

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 20 APRIL 2020



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman Kristie Johnston

Hour: 5.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 16 March 2020 be confirmed.

5. PLANNING SCHEME AMENDMENT REQUEST - PLAM-19/01 - ADDRESS: DERWENT ENTERTAINMENT CENTRE 601, 601A AND 601B BROOKER HIGHWAY, GLENORCHY - S.39 REPORT TO TPC - MERITS OF REPRESENTATIONS

Author: Director Strategy and Development (Sam Fox)

Qualified Person: Consultant Planner (Emma Riley)

Property ID: 7597188

REPORT SUMMARY:

Application No.: PLAM-19/01

Applicant: Irene Inc Planning on behalf of LK Property Group Pty Ltd.

Owners: Glenorchy City Council and the Crown.

Report Purpose: To consider the merits of representations received during the public exhibition period for draft Amendment PLAM-19/01 to the *Glenorchy Interim Planning Scheme 2015* and their effect on the proposal.

Council's assessment must be provided to the Tasmanian Planning Commission under Section 39 former provisions, of the *Land Use Planning and Approvals Act 1993* (LUPAA)

Representations: 2 received: 1 objecting, 1 no objection

Recommendation: That Council report to the Tasmanian Planning Commission about the draft Amendment application PLAM-19/01 to the *Glenorchy Interim Planning Scheme 2015*, under s39, former provisions, of the *Land Use Planning and Approvals Act 1993*, recommending that a further modification is made to the certified draft amendment to prohibit Gaming Machines under the Hotel Industry use class within Precinct C, being Clause F13.5.3 Use Table for Precinct C in the Wilkinsons Point Specific Area Plan.

REPORT IN DETAIL:**INTRODUCTION:**

The draft amendment to the *Glenorchy Interim Planning Scheme 2015*, was publicly notified from Wednesday 26 February 2020 until Thursday 26 March 2020.

The public notification involved advertisements in the Mercury on 26 February 2020 (a Wednesday) and 29 February 2020 (a Saturday) and a mail-out of letters to all owners and occupiers of land adjacent to or opposite the site.

Two representations were received during the exhibition period, one objecting to the amendment and one (from Department of State Growth) indicating no objection. TasWater's response stated that they had no concerns and was received prior to the

certification of the Draft Amendment. This report examines the merits of those representations.

BACKGROUND:

Overview of the draft amendment

Initiation of the amendment

Council, at its Glenorchy Planning Authority meeting on 23 October 2019, determined to initiate the draft amendment. Subsequent to the provision of additional information from the applicant and preparation of a modified amendment, the Glenorchy Planning Authority at its meeting of 17 February 2020 determined to certify the draft amendment and place it on public exhibition for 28 days. (The Report can be viewed at: http://glenorchy.infocouncil.biz/Open/2018/01/PA_15012018_AGN.PDF)

STATUTORY REQUIREMENTS:

In respect to the draft amendment, section 39(2), former provisions of the LUPAA, provides that a planning authority must, not later than 35 days after the exhibition period of a draft amendment or such further period as the Commission allows, forward to the Commission a report comprising:

- (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to –*
 - (i) *the need for modification of the draft amendment in the light of that representation; and*
 - (ii) *the impact of that representation on the draft amendment as a whole; and*
- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

This report is being considered within the 35-day period which ends on the 14 May 2020.

REPRESENTATIONS:

Two representations were received during the public notification period, including one indicating 'no objection' from Department of State Growth. TasWater had, prior to certification, provided a response indicating no objection.

The grounds of the representations are summarised below with officer comment provided as to the merits of each ground and the need for modification.

Details on the matters raised by each representor and corresponding reference to the ground as discussed in this report are included in **Attachment 1 – Summary of representations.**

A copy of the modified draft amendment, with track changes in red showing the modifications recommended in this report is included in **Attachment 2 – Instrument of Amendment with recommended modifications.**

In summary, only one modification is recommended being to prohibit Gaming Machines in Precinct C, by way of use qualification. This discretionary status of Gaming Machines in Precinct C in the certified draft amendment has been raised by the representor and questioned as to its appropriateness.

In response to initial concerns raised by the GPA, the applicant did revise the SAP with the intention to not make Gaming Machines allowable. The discretionary use status in the certified draft amendment is therefore considered to be an oversight.

WHERE TO FROM HERE

The Planning Authority must provide a copy of all the representations, and its report as to the merit of those representations and whether any changes to the amendment should be made, to the TPC.

The TPC will then invite all representors, should they wish to be heard, to attend a hearing on the amendment.

The TPC will then make a decision on the amendment. The TPC can decide, if it considers changes are required, to have the amendment re-exhibited.

Recommendation:

That Council report to the Tasmanian Planning Commission about the draft Amendment application PLAM-19/01 to the *Glenorchy Interim Planning Scheme 2015*, under s39, former provisions, of the *Land Use Planning and Approvals Act 1993*, recommending that a further modification is made to the certified draft amendment to prohibit Gaming Machines under the Hotel Industry use class within Precinct C, being Clause F13.5.3 Use Table for Precinct C in the Wilkinsons Point Specific Area Plan.

Attachments/Annexures

1 Attachment 1 - Summary of Representations



**2 Attachment 2 - Instrument of Amendment with recommended
modifications**



3 Attachment 3 - Representation - Department of State Growth



4 Attachment 4 - Representation - J Bryan



CLOSED TO MEMBERS OF THE PUBLIC

6. APPEAL REPORT SUMMARY

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(4) (In relation to subregulation 15(3) only, matters relating to legal (or possible future legal) action taken (or may be taken) by or involving the Council).