for the SAP with respect to the provisions of the SPP's. The following is a detailed analysis of the relevant provisions within the Major Tourism Zone as they apply to the existing and proposed development and use at the site.

6.6.1 Zone Purpose

30.1.1.1 To provide for major tourist sites, including those located outside activity centres.

30.1.1.2 To encourage a range of tourist facilities including the provision of large scale mixed use developments particularly in areas near major tourist attractions.

30.1.1.3 To ensure development is of an appropriate scale and intensity for the location and minimises impacts on the surrounding urban or rural activities and cultural and natural attractions.

30.1.1.4 To ensure that any commercial uses support the tourist purpose of the site and do not adversely impact on existing activity centres.

As noted in the submissions to the Interim Planning Scheme in response to the Major Tourism Zone, whilst MONA has become a Major Tourism development, it was not developed within the Zone as a tourism attraction. The museum was developed as a personal gallery that is accessible to the public and has subsequently become a site for tourists and the local community. These purpose statements are generally consistent with the State Planning Provisions.

In terms of impacts on existing Activity Centres, the relationship of the existing and proposed uses at MONA have been discussed with regard to the specific planning policies in the Strategic Analysis of this report.

6.6.2 Desired Future Character Statement

Glenorchy City Council developed the following Desired Future Character Statements (DFCS) for the Moorilla land, without consultation with MONA; other than through the public advertising for the Interim Planning Scheme:

DD01 Moorilla Estate - Desired Future Character Statements

- (a) Development respects the landform and landscape setting of peninsula, headland, vineyard approach, treed escarpment and river in its built form and siting.*
- (b) The prevalent development typology is buildings in space. Built form is characterised by contemporary design, including materials and finishes.*
- (c) Development creates rich, coherent and linked semi-public spaces that are welcoming, vibrant, safe and walkable.*
- (d) Development is accessed by way of a range of transport modes to minimise traffic and parking impacts on the adjoining area.*
- (e) Development retains and frames key views and vistas from and through the site to the Derwent River and foreshore, Meehan Range, Wellington Range, Goat Hills, Mount Faulkner, Dogshear Point and Mount Dromedary.*
- (f) Foreshore access around the headland is encouraged.*
- (g) Environmental impacts on surrounding land are carefully managed.*

The Implementation Strategy for all DFSC in the Scheme is “Development standards for Buildings and Works”. The only other part of the GIPS 2015 that includes DFCS is the Port and Marine Zone, for the Prince of Wales Bay Maritime Industrial Precinct. In this precinct the Implementation Strategy is:

Determination of applications under cl. 8.10.2 and performance criteria in standards.

Clause 8.10.2 is in the administration and in the matters for consideration in discretionary applications.

The DFCS for Moorilla, while respectful of the existing development and character of the site, do not enable concepts for the sites future viability. In some instances, it is not clear what the rationale and public benefit of the Statements would be, particularly in relation to (b) and (e). Overall, it is not clear why the statements are specifically applied to MONA where few sites in the municipality require such statements, or how they have been implemented through the development standards.

The Character Statements are in some respects contrary to the Zone Purpose statement as they try to specify qualities to the site, whereas development associated with the Museum approved under the previous planning scheme was unconstrained by subjective standards; enabling it to be built in the first place.

The SPPs do not include DFCS, but there is uncertainty as to whether Local Planning Provisions will include Local Area Objectives that are likewise contrary to the Zone Purpose.

6.6.3 Use Standards

30.3.1 Discretionary Use

Objective: *To ensure that discretionary uses complement the tourism use of the site and any Local Area Objectives.*

Acceptable Solution

Performance Criteria

<i>A1 No Acceptable Solution.</i>	<i>P1 Discretionary uses must satisfy all of the following:</i> <i>(a) complement tourism related uses in the area;</i> <i>(b) not compromise the operational efficiency of any permitted use operating within the zone;</i> <i>(c) not be the dominant use within the zone;</i> <i>(d) cater primarily for demand extending beyond the local area;</i> <i>(e) not significantly adversely impact the amenity of the area;</i> <i>(f) be consistent with any Local Area Objectives provided for the area.</i>
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MONA has not been developed as a 'tourism use' but rather as a private gallery that has become a tourist attraction. It is also not clear what the 'area' prescribed in (d) and (e) would apply to, whether this would be the area of the site, peninsula, and/or municipality is unclear.

The State Planning Provisions include a similar provision in clause 24.3.2, with further comment with regard to not compromising the role of existing activity centres.

- (e) not compromise the role of existing activity centres, having regard to:*
- (i) the size and scale of the proposed use;*
 - (ii) the functions of the surrounding activity centres; and*
 - (iii) the extent that the proposed use impacts on surrounding activity centres.*

Where the SPP has defined an Activity Centre as:

means a place that provides a focus for retail, commercial, services, employment, and social interaction in cities and towns.

A discussion relative to the impacts on Activity Centres has been included in the Strategic Analysis (section 2.1.6). MONA has had a demonstrated impact on the Activity Centres of Hobart and Glenorchy, and in itself become a focus for activities in the community. This provision is not considered necessary to apply to the MONA site.

30.3.2 Noise

Objective: <i>To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.</i>	
Acceptable Solution	Performance Criteria
<i>A1 Noise emissions measured at the boundary of a residential zone must not exceed the following:</i> <i>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</i> <i>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</i> <i>(c) 65dB(A) (LMax) at any time.</i> <i>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of</i>	<i>P1 Noise emissions measured at the boundary of a residential zone must not cause or be likely to cause environmental harm within the residential zone.</i>

<i>Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</i> <i>Noise levels are to be averaged over a 15 minute time interval.</i>	
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Controls for prevention of noise are dealt with through noise regulations, and the SPP no longer include standards related to noise. It is recommended that at the introduction of the State-wide Planning Scheme, any clause related to noise is removed from the MONA SAP.

30.3.3 Hours of Operation

Objective: <i>To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.</i>	
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Acceptable Solution	Performance Criteria
<i>A1 Hours of operation of a use within 50 m of a residential zone must be within:</i> <i>(a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive;</i> <i>(b) 9.00 am to 5.00 pm Sundays and Public Holidays;</i> <i>except for office and administrative tasks.</i>	<i>P1 Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</i>

The provisions for hours of operation in the SPP clause 24.3.1 are generally consistent with those above.

Use applies to the entire site and can't necessarily be isolated to a 50m exclusions zone. There are a number of existing uses on the site that are approved to operate outside of the permitted hours. These include: the operation of the illuminated work 'Armana', which only occurs at twilight and dawn so would occur outside the permitted hours; the museum, concerts, festivals and special events, which are more than likely to be held on Sundays and Public Holidays; and the existing visitor accommodation, which is 24hours.

The MONA Hotel Concept would result in an expansion in the number of visitors staying on the site day and night; the casino would operate outside permitted hours; there is potential for further artworks that operate at alternative hours; and concerts and festivals are more than likely to be held on Sundays and Public Holidays. Therefore, it is recommended that uses defined in the Acceptable Standard are increased in scope.

In addition to the standards above, the SPP includes further use standards for commercial vehicle movements within 50m of a Residential Zone. These are not necessary to apply to MONA as the main access is in excess of 50m from the Residential Zone.

6.6.4 Development Standards

The following outlines the statutory controls that currently apply to development in the Major Tourism Zone. To consolidate this review further investigations have been undertaken as part of the *MONA Urban Design Analysis*, into the appropriate urban form on the peninsula. The report includes recommendations to achieve the desirable urban form outcomes.

30.4.1 Building Height

Objective: <i>To ensure that building height contributes positively to streetscape and landscape and does not result in unreasonable impact on the visual amenity of the area.</i>	
Acceptable Solution	Performance Criteria
<i>A1</i>	<i>P1</i>

<i>Building height must be no more than: 10 m.</i>	<i>Building height must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the scale of nearby buildings; (c) not unreasonably overshadow adjacent public space;</i>
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This provision is generally consistent with the clause 24.4.1 of the SPP, although the Performance Criteria have been changed to protect amenity of neighbouring dwellings and with respect to the 'visual character of the area'. The DFCS is no longer referred to.

There is the existing artwork, 'Amarna' by the artist James Turrell, which is approximately 22m to the Natural Ground Level, which is illuminated in the evening and floats above the existing structures on the site. There are also concepts for a gothic stair around 64m in height by Wim Delvoye, the artist who designed the existing Chapel building. These artworks are not necessarily designed to be compatible with nearby buildings but rather to create experiences that delight and enliven.

The winery building has a height of just over 10m but reaches an overall height of RL31.6. The Hotel MONA is estimated to have a height of over AHD 61.7m, and rather than be compatible with existing buildings, its architecture and engineering is to contribute to the MONA experience of visual excitement.

The Scheme defines amenity as 'means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.' The Desired Future Character Statement (a) also states that 'Development respects the landform and landscape setting of peninsula, headland, vineyard approach, treed escarpment and river in its built form and siting.' The nearest dwellings share the southern boundary of the site, although they are over 500m away from land anticipated for the Development Concept, however due to the sites location on the river surrounded by suburbs taking advantage of waterfront views it means that the development will be seen from a number of locations.

The proposed amendment is necessary to enable a building that, while designed with necessary respect to the constraints of the surrounding peninsula, is intended also to be a landmark. The purpose of the Zone emphasises the importance of providing for large-scale mixed use developments.

30.4.2 Setback

<i>Objective: To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on the amenity of adjoining land.</i>	
Acceptable Solution	Performance Criteria
<i>A1 Building setback from frontage must be no less than: 10m.</i>	<i>P1 Building setback from frontage must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</i>

	(c) enhance the characteristics of the site, adjoining lots and the streetscape.
A2 Building setback from a residential zone must be no less than: (a) 5 m; (b) half the height of the wall, whichever is the greater.	P2 Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by: (a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours; (b) overlooking and loss of privacy; (c) visual impact when viewed from adjoining lots, taking into account aspect and slope.
A3 Building setback for buildings for sensitive use (including residential use and visitor accommodation) must comply with all of the following: (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.	P3 Building setback for buildings for sensitive use (including residential use and visitor accommodation) must satisfy all of the following: (a) be sufficient to prevent potential for land use conflict that would fetter resource development use of adjoining land; (b) be sufficient to provide a separation distance no less than: i) 40 m from land zoned Rural Resource; ii) 80 m from land zoned Significant Agriculture
A4 Buildings and works must be setback from land zoned Environmental Management no less than 20 m.	P4 Buildings and works must be setback from land zoned Environmental Management to satisfy all of the following: (a) there is be no direct impact from the development on environmental values; (b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised; (c) there is no potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management; (d) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.

The SPP removes setback requirements A4 from the Environmental Management Zone and provisions have been included with respect to the location of noise generating equipment relative to the residential zone. The location of noise generating equipment as part of MONA is unlikely to be within the proximity of dwellings.

The following figure illustrates the setback provisions of the GIPS 2015 that applied to MONA. The boardwalk has been approved within proximity to the residential zoned land, aside from this it is unlikely that future development would be located within proximity to the frontage or

residential zoned land without impacting on the existing vineyard. Provision A3 above is not applicable to the MONA land. The setback requirement of A4 is the most relevant to development of the site as much of the existing and anticipated development is within 20m or in the Environmental Management Zone and would need to be assessed in relation to the Performance Criteria.

While the Turrell extension was approved within the permitted setback, there was no reasonable alternatives that would provide an expansion of the gallery space at grade with existing spaces. The Hotel MONA concept is likewise dependent on development on the coastal edge in order to provide the required number of accommodation units, with access to the coast, and with improved circulation with existing development.



Figure 24: Approximate location of permitted setbacks (Adapted from: The LIST)

Red = Permitted Major Tourism Zone permitted setbacks from side boundaries, Orange = site boundary, Green = Environmental Management Zone permitted setbacks from side boundaries. Development that crosses a property boundary would be subject to discretion for setbacks in both zones.

30.4.3 Design

Objective: To ensure that development is consistent with the desired future character of the area.

Acceptable Solution	Performance Criteria
A1 No acceptable solution	P1 The design of development must comply with all applicable desired future character statements.

This is a mandatory variation to the Acceptable Solution for any new development on the site, even if there are no impacts outside of the site. The mandatory requirement means that a discretionary permit is required for any structure or art installation that is included on the site, with the test being relative to the Desired Future Character Statements. The provision does not recognise the existing eclectic mix of buildings by a variety of award winning architects that are quality designs which would not achieve the DFCS.

The SPP does not include provisions related to building design and it is not considered necessary to include in the MONA SAP.

30.4.4 Landscaping

30.4.4 Landscaping

Objective: To ensure publicly accessible spaces between buildings are landscaped to a high standard and integrate with each other.

Acceptable Solution	Performance Criteria
A1 No acceptable solution.	P1 A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority that publicly accessible spaces between buildings are landscaped to a high standard and integrate with other spaces, with a shared palette of paving materials, lighting and the like throughout.

Landscaping is an important component of the MONA site and contributes to the visitor experience. In some respects, the landscaping associated with the development is self-managed. This provision requires a mandatory variation to the Acceptable Solution that requires a landscaping plan for every development application. Furthermore, it refers to 'publicly accessible space', although the site is privately owned.

Greater flexibility within this provision would reduce the number of applications and variations that would require a landscape plan. Existing art installations on the site occupy the following approximate areas:

- Danser La Musique, Trampoline = 30m²
- Tee pees = 15 and 28m² each
- Wim Delvoye Chapel MONA = 100m²
- Wim Delvoye cement mixer = 50m²
- Circle installation = 60m²

These artworks are often in hard landscaped areas, or on lawn, and do not impact on vegetated areas.

Art installations contribute to the landscape values of the site rather than diminish them. The proposed amendment should enable further changes to the landscape without a mandatory discretion and necessitating plans by a qualified landscape architect.

The SPP does not include provisions related to landscaping for the Major Tourism Zone and this provision is not considered necessary.

6.6.5 Subdivision Standards

30.5.1 Subdivision

Objective: To limit subdivision to maintain integrated tourism use and development.

Acceptable Solution	Performance Criteria
A1 Subdivision is for the purpose of providing lots for public open space, a riparian or littoral reserves or utilities.	P1 Subdivision must facilitate development and use for major tourism purposes.

'Major Tourism Purposes' is not defined within the scheme. The site has been developed as a museum for a private collection and has inadvertently become a destination of choice. It may now require subdivision to facilitate visitor accommodation extending into the River Derwent.

The SPP includes a number of further provisions related to subdivision associated with access and service connections. It is considered unlikely that further standards would be necessary for subdivision of the land, however Council's discretion in this regard would be appropriate.

6.7 ENVIRONMENTAL MANAGEMENT ZONE

There are currently no fixed boundaries that mark the edges of where development can be situated within the Environmental Management Zone.

Under the *Glenorchy Planning Scheme 1992*, development within the River Derwent was considered as discretionary due to the following clause:

9.8. ACCRETIONS FROM THE SEA AND STRUCTURES WHICH EXTEND INTO OR OVER THE SEA

All Uses and Development within any part of the Planning Area described in paragraphs (b), (c) or (d) of Clause 1.2 to which a Zone does not apply, are deemed to be discretionary as though depicted in a Use and Development Status Table by the letter "D".

Clause 9.9 of the GIPS 2015 deals with accretions, however this applies to accretions outside the planning scheme area. The River Derwent has subsequently been largely mapped within the Environmental Management Zone and subject to the provisions of the Zone. Similarly, the SPP includes provision 7.11 *Use or Development Seaward of the Municipal District*, which are consistent with the Act.

6.7.1 Zone Purpose Statements

29.1.1.1 To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.

29.1.1.3 To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.

29.1.1.4 To recognise and protect highly significant natural values on private land.

29.1.1.5 To protect natural values in un-developed areas of the coast.

The Zone Purpose Statements do not allow for commercial development within the Environmental Management Zone, with a focus on the protection and management of the environment.

With regard to the SPP, while the wording for the purpose has changed from those discussed above, it is potentially prohibitive for the expansion of commercial activities into the Zone. The Use Table as illustrated in Table 1 is still likewise prohibitive of the intended commercial uses for MONA.

6.7.2 Use Standards

No Environmental Management Zone use standards apply to that part of the River Derwent that is within proximity to the MONA site.

6.7.3 Development Standards

In the SPP the Development Standards generally include more restrictive Acceptable Solutions than those discussed below.

The following are the Development Standards of the Environmental Management Zone that would apply to future development of MONA within the River Derwent. Currently under construction, the Turrell Pavilion was approved in relation to this provisions as it extends into Berriedale Bay.

29.4.1 Building Height

Objective: To ensure that building height contributes positively to the landscape and does not result in unreasonable impact on residential amenity of adjoining land.

Acceptable Solution	Performance Criteria
A1 <i>Building height comply with any of the following:</i> (a) ...; (b) be no more than 7.5 m.	P1 <i>Building height must satisfy all of the following:</i> (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) visual impact when viewed from adjoining lots, due to bulk and height; (c) be reasonably necessary due to the slope of the site or for the functional requirements of infrastructure.

In considering the potential implications of the Building Height, defined as:

the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aërials, antennae, solar panels, chimneys and vents.

Where Natural Ground Level:

means the natural level of a site at any point.

It is therefore taken that Building Height for development projecting out over the water would be considered from the natural level of the water, which, as the area is subject to tides, is variable.

The Turrell Pavilion, now known as “Pharos” that is currently under construction extends out into the river and has an overall height of 16.05m above high tide (resulting in the building height fluctuating depending on tides). It is anticipated that the ground floor level of the Hotel will be around AHD20m, extending above to over AHD60m. The Hotel MONA Concept is to create visual interest in the landscape where the Museum recedes into the existing form of the peninsula. The Hotel would result in a substantial variation to the scheme provisions, with the proposed amendment necessary to enable the envisioned future height of the Hotel MONA development.

The Hotel MONA will be seen from residential lots around the coastal edge of the River Derwent, from McCarthys Point to the north, Otago Bay to the East, Frying Pan Island to the South, and higher suburbs such as Rosetta to the west. Whether the visual impact of the building height will

be considered to 'contribute positively to the landscape' is subjective, particularly while the building would be seen from residential areas, it would not be overbearing in appearance as the nearest dwellings are over 500m away and generally located within an urban setting. Further investigations and discussions in relation to the form of the Concept Development have been undertaken as part of the *MONA Urban Design Analysis*.

29.4.2 Setback

Objective: To maintain desirable characteristics of the landscape, protect amenity of adjoining lots, avoid land use conflict and fettering of use on nearby rural land and protect environmental values on adjoining land zoned Environmental Living and adjoining land in the World Heritage Area.

Acceptable Solution	Performance Criteria
A2 <i>Building setback from side and rear boundaries must comply with any of the following:</i> (a) ...; (b) be no less than 30 m.	P2 <i>Building setback from side and rear boundaries must satisfy all of the following:</i> (a) be consistent with any <i>Desired Future Character Statements</i> provided for the area or, if no such statements are provided, have regard to the landscape; (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: (i) overlooking and loss of privacy; (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.

As demonstrated in Figure 24, any extension of the site within the coastal environment would trigger a variation to the Acceptable Solution for setbacks. Similar to the variation for building height, the MONA Hotel would result in visual impacts from neighbouring lots and would need to be assessed in response to whether this would 'maintain desirable characteristics of the landscape', which is a subjective test of the potential impacts.

29.4.3 Design

Objective: To ensure that the location and appearance of buildings and works minimises adverse impact on natural values and on the landscape.

Acceptable Solution	Performance Criteria
A1 <i>The location of buildings and works must comply with any of the following:</i> (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline; (b) be located within a building area, if provided on the title; (c) be an addition or alteration to an existing building; (d) as prescribed in an applicable reserve management plan.	P1 <i>The location of buildings and works must satisfy all of the following:</i> (a) be located in an area requiring the clearing of native vegetation only if: (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope; (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures; (iii) the location of clearing has the least environmental impact; (b) be located on a skyline or ridgeline only if: (i) there are no sites clear of native vegetation and clear of other significant site

	constraints such as access difficulties or excessive slope; (ii) there is no significant impact on the rural landscape; (iii) building height is minimised; (iv) any screening vegetation is maintained. (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.
A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.	P2 Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.
A3 Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.	P3 Fill and excavation must satisfy all of the following: (a) there is no adverse impact on natural values; (b) does not detract from the landscape character of the area; (c) does not impact upon the privacy for adjoining properties; (d) does not affect land stability on the lot or adjoining land.

In assessing the Hotel MONA all of the provisions of 29.4.3 would be considered in relation to the Performance Criteria, and may be challenged in terms of their ability to meet with the objective of 'minimising adverse impacts on natural values and on the landscape'.

6.8 LANDSLIDE CODE

The Peninsula is mapped as Landslide Hazard Area in coastal parts.



Figure 25: GIPS Landslide Code (source: The LIST)

The Hotel MONA Concept is located where it would trigger this Code and is mapped as medium risk of Landslide. The use and development standards of the Code are generally acceptable for the existing and future development of the site.

In terms of the SPP, land within the medium landslip hazard band for vulnerable use is exempt from the Landslip Hazard Code.

6.9 ROAD RAILWAY AND ASSETS CODE

The Road and Railway and Assets Code would be triggered by substantial intensification of the use of the sites access in terms of vehicle movements. The provisions of the Code are considered reasonable with respect to the existing and future development of the site, as are the respective provisions within the SPP.

6.10 PARKING AND ACCESS CODE

The provisions of the Parking and Access Code apply to the site; these are generally reasonable as they provide for the safe and efficient use of all users. However, due to the site constraints, including landscape, heritage and other buildings, there is an overall short fall in parking on the MONA land. Parking for the variety of uses relies on overflow onto land leased from Glenorchy City Council to the north.

To address the shortfall in parking, MONA has implemented an exemplary range of alternative transportation types with over 50% of visitors arriving by the MONA ROMA bus and ferry. They actively discourage driving to events with further options for transportation including public bus, bike, and taxi, and previously approved helicopter encouraged as alternatives to private vehicle.

The Draft Masterplan assessed car parking demand from all uses on the Berriedale Peninsula comparative to the number of parking spaces provided. It found there was an existing surplus of

119 parking spaces on the Peninsula, where the Masterplan would result in a surplus of 128 spaces. Whilst this assessment has limitations, as it was prepared relative to the previous scheme, it demonstrates that there is a substantial available surplus of parking within proximity of the site.

The Hotel MONA concept includes additional multi-storey underground parking to accommodate the expansion in uses on the site that will provide parking without detriment to the qualities of the site. It is likely the aggregate uses that are proposed will result in a parking demand that exceeds the scheme required car parking measures of Table E6.1 for on-site parking. However, MONA is currently undertaking an integrated transportation study to identify alternatives to private vehicles. Additionally, by utilising the existing car parking overflow, and sharing of parking between uses, that Hotel MONA Concept is able to be assessed in relation to the Performance Criteria of E6.6.1 P1.

E6.6.1 Number of Car Parking Spaces

Objective: To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.*
- (b) a use or development does not detract from the amenity of users or the locality by:*
 - (i) preventing regular parking overspill;*
 - (ii) minimising the impact of car parking on heritage and local character.*

Acceptable Solution	Performance Criteria
A1 <i>The number of on-site car parking spaces must be:</i> <i>(a) no less than the number specified in Table E6.1 and no more than 10% greater than that number;</i> <i>except if:</i> <i>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</i> <i>(ii) this provision was not used in this planning scheme.</i>	P1 <i>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i> <i>(a) car parking demand;</i> <i>(b) the availability of on-street and public car parking in the locality;</i> <i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i> <i>(d) the availability and likely use of other modes of transport;</i> <i>(e) the availability and suitability of alternative arrangements for car parking provision;</i> <i>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i> <i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i> <i>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i> <i>(i) the appropriateness of a financial</i>

	contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity; (j) any verified prior payment of a financial contribution in lieu of parking for the land; (k) any relevant parking plan for the area adopted by Council; (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.
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There is scope for the Code to include a local provision relative to the Major Tourism Zone similar to the *Hobart Interim Planning Scheme 2015*, which allows for different parking in various Zones, or Council could adopt a policy with regard to parking on the Berriedale Peninsula.

6.11 STORMWATER MANAGEMENT CODE

New development is required to be assessed in relation to the standards of the Stormwater Code, which are considered generally acceptable for the existing and future development of the site. This Code has been removed from the SPP.

6.12 ATTENUATION CODE

The Attenuation Code applies to development for a sensitive use on land within the attenuation distance from the neighbouring sewerage treatment plant. The scheme defines a sensitive use as follows:

Sensitive use: means a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.

The neighbouring land at 10 Alcorso Drive is a sewerage treatment plant, which TasWater has advised is a mechanical/biological plant with a capacity for 6ML/day = 6,000KL/day. Table E9.2 specifies this has an attenuation distance of 400m. Table E9.1 identifies that the attenuation distances 'must be measured between the outer edge of the area used by the listed activity and the property boundary of the sensitive use or development'. Therefore, the Code would apply to the entirety of the land at 651-655 Main Road.

E9.7.2 Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm

<i>Objective: To ensure that new sensitive use does not conflict with, interfere with or constrain uses with potential to cause environmental harm.</i>	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard

	to all of the following: (a) the nature of the use with potential to cause environmental harm; including: (i) operational characteristics; (ii) scale and intensity; (iii) degree of hazard or pollution that may emitted from the activity; (b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance; (c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions
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Visitor Accommodation is not specifically defined as a sensitive use and as the use would be located internally within climate-controlled buildings, it is not likely to suffer from environmental harm from proximity to existing infrastructure.

Provisions of the Attenuation Code of the SPP are generally consistent. New development and use is considered able to be assessed in relation to the standards for Attenuation.

6.13 BIODIVERSITY CODE

Almost the entirety of the River Derwent is mapped within the Biodiversity Code, as is a portion of Council land to the north of the site, as per the following diagram. Any application that involves the clearance and conversion or disturbance of native vegetation within the mapped areas would be subject to a discretionary application, and likely to require a natural values assessment.

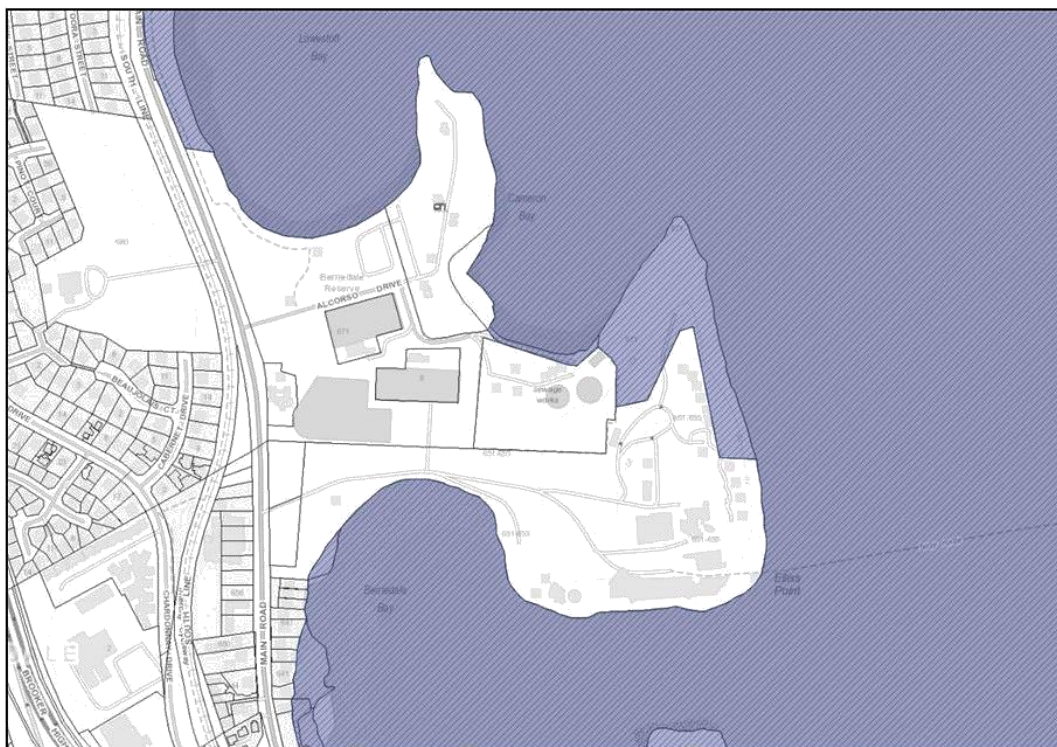


Figure 26: GIPS Biodiversity Code (source: The LIST)

Previous applications inclusive of the Turrell extension, the jetty, and the boardwalk have required natural values assessments of maritime and coastal flora and fauna. Where necessary plans have been adapted to protect identified species, and construction management plans have detailed strategies for protection of values.

As discussed in the site analysis, surveys have found that in that part of the site where the Hotel MONA is to be located there are no threatened species, vegetation communities or fauna. As such future development, proposed within the River Derwent, while requiring a discretionary application, would not be prohibitive in terms of biodiversity values.

The SPP categorises the Biodiversity Code and the Waterway and Coastal Protection Code within the Natural Assets Code. It is not clear what the extent of either code will be but neither allow for exempt development where it will not impact on values.

6.14 WATERWAY AND COASTAL PROTECTION CODE

Within 40m of the coastal edge the site is subject to the Waterway and Coastal Protection Code, as per the following figure. Much of the existing development is located within this mapped area and has been assessed in terms of minimising impacts on water quality and managing vegetation as similar provisions applied under the previous scheme.

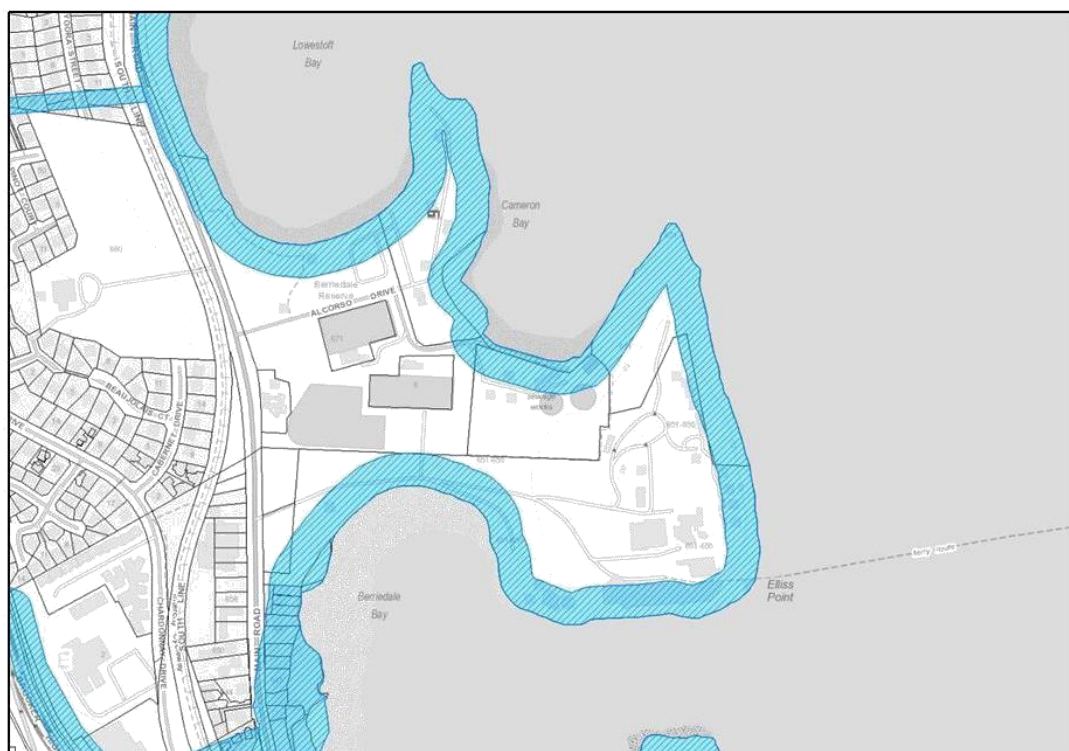


Figure 27: GIPS Waterway and Coastal Protection Code (source: The LIST)

The provision of E11.7.1 results in all applications within the mapped areas requiring a discretionary application, including temporary artworks and installations. Furthermore, discretion is required if development is to occur on the museum forecourt which has been constructed in such a manner that it would not affect the coastal environment, examples include the Caravilla and Cameron Robbins installation as illustrated in Figure 23.

E11.7.1 Buildings and Works

Objective: To ensure that buildings and works in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values.	
Acceptable Solution	Performance Criteria
A1 Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	P1 Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

6.15 HISTORIC HERITAGE CODE

The following diagram identifies the places listed within statutory documents for their heritage significance.

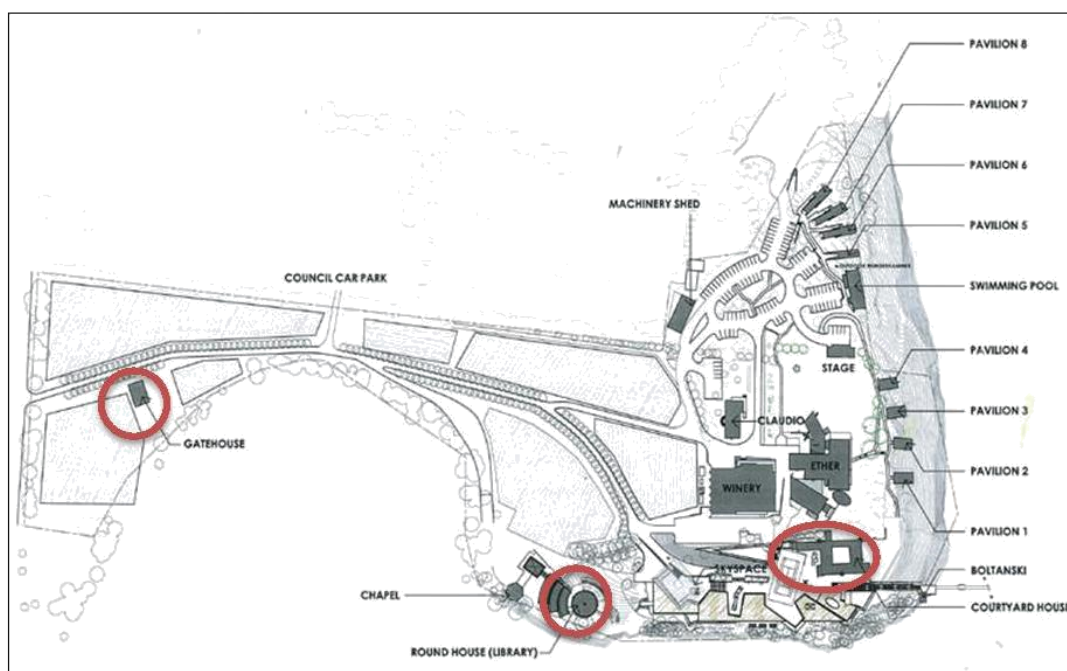


Figure 28: MONA site plan with listed places circled (Source: MONA)

As identified in the site analysis, the site is listed twice on the Tasmanian Heritage Register, and is also listed for three places within the GIPS 2015 Historic Heritage Code. The subject land is listed on the Tasmanian Heritage Register, for Place ID 7,088 Moorilla Estate - Courtyard House and Place ID 7,089 Moorilla Estate - Round House. In accordance with E13.2.1 the Historic Heritage Code does not apply to the site.

E13.2.1

This code applies to development involving land defined in this code as any of the following:

...

except if the place is listed on the Tasmanian Heritage Register.

This provision is consistent with the Local Historic Heritage Code provision C6.2.3 of the State Planning Provisions.

The listings have not been updated since the Museum building was constructed. Consultation has been undertaken with the Tasmanian Heritage Council Officer and it is understood that they are considering reviewing the listing to include them as one listing with detail relevant to the changes that have occurred as part of the Museum development.

The Tasmanian Heritage Council is currently responsible for the overarching assessment of maintaining the heritage values of the place and there is scope within the legislation of the *Historic Cultural Heritage Act 1995* (HCHA 1995) for the Heritage Council to exempt works in accordance;

(4) Without limiting its discretion, the Heritage Council must approve the exemption certificate application if it is reasonably satisfied that the heritage works -

(a) are identified in the works guidelines as works that will have no impact or only negligible impact on the historic cultural heritage significance of the relevant registered place or heritage area; and

(b) are capable of being carried out in accordance with the works guidelines.

An exemption certificate enables development to occur on the site where it does not impact on the heritage values of the site without having to go through a discretionary permit application, which would otherwise occur if it were only assessed with regard to the Historic Heritage Code. It would be preferable that the regular changes to temporary artworks and installations in the grounds as part of the Museums activities were enabled where they do not impact on the heritage values of the place.

6.16 INUNDATION PRONE AREAS CODE

The subject site has areas mapped as within the Coastal Inundation Hazard Areas mapped as High, Medium, and Low Hazard Areas. The jetty and Artists shelter, original dwelling, Heavy Metal raft, Turrell extension (under-construction), and boardwalk (approved) are all situated in areas that are prone to inundation.

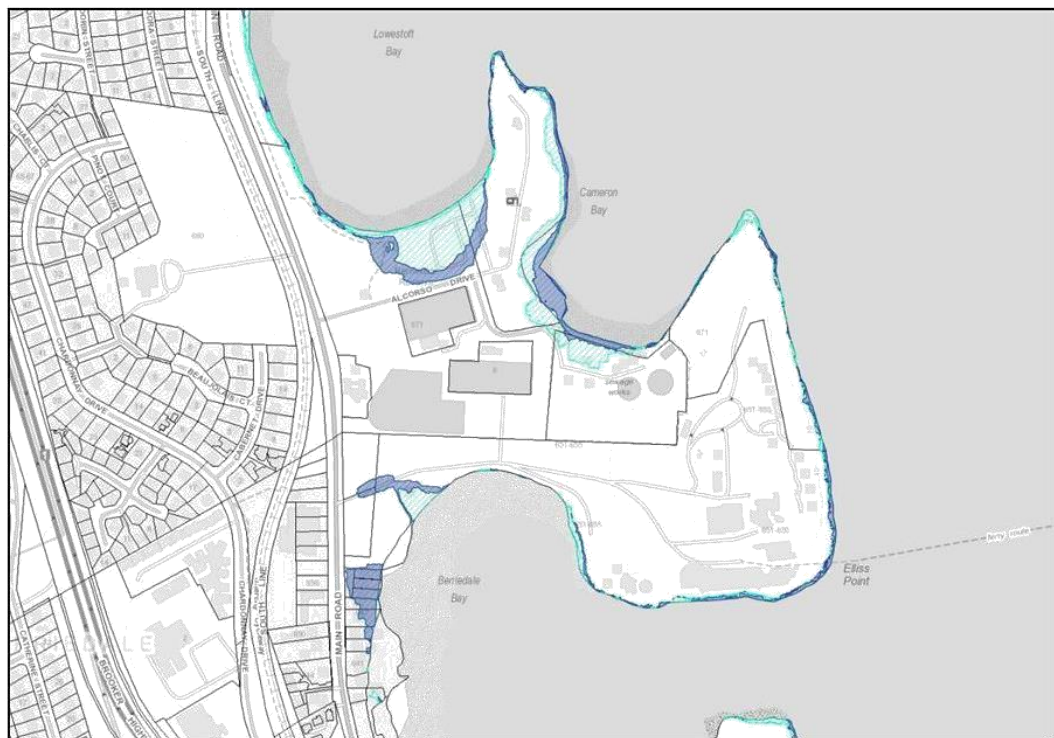


Figure 29: GIPS 2015 Inundation Prone Areas Code (source: The LIST)

Of particular concern are those parts of the site that are mapped as 'High Hazard Areas'; defined as:

...an area forecast to be subject to 0.2 m sea level rise from the Mean High Tide by 2050 and a rounding up to the nearest highest 0.1 m.

This provision only applies to mapped areas, although it should be noted that those parts of land that are located over water are also at risk of inundation. Table E15.1 of the Scheme identifies the high risk level for Berriedale is 0.8 TR_20SLR (Sea Level Rise by 20cm above 2010 base levels), where the following standard would apply:

E15.7 Development standards for Building and Works

E15.7.1 Coastal Inundation High Hazard Areas

Objective: To ensure that high risk from coastal inundation is appropriately managed and takes into account the use of buildings.	
Acceptable Solution	Performance Criteria
A1 For a habitable building, including extensions to existing habitable buildings, there is no Acceptable Solution.	P1 For a habitable building, including extensions to existing habitable buildings, there are no Performance Criteria except if it is development dependent on a coastal location. <i>R1</i>

The following definition is relevant:

Buildings and works dependent on a coastal location: means buildings and works for which there is a demonstrated need to be located at a coastal location, including boat sales and storage, marine farming shore facilities, marine-related public open space & recreation facilities, pleasure boat facilities, roads & other utilities and wharves. Dwellings, except for a caretakers dwelling associated with any of the above, are not included.

Recent development on the site has been prepared so that habitable floor levels are located above anticipated sea level rise. The Turrell Pavilion greatly exceeded the potential inundation level, and was applied for on the basis that expansion of the gallery at grade meant that the building was dependent on expansion into the coastal location.

The Code does not prevent development outside mapped areas being constructed with habitable floor levels below the level of inundation, and does not include areas over water that would be at risk of inundation as is the coastal edge, even though they are equally at risk as the mapped areas. While an application for development should clearly identify where there is a risk of inundation, opportunity should exist where it can be demonstrated engineering and architectural solutions are capable of keeping water out.

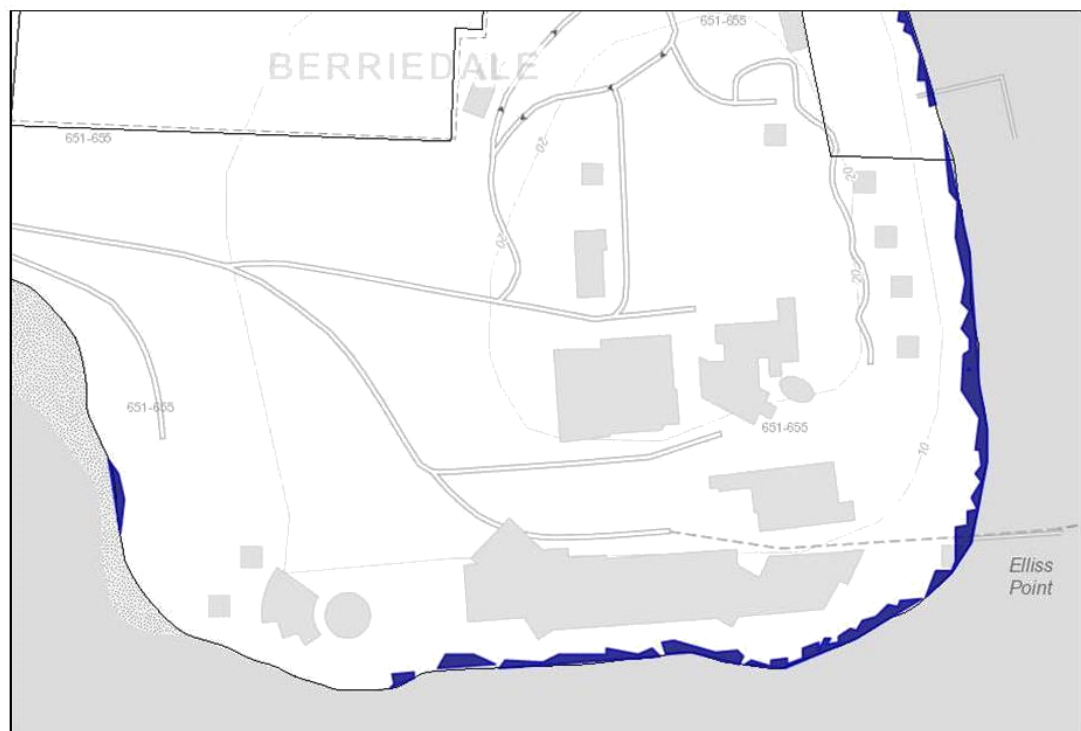


Figure 30: Areas mapped as 'Coastal Inundation High Hazard Area (Source: The LIST)

The Hotel MONA Concept will require footings for the development on that part of the site that is mapped as high risk of inundation. Visitor accommodation and other potential uses could be located elsewhere and are not dependent on the coastal location, however there are few opportunities to locate the development that would meet the demands necessary to make the development feasible.

Development of the site on the coastal edge would not be supported if the risk from inundation was so great that it was not capable of being engineered to withstand adverse impacts; particularly with respect to finance, and insurance. As such, the planning scheme does not need to be prohibitive with regard to building within Inundation Prone Areas, but rather enable discretion where the level of risk is appropriately assessed and the design features proposed are capable of reducing risk to an acceptable level. The proposed amendment should enable Council to request an inundation risk management plan to demonstrate that development is capable of meeting with these requirements.

The SPP has the Coastal Inundation Hazard Code which as discussed previously is not as prohibitive with respect of the habitable floor levels, but still requires that use and development must demonstrate that it 'relies upon a coastal location'; and includes controls for Vulnerable Use, inclusive of Visitor Accommodation; and the need for buildings areas to be located outside the inundation hazard area for subdivision. Standards of the SAP have been prepared with respect to the SPP provisions.

7. PROPOSED AMENDMENT

7.1 THE INTENT

It is intended to amend the current *Glenorchy Interim Planning Scheme 2015* to apply the Specific Area Plan (SAP) to MONA and the adjoining River Derwent, Glenorchy for the purpose of developing the hotel MONA. The use of a SAP is consistent with advice received from the Glenorchy City Council and the Tasmanian Planning Commission and allows for improved flexibility over standards of the Codes.

The following is a summary of the intents of the amendment with respect to the assessment of the site in the earlier parts of this report, and in relation to the specific headings of the Scheme. Within the discussion, statements have been highlighted that form the 'Plan Purpose Statements' of the Specific Area Plan.

The primary intent of the amendment is to facilitate the ongoing evolution of use and development on the site, including the use and development of the Hotel MONA, in order to continue the long-term viability of MONA's operation as a key contributor to Tasmania's tourism industry and economic development. The amendment will recognise MONA as a landmark facility that provides for a variety of art and cultural activities.

7.1.1 Application of the SAP

- Recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.

The Hotel MONA Concept is partially located within the Environmental Management Zone. In order to allow for development and use that spans into the River Derwent, within 55m of the property boundary.

The ability to assess accretions as discretionary applications has been embedded within the SAP provisions for setback. The SAP includes a modification of the Major Tourism Zone Setback provision 30.4.2 A4 & P4 where development within 20m of the Environmental Management Zone is assessed in relation to the Performance Criteria.

7.1.2 Zoning

This amendment does not propose any changes to the Zoning of land. The proposed SAP has been derived from the provisions of the Major Tourism Zone, with changes to respect the values of MONA and enable development consistent with the Hotel MONA Concept. Provisions have also been prepared with regard to the requirements of the Statewide Planning Provisions.

7.1.3 Purpose Statements

The Specific Area Plan will provide purpose statements that will enable development concepts to proceed on the land. Therefore the Desired Future Character Statements for Moorilla Estate

within the Major Tourism Zone will be redundant, and will be removed as part of the proposed amendment.

The Desired Future Character Statements (DFCS) within the Major Tourism Zone for Moorilla represent the existing site qualities, not those anticipated in the MONA Hotel Concept. In some instances it is unclear why the DFCS are necessary when they have been otherwise generally unused in the planning scheme, and the development standards of the Zone have been drafted to satisfy the purpose statements. Provisions of the Major Tourism Zone that specifically reference the DFCS are - 30.4.1 P1 *Building Height*, 30.4.2 P1 *Setback*, and 30.4.3 P1 *Design*. The State Planning Provisions do not refer to DFCS.

The proposed SAP is intended to provide broader scope to enable greater creative and innovative outcomes for the site. Provisions have been proposed which are consistent with the drafting of the SAP for a 'Plan Purpose' statements where the Major Tourism Zone has used 'Zone purpose statements' and 'desired future character statements'.

The following SAP purpose statements are considered appropriate to provide a framework for future development:

- To provide for use and development that will facilitate the creative, economic, cultural, community, and social activities of MONA; and its affiliated cultural and philanthropic activities.
- Where possible, public access points to the foreshore will be provided.

The purpose statements of the SAP have been prepared consistent with the findings of the accompanying Urban Design Assessment to achieve an appropriate and desirable urban form for the site.

- Design outcomes recognise that MONA is a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.
- Development should reflect the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings contained on the south-eastern knob, reducing in scale where adjacent to the street frontage or residential zones.
- A variety of landscaped areas should enliven the experience of the site.

7.1.4 No Permit Required

- To make provision for short term displays, occasional events associated with MONA, and ephemeral artworks within the site's property boundary to be expedited.

The proposed SAP includes 'Community meeting and entertainment' within the use table for 'no permit required', to minimise the extent of applications required for occasional events and artworks associated with MONA, where they will not impact on the amenity of adjoining land and heritage values. Temporary activities, artworks and events contribute to the richness of experience and expand the exhibition space to outside the walls of the museum. It is considered reasonable that the grounds of the Museum would be used for a variety of artworks in the same way that residentially zoned land can occur without seeking a permit. 'Occasional use' for cultural events is already exempt under the General Exemptions of the current scheme and State Planning Provisions, without any further definition.

All development and use standards in the proposed SAP are written in such a way that comply with the Acceptable Solution. The current Major Tourism provision 30.4.3 *Design* is a mandatory discretion, which has been revised within the SAP to ensure that 'No permit required' applications can occur. This standard is not included within the State Planning provisions and it is recommended that this clause is likewise removed from the Specific Area Plan when the Statewide Scheme is introduced.

7.1.5 Use

As discussed in the Application of the Scheme above, it is critical that development and use associated with MONA be able to span across the River Derwent. In order for the use to span across the boundaries the following table outlines the rationale for the use table proposed in the MONA SAP.

USE	CURRENT STATUS (MTZ/ EMZ*)	PROPOSED STATUS QUALIFICATION	REASON
Business and Professional Services	Prohibited / Prohibited	Discretionary	To allow for the necessary area of offices to accommodate the range of activities and facilities on site.
Community Meeting and Entertainment	Permitted / Discretionary	No Permit Required - For art installations and events	To allow for art installations to be located on site without requiring a permit application
Food Services	Permitted / Prohibited	Permitted	To allow for restaurants extending into the coast
General Retail and Hire	Discretionary/ Prohibited	Permitted - For weekly markets Discretionary - Except if permitted	To allow for existing approved markets, and otherwise discretionary.
Hotel Industry	Discretionary/ Prohibited	Discretionary	The site includes a number of existing hotel industries that strongly contribute to the culture and development of MONA. The use standards will ensure that any intensification of Hotel Industries do not impact on the amenity of surrounding land users.
Pleasure Boat Facility	Discretionary/ prohibited	Discretionary	It is unclear what further access will be provided from the River Derwent and this should not be prohibited.
Resource Development	Permitted only if vineyard/ Prohibited	Permitted	The qualification for the vineyard is removed as it is not considered necessary.
Resource Processing	P only if winery, microbrewery or distillery / Prohibited	Permitted - Only if winery, brewery, or distillery	Microbrewery is not defined and it is unclear why only a 'micro' scale brewery would be allowable, but a winery and distillery has no such restrictions.
Port and Shipping	Discretionary/ prohibited	Discretionary	As per Pleasure Boat Facility

* Major Tourism Zone/Environmental Management Zone

These changes would be consistent with the intents of the amendment to allow for development spanning into the River Derwent, and to allow for events and artworks. A discretionary use clause has been included to provide further controls in accordance with the Zone Purpose.

7.1.6 Waterway and Coastal Protection

Buildings and works within 40m of the High Water Edge require a mandatory discretion in accordance with the provisions of the Waterway and Coastal Protection Code. The mapping of the Code covers a substantial area of the site, where existing measures are in place to prevent any impacts on the coastal environment. This Code applies to all development and use on the forecourt of the building, or for temporary art installations along the coast where remediation is capable of occurring at the completion of an exhibition.

The proposed amendment is intended to manage the coastal values of the site where they remain undeveloped, and to facilitate use and development on the site as part of the Museum. Provisions have been included to enable a No Permit Required application to occur in those parts of the site that are otherwise mapped as Waterway and Coastal Protection.

7.1.7 Inundation Prone Areas

- To identify and manage use and development in areas at risk of Inundation.

The primary intent of this part of this amendment is to ensure that development within areas of Inundation High Hazard are not completely prohibited, where it can be demonstrated that the risk is capable of being managed. In addition to this, the amendment includes greater scope for assessment with respect to the potential for inundation. This is achieved through the mandatory discretion applied to all development located within the sea level rise band as specified within the Code as 2.4M AHD, not just mapped areas. This height is based on the Council and is provided with the opportunity to request an Inundation Management Plan consistent with the Code, and the criteria for assessment are designed to be consistent with existing provisions.

7.2 SPECIFIC AMENDMENT

7.2.1 Ordinance

Amend the *Glenorchy Interim Planning Scheme 2015* ordinance in the following way:

30.0 Major Tourism Zone:

- Remove the table: 30.1.3 Desired Future Character Statements - DD01 Moorilla Estate.
- Part F Specific Area Plans
- Include the Proposed MONA Specific Area Plan accompanying this report

7.2.2 Mapping

Amend the mapping to include a plan that follows the outline of the MONA Specific Area Plan as per the following diagram. The boundary of the SAP is to include the titles that 651-655 Main Road is comprised of, and the small crown land parcel; furthermore the SAP is to include land d in the River Derwent within 55m of the boundary of these titles.

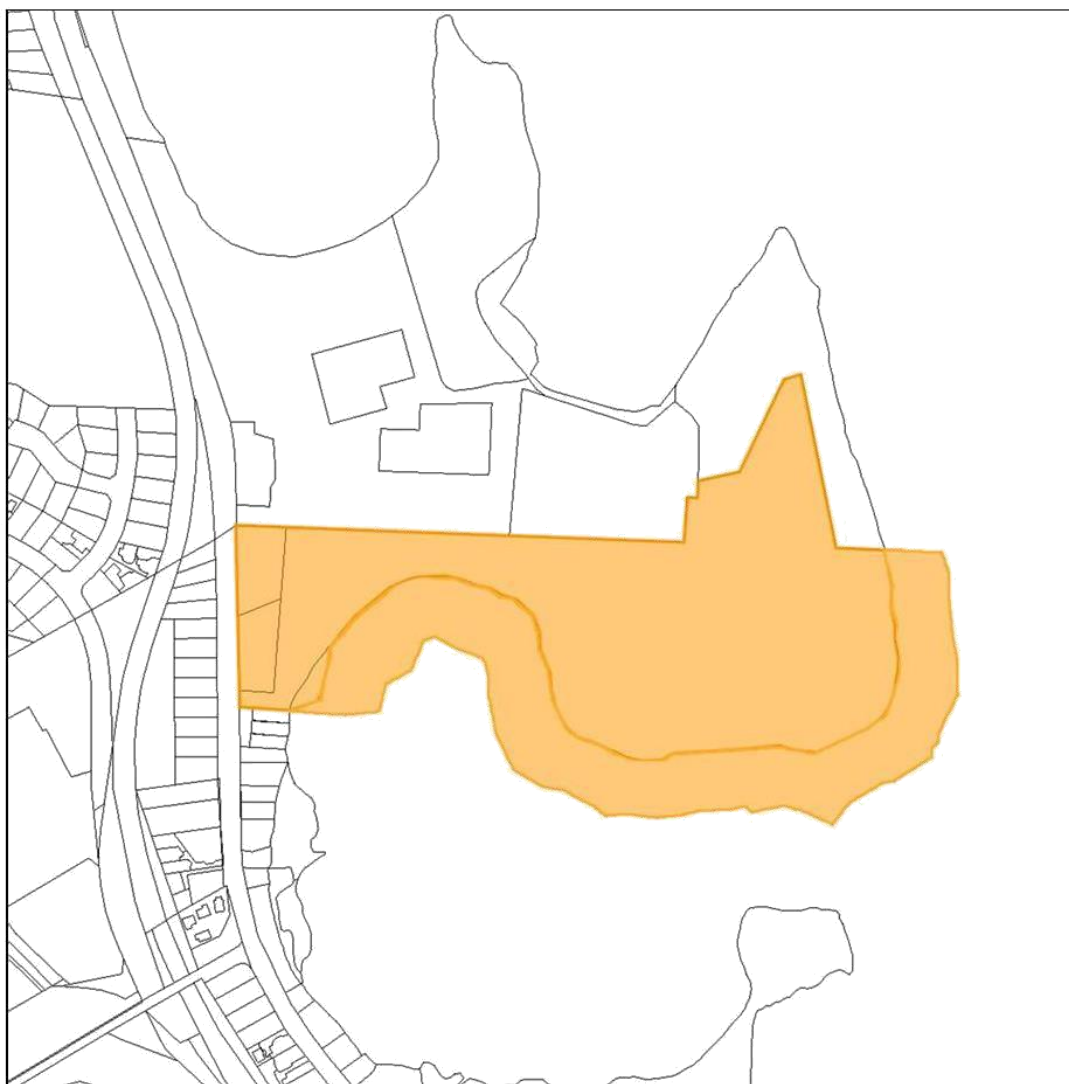


Figure 31: MONA Specific Area Plan

8. ASSESSMENT UNDER LAND USE PLANNING AND APPROVALS ACT

Section 32 of the *Land Use Planning and Approvals Act 1993* (The Act) requires amendments to planning schemes meet and be considered against the following;

(1) *A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)-*

(a)

(b)

(c)

(d)

(e) *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; and*

(ea) *must not conflict with the requirements of section 300; and*

(f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

(2) *The provisions of section 20(2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.*

Section 20 also includes the following:

20.(1) (a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and*

(b) *prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and*

(c)

The above provisions are considered in the following sections.

8.1 LAND USE CONFLICTS WITH ADJACENT USES - 32.1.E

The proposed MONA SAP allows greater discretion for uses that extend into the River Derwent; for expansion of office facilities; and to recognise a number of existing approved uses. The MONA SAP adjoins permitted use and development in a number of Zones as discussed further in this section and include the following:

- General Residential Zone;
- Utilities Zone;
- Recreation Zone;

- Environmental Management Zone; and
- Local Business Zone.

The General Residential Zone is located on the southern boundary, where Residential, and Visitor Accommodation Use are permitted uses. Development is unlikely to be situated within 50m of this boundary in order to maintain the vineyard for its commercial, landscape, and heritage values. In terms of vehicle movements from the site the dwellings are located in excess of 50m from the access to MONA which is not result in unreasonable impacts to the residents.

Use Standards of the MONA SAP are generally consistent with the existing use standards of the Zone within the GIPS 2015 and the SPP, although they include office, which was not previously allowable in the Zone, and Hotel Industry. Development for these uses will be limited in their ability to be located within proximity to Residential land and is not considered to result in a land use conflict the zone.

The Utilities Zone is located on part of the northern boundary, where infrastructure for sewerage treatment is a permitted use. The entire site falls within the Attenuation Buffer of the sewerage treatment works and applications for sensitive use are subject to the provisions of the Attenuation Code. While the use for Visitor Accommodation may be assessed with regard to the Code, there is existing accommodation on the site, and it is already a permitted use within the Zone. The proposed amendment is not considered to result in any greater conflict than the existing provisions with the Utilities Zone.

The Recreation Zone is located on the northern boundary, and is currently used for the permitted Sports and Recreation use. The proposed amendment is not considered likely to result in any uses that would conflict with existing recreational use and development of the adjoining land.

The land on the opposite side of Main Road from MONA is zoned Local Business Zone, the land is used either for the Granada Tavern, car parking, or remains vacant. The activities encouraged in MONA SAP are considered to be complimentary to the permitted uses of the Local Business Zone and would not result in potential conflict.

The Environmental Management Zone includes the River Derwent surrounding the peninsula and includes land on the northern tip, the land is used for “No permit required” uses of Natural and cultural values management and Passive Recreation. The proposed amendment does not include changes that would support impacting industries could affect the qualities of these environment. The amendment does encourage opportunities for improved access connections, consistent with the Zone. The amendment is not considered to result in conflict with the adjoining Environmental Management Zone.

8.2 REQUIREMENTS OF SECTION 300

Section 300 provides as follows:

300. Amendments under Divisions 2 and 2A of interim planning schemes

(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.

- (2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if -
- a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and
 - b) the amendment does not revoke or amend an overriding local provision; and
 - c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.
- (3) Subject to section 30EA, an amendment may be made to a local provision if -
- a) the amendment is to the effect that a common provision is not to apply to an area of land; and
 - b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.
- (4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.
- (5) Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of -
- a) taking an optional common provision out of the scheme; or
 - b) taking the provision out of the scheme and replacing it with another optional common provision.

The amendment proposed is a Specific Area Plan of the MONA land and as such is a local provision, which can be amended under Division 2 or 2A.

8.3 REGIONAL IMPACT

The *Southern Tasmanian Land Use Strategy 2010-2035* (STRLUS), is the most recent regional land use strategy that is applicable to the land subject to this amendment application. MONA was opened in early 2011 and while the development was recognised in the Strategy the influence of its success on the region was unforeseen. It would be anticipated that when a review of the STRLUS is undertaken that the impact and of MONA would be more practically embedded within the regional strategy.

The proposed amendment is consistent with the Strategic Economic Opportunities of the STRLUS, which identifies the following:

The recent opening of MONA on the shores of the Derwent is a case in point. Promotion and enhancement of this role will also attract greater number of visitors as well as increased employment opportunities. (p 60)

Redevelopment of the site would be consistent with the following regional policy:

SEO 1: Support and protect strategic economic opportunities for Southern Tasmania.

In terms of tourism, MONA has contributed to a significant increase in tourists to the state, particularly through the notoriously difficult winter period. It is highly consistent with regional policies for Tourism:

T 1 Provide for innovative and sustainable tourism for the region

Particularly policies T1.6 and T1.7, recognise that planning schemes may not be responsive enough to potential tourism uses and development.

MONA and its ongoing development will continue to provide innovative high quality social and community facilities that is a focal point within the Greater Hobart region, and particularly the northern suburbs. This is consistent with the following policy for Social Infrastructure:

SI 1.5 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.

The amendment is supportive of innovation and cultural identity of the community to contribute to a liveable community and economic growth. This is consistent with the Vision of the Strategy (p17), the Tourism policies, and the Strategic Economic Opportunities. There is scope for a review of the regional strategy to place greater emphasis on the importance of the Arts and Cultural Industries consistent with State Government's more recent visitor economy strategy. Furthermore, the recognition should be given to the importance of the industry to the less tangible community benefits including jobs growth, contribution to place-making, community identity, and spurring innovation.

MONA already has over 50% of its transport provided by ferry and bus. The MONA Hotel will increase capacity to develop alternative infrastructure to the benefit of the broader community, including potential for upgrades to use of the rail corridor and ferry service that will be capable of servicing a variety of areas. This is highly consistent with the policies of the following:

LUTI 1 Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.

One of the appeals of MONA is its coastal location and the ability to access it by the water, however this is a natural asset that requires careful management of environmental management to protect its values. This amendment has been prepared with respect to a number of the regional policies that recognised that appropriately located tourism development should be allowed for including the following:

WR 2.4 Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.

In terms of the Activity Centres, MONA should be considered as one as it satisfies components of the definition particularly as it is a key location for entertainment and cultural events. This is a pre-existing inconsistency with the strategy, and is due to the timing between the Strategy and MONA. The STRLUS has not necessarily identified the implications that MONA would have with respect to central Glenorchy and Hobart as the breadth of its success and its contribution to the centres was unanticipated.

MONA has shown that it does not compete with the STRLUS hierarchy of centres but rather consolidates the identified centres growth, particularly in Hobart, although with limited impact on Glenorchy and the immediate surrounds. This amendment will allow for improvements to visitor infrastructure for the museum's continued operation and may result in an increase in further localised activity consistent with existing land use zoning.

In considering the policies of the STRLUS in relation to MONA, it would possibly be considered as a 'specialist centre' within the hierarchy. The proposed amendment does not result in changes that would allow for substantially greater uses than is allowable under the current zoning. The amendment would enable further development of the site consistent with achieving the following regional policy:

AC 1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.

8.4 SCHEDULE 1 OBJECTIVES OF LUPAA

The objectives of the Act are considered in the following table:

PART 1 - OBJECTIVES	AMENDMENT RESPONSE
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The site is an existing developed area and future development has been investigated with respect to natural values. Future development will be required to be constructed in terms of a detailed management plan to ensure that there is minimal impact on identified values.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The proposal restores the capabilities for the future development of the land and neighbouring River Derwent area that existed prior to the introduction of the Interim Planning Scheme. The proposed amendment will provide for fair and orderly development of land through more intensive use of existing developed land where it will have minimal impact on the amenity of surrounding development.
<i>(c) to encourage public involvement in resources management and planning; and</i>	The planning process provides for public involvement.
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	The proposed amendment will facilitate development that will ensure the long term viability for the operation of the MONA Museum that has had sizeable economic benefit to the state, and is currently operating at a substantial annual loss.
<i>(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.</i>	The assessment process promotes the involvement of the public as well as local and state government. The amendment includes Crown land and therefore requires consent to lodgement of the application. Furthermore, any future Development Applications within adjoining Council or Crown Land will likewise require consent for lodgement.
PART 2 - OBJECTIVES	AMENDMENT RESPONSE
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	The amendment has been prepared with respect to relevant strategic outcomes of the state and local government.
<i>(b) to establish a system of planning instruments to be the principle way of setting objectives, policies and controls for the use, development and protection of land;</i>	The proposal is seeking to amend the planning scheme with the inclusion of a Specific Area Plan, which has been prepared with respect to the existing provisions and those of the State Planning Provisions, to achieve the strategic intents consistent with relevant objectives and policies.

<i>(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;</i>	The amendment will provide for development that will be required to be assessed with regard to environmental impacts where necessary, and will facilitate the viability of MONA into the long term. MONA has demonstrated that there are substantial economic and social effects and benefits.
<i>(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;</i>	Not directly applicable to the amendment.
<i>(e) to provide for the consolidation of approvals for land use and development and related matters, and to co-ordinate planning approvals with related approvals;</i>	Not directly applicable to the amendment.
<i>(f) to secure a pleasant, efficient and safe working environment for all Tasmanians and visitors to Tasmania;</i>	The proposal will change the way in which people move around the site, making improvements that will make it more pleasant, efficient and safe for visitors and Tasmanians.
<i>(g) to conserve those buildings and areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</i>	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 proposed amendment will facilitate the continued evolution and interest on the site that is part of its special cultural values.
<i>(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;</i>	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>(i) to provide a planning framework which fully considers land capability.</i>	While the site is used for agricultural purposes it is within an existing urban area and its future land capability is not considered to be substantial. However, the vines contribute to the operation, feasibility, and landscaped qualities, and it would be preferable that they are impacted by development on the site.

8.5 STATE POLICIES

The following are the state policies and have been considered as part of this application.

8.5.1 The State Coastal Policy 1996

As the site is entirely located within the Coastal Zone the State Coastal Policy applies. The following is an assessment with regard to the three main principles that guide Tasmania's State Coastal Policy:

PRINCIPLE	AMENDMENT RESPONSE
<i>Natural and Cultural</i>	The site has identified cultural values for Aboriginal and European

<i>values of the coast shall be protected.</i>	Heritage. The proposed amendment will not alter the existing requirements for approval from the respective agencies for further development that will impact on these values. Future applications would need to be prepared with the requirements that protect natural values for the coastal edge and maritime environment. Assessments have been ecological values of coastal edge and maritime environment and have found that these would be unlikely to impact on listed threatened flora and fauna.
<i>The Coast shall be used and developed in a sustainable manner.</i>	This principle recognise: <i>'The economic and social values of tourism and recreation in the coastal zone'</i> The amendment would enable advantage through locating development and use where it can gain advantage from its coastal location, and also continue to improve access to the coast.
<i>Integrated management and protection of the coastal zone is a shared responsibility.</i>	This amendment and any future applications for development that include coastal land will require consent from the State Government as the Landowner of the River Derwent. The amendment will need to be publicly advertised; and approved by local and state government before being initiated to satisfy that provisions effectively manage the coast responsibly.

8.5.2 The State Policy on Water Quality Management 1997

The purpose of this Policy is:

To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.

The Policy applies to:

all surface waters, including coastal waters, and groundwaters, other than:

- (i) privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public; or*
- (ii) waters in any tank, pipe or cistern.*

The amendment includes minor changes to existing provisions for buildings and works on the coastal area to allow for temporary art installations and occasional events. The amendment will enable temporary structures and events to occur without so that a discretion application is not necessary for every application where the site will be restored to its pre-existing condition at the completion of the activity. The proposed amendment changes will not impact on the schemes ability to continue to sustainably manage surface water consistent with the Policy.

8.5.3 The State Policy on the Protection of Agricultural Land 2009

The purpose of this Policy is:

To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The Objectives of the Policy are:

To enable the sustainable development of agriculture by minimising:

- (a) *conflict with or interference from other land uses; and*
- (b) *non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

The land is not categorised for agricultural potential as it is recognised as being within an urban area, although it continues to be partially used as a vineyard, as is neighbouring land at 680 Main Road. The proposed amendment does not result in changes that would have any greater potential for conflict with land uses than the existing planning scheme provisions do. The proposed amendment is considered to result in any greater agricultural land use conflicts or result in the loss of land for agricultural purposes.

8.5.4 National Environment Protection Measures (NEPMs)

NEPMs are also taken to be State Policies in Tasmania. NEPMs are made under Commonwealth legislation, and given effect in Tasmania through the State Policies and Projects Act.

The current NEPMs are:

- Air Toxics
- Ambient Air Quality
- Assessment of Site Contamination
- Diesel Vehicle Emissions
- Movement of Controlled Waster
- National Pollutant Inventory
- Used Packaging

The Codes within the Scheme deal in detail with the relevant matters (noise and air quality) and the assessment of the submitted application can be undertaken against the appropriate Use and Development Standards. The proposed amendment is not considered to be affected by the other NEPMs.

APPENDIX A - TITLES



RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
164039	1
EDITION	DATE OF ISSUE
2	02-Aug-2013

SEARCH DATE : 08-Jun-2017

SEARCH TIME : 11.29 AM

DESCRIPTION OF LAND

City of GLENORCHY

Lot 1 on Plan 164039

Derivation : Part of 21 Acres Gtd to a Nicholas and Whole of
8A-1R-0Ps. Gtd. to S. Crisp, 4A-0R-5Ps. Gtd. to T.Y. Lowes and
5A-1R-38Ps. Gtd. to R.W. Nutt and Part of 20 Acres Gtd. to W.
McLaren and Part of 21 Acres Gtd to A Nicholas
Prior CTs 138871/1 and 61366/2

SCHEDULE 1

D3953 TRANSFER to CLAREMONT PARTNERS (TAS) PTY LTD
Registered 02-Aug-2013 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP138871 BENEFITING EASEMENT: (appurtenant to the said land
within described formerly comprised in Folio of the
Register Volume 61366 Folio 2) a right of carriageway
over the Right of Way 'A' 3.05 on Plan 164039
SP138871 BURDENING EASEMENT: a right of carriageway
(appurtenant to Lot 1 on Sealed Plan 138871) over the
Right of Way 'B' 3.05 wide on Plan 164038
SP138871 BURDENING EASEMENT: a right of carriageway
(appurtenant to Lot 2 on Diagram 61366) over the
Right of Way 'A' 3.05 wide on Plan 164039
SP138871 BENEFITING EASEMENT: (appurtenant to the said land
within described formerly comprised in Folio of the
Register Volume 138871 Folio 1) a right of
carriageway over the lands marked Right of Way 'B' 3.
05 wide, Right of Way 'C' 3.05 wide and Right of Way
'D' 3.05 wide on Plan 164039
SP138871 FENCING COVENANT in Schedule of Easements
102815 FENCING CONDITION in Transfer
C493506 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
11-Nov-2003 at noon
C987975 ADHESION ORDER under Section 110 of the Local



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Government (Building and Miscellaneous Provisions)
Act 1993 Registered 07-Jun-2012 at noon
D95992 MORTGAGE to Commonwealth Bank of Australia
Registered 02-Aug-2013 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER DAVID DOMINIC WALSH		NEW PLAN OF SURVEY		Registered Number P 164039	
FOLIO REFERENCE C.T. Vol. 61366 Fol. 2 C.T. Vol. 138871 Fol. 1		BY SURVEYOR D. G. J. POTTER 52 High St. New Norfolk 7140		APPROVED 06 JUN 2012 EFFECTIVE FROM <i>Alice Kawa</i> Recorder of Titles	
GRANTEE PART OF 20 ACRES Gtd. WILLIAM McLAREN PART OF 21 ACRES Gtd. A. NICHOLAS		LOCATION City of GLENORCHY			
SCALE 1:2500		LENGTHS IN METRES			
MAPSHEET MUNICIPAL CODE No. 113 (5225-11)	LAST UPI No HDC01, HDC00	LAST PLAN P61366, SP138871	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		

LOT 1 IS COMPILED FROM
CT138871/1
CT61366/2
AND THIS SURVEY

LOT 1 (8.991Ha) (INC. RESERVATION)

RIGHT OF WAY 'A' 3.05 WIDE
RIGHT OF WAY 'B' 3.05 WIDE
C - RIGHT OF WAY 'C' 3.05 WIDE
D - RIGHT OF WAY 'D' 3.05 WIDE

PIPELINE EASEMENT 2.00 WIDE

RESERVATION

H.W.M. BOUNDARY

MAIN ROAD

RIVER DERWENT

MOORILLA ESTATE

COUNCIL DELEGATE N/A DATE



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
61366	4
EDITION	DATE OF ISSUE
10	02-Aug-2013

SEARCH DATE : 08-Jun-2017

SEARCH TIME : 11.31 AM

DESCRIPTION OF LAND

City of GLENORCHY

Lot 4 on Diagram 61366 (formerly being 323-22D)

Derivation : Part of 20 Acres Granted to W McLaren

Derived from Y16689

SCHEDULE 1

D3953 TRANSFER to CLAREMONT PARTNERS (TAS) PTY LTD
 Registered 02-Aug-2013 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 138871 BURDENING EASEMENT: Right of Carriageway
 (appurtenant to Lot 1 on Sealed Plan No.138871) over
 the Right of Way 10 FT. wide shown on Plan No.61366
 D95992 MORTGAGE to Commonwealth Bank of Australia
 Registered 02-Aug-2013 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
61366	3
EDITION	DATE OF ISSUE
9	02-Aug-2013

SEARCH DATE : 08-Jun-2017

SEARCH TIME : 11.30 AM

DESCRIPTION OF LAND

City of GLENORCHY

Lot 3 on Diagram 61366 (formerly being 323-22D)

Derivation : Part of 20 Acres Granted to W McLaren

Derived from Y16689

SCHEDULE 1

D3953 TRANSFER to CLAREMONT PARTNERS (TAS) PTY LTD
 Registered 02-Aug-2013 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 138871 BURDENING EASEMENT: Right of Carriageway
 (appurtenant to Lot 1 on Sealed Plan No.138871) over
 the Right of Way 10 FT. wide shown on Plan No.61366
 D95992 MORTGAGE to Commonwealth Bank of Australia
 Registered 02-Aug-2013 at 12.02 PM

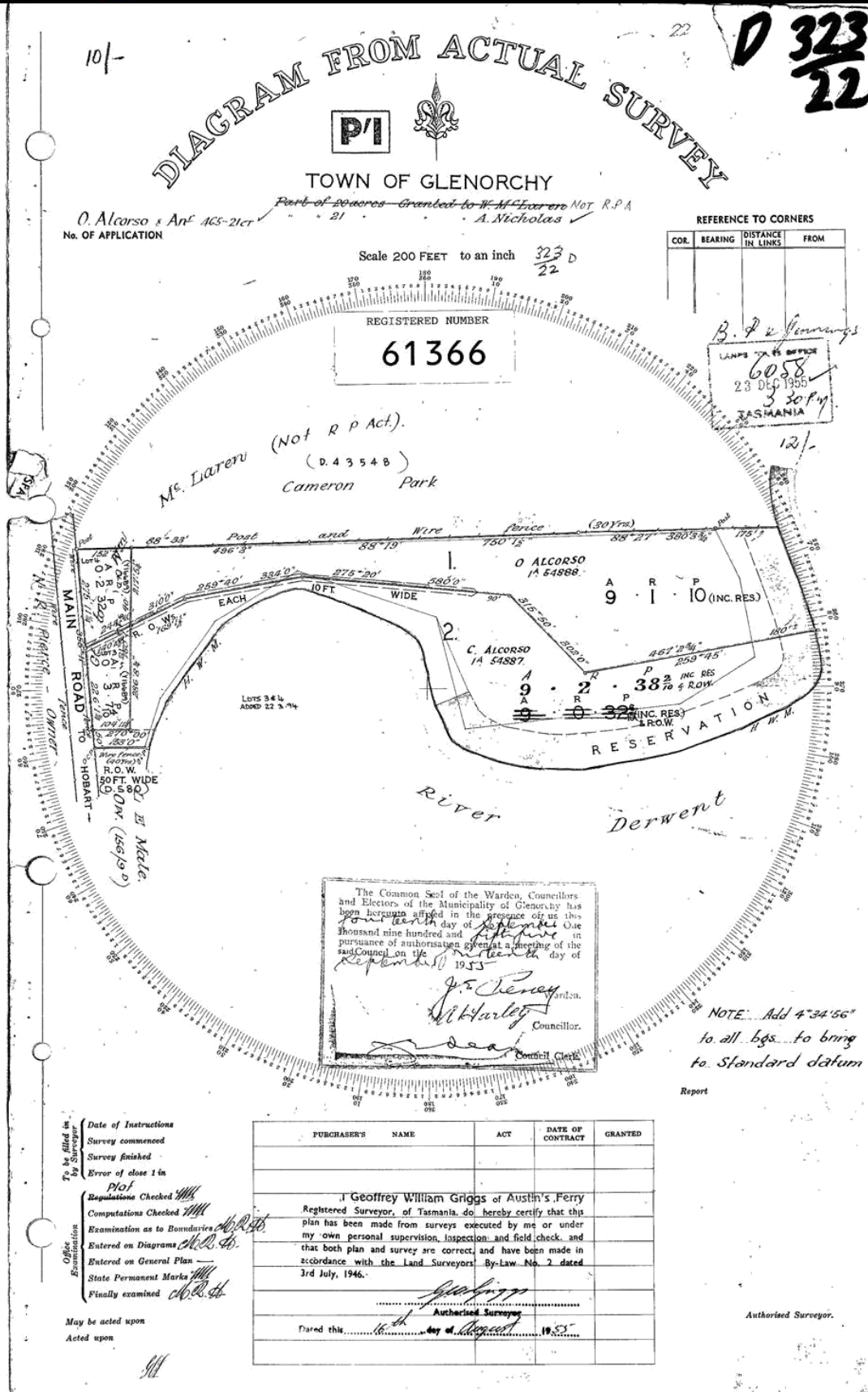
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RECORDER OF TITLES

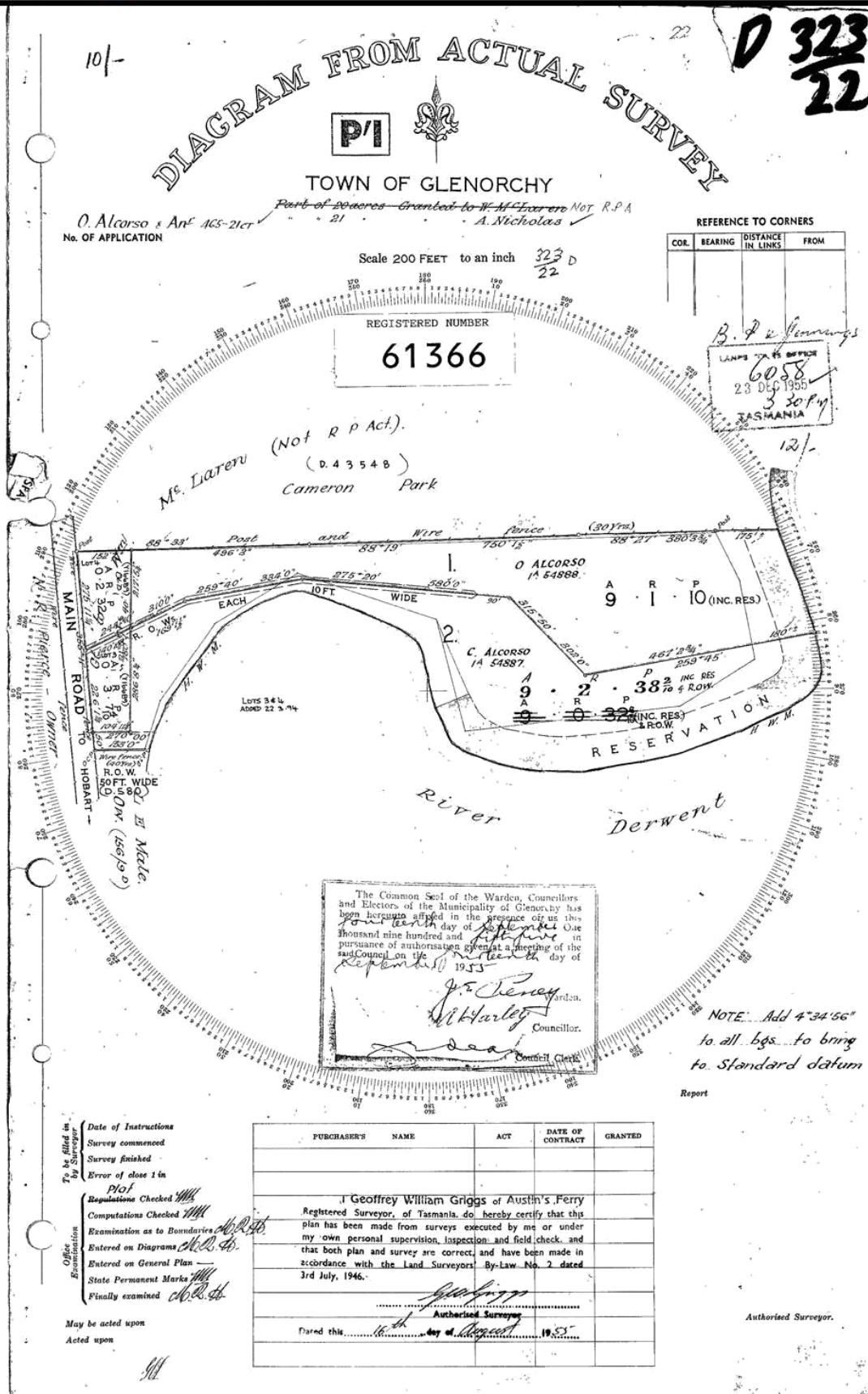
Issued Pursuant to the Land Titles Act 1980





RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



APPENDIX B - OUTLINE OF PLANNING APPLICATIONS

COMPARATIVE DECISIONS ANALYSIS

NO.	APPLICATION NO/ DATE/ APPLICANT	PROPOSED USE OR DEVELOPMENT/ NAME	OUTCOME	PLANNING SCHEME/ DISCRETIONS/ SPECIFIC PLANNING CONDITIONS
1.	PLN-04-03057-01 21/02/2005 SEMF	Construct and use stage holding concert events <i>Moorilla Stage</i>	Approved	GPS 1992
2.	PLN-04-03057-02 21/02/2005 Jacob Allom Wade	Construct and use stage for holding concert events <i>Moorilla Stage</i>	Permit Amended S.56 LUPAA 05/09/2005	GPS 1992 Minor Amendment to Planning Condition 1 amended under S.56 approved by Council on 5 September 2005. Conditions included: 2. <i>Concerts shall only take place between the hours of 11 am and 7 pm. Sound checks and support acts are also to be restricted to between 11 am and 7 pm on concert days.</i> 3. <i>Concerts are to be held on no more than 8 days in one calendar year.</i> 4. <i>Concerts are to be held no more frequently than once every 28 days, except that on one occasion per calendar year concerts may be held on two consecutive days.</i>
3.	PLN-06-03732-01 27/03/2006 Ireneinc Planning obo Moorilla Estate	Museum of Antiquities (including theatre, loading bay, workshops, administration area) with variation to height requirement and within 30 metres of designated watercourse. Heritage listed	Approved	GPS 1992 Zone and Use: The site is zoned Winery under the Glenorchy Planning Scheme 1992. The proposal is for the expansion of the Museum of Antiquities, and could be classified in one of a number of ways. The use could be classified under the 'Tourism Facility' definition. Alternatively, the winery use class also allows for associated facilities. Failing this, the scheme allows for discretionary use status for all miscellaneous uses. Height: The scheme prescribes a height limit of 8 metres in the Local Business Zone. On this elevation the height will exceed the 8m limit by up to 3.3m and a discretion is sought. Heritage: Mandatory discretion for use and development on a heritage listed place Watercourse Protection: For development within 30m of a watercourse. Car Parking: Parking requirements are as determined as by Council. Total on-site car parking 155 spaces.
4.	PLN-07-4792.01 18/09/2007 Ireneinc Planning	Tree removal at heritage listed property	Approved Permit Amended	GPS 1992 Heritage: Mandatory discretion for use and development on a heritage listed place.

COMPARATIVE DECISIONS ANALYSIS

	<i>Tree removal</i>	5.56 LUPAA 02/01/2008	
5.	PLN-08-0276 04/11/2008 Ireneinc Planning Nick Cave Concert	Approved 02/01/2008	GPS 1992 'Tourism Facility' is a discretionary use in the Local Business Zone-Winery. Heritage: Mandatory discretion for use and development on a heritage listed place. Noise constraints have meant that particular performers' requirements could not be met and an alternative indoor venue was chosen. Conditions included: 2. The proponent must undertake noise monitoring at four (4) community sites during the conduct of the proposed concert event on 12 January 2009. 3. The sites to be monitored are Officer St; Otago Bay; Danina St, and Casaurina Crescent. 4. Noise Monitoring at the mixing desk must be undertaken simultaneously with all community monitoring to ensure all relevant data is available to assist with future noise level determinations. 5. Background (L90) noise levels are to be taken at all community sites identified in point 2, before and after the concert event. In accordance with AS1055.1-1989 Acoustics - Description and Measurement of Environmental Noise Part 1: General Procedures, background noise is to be obtained by using time-weighting, and arithmetically averaging the lowest levels of the ambient sound pressure levels measured in the absence of the noise source(s) under investigation during the time interval considered. 6. Noise emissions from the activity must be monitored at all of the aforementioned community monitoring site in accordance with the relevant standards to ensure a comprehensive and representative noise level of the community is provided. 7. The time interval over which all relevant noise levels at each of the respective monitoring sites are to be determined must be 10 minutes. 8. Council must be provided with a report on the results of the above noise monitoring requirements within (10) working days of the completion of the event.
6.	PLN-08-0333 06/04/2009 Ireneinc Planning New jetty within 30m of a listed watercourse - re-advertised	Approved	GPS 1992 'Tourism Facility' is a discretionary use in the Local Business Zone-Winery. Structures that extend into or over the sea are discretionary.

COMPARATIVE DECISIONS ANALYSIS

	Moorilla Jetty		Heritage: Mandatory discretion for use and development on a heritage listed place. Use or development within 30m of a listed watercourse is discretionary.
7.	PLN-09-0085 27/05/2009 Fender Katsalidis Pty Ltd Part demolition and building extension (removal of existing garage and new airlock entry) (Heritage listed) Alterations to Entrance	Approved	GPS 1992 Heritage: Mandatory discretion for development on a heritage listed place.
8.	PLN-10-153 29/07/2010 Ireneinc Planning New signage, tennis court and associated lighting on a Heritage Listed site	Approved	GPS 1992 Heritage: Mandatory discretion for development on a heritage listed place.
9.	PLN-10-244 20/10/2010 Ireneinc Planning Entry feature requiring variation to road alignment setback at Heritage Listed Place Entry Wall and Signage	Approved	GPS 1992 The proposed signage at the entrance to the site from Main Road is located within 4.5m of the boundary resulting in the proposal requiring discretion to vary the setback under clause 3.10.6 Heritage: Mandatory discretion for development on a heritage listed place.
10.	PLN-12-147 08/08/2012 Ireneinc Planning Rotunda at heritage listed site within 30m of a listed watercourse Wim Delvoye Chapel	Approved	GPS 1992 Heritage: Mandatory discretion for use and development on a heritage listed place. Watercourse Protection: The use and development is within 30m of a listed watercourse.
11.	PLN-13-218 28/01/2014 Ireneinc Planning Pavilion and Restaurant addition to Winery requiring variations to parking standards on a Heritage Listed place Heavy Metal	Approved	GPS 1992 Heritage: Mandatory discretion for use and development on a heritage listed place.

COMPARATIVE DECISIONS ANALYSIS

		<i>Retaining Wall</i>		
12.	PLN-13-224 28/01/2014 Ireneinc Planning	Market stalls on Heritage Listed place requiring variations to car parking standards MOMA Market (MOMA)	Approved	GPS 1992 The specified use, Market Stall, is classified as prohibited in the Winery Zone however deemed discretionary due to heritage clause 9.5.1 (b) of the Scheme. Heritage: Mandatory discretion for use on a heritage listed place. Parking: (Clause 10.8 of the Scheme) Due to existing site constraints and the layout of the existing uses and development at the site no additional car parking spaces will be provided. The 35 parking spaces generated by the use are readily accommodated on the site. 3. <i>The market is permitted to be held for one day on a weekend (Saturday or Sunday), once a week between January and April inclusive as an annual event between the hours of 12-noon to 5pm.</i> 5. <i>An activity carried out in accordance with a permit associated with the land, must not exceed an equivalent continuous A-weighted sound pressure level as measured over 15minutes (LAeq15min) of:</i> 45dB(A) between the hours of 7am to 6pm; 40dB(A) between the hours of 6pm to 10pm; 35dB(A) between the hours of 10pm to 7am.
13.	PLN-14-025 16/04/2014 Ireneinc Planning	Art installation at Place of heritage significance within 30m of a listed watercourse, including variation to height and car parking standards Turrell Sky Space 'Armana'	Approved	GPS 1992 Height: The development exceeds the permitted height of 8m, at 22m. Heritage: Mandatory discretion for development on a heritage listed place. Watercourse Protection: The use and development is within 30m of a listed watercourse. 4. <i>The art installation, being the "Turrell Sky Space", is to predominantly operate around sunset and sunrise. During the operation of the sunset and sunrise programs the illumination is subject to the following starting and ending times:</i> (a) <i>1.75 hours before sunrise;</i> (b) <i>1.75 hours after sunset.</i> <i>The installation may on occasions operate outside these hours for special events or festivals, however at any time should be operated in such a way as to prevent nuisance or disturbance to surrounding residents in relation to noise and light spill. Acceptable light spillage is defined by Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.</i>

COMPARATIVE DECISIONS ANALYSIS

14.	PLN-14-150 22/09/2014 Ireneinc Planning	Proposed Worm Mound display (Miscellaneous Use) Worm mound	Approved	GPS 1992 Use: The proposed Worm Mound as a 'Miscellaneous' use is a discretionary use pursuant to Clause 5.6 of the Glenorchy Planning Scheme 1992 within the Open Space Zone. The proposed Worm Mound for a 'Miscellaneous' use is a discretionary pursuant to Clause 3.9 of the Glenorchy Planning Scheme 1992 within the Local Business Zone, Winery LBS Zone. Setbacks: The proposal would involve a variation to the south-east side boundary to allow the structure to be within 2.5m of the side boundary.
15.	PLN-14-164 19/08/2014 Ireneinc Planning	Signage for a Tourism Facility on a Heritage Listed place Southdale Signage	Approved	GPS 1992 Heritage: Mandatory discretion for development on a heritage listed place.
16.	PLN-14-170 28/10/2014 Ireneinc Planning	New Tourism Facility (Helicopter Flights) and shelter in proximity to scheduled premises, with access and parking on 651-655 Main Road, Bernedale Helicopter	Approved	GPS 1992 The helicopter flights and shelter meet the permitted use and development standards. 4. <i>The helicopter flights may only operate between the hours of 11:00am and 4:00pm daily.</i> 5. <i>The helicopter operations are required to be in compliance with the noise control guidelines published by the Victorian Environment Protection Authority, measured in accordance with Australian Standard AS 2363 as it applies from time to time, and the Helicopter Association of Australia's "Fly Neighbourly Guide".</i> 6. <i>A verification report is required to be submitted to the satisfaction of Council's Coordinator Environmental Health Services within six months from commencement of use to certify the proposed use is complying with acceptable noise levels indicated in the noise control guidelines published by the Victorian Environmental Protection Authority.</i> 7. <i>Routine maintenance, refueling and storage of helicopters is prohibited on site.</i>
17.	PLN-14-181 30/09/2014 Ireneinc Planning	Addition (art installation) to Place of Assembly (Museum) on a Heritage Listed place within 30m of a listed watercourse Caravilla	Approved	GPS 1992 This application is for a sculpture, 'The Caravilla', to form part of a temporary art exhibition related to MONA. Heritage: Mandatory discretion for use and development on a heritage listed place. Watercourse Protection: The use and development is within 30m of a listed watercourse. 3. <i>The signs and associated structures must be removed from the property by 3 September (12 months from the date of issue of this permit), written confirmation must be provided</i>

COMPARATIVE DECISIONS ANALYSIS

to Council's Senior Statutory Planner within seven (7) days of the removal.			
18.	PLN-15-124 10/08/2015 Ireneinc Planning	Boardwalk from Main Road to Mona ferry jetty (heritage listed site and listed watercourse) in two stages Boardwalk	Approved
19.	PLN-15-085 26/05/2015 Ireneinc Planning	Waste Composed Facility (limited Impact Industry) and Kitchen Garden (Agriculture) within side boundary setback Bone Yards	Refused Appeal
20.	PLN-16-071 15/06/2016 Ireneinc Planning obo Claremont Partners Pty Ltd	Caravan Park Redevelopment Moab Caravan Park	On hold Appeal
GPS 1992 Heritage: Mandatory discretion for use and development on a heritage listed place. Watercourse Protection: The use and development is within 30m of a listed watercourse. GIPS 2015 Reasons for Refusal: <i>The use of limited Impact Industry is Prohibited within the Open Space Zone pursuant to Clause 5.6 of the Glenorchy Planning Scheme 1992 and must be refused pursuant to Clause 7.6.1 of the Scheme in accordance with Section 57(2) of the Land Use Planning and Approvals Act 1993.</i> The application seeks approval for the agricultural use of a Kitchen Garden and Sustainability Hub on Council land at 671 Main Road Berniedale, and also involves the land at 651-655 Main Road, Berniedale for access and parking. The application is subject to a number of discretions: Use: the agricultural use class is discretionary in the zone Side Setback: a number of the structures will be situated closer to the side boundary than 10m The proposal is for use on land within the same title as a Level 2 activity Watercourse Protection: The use and development is within 30m of a listed watercourse. Heritage: Mandatory discretion for use and development on a heritage listed place. RMPAT Appeal No. & Citation: 46/15P, Claremont Partners Pty Ltd v Glenorchy City Council [2016] TASRMPAT 03 GIPS 2015 The Resource Management and Appeal Tribunal affirmed that the request of an odour modelling assessment in order to inform the application of Clause E9.7. Reasons for Decision: <i>the required attenuation distance is 400 metres for sensitive use. The WWTP is a use with "potential to cause environmental harm" as defined in clause E9.3.1. Despite the Applicant's submission that the Attenuation Code only applies to new sensitive use, this is not supported by the Code wording. The proposal is substantially different to the pre-existing use of the caravan Park.</i>			

COMPARATIVE DECISIONS ANALYSIS

			The proposal was for the redevelopment of the Treasure Island Caravan Park on land leased from Glenorchy City Council as a affordable accommodation alternative for visitors to MONA, provide for common facilities for events for guests, and improvements in landscaping on the coastal edge of the peninsula. The discretions for the development include the following: Use: Pre-existing use of Caravan park is discretionary in the Open Space Zone. Car parking: A variation is required to the number of parking spaces and to the surface treatment of the parking areas. Attenuation Code: the site is located adjoining the existing sewerage treatment plant discretion for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm. Waterway and Coastal Protection Code: Mandatory discretion for development and use within the mapped area. Inundation Prone Areas Code: Mandatory discretion for development and use within the mapped area. RMPAT Appeal No. 6 Citation: 64/16P, Claremont Partners Pty Ltd v Glenorchy City Council and Anor [2016] TASRMPAT 38
21.	PLN-16-023 21/03/2016 Ireneinc Planning	Extension of Museum (Tourist operation) subject to various codes and relying on performance criteria on a heritage listed place <i>"Pharos" Turrell Pavilion</i>	Approved GIPS 2015 The proposal includes works to a place listed on the Tasmanian Heritage Register and is required to be assessed as a discretionary application in accordance with the HCHA. Use: Museum is a discretionary use in the Environmental Management Zone. Building height and setback: for development located in the Environmental Management Zone as it extends out into the river. Car parking: A variation is required to the number of parking spaces required as no additional parking is provided for the development. Inundation Prone Areas Code, Biodiversity Code & Waterway and Coastal Protection Code: Mandatory discretion for development and use within the mapped area.

NOTE: This is not a complete set of all applications made in relation to MONA.

Abbreviations

PS: Planning Scheme

GPS 1992: Glenorchy Planning Scheme 1992

GIPS 2015: Glenorchy Interim Planning Scheme 2015

APPENDIX C - SUBMISSIONS

The following are submissions made in response to the *Glenorchy Interim Planning Scheme 2015*, and the *Draft State Planning Provisions* respectively.



18 May 2016

Mr Greg Alomes
Executive Commissioner
Tasmanian Planning Commission
email: <tpc@planning.tas.gov.au>

Dear Sir,

DRAFT STATE PLANNING PROVISIONS - MONA

I am writing on behalf of our client MONA to make a submission in relation to the *Tasmanian Planning Scheme - Final Draft State Planning Provisions* (7 March 2016), otherwise known as the draft SPP.

MONA is located at 651-655 Main Road, Berriedale, and has interests via lease arrangements over the neighbouring council land at 671 Main Road and 1 Alcorso Drive. Furthermore, MONA has interests in organising a range of arts and cultural events around the state that have been the subject of many and varied applications with various councils.

MONA annually receives over 340,000 visitors a year and is the second most visited attraction in Tasmania (Tourism Tasmania, MONA Visitor Profile, March 2016). MONA's activities include the summer and winter festivals MONA FOMA and Dark MOFO, along with a constant turnover of temporary works and installations, exhibitions, concerts and markets.

ART FESTIVALS AND INSTALLATIONS

These occasional events as well as the temporary exhibitions at MONA contribute to the interest and eclectic nature of MONA's involvement in the community and as a tourism drawcard. However, the installations often trigger the need for a planning permit and do not easily conform to the requirements of the planning scheme.

Previously, as the MONA site was listed place under the *Glenorchy Planning Scheme 1992*, there was an ability for works for occasional cultural and/or community activity to be exempt from planning approval in accordance with 9.5.2(i)(iii). The Draft SPP has exemptions for 'occasional use' in Table 4.1 if:

- (a) infrequent or irregular sporting, social and cultural events; or
- (b) markets on public land

The exemption is specifically for use and does not assist where there are any works associated with the use. It also makes an unnecessary distinction between markets on public land as distinct from private land.

The exemptions of the Draft SPP include 'temporary buildings or works' if:

- (a) to facilitate development for which a permit has been granted or for which no permit is required or for an occasional use that is exempt under this part;
- (b) not occupied for Residential use; and

smithstreetstudio | ireneinc

49 Tasma St, North Hobart, TAS 7000
Tel (03) 6234 9281
Fax (03) 6231 4727
Mob 0418 346 283

(c) removed within 14 days of completion of development or occasional use.

As an example we prepared an application for a Cameron Robbins artwork at MONA that required a development application (PLN-16-059), for temporary artworks. A similar installation (illustrated below) had previously been installed on the site, which was exempt in accordance with the previous scheme.



Figure 1: Cameron Robbins Temporary Artwork at MONA (Source: <<http://cameronrobbins.com/wind-section-instrumental-sonic-wind-section/>>)

The recent application for the Cameron Robbins work triggered a range of discretions for in the zones for use, setback, design, landscaping, and in the Waterway and Coastal Protection Code, and Inundation Prone Areas Code. The timeframe and costs for the preparation, assessment and lodgment of the development application was comparative to that of the installation and the exhibition length.

This artwork is just one example of some of a temporary works that contributes to MONA's presence within Tasmania. Exhibitions can be in place anywhere from 3 to 9 months and the MONA market runs for 10 weeks. The planning constraints that apply are also relevant to other cultural attractions within Tasmania. To encourage innovative artistic endeavor in Tasmania to capitalise on MONA's influence then it needs to be adopted at the planning scheme level.

- › **It is recommended that there is greater scope for temporary works associated with cultural events to be exempt from requiring a planning permit, and/or for greater discretion to the provisions of the zones and code.**

APPLICATIONS FOR USE ACROSS ZONES

For the original Hotel MONA application made under the *Glenorchy Planning Scheme 1992*, the application involved four titles, three owned by Moorilla in the Local Business 3 Winery Zone, and the fourth in the Open Space Zone. The fourth title was included as it contained overflow carparking, which is currently leased from Council and is necessary to meet the parking requirements for existing uses on the site and for the hotel. The Council, in a request for further information dated 19th November 2013 stated the following:

The current application covers four titles: 6136613, 6136614, 16403911 and 13951111. The first three properties are owned by Claremont Partners (TAS) Pty Ltd and are zoned such that the proposed uses are permissible as discretionary uses that could be approved by the Planning Authority. However, the fourth property, which is owned by Glenorchy City Council, is zoned Open Space in the location of the carpark which is included in this application as part of, among other things, a motel as defined by the Glenorchy Planning Scheme (GPS).

A “motel” is a prohibited use (as is a “winery”) within the Open Space zone and so, the application cannot include 139511/1 in the planning permit application. Council requires a statement from you advising that this property is now excluded from the application and once this is received Council will be able to publicly advertise the application.

If Council are to take the above position with regard to future development it will impact on applications with regard to facilities associated with the hotel development that spans across the neighbouring zones, particularly with regard to parking that is required by the Scheme, but may be used by multiple uses.

Section 6.2.5 under 6.2 Categorising Use states that:

If more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a use class.

The Draft SPP defines site as ‘means the lot or lots on which a use or development is located or proposed to be located’.

- › **Greater clarification is needed of how use and development is categorised across a ‘site’ that is inclusive of multiple zones, particularly for an ancillary use that would be otherwise permitted.**
- › **It is recommended that the status of a use should be specific to the zone that the use is to occur where multiple uses are applied for in a singular application for a site.**

MAJOR TOURISM ZONE

The MONA site is currently within the Major Tourism Zone. A number of uses which are considered for future and existing development on the site are prohibited in the zone in the Draft SPP, 24.2 Use Table, including recycling and waste disposal, resource development, crematoria and cemeteries and unlisted uses.

- › **It is recommended that greater discretion is allowed for uses within the Major Tourism Zone.**

PARKING AND SUSTAINABLE TRANSPORT CODE

The Museum site has restricted capacity to provide on site car parking, due to the landscape and buildings but also to the heritage values of the site. As a result, a comprehensive range of integrated alternative transportation types have developed and successfully embraced by visitors and members of the community, including private ferry service, private buses and shuttle services, limousine service, improved public transport to the site, bike hire, and at peak times increased ferry transport and bike parking. Whilst this model of sustainable transport should be supported and lauded, the SPP provides restricted capacity to minimise the need for on-site parking. The Performance Criteria of C2.5.1 P1.1 does not provide substantive enough scope for variations to the number of parking spaces that have been included with the IPS and previous scheme.

- › **It is recommended that C2.5.1 P1.1 is revised to include in (c) the availability and frequency of *alternative* or public transport, and in (d) site constraints including protection of *heritage values*. Alternatively it is recommended that a Parking Precinct Plan is applied to the MONA site, in accordance with C2.7.1.**

COASTAL INUNDATION HAZARD CODE

The purpose of this Code is to identify and manage risk in relation to inundation, and to manage development in coastal location for coastal instability and dynamics. There are bands of the coast around MONA that would be identified in the High Hazard Band.

The provisions for inundation in the Draft SPP would prohibit visitor accommodation and potentially further development that spans over the mapped high hazard area, even though the habitable floor level is at a level that would not be inundated. The figure below illustrates the approximate location of the approved Turrell Ganzfeld (museum extension), over the current scheme hazard mapping. The floor level of the extension has a habitable floor level of 4.5AHD, which is around 3.45m above potential inundation risk.

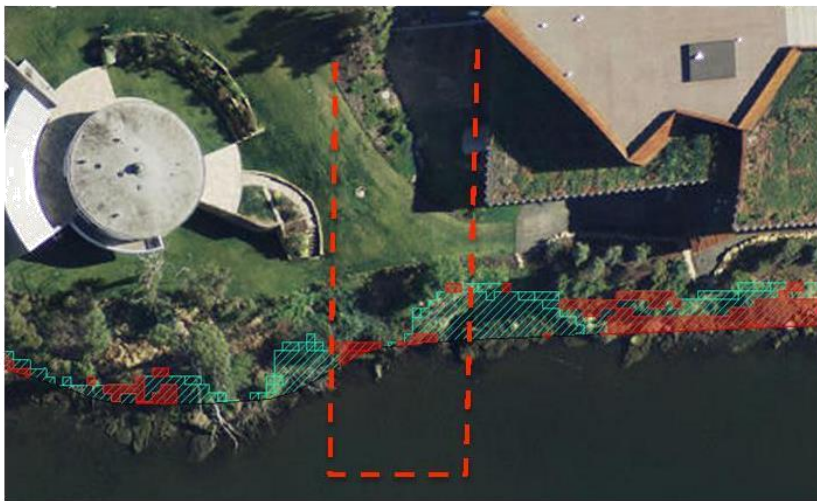


Figure 2: Coastal Inundation Hazard Area (Source: GIPS 2015). Red Areas indicate areas of high hazard, and dashed line is indicative of the location of the Turrell Ganzfeld.

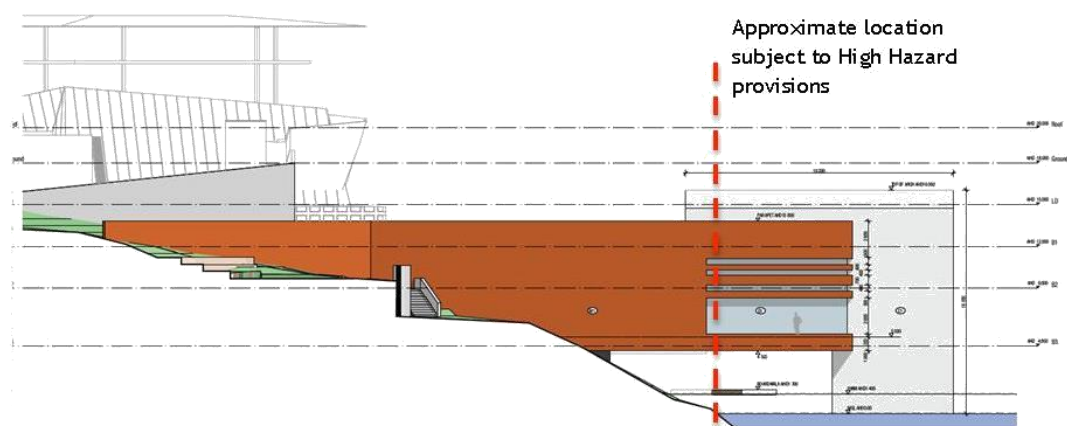


Figure 3: Approved Turrell Ganzfeld Elevation (Source: Fender Katsalidis Architects)

- › It is recommended that Inundation Code to specify that habitable floor levels should be above inundation risk levels and that Visitor Accommodation is not prohibited over mapped areas.

RIVERINE INUNDATION HAZARD AREA

It is not clear whether this code will apply to the River Derwent, which would also be subject to the Coastal Inundation Code.

- **It is recommended that coastal areas are not included within Riverine Inundation Hazard Areas Code.**

If you would like some further information please do not hesitate to contact me on 6234 9281.

Yours sincerely



Jen Welch
IRENEINC PLANNING

ireneinc &
smithstreetstudio
PLANNING & URBAN DESIGN



31 August 2015

Mr Peter Brooks
General Manager
Glenorchy City Council
374 Main Rd,
GLENORCHY, TAS, 7010

Dear Sir,

GLENORCHY INTERIM PLANNING SCHEME 2015 - SUBMISSION

651-655 & 671 MAIN ROAD, BERRIEDALE

Acting on behalf of the Moorilla Estate, Ireneinc Planning is making a submission in relation to the *Glenorchy Interim Planning Scheme 2015* (KIPS 2015). The submission is in respect to the applied specific provisions affecting the land at the properties 651-655 & 671 Main Road, Berriedale (CT 164039/1, 61366/3, 61366/4 & 139511/1) and their implications for the ongoing use and future use and development of the land. This submission relates to the Moorilla Estate land as well as the Council owned land leased to Moorilla (CT139511/1), referred to herein on in as the subject site and demonstrated in Figure 2 below.

THE SUBJECT SITE

The subject site is accessed off Main Road which forms the site boundary to the west, with the River Derwent forming its border to the east and south, as well as part of the north. The remainder of the northern boundary is Council land. The site is largely zoned Major Tourism, as shown in white in Figure 3, with the leased Council land zoned Environmental Management (turquoise), and adjoining land to the north zoned Utilities (yellow), Recreation (green) and Open Space (dark green). The site also shares a small section of boundary with General Residential along the southwest corner.

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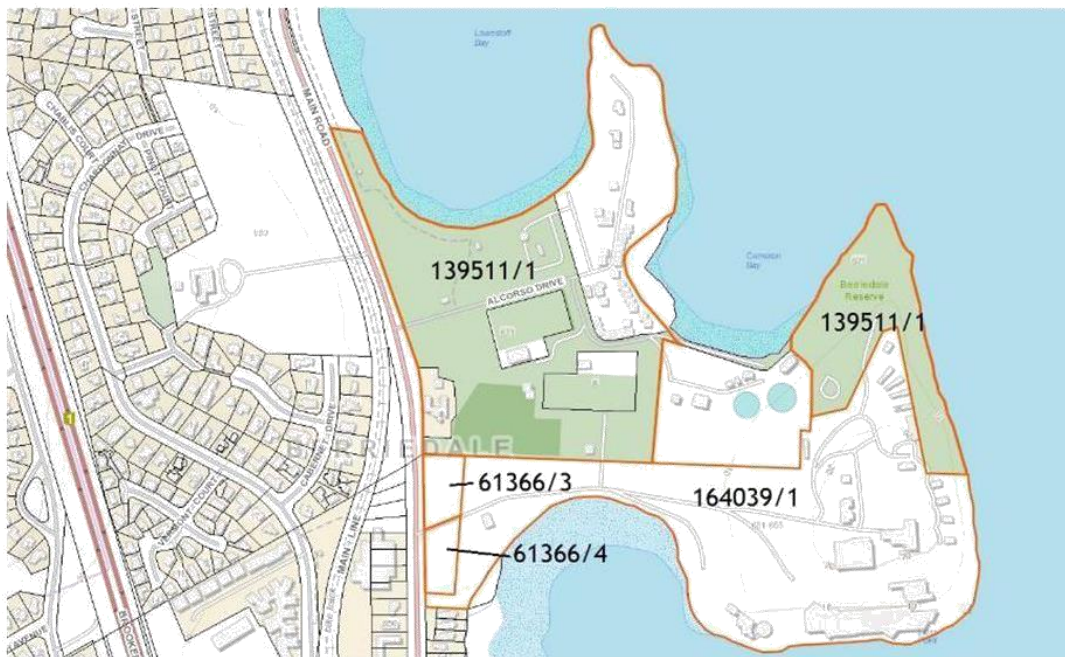


Figure 1: Subject Site (source: the LIST)



Figure 2: Site Aerial (source: The LIST)

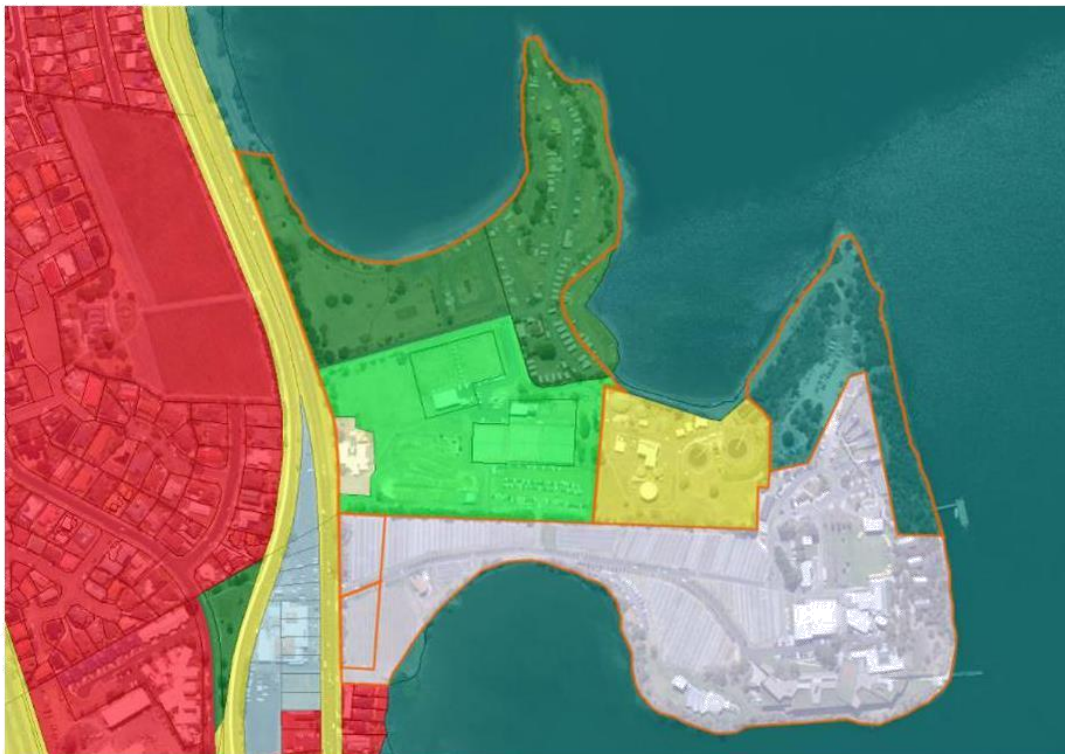


Figure 3: Zoning Plan (source: The LIST)

This submission considers the following matters raised by the KIPS 2015:

- Major Tourism Zoning;
- Desired Future Character Statements within the Major Tourism Zone;
- Applications for Use Across Multiple Zones;
- Historic Heritage Code;
- Setback from Land Zoned Environmental Management;
- Resource Development Use within the Environmental Management Zone;
- Development within Coastal Inundation High Hazard Areas; and,
- Requirement for Landscaping Plan in the Major Tourism Zone.

MAJOR TOURISM ZONING

The Moorilla estate site has been zoned Major Tourism Zone. The use of the site has evolved from a vineyard and winery, small Antiquities museum and complex of family homes, to the eclectic collection of uses now housed on the site, revolving around the food and beverage, and art gallery, resource centre, visitor accommodation, and museum functions; but also hosting community events, markets, concerts, local food production and keeping of livestock, and planned works for kitchen gardens and education programs. The site has had the opportunity to evolve into a world class facility in part because design and use of the site have not been overly constrained by regulation. Both under the ownership of Claudio Alcorso and now David Walsh the site excels in innovative and left unanticipated endeavours. This makes land use regulation difficult, as planning restrictions are reflective rather than anticipatory.

One of the fundamental principles underpinning the development of the site under the current ownership regime however, is that it is for the people. Local residents are admitted free, local markets and festivals attract not only local Tasmanians, but specifically local Glenorchy residents,

who feel some pride and ownership in the facility. Programs currently being prepared will continue this community focus.

For this reason, we believe that the Major Tourism Zone is not the appropriate zone designation for the site. Whilst the use and development on the site IS a major tourist attraction, its purpose is not to BE a major tourist attraction.

As a result, the table of uses does not make provision for the agricultural and community activities, and limits the range of resource development and resource processing. Additionally, the planning classification of adult entertainment venue is separately defined under 4.1, but not included in any use classifications, and its status is uncertain. Other uses that may be considered for future development and use that are currently prohibited are recycling and waste disposal, resource development (currently limited), crematoria and cemeteries, and unlisted uses.

The submission requests that the inappropriate zoning be reconsidered, either by rezoning or changes to the 30.1.1 Zone Purpose Statements and 30.2 Use Table to reflect the primarily agricultural and community focus.

DESIRED FUTURE CHARACTER STATEMENTS WITHIN THE MAJOR TOURISM ZONE

Clause 30.4.3 *Design* applies to all development within the Major Tourism Zone and provides no acceptable solutions. The sole performance criteria against this clause is:

P1

The design of development must comply with all applicable desired future character statements.

In effect, this makes all development applications discretionary, with approval subject to appraisal against the Desired Future Character Statements. There is some concern as to how this discretion will be considered and applied, as the aims of the statements do not contain any specific objectives, measures or tests given that the implementation strategy refers back to the statements themselves through clause 30.4.3 *Design*.

Given the uncertainty, the submission proposes to include provision for minor alterations to existing buildings within the acceptable solutions.

The submission also requests clarification of the wording of statement (e) to confirm that views and vistas 'through' the site are confined to views originating within the site only.

The wording of point (e) is unclear as to whether views 'through' the site are confined to views originating within the site only, or also from external to the site. If this also includes views and vistas through the site from outside then it will be onerously restrictive of built form outside of existing built form envelopes.

It is also considered that the Desired Future Character Statements are not related to, and more restrictive, than the higher level provisions of the Zone Purpose Statements. Standards within the zone (such as Development Standards for Buildings and Works) that refer to the Desired Future Character Statements do not also include reference to the Zone Purpose Statements, and hence do not refer back to the higher discretion and purpose of the Zone Purpose Statements. The submission proposes that standards 30.4.1, 30.4.2 & 30.4.3 be amended to include reference to the Zone Purpose Statements.

APPLICATIONS FOR USE ACROSS MULTIPLE ZONES

For the original Hotel MONA application, the application involved four titles, three owned by Moorilla in the Local Business 3 Winery Zone, and the fourth in the Open Space Zone. The fourth title was included as it contained the carpark. The Council, in a request for further information dated 19th November 2013 stated the following:

The current application covers four titles: 61366/3, 61366/4, 164039/1 and 139511/1. The first three properties are owned by Claremont Partners (TAS) Pty Ltd and are zoned such that the proposed uses are permissible as discretionary uses that could be approved by the Planning Authority. However, the fourth property, which is owned by Glenorchy City Council, is zoned Open Space in the location of the carpark which is included in this application as part of, among other things, a motel as defined by the Glenorchy Planning Scheme (GPS).

A “motel” is a prohibited use (as is a “winery”) within the Open Space zone and so, the application cannot include 139511/1 in the planning permit application. Council requires a statement from you advising that this property is now excluded from the application and once this is received Council will be able to publicly advertise the application.

If Council are to take the above position with regard to future development, it will have future applications with regard to facilities associated with the hotel development that are located outside of the Major Tourism Zone (either Environmental Management or Recreation). Examples of these implications are Pleasure boat facility use class in the Environmental Management Zone or Vehicle parking use class within the Recreation Zone. These use classes are both discretionary within the respective zones, however, if ancillary to the hotel may be prohibited within the zone in which they are located.

Section 8.2.5 under 8.2 Categorising Use states that:

If more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a use class.

The GIPS defines site as ‘means the lot or lots on which a use or development is located or proposed to be located’.

The scheme may need to provide clarification on how 8.2.5 will apply, whether the ‘site’ refers only to a lot or lots upon which a single use is located, and whether there may be scope to apply for multiple uses if ancillary to another use but located on different lots and zones. If this cannot be achieved, then provision needs to be made for cases in which development in one zone that is an ancillary use to a use in another zone may be prohibited, despite the use and activities being otherwise allowable as a stand-alone use.

HISTORIC HERITAGE CODE

MONA’s themes of old and new, death and sex relate not only to the contents of the museum exhibits, but also to the evolving heritage of the site. The three existing heritage buildings on the site (Courtyard House, Round House and original dwelling) have been respected and responded to in the design of the museum building, the contemporary design of which encourages an evolving narrative and interpretation of the relationship between the old and the new on the site. The new

contemporary built form contrasts and complements the individual heritage characteristics of the three older buildings to enhance the properties importance as a heritage place.

Critical to the above, the new built form is not *subservient*, but responsive to the currently listed heritage buildings on the site. The requirement of clause E13.7.2 *Buildings and Works other than Demolition* for development to be subservient to the heritage characteristics contained with the performance criteria for the second standard greatly restrict future development from contributing to this ongoing narrative.

P2

Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;*
- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

In addition, the requirement for new development to be subservient to the existing and current heritage characteristics is impractical in relation to the evolution of the MONA site. Should the current standards have applied before the development of the Roy Grounds buildings, both of these buildings, and the contemporary museum building, would arguably have been prohibited because they are not subservient to the original dwelling in terms of scale and bulk or materiality. The contemporary museum's significance both architecturally and culturally means that there is potential that this building will eventually also be heritage listed. Requiring subservience in all future development not only limits the design of future development to respond to the evolving heritage narrative of the site, but also hinder the potential for development of new, future heritage fabric.

A similar issue was raised in relation to the Hobart IPS, where in the report to the THC the planning officer recommended that the wording should be amended to:

'designed to complement the historic cultural heritage values of the place and be responsive to its dominant characteristics.'

The submission proposes to remove the word 'subservient' from clause 13.7.2 's performance criteria P2, and replace with the word 'responsive'.

SETBACK FROM LAND ZONED ENVIRONMENTAL MANAGEMENT

Within the Major Tourism Zone the acceptable solution for a setback to land zoned Environmental Management is 20m. Buildings and works within this setback need to satisfy the following performance criteria:

- (a) there is be no direct impact from the development on environmental values;*
- (b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;*
- (c) there is no potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;*

(d) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.

Criteria (a) does not state that the 'impact on environmental values' referred to is an impact on the adjacent Environmental Management zone only, or also elsewhere on site, or anywhere.

Criteria (c) does not state that the potential for 'contaminated or sedimented water runoff' mentioned is as a result of the development.

Criteria (d) is inconsistent with Desired Future Character Statement (f) 'Foreshore access around the headland is encouraged'. This provision is more restrictive of development within a setback to the Environmental Management Zone than within the Environmental Management Zone itself. If the environmental impacts of development within the setback is the concern, then it is considered that provisions of the standards within clause 29.4.3 *Design* would be more reasonable and appropriate.

The submission proposes that the performance criteria is amended in the following manner:

P4

Buildings and works must be setback from land zoned Environmental Management to satisfy all of the following:

(a) there is be no direct impact on Environmental Management zoned land from the development on environmental values;

(b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;

(c) ~~there is no~~ the development does not increase the potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;

~~(d) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management~~ development is consistent with any applicable Desired Future Character Statements.

RESOURCE DEVELOPMENT USE WITHIN THE ENVIRONMENTAL MANAGEMENT ZONE

Part of the site assessed as part of this submission, CT139511/1 that is currently leased to Moorilla, has been included in the Environmental Management Zone. The zoning of this land is inappropriate as it simply follows existing title boundaries rather than identifying particular environmental qualities. The site has been substantially cleared and used for storage and works. Whilst it is acknowledged that the foreshore and remnant vegetation are sensitive areas, the application of the Biodiversity, Waterway and Coastal Protection, and Inundation Prone Areas Codes are sufficient to protect these areas and values.

The proposed zoning prohibits agricultural use of the land, which has implications for the works proposed on the site in the Master Plan - the community gardens and the ancillary Bone Yard facility - which would both be classified as the prohibited use class Resource development.

The submission proposes to either rezone the land or amend the use table to allow for agricultural use and uses ancillary to the operation of MONA and Moorilla in accordance with future uses and development indicated on the Berriedale Reserve + MONA Master Plan.

DEVELOPMENT WITHIN COASTAL INUNDATION HIGH HAZARD AREAS

The eastern foreshore of the site contains a narrow strip of high class Coastal Inundation Hazard Area. The Master Plan shows this as the site of the proposed Hotel MONA, which would project over this area.

The purpose of the Code is to identify and manage risk in relation to inundation, and to manage development in coastal location for risks of inundation, coastal instability and dynamics. In this sense a building that is overhanging this area, some 15m above the water line, and not physically interacting with the land within this overlay will not increase any risk of inundation. The area is also subject to Landslide Hazard and Waterway and Coastal Protection areas, and any development would therefore need to manage land stability and runoff in accordance with these codes.

The submission proposes to allow habitable buildings to project over high class Coastal Inundation Hazard Areas where it can demonstrate no risk of inundation and does not physically involve the land within the high class hazard area.

It is also proposed to allow for Inundation Hazard Area mapping to be refined where site investigations show it to be inconsistent with the AHD values of Table E15.2.

TEMPORARY & OCCASIONAL EVENTS AND ARTWORKS

Temporary and occasional artworks such as the Worm Mound, Caravilla, and the Heavy Metal Retaining Wall previously on the Moorilla site require a permit for both use and development.

That the submission reuests the addition of 'Temporary artworks' to 6.0 Limited Exemptions, where in the Major Tourism Zone, and satisfying the acceptable solutions of clauses 30.4.1 & 30.4.2.

REQUIREMENT FOR LANDSCAPING PLAN IN THE MAJOR TOURISM ZONE

Clause 30.4.4 *Landscaping* in the Major Tourism Zone ensures that publicly accessible spaces between buildings are landscaped to a high standard and integrate with each other. There is no acceptable solution against this standard, effectively making all development applications discretionary.

P1

A landscaping plan, prepared by a suitably qualified landscape architect demonstrates to the satisfaction of the planning authority that publicly accessible spaces between buildings are landscaped to a high standard and integrate with other spaces, with a shared palette of paving materials, lighting and the like throughout.

There is some concern as to the absence of specific and testable criteria within this standard, as it is ultimately subject to the 'satisfaction of the planning authority'. The Claremont Peninsula Specific Area Plan provides an example of a landscaping standard that provides clear, achievable, and testable criteria in the acceptable solution.

F1.9.5.5 Design

A4

Development must include a landscaping plan, showing all of the following:

(a) all footways, outdoor car parks, other outdoor vehicular access areas, and public, shared or private open space must be landscaped;

(b) boundaries between public, shared or private open space must be defined using one or more of the following:

- (i) grade changes;*
- (ii) changes in vegetation;*
- (iii) low fencing or walls;*
- (iv) changes in surface treatment;*

(c) clear sightlines must be maintained between footways, car parks, other vehicle access areas, and public, shared or private open space;

(d) planting within 20m of the foreshore must use locally endemic species;

(e) planting must not include the following:

- (i) Eucalyptus globulus or Eucalyptus ovata;*
- (ii) known environmental weeds;*

(f) a vegetation management plan for weed removal and weed hygiene must be provided.

The submission proposes to include acceptable solutions for development to include a landscape plan prepared by a suitably qualified landscape architect which shows similar criteria to that outlined in the acceptable solution for clause F1.9.5.5 Design.

Should Council want to discuss the above in detail in order to cooperatively frame key circumstances and directions forward, MONA is happy to do so.

Yours faithfully



Tim Nichols
Planner
IRENEINC PLANNING

APPENDIX D - COMPARATIVE USE ANALYSIS

The following table provides an assessment of the use of the MONA land with respect to the *Glenorchy Planning Scheme 1992* (GPS 1992), the *Glenorchy Interim Planning Scheme 2015* (GIPS 2015), and the proposed MONA SAP.

ACTIVITY	USE CLASS - GPS 1992	WINERY ZONE*	USE CLASS - GPS 2015 / SPP / SAP	GPS 2015 - MAJOR TOURISM ZONE (30.2)*	SPP 2017 - MAJOR TOURISM ZONE*	GPS 2015 - ENVIRONMENTAL MANAGEMENT ZONE (29.2)	MONA SAP
EXISTING APPROVED MONA DEVELOPMENT							
Museum and Library	Miscellaneous	D	Community meeting and entertainment	P	P	D	P
Accommodation	Motel	D	Visitor Accommodation	P	P	D	P
Restaurant, Cafe	Restaurant	D	Food Services	P	P - if not for take away food premises	X	P
Wine Bar	Liquor Establishment	D	Hotel Industry	D	P	X	P
Winery	Winery	P	Resource Processing	P only if winery, microbrewery or a distillery	D - if for food and beverage production	X	P - Only if winery, brewery, distillery, or the compost waste generated by on-site activities
Markets	Market Stall	X	General Retail and Hire	D	D	X	P - For markets (weekly or less frequently) - or D
Stage	Outdoor Recreation Complex	X	Community meeting and Entertainment	P	P	D	P
Various art	Miscellaneous	D	Ancillary to Community meeting and entertainment	P	P	D	NPR - for temporary art installations, occasional events associated with or ancillary to the use of the site.
Ferry service	Tourism Facility	D	Utilities	D	D	D	D
Vineyard	Agriculture	X	Resource Development	P only if vineyard	X	X	P
HOTEL MONA CONCEPT							
Museum and Library	Miscellaneous	D	Community meeting and entertainment	P	P	D	P
Child Care	Child Care Centre	X	Educational and Occasional Care	P	D	X	D
Hotel	Motel	D	Visitor Accommodation:	P	P	D	P
Casino	Liquor Establishment	D	Hotel Industry	D	P	X	P
Jetty	Tourism Facility	D	Pleasure Boat Facility: Or, Utilities: Or, Port and shipping	D	D	X	D
			D - Only for loading and unloading of passengers and associated facilities	X		X - Only if existing facility	D - only for loading and unloading of passengers and associated facilities
Apartment	Single Dwelling	X	Residential	D	D	X	D
Spa	Major Business Premises	X	Business and Professional Services: or General Retail and Hire: or	X	D	X	D
	Miscellaneous	D	Tourist operation	P	D	X	P - For markets (weekly or less frequently) - or D
Storage	Warehouse	X	Storage	X	X	X	D
Office	Major Business Premises	X	Business and Professional Services	X	D		D
Restaurants	Restaurant	D	Food Services	P	P - if not for take away food premises	X	P
Helipad	Tourism Facility	D	Utilities (as above)	D	D	D	D

NPR = No Permit Required, P = Permitted, D = Discretionary, X = Prohibited

*All subject to provisions related to heritage provisions that may enable otherwise prohibited development from occurring.

Glenorchy Interim Planning Scheme 2015 – Panel direction from 5 February 2016**651-655 & 671 Main Road, Berridale (the MONA Site) – submission by Tim Nichols (Ireneinc Planning) on behalf of Moorilla Estate**

At the Panel hearing on the Glenorchy Interim Planning Scheme 2015 (GIPS 2015) Jen Welch outlined the following key issues raised in the submission:

- Major Tourism Zone is not an appropriate zone
- Code application (particularly the Inundation Prone Areas Code)
- Heritage
- Subservience 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.

Council officers indicated that these issues would be more appropriately dealt with via a separate amendment, rather than through the Section 30J Report process being considered by the Panel.

The Panel directed Council and the representor discuss the matter of preparing a future amendment and provide a joint report back to the Panel on within 21 days (29 February 2016).

The following issues were discussed at a meeting between Irene Duckett (Ireneinc) and Steve Devereaux (MONA Site Projects Manager) and Lyndal Byrne (Glenorchy City Council) on 18 February 2016.

- Ability to develop a masterplan / development plan for the site – which could be adapted into new controls (such as a Specific Area Plan or a Particular Purpose Zone) to replace the Major Tourism Zone.

The proponent indicated use of the MONA site and activities on the site were uncertain / evolving and therefore it would be difficult to identify any clear direction.

It was noted that as a SAP overrides other controls – the issue around cantilevering buildings over land in the Inundation Prone Areas Code might be one element that could be potentially addressed in the SAP.

- Heritage

The proponent noted that a conservation plan was under development and they were meeting with the Tasmanian Heritage Council about how new applications might be assessed in respect to heritage elements of the site.

- Exemptions for temporary works on site for less than 6 months

Council officer indicated that if an indication of particular sites/areas (particularly given the environmental issues with the site) and a concept for what the works would be (structure; approx. height), that it may be possible to develop an acceptable solution pathway for these types of works (ie create a building envelop).

- Further work required to develop an amendment

It was agreed that further work would be required to address the issues and that a future amendment would be required. An amendment could be considered as part of the new Local Provisions Schedule or independently.

The proponent noted that the range of potential/possible future uses would make it difficult to develop new controls and identify particular uses for the site.

Council officer noted that the site was complicated and that Council would have to look at impacts on its land (being public land), and the environmental issues of the site.

Lyndal Byrne Strategic Planner Glenorchy City Council	Irene Duckett Ireneinc Planning

MAJOR TOURISM ZONE		ENVIRONMENTAL MANAGEMENT ZONE		MONA SAP	
No Permit Required		No Permit Required		No Permit Required	
Use Class	Use Class	Use Class	Qualification	Use Class	Qualification
				Community meeting and Entertainment	Only if for temporary art installations, art works or occasional events associated with or ancillary to an existing use
Natural and Cultural Values Management		Natural and Cultural Values Management		Natural and Cultural Values Management	
Passive recreation		Passive recreation		Passive recreation	
Utilities	Only if minor utilities			Utilities	Only if minor utilities
Permitted		Permitted		Permitted	
Use Class	Qualification	Use Class	Qualification	Use Class	Qualification
Community Meeting and Entertainment		Community Meeting and Entertainment	Only if a reserve management plan applies	Community Meeting and Entertainment	Except if No Permit required
Education and Occasional Care	Except if a child care centre, day respite facility, primary school or secondary school	Education and Occasional Care	Only if a reserve management plan applies		
		Emergency Services	Only if a reserve management plan applies		
Food Services		Food Services	Only if a reserve management plan applies	Food Services	
		General Retail and Hire	Only if a reserve management plan applies	General Retail and Hire	Only if for markets (weekly or less frequently)
				Hotel Industry	

MAJOR TOURISM ZONE		ENVIRONMENTAL MANAGEMENT ZONE		MONA SAP	
		Pleasure Boat Facility	Only if a reserve management plan applies		
Research and Development		Research and Development	Only if a reserve management plan applies	Research and Development	
		Residential	Only if a reserve management plan applies		
		Sports and Recreation	Only if a reserve management plan applies		
Resource Development	Only if vineyard			Resource Development	Only if for vineyard
Resource Processing	Only if winery or a microbrewery or a distillery			Resource Processing	Only if winery, a brewery or a distillery
Tourist Operation		Tourist Operation	Only if a reserve management plan applies	Tourist Operation	
		Utilities	Only if a reserve management plan applies		
		Vehicle Parking	Only if a reserve management plan applies		
Visitor Accommodation		Visitor Accommodation	Only if a reserve management plan applies	Visitor Accommodation	
Discretionary		Discretionary		Discretionary	
Use Class	Qualification	Use Class	Qualification	Use Class	Qualification
		Community Meeting	Except if permitted		

MAJOR TOURISM ZONE		ENVIRONMENTAL MANAGEMENT ZONE		MONA SAP	
		and Entertainment			
				Education and Occasional Care	
Emergency Services		Emergency Services	Except if permitted	Emergency Services	
		Extractive Industry	Only in Conservation Area, Regional Reserve or Public Reserve under the Crown Lands Act 1976, or on CT199073 [361 Tolosa Street, Glenorchy]		
General Retail and Hire				General Retail and Hire	Except if Permitted
Hotel Industry					
Pleasure Boat Facility		Pleasure Boat Facility	Except if permitted	Pleasure Boat Facility	
Port and Shipping	Only for loading and unloading of passenger and associated facilities	Port and Shipping	Only if Existing facility	Port and Shipping	Only if for loading and unloading of passengers and associated facilities
		Research and Development	Except if Permitted		
Residential		Residential	Only if a single dwelling on land other than public land	Residential	
		Resource Development	Only if for grazing of animals on native pasture or existing non-native pasture. Only if marine farming shore facility or other	Resource Development	Only if for Agriculture

MAJOR TOURISM ZONE		ENVIRONMENTAL MANAGEMENT ZONE		MONA SAP	
			facility dependant on a coastal location.		
		Resource Processing	Only if dependant on a coastal location.		
Sports and Recreation		Sports and Recreation	Except if Permitted	Sports and Recreation	
		Tourist Operation	Except if Permitted		
Utilities	Except if No Permit Required	Utilities	Except if Permitted	Utilities	Except if No Permit Required
Vehicle Parking		Vehicle Parking		Vehicle Parking	
		Visitor Accommodation	Except if Permitted		
Prohibited		Prohibited		Prohibited	
Qualification	Qualification	Use Class	Qualification	Use Class	Qualification
All other uses		All other uses		All other uses	