

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

WEDNESDAY, 23 OCTOBER 2019



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 K. 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 14 October 2019 be confirmed.

**5. PLANNING SCHEME AMENDMENT REQUEST – PLAM-19/01
ADDRESS: DERWENT ENTERTAINMENT CENTRE 601, 601A &
601B BROOKER HIGHWAY, GLENORCHY**

Author: Director Development and Customer Services (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

Existing Zoning: Community Purpose and Open Space

Existing Land Use: The site contains the Derwent Entertainment Centre (community meeting and entertainment use class), GASP! Pavilion and Sculpture trail and an area of public foreshore open space (passive recreation use class) which includes the Montrose Bay Yacht Club and Glenorchy Rowing Club (Sport and recreation use class).

Proposal in Brief: Insert new Clause F13 Wilkinsons Point Specific Area Plan and modify existing Clause F2.0 Wilkinsons Point and Elwick Bay Specific Area Plan.

The proposal also involves a request to amend the zoning of the site from Community Purpose to Recreation and, a realignment of the area zoned Open Space.

Representations: Advertising occurs after the amendment is initiated

Recommendation:

That the Planning Authority resolves under Section 34(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993* to initiate proposed amendment PLAM-19/01 for the land at Wilkinsons Point and Elwick Bay.

That the Planning Authority resolves to prepare a modified proposed amendment PLAM-19/01 as detailed in the report.

That the Planning Authority resolves to advise the applicant of the above and that further information relating to the matters below is required.

That the Planning Authority resolves that following the receipt of the applicant's response to the request for further information; a further report is prepared for Council's consideration to consider the certification of the modified amendment PLAM-19/01.

REPORT IN DETAIL:**PROPOSAL:**

The proposal involves an amendment to the *Glenorchy Interim Planning Scheme 2015* to include new provisions relating to the Wilkinsons Point site in order to facilitate the use of Wilkinsons Point for a sporting precinct, including facilities for a Tasmanian NBL Team.

Specifically, the amendment proposed is to insert a new specific area plan for Wilkinsons Point and then modify the existing Clause F2.0 Wilkinsons Point and Elwick Bay Specific Area Plan to make consequential modifications arising from the removal of the Wilkinsons Point area from the existing specific area plan.

The new Specific Area Plan is based upon the master plan as shown in Figure 1 over page and is intended to deliver the following outcomes:

- To provide for a state NBL team training and performance facility, supported by a range of active recreation, hotel accommodation, sports retail and food services whilst retaining public access for passive recreation and community events.
- To cultivate a vibrant and engaging district that prioritises pedestrian movement and activity through designed landscaped areas, integrated infrastructure and connectivity within the site.
- To promote sustainable transport options through:
 - Reducing potential for pedestrian/vehicle conflict and enhancing the pedestrian environment;
 - The development of a park and ride facility;
 - Providing infrastructure to support the use of bicycles, walking, and other sustainable transport modes.
- To ensure that sports focused retail outlets enhance and support recreational and entertainment activities on the site, without undermining the activity centre hierarchy.

The proposal also involves rezoning of the Wilkinsons Point site from Community Purpose to Recreation which includes a realignment of the area zoned Open Space.



Figure 1: Wilkinson's Point Landscape Master Plan

SITE AND LOCALITY:

The land subject to the proposed amendment is known as 601, 601A & 601B Brooker Highway, Glenorchy, The Grove Reserve and Montrose Foreshore Community Park as shown in Figure 2 below. Specific parcels of land are outlined in Table 1.



Figure 2: Land subject to the proposed amendment

Table 1: Property details of land subject to the proposed amendment

	Site Address	References	Landowner
1	601A Brooker Highway, Glenorchy	CT 157350/2 PID 2984138	Glenorchy City Council
2	301 Brooker Highway, Glenorchy (Derwent Entertainment Centre)	CT 110871/1 PID 75971887	Glenorchy City Council
3	601B Brooker Highway, Glenorchy	CT 157350/1 PID 2984111	Glenorchy City Council
4	Brooker Highway, Glenorchy	CT 135852/3 PID 2060760	Glenorchy City Council
5	Brooker Highway, Glenorchy (The Grove Reserve)	CT 135852/4 PID 2060744	Glenorchy City Council
6	825 Brooker Highway, Montrose (Montrose Foreshore Community Park)	CT 135852/5 PID 2060752	Glenorchy City Council
7	849B Brooker Highway, Montrose (Glenorchy Rowing Club)	CT 126136/1 PID 1473731	Glenorchy City Council
10	No address (Reserved Road within Public Reserve under <i>Crown Lands Act 1976</i>)	NA	The Crown
11	No address (Reserved Road within Public Reserve under <i>Crown Lands Act 1976</i>)	CT 135853/1	The Crown

12	No address (Reserved Road within Public Reserve under <i>Crown Lands Act 1976</i>)	CT 201259/1	The Crown
13	No address (Foreshore land allocated as Crown land under <i>Crown Lands Act 1976</i>)	NA	The Crown
14	No address (informally part of Montrose Foreshore Community Park)	CT 197856/1	The Crown
15	No address (informally part of Montrose Foreshore Community Park)	CT 201259/1	The Crown
16	849 Brooker Highway, Montrose (Montrose Bay Yacht Club)	CT 201259/1 PID 5358765	The Crown

The site is bordered by the Elwick Racecourse to the east, the River Derwent to the north and west, Montrose Bay High School to the North-west, and has road frontage to the Brooker Highway to the south.

There is a TasWater pump station located at the southeast corner of the site on a separate title, which is excluded from the proposed amendment.



Figure 3: Wilkinsons Point site subject to the proposed specific area plan provisions

The Wilkinsons Point site (see Figure 3 above) which is the primary subject of the proposed amendment contains the Derwent Entertainment Centre (DEC) with two asphalt parking areas to the north and south of the DEC which are accessed via an internal road off Brooker Highway. The GASP! walking and cycling trail borders the

western boundary along the River Derwent foreshore and terminates at the GASP! pavilion located at the northern aspect of Wilkinsons Point.

The foreshore area and northern portion of the site is largely undeveloped and unvegetated. There are three jetties located on the north-eastern side of the Wilkinsons Point headland.

BACKGROUND:

Planning Scheme Provisions:

The subject land consists of 16 parcels of land that are zoned Open Space and Community Purpose with a small strip of General Residential (along Loyd Road) as shown in Figure 4 over page. Elwick Racecourse to the east is within the Community Purpose Zone as is Dowsing Point to the north-east and Montrose Bay High School to the north-west. The remainder of the site adjoins the Utility Zone which covers the Brooker Highway, Elwick Road and associated road reservations.

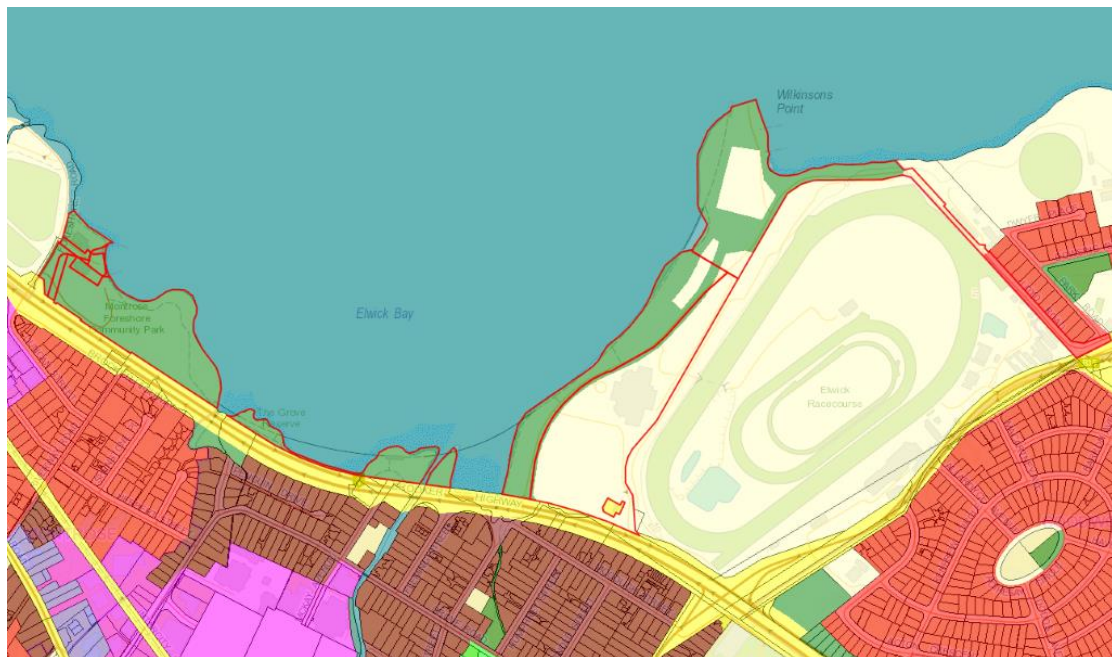


Figure 4: Existing zoning of the subject land and adjacent land (land parcels subject to the proposed amendment shown in red outline)

The subject land is also subject to a number of spatial overlays including the:

- Biodiversity protection area;
- Waterway and coastal protection area;
- Coastal inundation hazard area; and
- Coastal erosion hazard area.

Parts of the subject land are therefore subject to the Biodiversity Code, Waterway and Coastal Protection Code, Inundation Prone Area Code and Coastal Erosion Hazard Code, noting that other codes will be relevant when assessing use and development of the site.

The primary planning scheme provisions applying to the land are however contained in Clause F2.0 Wilkinsons Point and Elwick Bay Specific Area Plan, which provides a site specific use table as well as use and development standards across the subject land.

Use of the site and surrounds

The site currently contains the Derwent Entertainment Centre (Community meeting and entertainment use class), GASP! Pavilion and Sculpture trail and an area of public foreshore open space (Passive recreation use class) which includes the Montrose Bay Yacht Club and Glenorchy Rowing Club (Sport and recreation use class). The site is primarily used for sporting and recreation purposes as well as entertainment associated with the Derwent Entertainment Centre.

Surround uses to the east of the site include the Elwick Racecourse (Sports and recreation use class) with the River Derwent to the north and west. Montrose Bay High School (Educational and occasional care use class) adjoins the site to the far west, with residential development adjacent to the south across the Brooker Highway road reservation. The Derwent Barracks is located beyond the site to the northeast at Dowsing Point.

Introduction of the Local Provisions Schedule:

The Draft Glenorchy Local Provisions Schedule (Draft Glenorchy LPS) was submitted to the Tasmanian Planning Commission (the Commission) on 19 December 2018 to seek approval for exhibition. The Draft Glenorchy LPS seeks to translate the subject land (and the surrounding area) into similar zones available under the State Planning Provisions (SPPs). In this instance, land in a Community Purpose Zone under the Glenorchy Interim Planning Scheme 2015 (the Scheme) will be in a Community Purpose Zone under the Draft Glenorchy LPS and land within an Open Space Zone under the Scheme will be within an Open Space Zone under the SPPs.

The Draft Glenorchy LPS also seeks to translate the existing controls within the Wilkinsons Point and Elwick Bay Specific Area Plan to like provision. Due to changes in structure and drafting requirements articulated in the Tasmanian Planning Commission's Practice Notes, specifically Practice Note 5 – Tasmanian Planning Scheme drafting conventions and Practice Note 6 – Preparing draft Local Provisions Schedules (LPSs) for exhibition, the Wilkinsons Point and Elwick Bay Specific Area Plan contained in the Draft Glenorchy LPS is slightly different in terms of layout and drafting than that in the Scheme.

Should the proposed amendment be approved before the final approval of the Draft Glenorchy LPS, the new specific area plan controls would be subject to the transitional provisions in Schedule 6 of the *Land Use Planning and Approvals Act 1993*. In effect, these provisions allow the new specific area plans to be included in the final Glenorchy LPS.

STATUTORY REQUIREMENTS:**Matters for consideration under the Land Use Planning and Approvals Act 1993 (LUPAA)**

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

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

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

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

ASSESSMENT OF AMENDMENT REQUEST**PLANNING ASSESSMENT:*****Planning merit***

Wilkinsons Point is a prime waterfront site that is a key landscape anchor point within the River Derwent. As outlined in the Wilkinsons Point and Elwick Bay Precinct Master Plan (the master plan) prepared by Inspiring Place for Council in 2012 the site has long

been recognised as a major opportunity for future tourism and recreation development not only at a local scale but for the region. Comprising approximately 15ha the Wilkinson Point site within the subject land is currently significantly underutilised.

GASP! which extends along the foreshore is an important community asset and well utilised, providing for a connection from Wilkinson Point itself through to Montrose Foreshore Community Park. The current Derwent Entertainment Centre (DEC) while utilised for events and concerts is in need of a renewal, although there are community members and organisations that value their currently level of accessibility to the facility.

The remainder of the site, where not used for car parking and landscaping comprises a mix of grassed and bitumen surfaces. Accessibility through the site onto Loyd Road is currently not available, yet the site has existing jetties for water connections, good arterial road access and is centrally located to a large population catchment encompassing not only Glenorchy but adjoining municipal areas.

The Council's established vision for the area, in the Inspiring Place master plan is:

An iconic waterfront location with quality environments and structures that complement each other, integrate well into the surroundings and contribute towards a richly vibrant and textured waterfront precinct – a place that is engaging, contemporary and culturally relevant.

GASP! was a key step in achieving this vision and the new master plan presented by LK Property Group Pty Ltd does represent another significant step towards the attainment of this vision, albeit different in its details, than what was outlined in the Inspiring Place master plan.

The core component of the new master plan facilitated by the proposed amendment focusses on delivery of high quality recreational and event facilities that are currently not provided elsewhere within the region and for some components elsewhere in the State. The proposed amendment therefore facilitates sport and recreational facilities that expands and complements those currently provided across the Southern Tasmanian region. While the proposed amendment does not incorporate any specific staging, it is considered unnecessary. The refurbishment of the DEC and the new indoor sport and recreational facilities are the key attractors to the site and without those it is unlikely the other supporting uses facilitated by the proposed amendment will reach their full potential.

The proposed amendment also provides, as a core component, an 11 storey hotel as a visual anchor at the northern end of Wilkinsons Point. The proposed amendment does incorporate a significant change in the permitted height controls on this part of the site (Sub-precinct A1 in the specific area plan). It is considered that given the low lying nature of the site, nearby large and bulky buildings, future development at the MONA site allowed under the MONA specific area plan, and the surrounding landscape characteristics that there is potential for a taller building in this location. It is however noted that the application as submitted does provide minimal documentation supporting this change and therefore this is one matter that requires further analysis prior to certification.

In use terms however the introduction of a hotel on the site is considered to be acceptable and compatible with the vision for national level events on the site. Moreover, it will assist in responding to the future visitor needs in the Southern Tasmania region and the state more broadly. Tourism is a major contributor to the Tasmanian economy, contributing \$3.2 billion to the economy. Recent work released by Tourism Tasmania as a result of research undertaken by Deloitte Access Economics indicate that in order to accommodate the forecasted visitors through to 2030 the number of rooms across Tasmanian would need to grow between 3.1% and 3.9% each year to meet baseline demand.

The other three core components of the master plan facilitated by the proposed amendment are:

- Food and beverage facilities;
- Retail facilities; and
- Transportation facilities.

Providing for food and beverage facilities on the site is considered to be appropriate given the scale and nature of sport, recreational and event facilities on the site. They are also considered to have potential to support the broader open space area and provide for the public using the foreshore area.

The proposed amendment does provide for drive-through take away facilities adjacent to the Brooker Highway. These are likely to provide for the general local population or passing traffic and while not strictly necessary to support other activities on the site, given the location of the land adjacent to a major arterial road with existing access points, these uses are considered acceptable and are compatible with the Activity Centre network established in the Southern Tasmanian Regional Land Use Strategy.

The proposed amendment focusses retail activities on sporting goods so that it can be categorised as a specialty centre under the Regional Land Use Strategy. The proposed amendment also incorporates maximum floor area limits on the uses in response to the Retail and Economic Impact and Community Benefit appraisal prepared by SGS Economics and Planning. As outlined in further detail below, further information is required to be confident that the floor area limits are appropriate and do not result in a negative impact on established activity centres.

The transportation facilities are focussed on commuter park and ride opportunities arising from its location adjacent to the Brooker Highway (the major arterial road connecting residential areas into the major employment district in central Hobart) and the River Derwent with the site having existing jetty facilities for a ferry. While not identified in existing infrastructure related strategy, this component of the proposed amendment does broadly align with the integration of land use and infrastructure policies under the Regional Land Use Strategy and could assist in uptake of alternative means of transport including ferries on the River Derwent, particularly given the accessibility to recreational facilities that will be on the site and used either before or after a commute.

The proposed amendment intends to maintain GASP! and public accessibility along the foreshore with buildings setback approximately 20 metres from the water's edge. However, as the current title boundaries do not strictly align with the sea wall the proposed amendment and associated maps will need refinement prior to certification to ensure that is achieved.

In addition to the SGS study discussed above, supporting documentation submitted with the application included an:

- Infrastructure Report prepared by JSA Consulting Engineers;
- Traffic Impact Assessment prepared by Howarth Fisher Traffic Engineers; and
- Aboriginal Heritage Assessment prepared by Cultural Heritage Management Australia.

Some parts of the Wilkinsons Point site are however subject to potential inundation and are identified as potentially contaminated. No supporting documentation relating to these matters have been submitted and as outlined below further information is required prior to certification with potential modification required to the proposed amendment.

There are no other identifiable natural or heritage values on the Wilkinsons Point site. While the broader subject land does include listed natural values, including a threatened wetland community, they are all contained in the residual Elwick Bay part of the subject land, where the allowable use and development will not alter under the proposed amendment.

It is noted that TasWater has indicated in the submission to the planning authority, that they have no concerns with the proposed amendment.

As a final point, the landscape approach underpinning the master plan looks to enhance the site through landscaping which includes treed buffers to the Brooker Highway, low level plantings between the edge of buildings and the foreshore and softer enclosed and protected spaces in between and behind buildings. This is considered to be a positive element of the proposed amendment.

In summary, it is considered the proposed amendment has strategic planning merit and should be initiated. Prior to certification there are a number of matters that require further resolution and potential modifications to the proposed amendment as submitted, to ensure that the statutory requirements are met. These matters are summarised below under 'The process from here'.

An assessment of the proposed amendment against the statutory requirements is provided below.

Consistency with the Objectives of Schedule 1 of LUPAA

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

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

The Wilkinsons Point site is generally a mix between existing developed and brownfield areas, there are no significant natural values in the area affected by the proposed Wilkinsons Point Specific Area Plan and the coastline has been significantly modified through engineered reinforcements. Additionally, new development under the proposed amendment will generally be setback away from foreshore areas.

The proposed amendment will not have a direct impact on ecological process or genetic diversity.

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

The proposed amendment provides for site specific controls and implementation of a master plan compatible with the established vision for the site, thereby providing for the orderly development of land.

The proposed amendment seeks to introduce a range of uses not currently allowable on the site to enhance the function of the core components of the master plan and add to the amenity of the site. Specifically, these include Bulky good sales, Food services and General retail and hire uses which require restrictions to protect the existing activity centre network within the municipality and across the region. The proposed amendment does include such restrictions but additional information relating to retail and economic impact is required to determine whether the restrictions are sufficient or require further modification. It is considered that these matters can be resolved prior to certification and does not prevent the initiation of the amendment.

c. *to encourage public involvement in resource management and planning;*

The statutory process for a planning scheme amendment request involves a public notification period. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission (TPC), which in turn may hold public hearings into representations.

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

It is anticipated that the proposed amendment will facilitate significant economic development for the municipal area, providing new direct employment opportunities during construction and ongoing operation as well as indirect employment. It will also attract additional people from across Tasmania and the mainland into the municipal area, facilitating additional expenditure.

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

The assessment process promotes the involvement of the public as well as local and state government.

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

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

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

- b. ***to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;***

The proposed amendment seeks to change the existing site-specific controls applying to the site through the Scheme. The SAP is in accordance with the hierarchy of planning instruments both under the Interim Planning Scheme approach and the future Tasmanian Planning Scheme.

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

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

The proposed amendment per se, will not have an impact on the environment. The Wilkinson Point site while foreshore land, has been substantially modified. The adjacent arterial roads provide a buffer to residential area and therefore there is limited potential for impacts on residential amenity arising from the proposed amendment.

Broadly, the proposed amendment will have positive social and economic effects, although as outlined further in this report additional work is required to ensure that there are no detrimental economic impacts on established activity centres or social and economic impacts on users of the site arising from site contamination and inundation prior to certification.

- d. ***to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;***

As the proposed amendment seeks to modify the existing scheme provisions, this objective is not directly applicable. However, the proposed amendment has been prepared with consideration to the broader sustainable development context of the objectives of LUPAA.

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

The proposed amendment has been referred to TasWater, TasGas and State Growth. TasWater have advised that they have no concerns with the proposed amendment. Responses from TasGas and State Growth can be considered prior to certification, although it is noted that State Growth were consulted in the preparation of the amendment request.

- f. to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;***

The proposed amendment has potential to further the health and wellbeing of Tasmanians and visitors by the suite of sport and recreational facilities allowed under the new specific area plan. The proposed amendment also includes provisions to ensure that the use and development of the site is undertaken in a pleasant manner and supported by high quality landscaping. Additionally, the proposed amendment has potential to facilitate a more pleasant and efficient mode of transport for commuters.

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

The proposed amendment has had regard to the potential cultural values of the site and will not alter the existing legislative requirements relating to those. The proposed amendment does not otherwise affect any buildings, area or places of scientific, aesthetic, architectural, historic interest or cultural value.

- h. to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;***

The proposed amendment has had regard to protection of public infrastructure and has identified the need for potential upgrades to infrastructure into and within the site, which can be considered at the development assessment stage.

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

Given the urban location of the site, its proximity to the Brooker Highway and availability of existing services, the site is capable of facilitating the use and development allowed under the proposed amendment.

Consistency with State Policies

State Policy on Water Quality Management 1997

The proposed amendment per se would not directly impact on water quality including sediment to surface water. Future planning permit applications will be required to be assessed under the Stormwater Management Code. Additionally, the proposed amendment incorporates landscaping provisions which will assist in protecting water quality over the life of the development.

State Coastal Policy 1996.

The subject land is adjoins the coast line. The site is however within an urban area and has been developed for a range of open space and urban uses.

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

Principles	Amendment Response
Natural and Cultural values of the coast shall be protected.	The Wilkinsons Point site is heavily disturbed, relatively flat and in an urban setting and does not contain any significant natural or cultural values. There are natural values on the residual Elwick Bay area however the underlying use and development controls on this part of the subject land will be consistent with the existing. Sewerage and stormwater will be required to be disposed of via reticulated infrastructure and consistent with the current requirements of the planning scheme and legislative framework. The proposed amendment is not considered to involve any significant impact on the values of: • Ecosystems • Geomorphological features • Aquatic environments • Native flora and fauna habitat • Water quality; and • Natural landscapes. The proposed amendment is consistent with Part 1.1 Natural resources and ecosystems. An Aboriginal heritage assessment has been submitted with the proposed amendment request demonstrated that there are no impacts on known cultural values. If any Aboriginal heritage is identified onsite then the unanticipated discovery protocols under the Aboriginal Heritage Act 1975 would come into play. There are no historic heritage values on the site. The proposed amendment is therefore consistent with Part 1.2 Cultural and historic resources and Part 1.3 Cultural heritage.

	The site is low lying and while it constitutes a modified coastline, the land is potentially at risk of coastal inundation and additional work is required prior to certification to be satisfied that the proposed amendment is consistent with Part 1.4 Coastal hazards.
The Coast shall be used and developed in a sustainable manner	The Wilkinsons Point site is substantially modified and has been subject to reclamation and development. The proposed amendment does not adversely affect natural or aesthetic qualities of the coast and the area is not considered to be visually sensitive. The proposed amendment is consistent with Part 2.1 Coastal uses and development. The proposed amendment allows for visitor accommodation on the site. Given that the land is already developed and within the existing urban settlement, allowing for such uses on the site is considered to be consistent with Part 2.3 Tourism. The site is located within the existing settlement pattern and can already be developed for a range of urban uses. Accommodating the proposed additional uses, which typically require large amounts of space, within the existing settlement, favours a compact and contained urban settlement. The proposal is accordingly considered to be consistent with Part 2.4 Urban and residential development. The site is currently public land. The proposed amendment does intend to incorporate a buffer to maintain public accessibility along the foreshore (subject to detailed resolution prior to certification). Additionally, the proposed amendment facilitates a wide range of public type uses with the site continuing to be publicly accessible under the use and development facilitated by the proposed amendment. The proposal is therefore consistent with Part 2.7 Public land and 2.8 Recreation.
Integrated management and protection of the coastal zone is a shared responsibility	It is considered that management and protection of the coastal zone will continue to be a shared responsibility by local and State governments.

National Environmental Protection Measures

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

Principle 5 of the NEPM states that planning authorities '*that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.*'

Seven NEPMs have been made to date that deal with:

- Ambient air quality;
- Air Toxins;
- Assessment of Site Contamination;
- Diesel Vehicle Emissions;
- Movement of Controlled Waste Between States and Territories;
- National Pollutant Inventory; and
- Used Packaging Materials.

Part of the Wilkinsons Point site (601A Brooker Avenue) is identified as potentially contaminated as is the adjoining land at Dowsing Point. The Assessment of Site Contamination NEPM therefore applies to the proposed amendment.

The applicant has not provided in their submission any information or response relating to this potential contamination. The notes on Council GIS system indicates that in this area the property may have soil metal concentrations exceeding residential health investigation levels.

Given that the proposed Wilkinsons Point Specific Area Plan includes introducing the Residential use class onto the land, this is a matter that requires further information and resolution - potentially through revisions to the specific area plan – prior to certification.

State Policy on the Protection of Agricultural Land 2000

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

Consistency with the Glenorchy City Council Strategic Plan 2016-2025

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

Open for business

Objective 2.1 Stimulate a prosperous economy

- Strategy 2.1.1 Foster an environment that encourages investment and jobs.

Valuing our Environment

Objective 3.1: Create liveable and desirable City:

- Strategy 3.1.4: Deliver new and existing services to improve the City's liveability.
- Strategy 3.2.3: Enhance, protect and celebrate the Derwent Foreshore.

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

Gas Pipelines Act 2000

The subject land is adjacent to the Declared Pipeline Corridor but separated by the Brooker Highway. However, as the amendment request does not include a planning permit application, there is no requirement to refer the proposal to the pipeline licensee.



Figure 5 - Declared Pipeline Corridor (GCC mapping)

Potential for Land Use Conflict with Adjacent Planning Scheme Areas

The subject land is on the edge of the municipal area by virtue of its adjacency to the River Derwent. Direct land use conflicts with adjacent municipalities are not likely, however.

Consistency with the requirements of Section 300 of the Act

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

- Involves a change to the local content of the planning scheme as it seeks a site-specific qualification.
- Is consistent with the *Southern Tasmanian Regional Land Use Strategy, 2010-2035* (the STRLUS).

The proposed amendment is consistent with the following policies in particular:

- *ROS 1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.*
- *ROS 2 Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future facilities and minimise overall costs to the community.*
- *LUTI 1.7 Protect major regional and urban transport corridors through planning schemes as identified in Maps 3 & 4. LUTI 1.8 Ensure new development incorporates buffer distances to regional transport corridors identified in Map 4 to minimise further land use conflict*
- *LUTI 1.10 Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.*
- *T 1 Provide for innovative and sustainable tourism for the region*
- *AC 1.7 Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.*

The proposed amendment is not however considered sufficiently resolved at this stage to demonstrate consistency with these policies:

- *C2 – Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession*
- *MRH 2 Minimise the risk of loss of life and property from flooding*
- *MRH 4 Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.*
- *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.*
- *AC 1.1 Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.*

- *AC 1.5 Ensure high quality urban design and pedestrian amenity through the respective development standard.*
- *AC 1.11 Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.*
- *SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.*

As outlined below further information and potential modifications in relation to the retail floor area limits, potential site contamination and risk of inundation is required before it can be demonstrated that these policies are met, and the amendment is suitable for certification.

It is however noted that on the basis of the application as submitted, and mapping information available, it is considered likely and reasonable that the proposed amendment is capable of consistency with the Regional Land Use Strategy.

The proposed amendment is progressing on the basis that it is a specialist centre as defined under Table 1: Activity Centre Network that is focussed on sporting and recreational facilities.

The proposed amendment is generally consistent with the description of that type of Activity Centre. It is highlighted that while the Regional Land Use Strategy indicates that a specialist centre should not have entertainment facilities, the fundamental purpose of this specialist centre is around sporting and recreation based entertainment with the continuation of events possible at the DEC. The proposed amendment does not incorporate the possibility of other general entertainment that are present across other Activity Centres such as cinemas and late night venues.

While it is possible to adopt a strict interpretation of the Regional Land Use Strategy and apply the Specialist Centre description in a very literal sense, Section 30O requires a broad assessment approach. In considering consistency with the Regional Land Use Strategy the policies should be read together and the assessment undertaken overall. Taking this approach, it is considered that the proposed amendment is capable of consistency with the Regional Land Use Strategy at the certification stage.

Impact of Permissible Use and Development on the Region

The proposed amendment seeks to change the Scheme for a specific site, so its impacts can be considered to be localised. Noting the proposed amendment is considered to be consistent with the STRLUS (see above), it is unlikely to have a significant impact on permissible use and development in the region.

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

No representations were made regarding the subject land, and no statements as to the operation of the proposed zone, relevant to the site, were made during the exhibition and assessment of the Glenorchy Interim Planning Scheme 2015.

Consistency with the Glenorchy Interim Planning Scheme 2015

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

The proposed amendment proposes to introduce a new specific area plan for the Wilkinsons Point site to provide for site specific controls and, modify the existing Wilkinsons Point and Elwick Bay Specific Area Plan to remove controls and references relevant to the Wilkinsons Point site. In other words, the amendment proposes to replace one specific area plan with two.

The amendment also proposes to rezone land within the Wilkinsons Point site from a mix of Community Purpose and Open Space to a mix of Recreation and Open Space.

Generally, the proposed amendment as submitted by the applicant is clear, concise and will achieve its intended purpose. The replacement of a single specific area plan with two is considered appropriate given the future use and development of Wilkinsons Point site envisaged by the proposed amendment.

The rezoning of land to a mix of Recreation and Open Space is also considered to align with the intended future use and development.

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

The key objectives in Part 3.0 of the Scheme relevant to the proposal are:

- Activity Centres: Regional Objectives: To create a network of vibrant and attractive activity centres.
- Activity Centres: Local Objectives: To support a network of vibrant, accessible, liveable, and well-designed activity centres that create prosperity and bring services within easy reach of the Glenorchy community.
- Natural Environment: Regional Objectives: To increase responsiveness to the region's natural environment.
- Natural Environment: Local Objectives: To protect the City's natural values, including its treed hills, riparians areas and the River Derwent foreshore.
- Healthy Communities: Regional Objectives: To support strong and healthy communities
- Competitiveness: Regional Objectives: To make the Southern Tasmanian region nationally and internationally competitive.
- Competitiveness: Local Objectives: To make the municipal area competitive on a State, national and international basis.
- Liveability: Regional Objectives: To create liveable communities.
- Liveability: Local Objectives: To improve the City's quality of life for all residents and visitors.
- Transport and Urban Form: Local Objectives: Plan for improved energy efficiency in the City's build form.

Facilitating a major sport and recreational facility on the Wilkinsons Point site with a mix of supporting activities and linkages to existing and future commuter transport networks is considered to support the attainment of a number of these objectives, including supporting strong and healthy communities, making the region more competitive, creating a more liveable community and improving the City's quality of life.

Regarding the Activity Centre objectives, the proposed amendment does incorporate site specific standards to ensure that the mix of commercial and business uses that could occur on the site are of a scale and type compatible with the Activity Centre objectives. It is noted that as outlined below there are some potential modifications required to the proposed amendment in order to be fully satisfied that the proposed amendment is consistent with these objectives.

Additionally, some potential modifications are also required to ensure that the Natural Environment objectives are satisfied, particularly around the siting of development in an inundation prone area.

The rezoning of the land from Community Purpose to Recreation is considered to represent a more compatible alignment with the purpose of the specific area plan and the purpose of the underlying zone than what would be the case if the Community Purpose zone is retained. Broadly the rezoning reflects the proposed transition of the site to a sport and recreation focus.

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

The applicant has at Appendix B of their Supporting Planning Report prepared a comparative use table and which is attached to this report.

In general terms for the Wilkinsons Point site the specific area plan does result in a different mix of allowable use including:

- Introducing Business and professional use class as a permitted and discretionary use (precinct dependent);
- Introducing a childcare centre under the Educational and occasional care use class as a discretionary use in Precincts A and B;
- Allowing Food services use class more broadly across the site (not just the Derwent Entertainment Centre);
- Introducing General retail and hire as a permitted and discretionary use (precinct dependent);
- Introducing Hotel industry use class as a permitted use in Precinct A;
- Introducing student accommodation under the Residential use class as a discretionary use in Sub-precinct A1;
- Introducing kitchen and community garden under the Resource development use class as a permitted use in Precinct A and C;
- Introducing Sport and recreation use class as a permitted use class across all precincts except for Precinct C;

- Introducing commuter transit services and ferry terminal under the Transport depot and distribution use class in Precinct A, B and E; and
- Introducing visitor accommodation as a permitted use in Precinct A.

For the remainder of the land subject to the proposed amendment (being the Elwick Bay component comprising of Grove Reserve and Montrose Foreshore Community Park) the mix of allowable uses will remain the same.

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

Specifically, the proposed Wilkinsons Point Specific Area Plan includes a use standard to limit the total floor area within the General retail and hire use class.

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

The proposed amendment is site specific, so its impacts are limited to adjacent land. However given the adjoining uses are recreational and community focused and that the site is separated from residential land by the Brooker Highway (with the exception of the small precinct adjacent to Dowsing Point) and that these are already exposed to noise and traffic impacts, the impacts of the proposed amendment are likely to be minimal.

THE PROCESS FROM HERE:

Modified Amendment

Should Council resolve to initiate an amendment, Section 35 of the LUPAA specifies that after preparing a draft amendment, Council must determine whether (or not) the proposed amendment meets the requirements of Section 32. Should Council be satisfied that the amendment is in order it may certify the amendment as meeting Section 35. However, pursuant to Section 35(b), if Council is not satisfied that the amendment meets the requirements of Section 32, then it should proceed to modify the amendment until it does.

In this instance the proposed amendment raises the following concerns:

Retail impact and activity centre network

Section 2.4 of the Retail Analysis and Economic Impact and Community Benefit Report prepared by SGS Economics and Planning indicates that for Big Box Sport and Specialty Sport Retail that the expected turnover for the redeveloped Wilkinsons Point site will in 2024 result in a negative impact but by 2029 have no impact. The proposed SAP includes provisions to limit retail floor area in response to the negative impact at 2024.

In 2029 the additional PA expenditure in the catchment for sporting retail (being Greater Hobart) is however nearly the same as the expected turnover at Wilkinsons Point indicating that all potential expenditure growth in Greater Hobart by 2029 is being captured by the Wilkinsons Point redevelopment.

An amended analysis which considers the impact that this will have on existing retailers/activity centres providing these types of goods within the Greater Hobart area and the reasonableness of all growth being captured by one site is required.

The amended analysis also needs to consider this issue in regard to the food and beverage hospitality component. While it is noted that the expected turnover comprises around three quarters of the additional expenditure growth, there are other major food and beverage locations within the Greater Hobart area and commentary on whether it is reasonable to expect one site to capture such a high proportion of the growth would be beneficial.

Subsequent revisions to the retail floor area limitations in the proposed Wilkinsons Point SAP may be required.

The amended analysis also needs to:

- provide precinct descriptions/names that align with those in the SAP to provide clarity to readers of the document;
- confirms that the Greater Hobart catchment utilised in the analysis is the same spatial area as defined in the Southern Tasmania Regional Land Use Strategy;
- confirm that leakage of retail expenditure to online purchases is the most contemporary figure available. The reference is from a 2011 Productivity Commission report and is therefore 8 years old. Additionally, commentary on whether there are differences in leakage between bulky good and other sporting goods is required.
- clarify figure of 1,287 years' worth of FTE equivalent jobs for the construction phase on page 13.

Site contamination

Part of the site is potentially contaminated (601A Brooker Highway – located at the northern end of the site) and the adjoining land at 2A Goodwood Road is also potentially contaminated. Council's notes identify that for 601A Brooke Highway that "all or part of the property has soil metal concentrations exceeding residential health investigation levels". The adjoining site was used for a potentially contaminating activity.

To confirm that the land is suitable for residential purposes an assessment by a suitably qualified person considering the proposed mix of use and type of development, the requirements in the Assessment of Site Contamination NEPM and the requirements of the Potentially Contaminated Land Code and existing safeguards built into it is required.

Additionally, a revised SAP may be required that limits residential use on the site and/or includes specific remediation standards.

Inundation risk

Part of the subject land is subject to coastal inundation risk (see Figure 6) and inundation risk (see Figure 7). The supporting planning report did not fully identify the extent of inundation risk on the land as well as the risk of a coincident event.

There is concern that development within Precinct D (near the Brooker Highway) may not be capable of meeting the current Code or future Code provisions (as contained in the State Planning Provisions) relevant to inundation.

A report by a suitably qualified person that provides for a site-specific analysis of inundation risk and considers whether development is achievable is required.

Additionally, a revised SAP may be required that includes site specific responses to that inundation risk, specifically for Precinct D where there is a risk of a coincident event. This is considered necessary to demonstrate compliance with the objectives of the RMPS and the *State Coastal Policy 1996*.

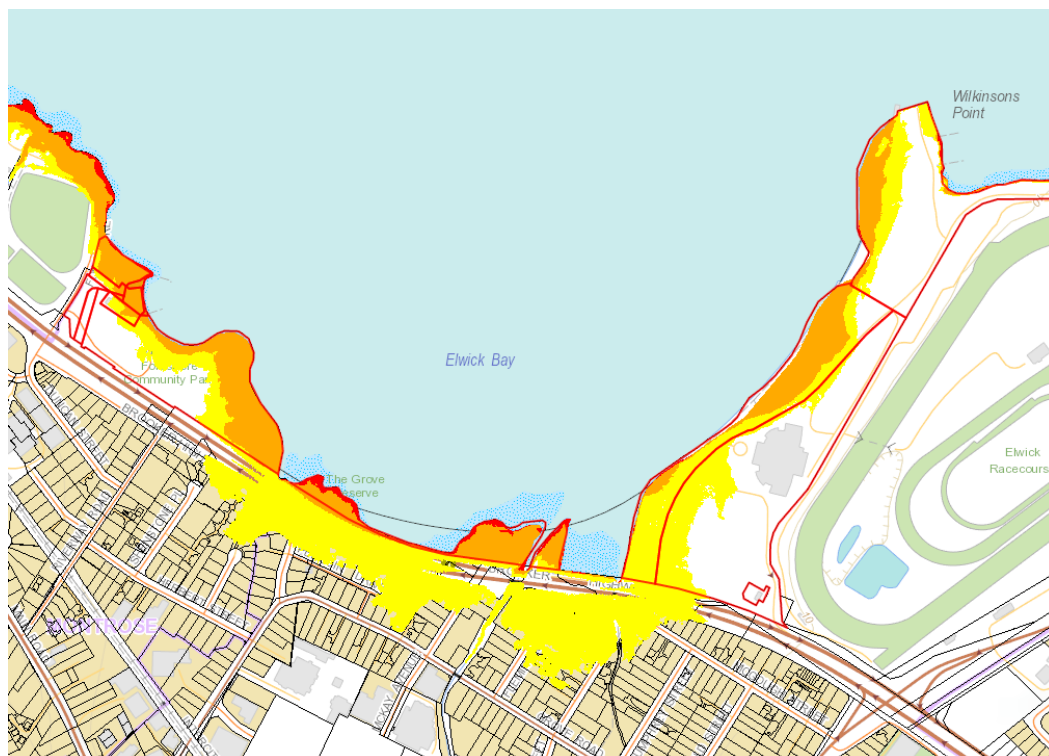


Figure 6: Coastal Inundation Hazard mapping relevant to the site (Red indicates high risk, orange medium risk and yellow low risk)

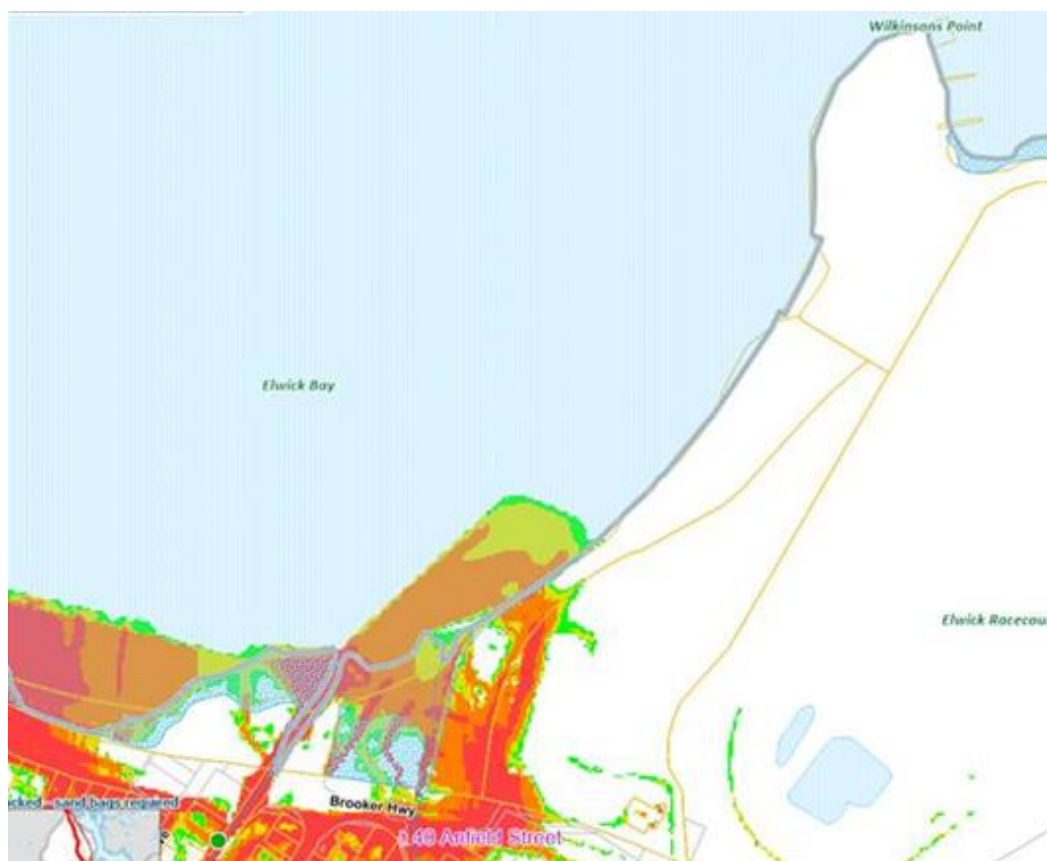


Figure 7: Flood Hazard mapping for Humpreys Rivulet (Red indicates extreme hazard, orange significant hazard, yellow moderate hazard and green low hazard)

Height and landscape assessment

The proposed amendment incorporates a significant permitted height increase in Sub-precinct A1 under the specific area plan to allow for an 11 storey hotel building. As outlined under 'strategic merit', it is considered there is potential for a taller building in this location. It is however noted that the application as submitted provides minimal documentation supporting this change and therefore further justification including a landscape analysis and consideration of heights of nearby large buildings (including the Elwick Racecourse stand) is required prior to certification.

Residential use

Further explanation in the planning report as to the purpose of the Residential use (for student accommodation) within Precinct A and the desired amount of residential use on the site and how it will be managed through the specific area plan as well as the need for any other standards relating to residential use and development is required prior to certification.

It is noted that based on discussions with the applicant that this use was a relatively late inclusion and discussions with the University of Tasmania has not been fully explored prior to the submission of the request.

It is also noted that the Traffic Impact Assessment has not considered this use on the site.

While the planning report submitted within the request does not consider the residential and settlement strategy policies under the Regional Land Use Strategy, inclusion of some residential component on the site is considered compatible with the policies under the Regional Land Use Strategy in that the site is within the Urban Growth Boundary and is adjacent to the densification corridor extending between Hobart and the northern suburbs.

Maintenance of public accessibility along foreshore

As discussed above, the intent of the proposed amendment is to incorporate a buffer from the coastline to maintain GASP! and public accessibility along the foreshore with buildings setback approximately 20 metres from the edge.

As the current title boundaries do not strictly align with the sea wall the proposed amendment and associated maps will need refinement prior to certification to ensure that is achieved. It is understood that the applicant is currently preparing a detailed site survey that can form the basis of the relevant maps at the certification stage.

Miscellaneous matters

There are a number of relatively minor matters that have been identified with the proposed amendment. Modifications required to the proposed Wilkinsons Point Specific Area Plan include:

- redrafting to achieve consistency with the Tasmanian Planning Commission's Planning Practice Note 5 and Planning Practice Note 8;
- deletion of the term 'Natural Values' as it is not used in the specific area plan;
- a general discretionary use standard to provide clarity of assessment considerations for such uses;
- requirements under the performance criteria for building design in all precincts relating to visual interest, modulation and articulation on external elevations;
- definitions of signage terms used in the signage standard such as 'Naming Rights Building Identification Sign';
- definition of 'commuter transit services' or rewording the use qualification under the Transport depot and distribution use class to use a plain English description;
- a use qualification to limit the 'bottle shop' component of a Hotel Industry use in Precinct A. It is not considered desirable to see a large-scale bottle shop in the location, noting that as currently proposed it would be a permitted use with no floor area limitations.
- a revised site coverage standard in Precinct A that ensures that the master plan intent of total floor areas being divided across a number of buildings surrounded by landscaped space rather than one large building is achieved;
- a site coverage standard within Precinct C;

- give further consideration to the relationship between the Transport Depot and Distribution and, Port and Shipping use classes in Precinct E and the effect of the Special Provisions for use and development seaward of the municipal district under Clause 9.9 of the Interim Planning Scheme and Clause 7.12 of the State Planning Provisions.

Additionally, modifications to the consequential amendments applying to the residual Elwick Bay area under the proposed replacement Clause F2.0 Montrose Foreshore Community Park and Elwick Bay Specific Area Plan. Specifically, it is considered that the consequential amendments should align with the drafting under the Draft Glenorchy LPS so that it is suitable for transitioning over once there is final approval on the Glenorchy LPS.

Required Modifications

For the above reasons it is considered that the proposed amendment as submitted by the applicant would conflict with Section 32(1)(ea) and (f) and Section 32(2) of LUPAA.

It is considered that the issues raised above are resolvable while still achieving the overall intent and desired outcomes underlying the proposed amendment.

Accordingly, should Council resolve to initiate the amendment the proposed amendment would need to be modified prior to certification and the applicant requested to provide further information.

Certification and exhibition

Should Council resolve to initiate this amendment, following the development of a modified amendment and provision of additional information from the applicant, a subsequent report will be prepared for Council's consideration of certification under Section 35 of the LUPAA.

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

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

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

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

CONCLUSION

The amendment request is considered to have strategic planning merit. It is consistent with the established vision from Wilkinsons Point and will represent a significant economic development opportunity for the City.

A review of the documentation submitted with the application demonstrates that the proposed amendment is capable of satisfying the statutory requirements. As a result, it is considered appropriate to initiate the amendment, request further information from the applicant and work towards preparing a modified amendment suitable for certification.

Recommendation:

- A. That pursuant to Section 34(1)(a), former provisions, of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agree to initiate amendment PLAM/01 to the Glenorchy Interim Planning Scheme, to the land at Wilkinsons Point and Elwick Bay, as shown in Figure 2 to this report.
- B. That the Planning Authority resolve to prepare a modified amendment PLAM-19/01 as detailed in the report.
- C. That the Planning Authority resolves to advise the applicant of the above and that further information relating to the matters referred to in this report is required.
- D. That the Planning Authority resolves that following the receipt of the applicant's response to the request for further information; a further report is prepared for Council's consideration to consider the certification of the modified amendment PLAM-19/01.

Attachments/Annexures

The following attachments are available on request from Monday 21 October 2019

- 1 Attachment 1 – Proposed SAP amendment
- 2 Attachment 2 – Elwick Bay SAP amended
- 3 Attachment 3 – Masterplan
- 4 Attachment 4 – SAP amendment supporting document
- 5 Attachment 5 – Economic Report
- 6 Attachment 6 – Aboriginal Heritage
- 7 Attachment 7 – Traffic Impact Assessment
- Attachment 7 – Traffic Impact Assessment
- 8 Attachment 8 – Infrastructure Report
- 9 Attachment 9 – Landscape Report
- 10 Attachment 10 – Crown Consent
- 11 Attachment 11 – Council Consent