

**GLENORCHY PLANNING AUTHORITY MEETING
AGENDA
MONDAY, 21 MARCH 2022**



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 Bec Thomas

Hour: 4.00 p.m.

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1. PLANNING AUTHORITY DECLARATION

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 21 February 2022 be confirmed.

5. PLANNING SCHEME AMENDMENT TO REZONE 60, 80, 80A & 90 CREEK ROAD, NEW TOWN TO AN INNER RESIDENTIAL ZONE AND CONSOLIDATE THE LOTS

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: PLAM-21/04

REPORT SUMMARY

Application No.:	PLAM-21/04
Applicant:	ERA Planning & Environment
Owner:	Ray Taylor Investments Pty Ltd
Existing Zoning:	60 & 90 Creek Road are in a General Residential Zone and 80 & 80A are in a Light Industrial Zone
Existing Land Use:	Vacant
Proposal in Brief:	To seek approval to prepare a planning scheme amendment and place it on exhibition. The request seeks to rezone the land to an Inner Residential Zone combined with a planning permit application for subdivision (consolidation of the four properties to one lot).
Representations:	Advertising occurs after amendment is prepared
Recommendation:	Prepare and certify amendment, and exhibit for 28 days

EXECUTIVE SUMMARY

The draft amendment is generally in accordance with the requirements of *Land Use Planning and Approvals Act 1993* (LUPAA), and it is recommended that it be prepared.

The amendment will increase opportunities for medium density housing by rezoning vacant residential and unused industrial land to an Inner Residential Zone close to the Moonah Activity Centre.

The social, economic, and environmental benefits of the proposal are:

- Provision of increased housing opportunities close to the Moonah Activity Centre.
- Provision of increased housing opportunities on urban land well serviced by infrastructure.
- Better use of land that is unsuitable for industrial purposes.

The social, economic, and environmental consequences of the proposal are:

- A change to the development character of the area.

On balance, the proposal is considered to be a fair, orderly and sustainable amendment to the planning scheme, and it is recommended that the planning authority prepare the amendment.

The report provides details of the amendment and the site. The strategic outcomes of the proposal are outlined, having regard to matters of local, regional and then State importance. The report ends with a discussion of the degree of compliance with legislative requirements.

The report also contains an assessment of the combined planning permit application for a subdivision (consolidation of the four existing titles) assessed against the provisions of the scheme as if the amendment were approved. The permit application is supported.

If prepared, the following two outcomes must occur:

- The amendment is exhibited for 28 days.
- The Tasmanian Planning Commission (the Commission) will decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

If the planning authority resolves not to prepare the amendment, the applicant can appeal the decision to the Commission.

Any representations to the amendment will be considered at a future Glenorchy Planning Authority meeting, where modifications can be recommended. In response to the representations, the Planning Authority could also recommend that the Commission does not approve the amendment.

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

The Commission will assess and decide on the amendment and planning permit application, based on the issues raised in the representations and the outcomes of any hearings it may hold.

REPORT IN DETAIL

PROPOSED PLANNING SCHEME AMENDMENT

The applicant has requested a rezoning, however Council officers recommend that additional controls (a Specific Area Plan) be included to address pedestrian and traffic management requirements and site contamination issues. The additional controls are generally supported by the applicant, and the SAP is discussed in more detail in the assessment sections of this report.

The amendment seeks to:

- Rezone 80 & 80A Creek Road, New Town from Light Industrial to an Inner Residential Zone.
- Rezone 60 & 90 Creek Road, New Town from General Residential to an Inner Residential Zone.
- Apply a Specific Area Plan (SAP) to the land to ensure site contamination mitigation requirements outlined in the Environmental Site Assessment are implemented and to encourage pedestrian connections to the Moonah Activity Centre and appropriate traffic management occurs as part of future development of the site.

The area to be rezoned, and to which the SAP will apply is shown in Figure 1.

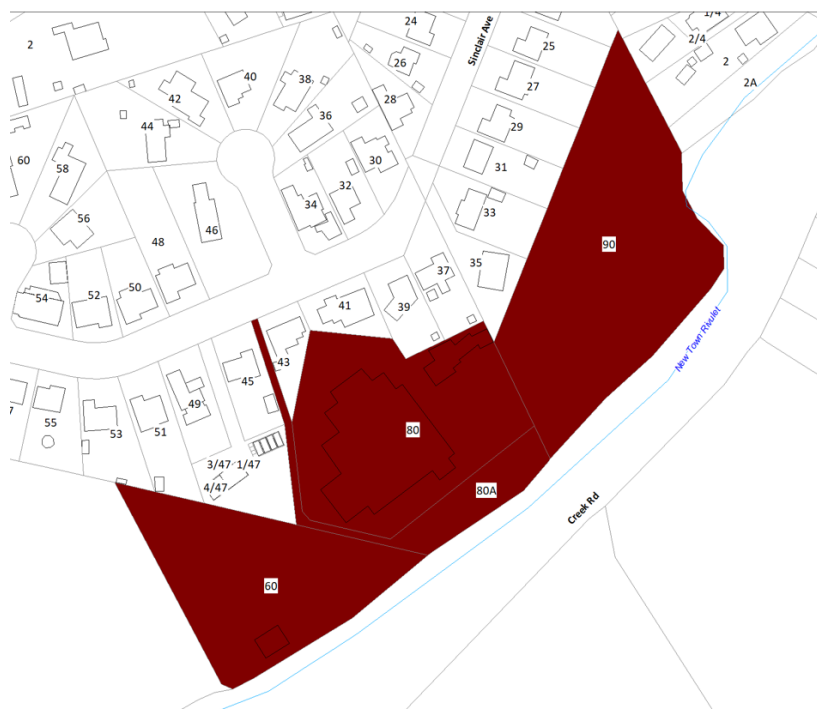


Figure 1 – proposed rezoning

The amendment documents are included in **Attachment 1**.

PROPOSED USE AND DEVELOPMENT

The request also includes an application for subdivision to consolidate the four lots into one. The application is assessed in Part 2 of this report.

SITE AND LOCALITY

Site characteristics

The land sits on the border of the Hobart and Glenorchy municipalities, to the north of the New Town Rivulet, and is about 800m from Main Road and the Moonah Activity Centre (see Figure 2).

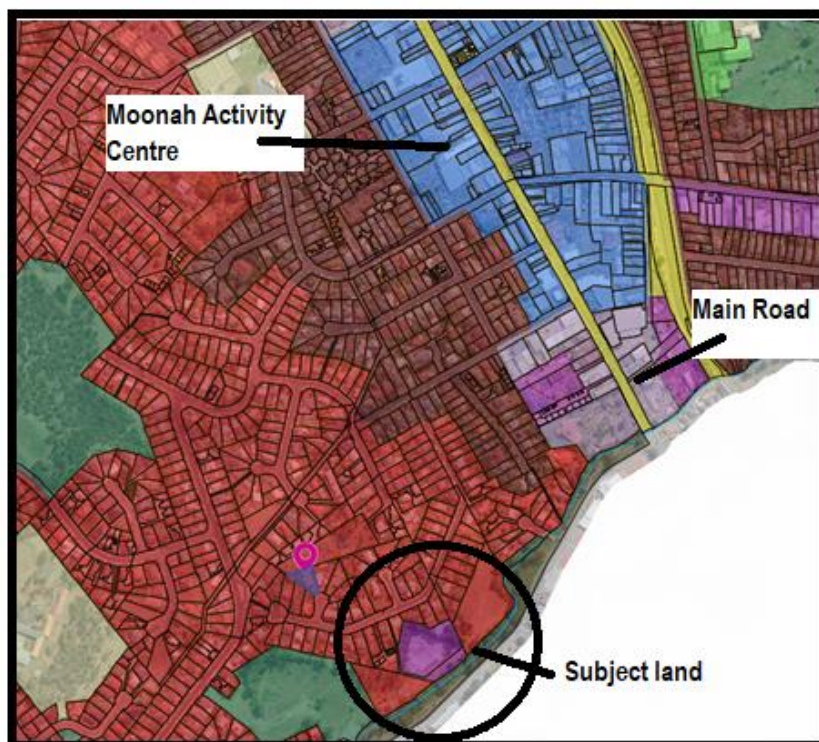


Figure 2 – Showing proximity of land to the Moonah Activity Centre

The site consists of 4 titles and has a total area of about 2.2 hectares. (See Table 1). Two of the parcels are in a General Residential Zone and two are in a Light Industrial Zone, as shown in the aerial image of the land with the zoning overlaid in Figure 3. Both 60 and 80 Creek Road contain existing single dwellings, the other lots are vacant.

Table 1 – subject land and features

Address	Title reference	Lot Size	Features	Current Zoning
60 Creek Road	113249/1	5,276m ²	Single dwelling	General Residential
80 Creek Road	54622/48	6,481m ²	Single dwelling, concrete slab of demolished industrial building; landlocked title	Light Industrial
80A Creek Road	198102/1	1,353m ²	Vacant	Light Industrial
90 Creek Road	132624/1	9,013m ²	Vacant	General Residential



Figure 3 – Aerial image of the land with Glenorchy LPS zoning overlaid (red is General Residential; purple is Light Industrial; green is Public Open Space and olive is Environmental Management)

The southern section of the land is generally flat, but it is quite steep to the northern rear section of the land, as can be seen in Figures 4 and 5.



Figure 4 – Looking north west and north across 60 and 80 Creek Road



Figure 5 – looking northeast across 90 Creek Road.

Access to 90, 80A and 60 Creek Road is via two single lane bridges over Creek Road (see Figure 6)



**Access to 80A Creek Road
(looking to Creek Road)**



**Access to 60 Creek Road
(looking to the existing dwelling)**

Figure 6 – existing access to the land

The land is affected by the Landslip Hazard Code and the Natural Assets Code – Waterway and Coastal Protection overlay (Figures 7 & 8). It is noted that Planning Scheme Amendment PLAM-21/03, recently on exhibition, reduces the extent of the Waterway and Coastal Protection overlay on the land and also identifies flood prone areas (Figures 9 & 10).



Figure 7 – Extent of the Landslip Hazard Code over the subject land

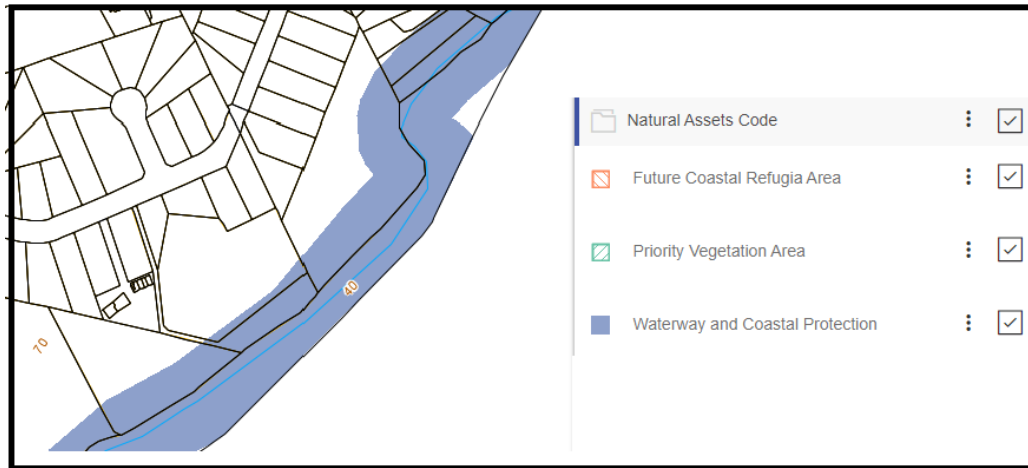


Figure 8 - Extent of the Natural Assets Code – Waterway and Coastal Protection overlay over the land

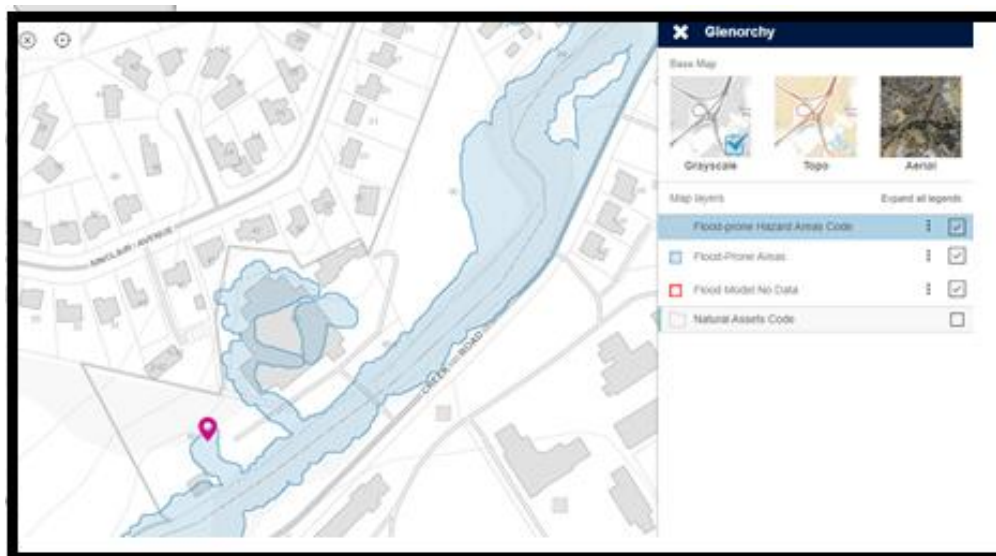


Figure 9 – Extent of subject land affected by PLAM-21/03 Flood prone areas

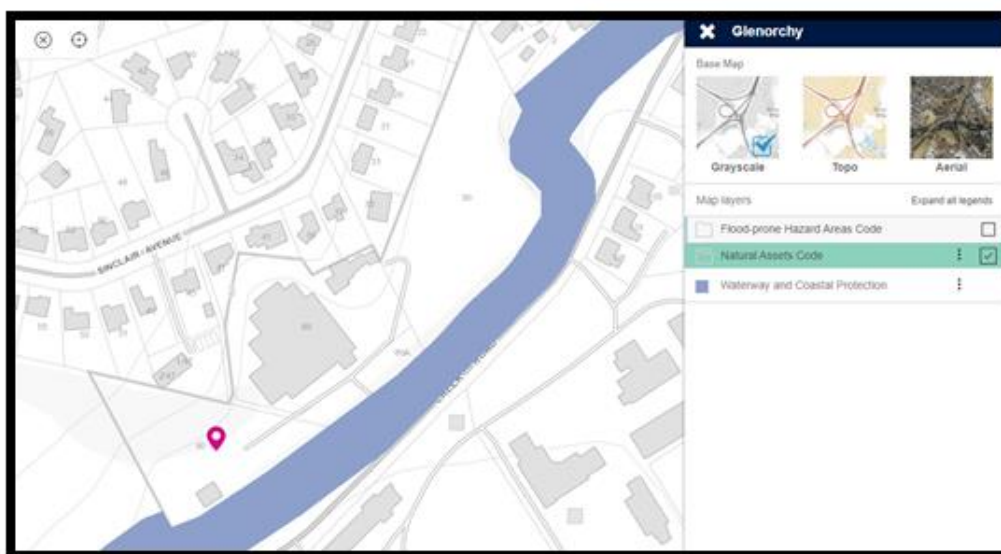


Figure 10 – Extent of subject land affected by PLAM-21/03 – reduced Waterway and Coastal Protection overlay.

80 & 80A Creek Road, currently within a Light Industrial Zone, are identified as potentially contaminated land. The Environmental Site Assessment (ESA Report) prepared by Environmental Management & Consulting Pty Ltd, 20 April 2021, indicated that this land is suitable for residential use, subject to further remediation works for the concrete slab on the land, and to ensure all new development connects to a reticulated water supply.

Adjoining land

The surrounding land is primarily in a General Residential Zone and developed with single dwellings, as can be seen in Figure 3. Land to the west is included in an Open Space Zone (Gerrard Street Reserve). Of note, the Moonah Activity Centre is about 800m from the site (about 550m to Main Road and 240m to the beginning of a General Business Zone).

Infrastructure

The land is connected to reticulated sewer, water and stormwater.

Environmental values

The New Town Rivulet runs along the southern boundary of the land. The rivulet is protected through the Waterways and Coastal Protection overlay under the Natural Assets Code. Future development of the land will need to comply with the provisions of the code to ensure natural waterflow and stream habitat are protected. The subject amendment will not conflict with this requirement. It is noted further erosion of the rivulet has occurred since the preparation of the Flood Study and Erosion Assessment report provided as part of the application.

Social and Economic Values.

The small, isolated pocket of land included in a Light Industrial Zone sits as an anomaly within the surrounding area. Its potential to function effectively as an industrial use of any scale or intensity is limited due to traffic impacts, access, size and surrounding land use conflict. Loss of this parcel from industrial land use potential at the local scale will be negligible, however the potential to offer more housing opportunities and provide increased support to the economic development of the surrounding area is significant.

As noted above, the proximity of the site to the Moonah Activity Centre presents an opportunity for increased housing density that would support the economic development of the activity centre.

Portion of the site (80 Creek Road) is understood to be the location of the former Calder's Flour Mill, two dams and associated water race/s, built in 1841. It is likely, that the mill, with its massive walls housing axles for the water wheel, has survived in an archaeological form. The site, however, is not listed in the Glenorchy Local Provisions Schedule. It may be appropriate, as part of a future planning scheme amendment, to consider the inclusion of the site as a Place or Precinct of Archaeological Potential under Table C6.4 of the Local Historic heritage Code. The applicant is aware of this possibility.

BACKGROUND

There are no relevant background matters.

PART 1 - ASSESSMENT / STRATEGIC OUTCOMES

Local Strategy, Policy and Impacts:

Rezoning

The potential to redevelop the land to urban densities is not significantly constrained by natural values or hazards. The rivulet runs along the southern boundary of the site, and while the Waterway and Coastal Protection overlay buffer to protect the watercourse extends 23 metres into the site, the reduction of the buffer under PLAM-21/03 would reduce this to 3m of the front of the site. The potential for flooding along the rivulet has also been identified in the applicant's Flood Study and Erosion Assessment Report (and planning scheme amendment PLAM-21/03). However, flood risk mitigation measures can be managed by building to specified structural requirements for bridges and heights above flood levels. Flood risk on the land is not considered to prevent development and would be addressed at the planning permit application stage. The applicant has also been encouraged to consider erosion management measures for the land.

Due to the size of the land (about 2.2 hectares) it is considered that an Inner Residential Zone is reasonably consistent with the zoning pattern and not a 'spot zoning' approach. Further, while there are some constraints to development potential, such as slope, protection of the New Town Rivulet, potential flooding impacts and potential archeological elements that may be confirmed on the land, the application of an Inner Residential Zone presents a greater opportunity to achieve medium density outcomes for the site than a General Residential Zone. That is, while some of the land may be constrained (due to slope, the rivulet etc) the greater heights and density allowed under an Inner Residential Zone enable a built form that can maximize opportunities on the developable portions of the land.

The rezoning seeks to convert an isolated portion of land, with limited industrial development prospects, and adjoining land within a General Residential Zone, to an Inner Residential Zone. This creates the opportunity for a significant increase in housing on land close to the Moonah Activity Centre and Main Road transit corridor.

The land is serviced and TasWater has indicated no objection to the planning scheme amendment and potential residential increases for the area (See **Appendix 3** – Comments from Referral bodies).

The opportunity to develop the land for more housing is consistent with Council's Strategic Plan, as more residents will mean increased support for the local economy. (**Appendix 1** includes an assessment against the Glenorchy Strategic Plan 2016-2025).

Application of a Specific Area Plan

Council's Traffic Engineer, while supportive of the rezoning has identified that, with the potential for increased pedestrian use along Creek Road, that pedestrian, cycling and vehicle movements to and from the site and pedestrian links from the site to Main Road should be designed and constructed through a coordinated approach (for full details of the referral see **Appendix 3 – Referrals**). (Figure 11 shows the existing informal car parking and the pedestrian track.)



Figure 11 – existing informal car parking and pedestrian track

The applicant's Traffic Impact Assessment identified the need to include a right turn lane in Creek Road to the site and for pedestrian links to Main Road, however as the proposal is about a rezoning (and permit application for consolidation) these matters would need to be considered at the development stage.

Council officers have proposed additional controls via a Specific Area Plan (SAP) for the site to strengthen the existing planning controls and ensure that isolated minor improvements do not occur, but rather a wholistic approach is undertaken to the land and changes along the northern side of Creek Road.

Council's Environmental Health Officer has indicated that, while the Environmental Site Assessment indicates the land is suitable for a sensitive use, any remediation works to be undertaken in line with the recommendations of that report should be clear (full details of the referral are included in **Appendix 3 – Referrals**). The specific recommendations are proposed to be included in the draft SAP to make it clear to future developers what needs to be undertaken for the safety of onsite workers removing the concrete slab, and for future residents.

The applicant has reviewed the provisions of the SAP and is generally supportive of the control, although considers the provisions in the draft SAP standard GLE-S14.6.1 *Access to the site* may be redundant given the existing provisions of C3.0 Road and Railway Assets Code – Clause C3.5.1 *Traffic generation at a vehicle crossing, level crossing or new junction*. Council officers consider that promoting wholistic and coordinated approach is vital to achieving a well-designed development and providing a high level of pedestrian amenity and recommend testing the provision through the planning scheme assessment process.

The draft GLE-S14.0 60, 80, 80A & 90 Creek Road, New Town Specific Area Plan is included in **Attachment 1** – Amendment Documents.

Regional Strategy and Policy

For the amendment to be approved, compliance with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) must be demonstrated.

The amendment is consistent with the STRLUS as it will:

- Rezone land within the Urban Growth Boundary to a zone that facilitates urban development opportunities.
- Assist Glenorchy reach its housing targets at appropriate density levels.

(See **Appendix 1** Statutory Assessment - Response to criteria requirements for Local Provisions Schedule under LUPAA, for assessment of the amendment against the relevant STRLUS policies).

State Strategy and Policy

To be approved, the amendment must be consistent with State policy and further the Schedule 1 objectives of LUPAA.

National Environmental Protection Measures is a relevant State policy in respect to the amendment. The submitted Environmental Site Assessment concludes the land (80 & 80A Creek Road) is suitable for residential use, and the remediation measures have been included in the draft SAP to ensure these requirements are implemented.

The amendment furthers the objectives of LUPAA by promoting sustainable and orderly development of land through the more efficient use of underutilised, serviced, urban land by including the site in an Inner Residential Zone.

(See **Appendix 1** Statutory Assessment - Response to criteria requirements for Local Provisions Schedule under LUPAA, for assessment of the amendment against the relevant State policies and Schedule 1 Objectives of LUPAA.)

Statutory considerations

Section 32 of LUPAA regulates the contents of a Local Provisions Schedules, and Section 34 outlines the LPS Criteria.

The amendment utilises the tools available under the State Planning Provisions and is consistent with the requirements under *Section 8A Guideline No 1 – Local Provisions Schedule (LPS): zone and code application*.

The amendment is consistent with the criteria. **Appendix 1** Statutory Assessment - Response to criteria requirements for Local Provisions Schedule under LUPAA, provides a detailed assessment of the amendment against the requirements of these provisions.

Conclusion on the amendment

The amendment seeks to rezone underutilised land within the Urban Growth Boundary to facilitate increased housing opportunities. An Inner Residential Zone will facilitate housing on land close to a major activity centre (Moonah) and open space opportunities (Gerrard Street Reserve), yet still reflect the residential nature of the surrounding area. The zoning and the draft SAP have been applied in line with the Commission's guidelines on the application of the State Planning Provisions, and are consistent with local and State policies and the Southern Tasmanian Regional Land Use Strategy.

For the above reasons it is assessed that the proposed amendment is consistent with the requirements of the *Land Use Planning and Approvals Act 1993* and should be prepared.

PART 2 - ASSESSMENT OF THE PLANNING PERMIT APPLICATION

Proposal in detail

The subdivision seeks to consolidate four (4) lots, see Figure 12 (a copy of the full plan is included at **Attachment 2**). The consolidation is relatively straight forward as no works are involved with the proposal and road access and service connections will continue to be maintained in the two existing locations off Creek Road.

It is noted that the consolidation of the lots converts the single dwellings on the land to multiple dwellings. However, a permit is not required for this change in use under the General Provisions at Clause 7.5 Change of use. (See Appendix 2 – Statutory assessment of planning permit application for details of this assessment).

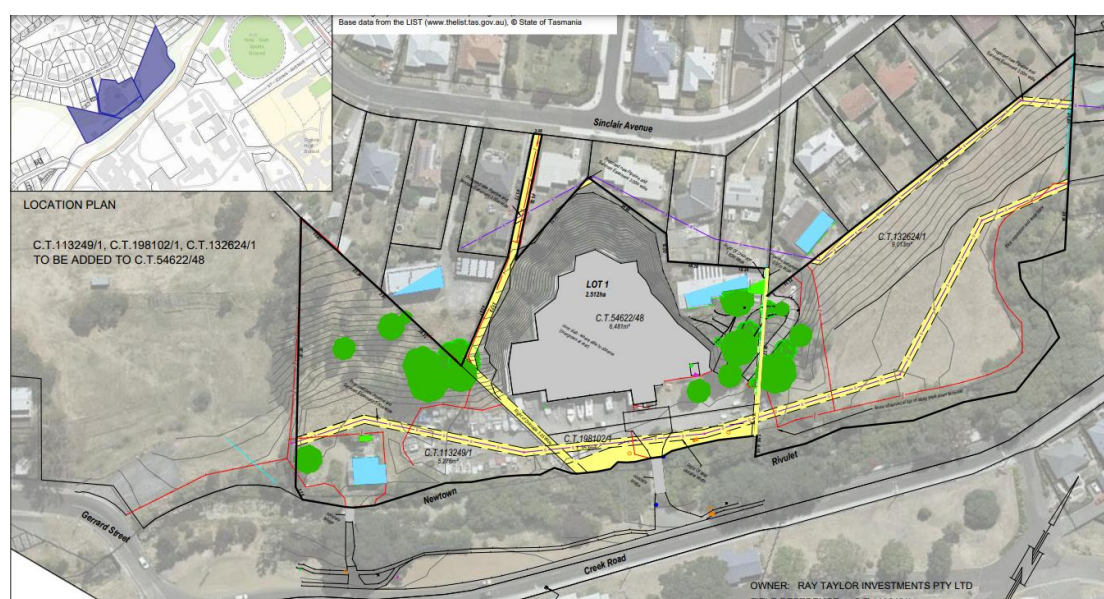


Figure 12 – lots to be consolidated.

Discretions

9.6.1 Lot Design P2

The Acceptable Solution requires a lot to have a minimum frontage of 3.6m. As a frontage must be to a road, and Creek Road is separated from the land by the New Town Rivulet reserve land, the only frontage to the site is from a 3.06m wide access to Sinclair Avenue.

The proposal must be assessed against the performance criteria of the standard, which provides:

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:

- (a) the width of frontage proposed, if any;*
- (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;*
- (c) the topography of the site;*
- (d) the functionality and useability of the frontage;*
- (e) the ability to manoeuvre vehicles on the site; and*
- (f) the pattern of development existing on established properties in the area.*

The southern edge of the land, adjacent to Creek Road is about 270m long, which provides significant opportunity for appropriate access point(s) to the land. While two of the lots to be consolidated have existing access to Creek Road, via bridges over the New Town Rivulet, it is likely that these access points would either need to be widened or relocated as part of any redevelopment of the land. There is adequate width along the southern boundary of the land to achieve this. Land adjacent to Creek Road is generally flat which would enable an appropriate level of functionality and manoeuvrability of vehicles on the site.

There is no discernible pattern of development for access in the area as some established development sites have access directly to Creek Road via a bridge over the rivulet, while for other development, access is off existing roads.

It is considered that, as the permit seeks consolidation of lots and not the creation of new lots, the existing access points will be retained and the technical frontage of the lot to Sinclair Avenue is unlikely to be used as part of the redevelopment of the land, the reduced frontage is acceptable and is considered to meet the performance criteria.

Conclusion

The proposal is relying on performance criteria to comply with applicable standards. The proposal is assessed as satisfying the performance criteria and complies with those standards as discussed above; the proposal is assessed as satisfying the acceptable solutions of the other relevant standards in an Inner Residential Zone, the Parking and Sustainable Transport Code, the Road and Railway Assets Code and the Natural Assets Code as detailed in **Appendix 2** -Statutory assessment of planning permit application.

RECOMMENDED CONDITIONS

The proposed use and development is assessed to be consistent with the requirements of the Tasmanian Planning Scheme - Glenorchy, the objectives of the *Land Use Planning and Approvals Act 1993* and relevant State Policies.

Should the amendment be prepared, it is recommended that a permit be granted for the subdivision (consolidation) of 60, 80, 80A & 90 Creek Road, New Town subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No PLAM-21/04 and the Drawing submitted on 24 November 2021 (1 page) except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater and set out in the attached Submission to Planning Authority Notice, reference No TWDA 2021/02100-GCC, dated 8 December 2021, form part of this permit.

Engineering

3. The final plan and schedule of easements is to include, to the satisfaction of the Council's Development Engineer, any existing or proposed right of ways, drainage and/or service easements that are or may be required to adequately provide access and services to, from or through the lots shown on the plan.
4. The applicant is to submit to Council a copy of the surveyor's field notes prepared to accompany the final plan.
5. Prior to the sealing of a Final plan, evidence must be provided to Council's Development Engineer that the development meets the requirements of TasWater.

CONCLUSION

The amendment seeks to enable a portion of redundant industrial land to be used for residential development opportunities. Rezoning the land, which is close to open space, the Moonah Activity Centre and the Main Road transport corridor to facilitate urban densities is consistent with local and regional policy objectives.

For the above reasons, it is assessed that the proposed amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the tenor of the Tasmanian Planning Scheme - Glenorchy and is consistent with the Southern Tasmanian Regional Land Use Strategy and State policies.

The planning permit application combined with the amendment request is assessed to be consistent with the requirements of the Tasmanian Planning Scheme - Glenorchy, the objectives of the *Land Use Planning and Approvals Act 1993* and relevant State Policies.

RECOMMENDATION

- A. That pursuant to Section 40D (a)(i) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agrees to prepare Amendment PLAM-21/04 to the Glenorchy Local Provisions Schedule to rezone 60, 80, 80A & 90 Creek Road New Town to an Inner Residential Zone and apply a Specific Area Plan to the land as shown in **Attachment 1**.
- B. That having decided to prepare the amendment, the Planning Authority certifies pursuant to Section 40F of the *Land Use Planning and Approvals Act 1993* that the draft amendment meets the *Land Use Planning and Approvals Act 1993*.
- C. That in accordance with Section 40Y of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agrees to grant a permit for subdivision (consolidation) of 60, 80, 80A & 90 Creek Road, New Town, subject to the conditions identified in this report.
- D. That, in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993*, the Planning Authority places the amendment on public exhibition for a period of 28 days.

Attachments/Annexures

- 1** PLAM-21 04 Attach 1 - Amendment
- 2** PLAM-21 04 Attach 2 - Subdivision Plans
- 3** PLAM-21 04 Attach 3 - Taswater Referral

APPENDIX 1 STATUTORY ASSESSMENT – RESPONSE TO CRITERIA REQUIREMENTS FOR LOCAL PROVISIONS SCHEDULE UNDER LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria:

a) *contains all the provisions that the SPPs specify must be contained in an LPS*

The draft amendment seeks to rezone the land and uses a zone from the suite of zones available under the SPPs. The application of the zone has been applied in line with Section 8A Guideline No 1- Local Provisions Schedule (LPS): zone and code application.

The application of an Inner Residential Zone is appropriate as:

IRZ 1: The land is connected to services, and is within 800m of the Moonah Activity Centre and the Main Road public transit corridor.

IRZ 2: There are no significant hazards on the land, acknowledging some archaeological heritage values may be present that warrant further investigation.

b) *is in accordance with [section 32](#)*

This section identifies the technical aspects of a LPS such as inclusion of zone maps and overlays, and what additional local provisions can be included if permitted to do so under the SPPs, to add to or override the SPPs.

Section 32(4) identified that a LPS may only include these additional local provisions where:

- a) *a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- b) *the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The draft amendment seeks to rezone the land and apply a Specific Area Plan (SAP) to the land.

The application of the SAP is considered consistent with Section 32(4) (b) as the land has specific remediation measures that need to be included on any further planning permit to protect future workers and residents.

The land represents a significant residential development opportunity to the municipality and therefore a significant social and economic benefit. Achieving a co-ordinated and wholistic approach to manage pedestrian and vehicle movements will ensure a high level of amenity and promote connection with the Moonah Activity Centre. The provisions in the SAP seeking to ensure a coordinated approach to future pedestrian, cycling and traffic links, to and from the site, are therefor considered consistent with Section 32(4) (a).

c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Comment
<p>(a) <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i></p>	<p>The amendment enables the efficient use of underutilised land by including land within the Urban Growth Boundary within an Inner Residential Zone, therefore furthering the objectives of sustainable development.</p> <p>No threatened species or threatened vegetation communities have been identified on or in proximity to the site. The site adjoins the New Town Rivulet, a natural waterway. Rezoning will not impact negatively on the environment subject to adequate assessment measures being applied to future development near the waterway. New Town Rivulet will remain protected via the provisions in the Natural Assets Code and Flood-Prone Areas Hazard Code of the planning scheme.</p> <p>New Town Rivulet provides an important ecological function through flood management. To confirm that natural ecological processes can be retained post development, a Flood Hazard Report by Flussig Spatial dated October 2020 was undertaken for the site. The report concluded that the site is minimally affected by flooding during the 1% plus climate change annual exceedance probability storm event. Future development can be achieved with minimal risk to users of the site and with no impact on existing flood extent on surrounding properties.</p>

<p><i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i></p>	<p>The site has access to existing infrastructure and will not impact on natural values (noting that the Waterways and Coastal Protection overlay buffer for the New Town Rivulet extends along the southern boundary of the site and will protect the values of the creek). The small portion of the site affected by the Landslip Hazard Code, is unlikely to prevent development of the site to its full potential.</p> <p>The land (with the exception of 60 Creek Road) is included in the densification area of the STRLUS, so including the land in an Inner Residential Zone is a logical infill opportunity. By including the site in a zone appropriate for urban areas it promotes orderly and sustainable development.</p>
<p><i>(c) to encourage public involvement in resource management and planning</i></p>	<p>The statutory process for assessment of amendments 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, which in turn may hold public hearings into representations.</p>
<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i></p>	<p>By increasing opportunities for housing the proposal will, in turn, bring in new residents to support local business and services, having a positive economic outcome.</p>
<p><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></p>	<p>The proposal has been considered by TasWater, who indicated no objection to the amendment or the planning permit application (subject to conditions). The proposal will have limited impact at the State government level. The proposal will not impact on the attainment of this objective.</p>
<p>Part 2 Objectives</p>	
<p><i>(a) to require sound strategic planning and co-ordinated action by State and local government</i></p>	<p>The amendment represents the efficient use of unconstrained and serviced land. Applying a more appropriate zone to land within the Urban Growth Boundary is a sound strategic planning response.</p>

<p><i>(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</i></p>	<p>The amendment uses a zone from the suite of zones available under the State Planning Provisions, and the zone is considered to be applied in accordance with the regional strategy.</p> <p>The SAP is considered appropriate as it addresses the requirements of Section 32(4) of LUPAA as discussed above.</p>
<p><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></p>	<p>This urban infill site contains no priority vegetation, so its redevelopment will have minimal impact on the environment. As noted above, providing increased housing opportunities within an urban area will achieve positive social and economic benefits.</p>
<p><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></p>	<p>The rezoning of the land will facilitate increased housing options within the metropolitan area and is considered to align with land use management policies at a State, regional and local level.</p>
<p><i>(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</i></p>	<p>The proposal is a combined planning scheme amendment and planning permit application. The proposal was referred to TasWater, who indicated it had no objection to the amendment, and supported the grant of the planning permit subject to conditions.</p> <p>Requirements for redevelopment of the site have, as far as practical under the State Planning Provisions, been considered.</p>
<p><i>(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</i></p>	<p>Part of the site, 80 and 80a Creek Road, is designated as potentially contaminated land because of its prior industrial use and use for underground petroleum storage tanks. Remediation works have been undertaken and an Environmental Site Assessment Report (ESA) has been completed for the site to assess its suitability for residential use. The remediation works involved removal of asbestos contaminated soil southwest of the concrete slab.</p>

	<p>This asbestos was debris from a fire that destroyed a former workshop on the site. The ESA recommends that additional remediation is required should the concrete slab be altered or removed in future. The slab is considered a potential asset to future development of this site, as it could be used as a sound foundation for a new building. Therefore, the amendment has no intention to prescribe future treatment for the slab. The draft SAP ensures these requirements for remediation will be adhered to during the redevelopment of the land.</p>
<p>(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i></p>	<p>The site has not been identified as having any registered sites, buildings or relics of Aboriginal or European heritage. However, there is a possibility that portion of the site corresponds to the historically recorded location of Calder’s Flour Mill, two dams and associated water race/s. Future work to investigate whether the site should be listed as a Place or Precinct of Archaeological Potential will be undertaken by Council officers.</p> <p>New Town Rivulet, which is of cultural values to the community, adjoins the site. This will be protected through application of the Natural Assets Code and Flood-Prone Areas Hazard Code during the assessment of subsequent development applications in proximity to the waterway.</p>
<p>(h) <i>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></p>	<p>Infrastructure such as roads, water, sewer, stormwater, gas, and electricity supply is protected and generally provided for in typical development assessment processes under legislation including but not limited to the <i>Land Use Planning and Approvals Act 1993, Water and Sewerage Industry Act 2008, Urban Drainage Act 2013, and Gas Pipelines Act 2000</i>. That is, the rezoning process itself will not affect the attainment of this objective given the significant legislative framework in place to protect and provide for public infrastructure throughout various stages of the development process.</p>

	<p>The applicant’s traffic assessment report reviewed potential impacts and made recommendations for any road infrastructure improvements should the site be fully developed to its maximum theoretical potential post rezoning (i.e., 110 new dwellings). While it is extremely unlikely that this maximum potential would be realised, this ‘worst case scenario’ was tested on the surrounding road network. A review of the Traffic Impact Assessment was undertaken by Council’s Traffic Engineer who indicated that additional planning scheme controls to ensure the safe and efficient management of the road network due to future development should be implemented; these controls are included in the draft SAP. With these additional planning scheme provisions, the amendment is considered to further this objective.</p>
<p>(i) <i>to provide a planning framework which fully considers land capability.</i></p>	<p>The proposed amendment does not affect the attainment of this objective.</p>

d) is consistent with each State policy;

Assessment of the amendment against the various policies is provided in the following table

State Policy	Comment
<p><i>State Policy on the Protection of Agricultural Land 2000.</i></p>	<p>The proposal does not involve the conversion of prime agricultural land to non-agricultural use.</p>
<p><i>State Policy on Water Quality Management 1997</i> <i>Specific outcomes to achieve water quality objectives are specified under the following divisions:</i></p> <ul style="list-style-type: none"> ▪ <i>Division 1 – Measure to achieve policy objectives</i> ▪ <i>Division 2 – Management of point sources of pollution</i> ▪ <i>Division 3- Management of diffuse sources of pollution.</i> 	<p>The proposed amendment per se would not result in an increase in sediment transport to surface waters.</p> <p>The planning permit application relates to a consolidation, no works are proposed that could impact water quality.</p>
<p><i>State Coastal Policy 1996.</i> The key principles are:</p>	<p>The subject land lies outside of the coastal zone.</p>

<ul style="list-style-type: none"> ▪ <i>Natural and Cultural values of the coast shall be protected</i> ▪ <i>The coast shall be used and developed in a sustainable manner</i> ▪ <i>Integrated management and protection of the coastal zone is a shared responsibility.</i> 	
<p><i>National Environmental Protection Measures</i></p> <p>National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the <i>State Policies and Projects Act 1993</i> and are administered by the Environment Protection Authority.</p> <p>The NEPMs relate to:</p> <ul style="list-style-type: none"> ▪ <i>ambient air quality</i> ▪ <i>ambient marine, estuarine and fresh water quality</i> ▪ <i>the protection of amenity in relation to noise (but only if differences in markets for goods and services)</i> ▪ <i>general guidelines for the assessment of site contamination</i> ▪ <i>environmental impacts associated with hazardous wastes</i> ▪ <i>the re-use and recycling of used materials.</i> <p>Principle 5 of the NEPMs states that planning authorities <i>'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.</i></p>	<p>An Environmental Assessment Report was provided and it identified that the site is appropriate for residential use, subject to mitigation measures to be undertaken when reusing or removing the concrete slab on 80 Creek Road.</p> <p>The mitigation measures have been included in the SAP to ensure that they are complied with where any works occur on the land.</p>

(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Polices have not been implemented.

- e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;*

The regional land use strategy for Glenorchy is the *Southern Tasmanian Regional Land Use Policy 2010-2035* (STRLUS). Comments against the relevant STRULS strategies are provided below:

Relevant STRLUS strategies	Comment
<p>Biodiversity and Geodiversity</p> <p>BNV 1: Maintain and manage the region’s biodiversity and ecosystems and their resilience to the impacts of climate change</p> <p>BNV 1.1: Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p>	<p>The site is largely cleared and contains exotic vegetation. The southern boundary of the land is affected by the Natural Assets Code – Waterway and Coastal Protection overlay</p> <p>Redevelopment of the land for residential purposes at suburban densities does not conflict with this strategy.</p>
<p>Water resources</p> <p>WR1: Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries.</p> <p>WR2: Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreation values.</p>	<p>These policies are relevant, give the proximity of the site to New Town Rivulet. The rivulet is protected by the Natural Assets Code and the proposed amendment does not change this.</p> <p>Future development will also be assessed against relevant policies relating to the <i>Urban Drainage Act 2013</i> and <i>State Policy on Water Quality Management 1997</i>.</p>
<p>Managing risks and hazards</p> <p>MRH2: Minimise the risk of loss of life and property from flooding.</p> <p>MRH5: Respond to the risk of soil erosion and dispersive and acid sulphate soils.</p>	<p>Planning Scheme Amendment PLAM-21/03, recently on exhibition, seeks to identify flood-prone land. The subject site is impacted due to its proximity to the New Town Rivulet.</p> <p>The applicant has identified areas of erosion along the rivulet in their report on Flood Hazard, Flussig Spatial, October 2020, although it is noted that additional erosion has occurred since that time.</p>

Relevant STRLUS strategies	Comment
<p>MRH3: Protect life and property from possible effects of land instability</p> <p>MRH4: Protect land and groundwater from site contamination and require progressive remediation of contaminated land where risk to human health or the environment exists.</p>	<p>Some areas of the land are also designated as being within medium landslip hazard bands.</p> <p>Finally, while potentially contaminated land has been identified on the site, it has been sufficiently remediated to enable the land to be suitable for residential uses, subject to some management requirements for works on the concrete slab. These requirements have been included in the SAP.</p> <p>As noted above, the amendment and subdivision application will not further compound these risks, nor is the land considered to be undevelopable for residential purposes due to their presence. These risks will be appropriately managed through relevant codes under the planning scheme where redevelopment of the land is considered.</p>
<p>Physical Infrastructure</p> <p>PI 1: Maximise the efficiency of existing physical infrastructure</p> <p>PI 1.1 Preference growth that utilise under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of greater Hobart.</p>	<p>The amendment seeks to rezone land within the Urban Growth Boundary to a zone that facilitates urban density development opportunities.</p> <p>The proposal was referred to TasNetworks and TasWater, who indicated no objection to the rezoning (or the planning permit application subject to conditions).</p> <p>The proposal is therefore consistent with this strategy.</p>
<p>Land use and transport integration</p> <p>LUTI1: 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.</p>	<p>The site is about 800m from the Moonah Activity Centre and 450m from Main Road.</p> <p>The amendment will facilitate higher density development in proximity to existing transport options promoting accessibility and sustainable transport use. The provisions of the SAP, seeking to ensure appropriate pedestrian links are provided to the Moonah Activity Centre directly aligns with this strategy.</p>
<p>Industrial Activity</p> <p>IA1: Identify, protect and manage the supply of well-sited industrial land that will meet regional needs across the 5, 15 and 30 year horizons.</p>	<p>The land currently with a Light Industrial Zone is significantly constrained due to size, access and land use conflict. It is a small, isolated pocket that is not appropriate for such use. Preliminary audits of land in Glenorchy within a Light Industrial Zone, identify that the retention of this land for industrial use is not warranted. Its loss from the extent of industrial land in the local area would also be negligible.</p>

Relevant STRLUS strategies	Comment
<p>Activity Centres</p> <p>AC1: 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.</p>	<p>The site is about 800m from the Moonah Activity Centre, which is identified as a major activity centre in the STRLUS.</p> <p>Providing opportunity for increased residential development in walking distance of the centre will support its function and role and is consistent with these strategy objectives.</p>
<p>Settlement and Residential Development</p> <p>SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.</p> <p>SRD 1.5 Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).</p> <p>SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the need for greater sustainability, housing choice and affordability.</p> <p>SRD 2.1 residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.</p> <p>SRD 2.7 Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows [Glenorchy LGA 40 % (5300 dwelling)].</p> <p>SRD 2.11 Increase the supply of affordable housing.</p>	<p>The amendment provides for new residential development opportunities within the Urban Growth Boundary and will assist Glenorchy reach its infill development targets at an appropriate density level.</p> <p>Rezoning the land to facilitate residential densities more appropriate to its urban location will assist in reducing urban sprawl.</p> <p>While housing affordability is increasingly difficult to achieve in the current Hobart market, increasing the supply of housing does improve housing affordability.</p> <p>For the above reasons, it is considered that the amendment is consistent with these strategies.</p>

- f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#), that applies in relation to the land to which the relevant planning instrument relates**

The municipal strategic plan is the *Glenorchy Strategic Plan 2016-2025*. The amendment is consistent with the following objective:

2.1 Stimulate a prosperous economy

By providing increased housing opportunities within the existing urban area of Glenorchy, the amendment provides an opportunity for new residents to live closer to where they work, and/or to live close to businesses and services and support the local economy.

- g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;**

There are no LPSs in effect in the neighbouring municipalities.

h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).

The site is partially located in the vicinity of the gas secondary distributor pipeline – see Figure 13.

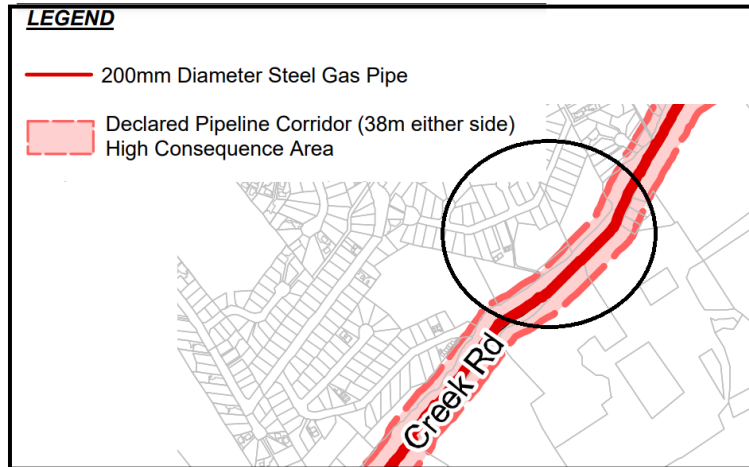


Figure 13 – Extent of the Declared Gas pipeline over the subject land.

Any development application will need to be referred to the pipeline licensee for advice. The planning scheme amendment will not impact on this process.

APPENDIX 2 – STATUTORY ASSESSMENT OF PLANNING PERMIT APPLICATION

State Policies and objectives of LUPAA

There are no inconsistencies with any other State policies or with the objectives of LUPAA.

Tasmanian Planning Scheme – Glenorchy

Exemptions (Tables 4.1 – 4.6)

There are no exemptions relevant to the application.

Planning Scheme Operation (Does a General Provision, Specific Area Plan (SAP), Site- Specific Qualification (SSQ) or Code override Zone provisions?)

No SSQ or Code provisions override Zone provisions in this assessment.

The General Provisions at Clause 7.0 are relevant due to the consolidation altering the use of single dwellings on two of the sites, to multiple dwellings.

Clause 7.5 Change of use provides:

A permit is not required for a change of use from an existing lawful use to another use in the same Use Class if:

- (a) the use is not otherwise Prohibited or Discretionary under any provision of the planning scheme;*
- (b) the use complies with all applicable standards and does not rely on any Performance Criteria to do so; and*
- (c) there is no:*
 - (i) increase in the gross floor area of the use;*
 - (ii) increase in the requirement for parking spaces under the Parking and Sustainable Transport Code;*
 - (iii) change in the arrangements for site access, parking, or for the loading and servicing of vehicles on the site;*

- (iv) *change in arrangements for the use of external areas of the site for display, operational activity or storage;*
- (v) *increase in emissions or change in the nature of emissions;*
- (vi) *increase in the required capacity of utility services; and*
- (vii) *increase in the existing hours of operation if outside the hours of 8.00am to 6.00pm Monday to Sunday inclusive.*

It is considered that the creation of multiple dwellings resulting from the consolidation satisfies the provisions of this clause, as:

- Multiple dwellings are permitted under an Inner Residential Zone.
- The use meets all of the applicable standards and does not rely on any performance criteria to do so – as shown in the table below.
- There are no works proposed and the operation of the use (dwellings) does not change.

Relevant Zones - Applicable Standards	Comment
Inner Residential Zone	Use standards apply to discretionary uses and multiple dwellings are Permitted
C2.0 Parking and Sustainable Transport Code.	Complies with Acceptable Solutions
C3.0 Road and Railway Assets Code	Complies with Acceptable Solutions
C7.0 Natural Assets Code	No applicable use standards
C12.0 Flood-Prone Hazards Code	The code is not applicable as there is no change of use converting non-habitable buildings to habitable buildings
C14.0 Potentially Contaminated Land;	Meets the AS of C14.5.1 <i>suitability for intended use</i> as identified in the Environmental Assessment
C15.0 Landslip Hazard Code	Use of land within a medium landslip hazard band is exempt.

Use Class Description (Table 6.2)

In accordance with clause 6.2.6, a subdivision is not categorised into one of the Use Classes:

6.2.6 - Notwithstanding subclause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.

Other relevant definitions (Clause 3.0)

Applicable standard means as defined in subclause 5.5.2, which is a standard in a zone, specific area plan or code, is an applicable standard if:

- (a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and
- (b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

Frontage means a boundary of a lot which abuts a road.

Standard means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.

Road means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.

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 a caravan park, childcare centre, dwelling, hospital or school.

Zones

The land is within an **Inner Residential Zone** and the following zone purpose statements, use table, use standards and/or development standards apply to this proposal:

The purpose of the Inner Residential Zone is to:

9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.

9.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

9.1.3 To provide for non-residential use that:

a) primarily serves the local community; and

b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off-site impacts.

9.1.4 To provide for Visitor Accommodation that is compatible with residential character.

The subdivision, to consolidate the four lots and provide the potential for a greater range of residential development opportunities is consistent with the purpose statements of the zone.

Use Table

A subdivision is not required to be categorised under a Use Class in accordance with Clause 6.2.6.

Compliance with Use, Development and Subdivision Standards and relevant Codes are identified in the following table

9.0 Inner Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
9.3 Use Standards – not applicable to this application			
9.4 Development Standards for Buildings and Works – not applicable to this application			
9.5 Development Standards for Non-dwellings – not applicable to this application			
9.6 Development Standards for Subdivision			
9.6.1 Lot design	<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 200m² and:</p> <p style="margin-left: 20px;">(i) be able to contain a minimum area of 10m x 12m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 40px;">a. all setbacks required by clause 9.4.2 A1, A2 and A3, and 9.5.1 A1 and A2; and</p> <p style="margin-left: 40px;">b. easements or other title restrictions that limit or restrict development; and</p> <p style="margin-left: 20px;">(ii) existing buildings are consistent with the setback required by clause 9.4.2 A1, A2 and A3, and 9.5.1 A1 and A2;</p>	The proposal is for the consolidation of lots and satisfied (d)	yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.		
	A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 3.6m.	The land does not have frontage to Creek Road, its only frontage is to Sinclair Avenue, moonah which is 3.06m wide	No – see report for assessment
	A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.	There are existing accessways at 60 Creek Road and 80A Creek Road which will service the site	Yes
9.6.2 Roads	A1 The subdivision includes no new roads.	The proposal consolidates the lots, no new roads are created	yes
9.6.3 Services	A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.	The land is fully serviced	yes
	A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	The land is fully serviced	yes

Standard	Acceptable Solution	Proposed	Complies?
	<p>A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	The land is fully serviced	yes

C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
<p>C2.5.1 Car parking numbers</p>	<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: (a) 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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
	<p>C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p>$N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>		
<p>C2.5.2 Bicycle parking numbers</p>	<p>A1 Bicycle parking spaces must: (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.</p>		NA
<p>C2.5.3 Motorcycle parking numbers <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i></p>	<p>A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or</p>		N/A

Standard	Acceptable Solution	Proposed	Complies?
<p><i>Crematoria and Cemeteries; Educational and Occasional Care; Food Services; General Retail and Hire; Hospital Services; Hotel Industry; Pleasure Boat Facility;</i></p> <p>Residential if for a communal residence, multiple dwellings or hostel use; <i>Sports and Recreation; and Tourist Operation.</i></p>	<p>intensification, provided the existing number of motorcycle parking spaces is maintained.</p>		
<p>C2.5.4 Loading bays <i>This applies to: Bulky Goods Sales; General Retail and Hire; Manufacturing and Processing; and Storage.</i></p>	<p>A1 A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>		NA
<p>C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone <i>This applies to: Business and Professional Services;</i></p>	<p>A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: (a) Food Services uses up to 100m² floor area or 30 seats, whichever is the greater; and (b) General Retail and Hire uses up to 100m² floor area,</p>		NA

Standard	Acceptable Solution	Proposed	Complies?
<i>Community Meeting and Entertainment;</i> <i>Educational and Occasional Care;</i> <i>Emergency Services;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Sports and Recreation; and</i> <i>Utilities, if not for minor utilities.</i>	provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		
C2.6 Development Standards for Building Works			
C2.6.1 Construction of parking areas	A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.		N/A
C2.6.2 Design and layout of parking areas	A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following:		N/A

Standard	Acceptable Solution	Proposed	Complies?
	<ul style="list-style-type: none"> (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>. [S35] 		

Standard	Acceptable Solution	Proposed	Complies?
C2.6.3 Number of accesses for vehicles	A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.		N/A
	A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.		N/A
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	A1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</i>		N/A
C2.6.5 Pedestrian access	A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and		N/A

Standard	Acceptable Solution	Proposed	Complies?
	<p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>		
<p>C2.6.6 Loading bays</p>	<p>A1 The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>		<p>N/A</p>
	<p>A2 The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Offstreet commercial vehicle facilities</i>.</p>		<p>N/A</p>
<p>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</p>	<p>A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>		<p>N/A</p>

Standard	Acceptable Solution	Proposed	Complies?
	<p>A2 Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) have dimensions not less than: <ul style="list-style-type: none"> (i) 1.7m in length; (ii) 1.2m in height; and (iii) 0.7m in width at the handlebars; (b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>. 		N/A
<p>C2.6.8 Siting of parking and turning areas</p>	<p>A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>		N/A
	<p>A2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <ul style="list-style-type: none"> (a) have no new vehicle accesses, unless an existing access is removed; (b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads. 		N/A

Standard	Acceptable Solution	Proposed	Complies?
C2.7 Parking Precinct Plan			
C2.7.1 Parking Precinct Plan	A1 Within a parking precinct plan, onsite parking must: (a) not be provided; or (b) not be increased above existing parking numbers.		N/A

Footnotes

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

C3 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
C3.5 Use Standards			
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. A1.3 For the rail network, written consent for a new private level		N/A

Standard	Acceptable Solution	Proposed	Complies?
	<p>crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road. <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
C3.6 Development Standards for Buildings and Works			
<p>C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area</p>	<p>A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be:</p> <ul style="list-style-type: none"> (a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building; (b) an extension which extends no closer to the existing or future major road or rail network than: <ul style="list-style-type: none"> (i) the existing habitable building; or (ii) an adjoining habitable building for a sensitive use; c 		<p>N/A</p>

Standard	Acceptable Solution	Proposed	Complies?
	(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual, 2nd edition, July 2008</i> .		
C3.7 Development Standards for Subdivision			
C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area	A1 A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.		N/A

With respect to the other relevant codes:

C7.0 Natural Assets Code - Consolidation of lots is exempt

C12.0 Flood-Prone Hazards Code – consolidation of lots is exempt

C14.0 Potentially Contaminated Land - consolidation of lots is exempt as there is no disturbance of land.

C15.0 Landslip Hazard Code - subdivision that does not involve any works are exempt under this code

APPENDIX 3 – COMMENTS FROM REFERRAL BODIES

INTERNAL REFERRALS

DEVELOPMENT ENGINEER

The proposed subdivision seeks to consolidate land at 60, 80, 80a and 90 Creek Road, New Town into a single title. No physical works are proposed. That is, access and servicing to the site will remain as existing. The land is proposed to be Rezoned to Inner residential.

9.6 (Inner residential zone) Development standards for subdivision

The consolidated site meets the acceptable solutions for all relevant zone subdivision standards in the planning scheme. No physical works are proposed or required to achieve this.

9.6.1 Lot design meets A3, 9.6.2 Roads meets A1 and 9.6.3 Services meets A1 A2 and A3

C3.0 Road and Railway Assets Code

The proposal to consolidate the site into a single land parcel will not increase the amount of vehicle movements, will not require a new vehicle crossing, and will not involve subdivision in a road or railway attenuation area. As such, this code is not applicable to the proposal pursuant to clause C3.2 of the planning scheme.

C2.0 Parking and Sustainable Transport Code

This code is applicable to all use and development in the inner residential zone. Following subdivision, the consolidated site will retain the existing parking and access arrangements, which meets the acceptable solutions for all relevant code requirements. The site is afforded two existing access points and onsite parking for not less than two vehicles per dwelling (there are two occupied rental dwelling on the site).

I concur with the statements (in the submitted planning report) provided for C2.0 and C3.0.

Access onto the new residential lot can be achieved by using either of the existing access. Driveway and parking design for grades, material and manoeuvring shall be able to achieve once the development proposed.

Therefore, the rezoning development deems to satisfy both C2.0 and C3.0 codes subject to the future development application.

Other

C15.0 Landslide Code

The proposal is for the consolidation of lots in a medium landslip hazard area. Given that no works are proposed, the subdivision is exempt from this code pursuant to clause C15.4.1(i).

C7.0 Natural Assets Code

The proposal is for the consolidation of lots, which is exempt from this code pursuant to clause C7.4.1(g) of the planning scheme.

C12.0 Flood-Prone Areas Hazard Code

The proposal is for the consolidation of lots, which is exempt from this code pursuant to clause C12.4.1(d) of the planning scheme.

Standard Conditions

- The final plan and schedule of easements is to include, to the satisfaction of the Council's Development Engineer, any existing or proposed right of ways, drainage and/or service easements that are or may be required to adequately provide access and services to, from or through the lots shown on the plan
- The applicant is to submit to Council a copy of the surveyor's field notes prepared to accompany the final plan.
- Prior to the sealing of a Final plan, evidence must be provided to Council's Development Engineer that the development meets the requirements of TasWater.

Advice to Applicant:

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

ENVIRONMENTAL HEALTH

The proposed parcels of land is to be rezoned from general residential and light industrial to inner residential zone. This is therefore changing to a more sensitive use and due to the site having a history of contamination the Potentially Contaminated Land Code of The Scheme is triggered.

Contamination history:

80 Creek Road

This site historically housed underground petroleum storage tanks (UPSS) which, through previous contamination investigations, have been confirmed to have leaked and caused some ground water contamination. In 2012/13 two UPSS were removed from the site (80 Creek Road). Remediation works were also undertaken to address the contamination on site caused by the UPSS. Such remediation works included the removal of contaminated soil and free water around where the UPSS was located. This location was then treated with an oxidant to assist the natural breakdown of any residual hydrocarbons.

A report prepared by em&c dated 19 Dec 2013 concluded that further site testing around the UPSS identified that the site where the UPSS had been removed was remediated to an acceptable level and no further works were required. This report was provided to the EPA which advised the decommissioning had been completed, contamination in Pit 2 had been remediated, and no further works were required.

90 Creek Road

In 2019 a fire destroyed an existing structure on 90 Creek Road. This structure is believed to have contain asbestos and therefore the site is believed to be contaminated with asbestos fibres. Fire fighting chemicals were also used to extinguish the blaze which have the potential to cause site contamination.

Environmental Investigations for this proposal

An Environmental Site Assessment (ESA) dated 20 April 2021, version VR02 was prepared by Environmental Management and Consulting Pty LTD to meet the requirements of C14.5.1 (suitability of use) and C14.7.1 (Subdivision for sensitive use) of The Planning Scheme.

This report undertook a thorough desktop review and onsite assessment which included gathering top soil, ground water and soil samples from bore holes up to 7m below ground surface level. Sampling was conducted in three (3) separate stages with numerous sampled taken within each stage.

The report concluded that:

At the completion of Stages 1-5 ESA assessment and subject to the report statement of limitations included within Section 11, the report findings and conclusions are as follows:

- *In the first stages of sampling (Stage 1 – 3) asbestos was noted on the site surface in one location (near MW01) and reported in three other surface soil samples (AS04, AS06 and AS07; to max depth 0.1m). Resampling of these locations and additional sampling in Stage 5 found no asbestos with the exception of one surface location at AS14 (90 Creek Road) which was associated with remnant fire impacted material. Stage 5 works included excavation of the area around AS14 and removal of surface soil to natural soils/bedrock. Validation sampling verified the removal of impacted soil, where all results were below the adopted human health criteria. An asbestos clearance certificate was issued by IPM, for the excavated area, following these works.*
- *An asbestos clearance certificate for the remainder of the site and also an asbestos report for the residence (surface sampling) was issued following works in 2019. Both reports clear the site and residence for surface asbestos.*
- *Other than asbestos, no other assessment targeted Contaminants of Potential Concern (COPCs) were identified in either soil or groundwater samples at a concentration which would be considered potentially unacceptable to human health for a residential/ sensitive land use, as defined by the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (2013 Amendment).*
- *In assessed groundwater samples, copper, nickel and zinc were reported exceeding the NEPM groundwater investigation limit (GIL) for freshwater ecosystems in all collected groundwater samples.*
- *The low concentrations of these metals in soil on site does not suggest a source that would pose a longterm impact to groundwater. In the context of the past and present mixed land use of the area (commercial & residential and the historic landfill to the west of the site), it is likely the elevated concentrations are derived off-site and are indicative of the wider New Town area.*
- *It is an assessment assumption that the future development will have a reticulated town water supply, which is consistent with the current water supply to the site.*
- *Concentrations of manganese and nickel in groundwater does not support the extractive use of groundwater from the site for the purpose of potable water supply. Extractive groundwater use at the site is not presently undertaken at the site and is considered highly unlikely in the future given the site's urban setting and available/accessible reticulated water supply network.*

The overall findings of the ESA complete were that:

- *the site is assessed to be suitable for the proposed 'general residential' land use.*
- *The suitability of the site is subject to the following conditions:*

- *The implementation of an unexpected finds procedure, to be prepared by a suitably qualified environmental consultant, in the event that isolated pockets of waste may be encountered during development of the site. The plan should be incorporated within the sites’ construction management plan for any development, to provide guidance on the management of any unexpected finds of buried waste, including asbestos.*
- *As per the recommendations in IPM (2021) for the concrete slab:*
 - o *Prior to the demolition or on-site reuse of the slab, a suitably qualified asbestos removalist be engaged to vacuum soil and other organic matter from fractures on the slab.*
 - o *The fractures then be sealed with a binding agent such as expanding foam.*
 - o *Future development will have a reticulated town water supply, which is consistent with the current water supply to the site*

Environmental Health conclude that the report Environmental Site Assessment (ESA), dated 20 April 2021, version VR02 prepared by Environmental Management and Consulting Pty LTD demonstrates compliance with section C14.5.1 P1 (c) and C14.7.1 P1 (c) of The Scheme.

It is recommended that site specific controls are included in a Specific Area Plan for the site capturing the recommendations outlined in the ESA (VR02).

These controls are recommended to include the following:

GLE-S14.7.1 Contaminated Land

This clause is in substitution for C14.0 Potentially Contaminated Land Code – clause C14.5.1 Suitability for intended use and in addition to clause C14.6 Development Standards for Buildings and Works.

Objective:	
That the risk to future site workers and occupants of land shown in Figure GLE-S14.2 is reduced to the extent practicable by minimising potential contamination from: <ul style="list-style-type: none"> (a) the existing on-site slab and any other contaminates; and (b) access to potable water. 	
Acceptable Solution	Performance Criteria

<p>A1</p> <p>Use and development involving demolition or re-use of the existing concrete slab on land shown in Figure GLE-S14.2, includes certification from a site contamination practitioner that:</p> <p>(a) a suitably qualified asbestos removalist has vacuumed soil and other organic matter from fractures on the slab; and</p> <p>(b) the fractures are sealed with a binding agent such as expanding foam.</p>	<p>P1</p> <p>Demolition or on-site reuse of the existing concrete slab on land shown in Figure GLE-S14.2 is suitable for the intended use having regard to:</p> <p>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated;</p> <p>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</p> <p>(c) an environmental site assessment that includes a plan, to manage contamination and associated risk to human health or the environment that includes:</p> <p>(i) any specific remediation and protection measures required to be implemented before any use commences; and</p> <p>(ii) a statement that the land will be suitable for the intended use.</p>
<p>A2</p> <p>A Contamination Finds Procedure, prepared by a site contamination practitioner, providing guidance on the management of any unexpected finds of buried contaminated waste, including asbestos, forms part of a Construction Management Plan for works on the site.</p>	<p>P2</p> <p>No Performance Criterion</p>
<p>A3</p> <p>New development on land shown in Figure GLE-S14.2 must:</p> <p>(a) connect to a reticulated water supply service; and</p> <p>(b) not install groundwater wells.</p>	<p>P3</p> <p>No Performance Criterion</p>

TRAFFIC ENGINEER

Introduction

The developer proposes a land rezoning to residential and boundary adjustments. The assessment below is based on the Traffic Impact Assessment (TIA) undertaken by Hubble Traffic, dated January 2022 in which the traffic assessment considered the traffic impacts of 110 residential dwellings or units on the surrounding network.

Traffic Generation

The traffic generated by the development is expected to be 772 daily trips with 80 trips in the morning peak hour based on 80 single residential dwellings and 30 large units with 3 or more bedroom as per the Roads and Maritime Services, Road Traffic Authority (RTA) NSW Guide to Traffic Generation Development.

Recent traffic data at the traffic lights at the intersection of Main Road and Augusta Road with Creek Road, along with a traffic survey undertaken in May 2021 at the nearby junction with Gerrard Street were used to model the impact of this development on the network as part of the TIA.

The survey showed that on Gerrard Street the morning peak traffic is 299 vehicles and in the evening is 169 vehicles. On Creek Road the morning peak from Augusta Road end is 870 vehicles and in the evening 603 vehicles and from the Main Road end is 653 vehicles in the morning and in the evening 583 vehicles.

The traffic on Gerrard Street is acceptable for a local residential street that can carry up to 3,000 vehicles per day which is about 300 vehicles in peak times and the traffic on Creek Road is acceptable for a local collector road which can carry up to 10,000 vehicles per day which is about 1,000 vehicles in peak times. The traffic modelling in TIA at the intersection of Gerrard Street and Creek Road shows no adverse impacts on the level of traffic performance and will continue to operate with a high level of efficiency and no notable impact on traffic delays and queues for motorists.

This trip distribution from Gerrard Street was used to generate the trip distribution for the development used in the model in which traffic head to either Main Road or Augusta Road. The survey showed that:

- in the morning peak 173 (72%) of vehicle leaving Gerrard Street travelled to Augusta Road and 70 (28%) to Main Road and there were 40 (71%) vehicles entering Gerrard Street from Augusta Road and 16 (29%) from Main Road.
- in the evening peak there were 55 (65%) vehicle leaving Gerrard Street travelled to Augusta Road and 29 (35%) to Main Road and there were 36 (42%) of vehicles trips entering Gerrard Street from Augusta Road and 49 (58%) from Main Road.

The traffic modelling undertaken shows that at the intersections with Main Road and Augusta Road, these intersections are currently operating at capacity during the morning and afternoon peak times with motorists incurring some delays generally less than one traffic cycle length. The delays on Creek Road are due to giving priority to traffic on Main Road and Augusta Road.

The expected traffic increase due to the development at both signages is 1% in the morning and a 2% in the afternoon. These increases are considered low and represent normal traffic growth which is generally 2% per year. Although the intersections are already operating at capacity, the TIA states that predicted traffic impact from the proposed development is expected to be minimal and traffic efficiency impact from a route perspective would be insignificant.

The TIA also notes that any improvements such as additional traffic lanes to these intersections need to be considered the whole route along Main Road or Augusta Road. Localised improvements at one site are unlikely to achieve any overall route improvements due to delays at the next set of traffic light. However, the TIA did suggest that there might be some scope to increase the left turn slip lane from Augusta Road onto Creek Road to improve the efficiency of this intersection which is within Hobart City Council.

Driveway Access and Gerrald Street

The development site currently has two existing vehicle access with bridges to Creek Road. These two accesses may be retained or rearranged into a different configuration. The expected peak number of vehicles turning from Creek Road into the site in the evening is 42 vehicles turning right and 30 vehicles turning left.

From the survey undertaken for traffic movements on Creek Road, the TIA recommends a right turn lane and possible short left-hand taper required to enter the development site at their driveway access or accesses. The survey undertaken also shows that the same treatment is required at the Gerrard Street junction. This treatment at Gerrard Street was not mentioned in the TIA as the development will not directly affect this junction but should be considered due to the cumulative effect and for consistency.

Pedestrian and Cycling Impact

Currently on Creek Road fronting the development on the northern side there is no kerbing or formal footpath with the edge of the road supported with a gravel verge, see images below. The gravel verge is used as informal parallel parking.

The TIA mentioned that the current verge and footpath provide pedestrians with adequate level of service. There is no dedicated cycle path on the road for cyclists, but the TIA says they would either be able to use the road environment or footpath.



Google Maps – looking west from driveway access with Gerrard Street in background



Google Maps – looking east (towards Main Road) from driveway access



Google Maps – looking east (towards Main Road) from the other driveway access

The TIA states that “the subdivision will contain appropriate footpaths that will connect into existing footpaths along Creek Road” and “the construction of the new driveway accesses to the development site will provide an opportunity for the provision of kerbing and channel to be installed along the northern side to provide a consistent urban street environment.”

Impact on Creek Road

The development will increase the pedestrian usage along the northern side of Creek Road, along with traffic movements and possible parking. It is therefore proposed that any development of the site should have appropriate footpaths (with kerb) on the northern side of Creek Road that will connect into existing footpath at Gerrard Street and to the east.

The option of crossing pedestrian over the road to the footpath on the southern side could be undertaken but should not be the only pedestrian connection due Creek Road being a busy local collector road with increase in turning movements at the driveways to the site.

The TIA has proposed that a right turn lane will be required to the driveway accesses which will mean that the northern side of the road will need to be widen and that the provision of kerb at the driveway accesses will be undertaken.

The changes in the layout of the road with the right turn lane, will affect the informal parking along with sight lines requiring to be met when coming out of the driveway accesses. Formalising the parking and sealing the area would assist to make the parking safe and ensure sight lines are met.

To ensure that isolated minor improvements do not occur and a wholistic approach is undertaken to the land and changes along the northern side of Creek Road, the proposed scheme amendment is recommended to strengthen the existing planning scheme provisions.

Proposed Scheme Amendment

GLE-S14.6.1 Access to the site

This clause is in addition to C3.0 Road and Railway Assets Code – Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction.

Objective:
To: <i>(a) promote connectivity between the site and the Moonah Activity Centre; and</i> <i>(b) protect the safety and efficiency of the road network and road frontage.</i>

Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Upgrades to road infrastructure to facilitate pedestrian and vehicle movements to and from the site are the responsibility of the developer and must be designed and constructed, having regard to:</p> <ul style="list-style-type: none"> (a) achieving safe and convenient pedestrian movements between the subject land and the Moonah Activity Centre; (b) supporting safe pedestrian, cycling, parking and vehicle movements to and from the site on Creek Road between Gerrard Street and Main Road; (c) minimising adverse impacts on the local road network; (d) any traffic impact assessment; and (e) any advice from the relevant road authority.

CONCLUSION

The development will impact on vehicles, pedestrian, cycling and parking movements on the northern side of Creek Road fronting the development. It is therefore recommended that the proposed scheme amendment is adopted to ensure the safe and efficient management of the road network due to the development.

EXTERNAL REFERRALS

TasWater

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater makes the following submission(s):

1. TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.
2. Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes the conditions identified in TWDA 2021/02100-GCC, dated 08/12/2021. A copy of the Referral is included in **Attachment 3**

TasNetworks

Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development

6. AMENDMENT PLS43A-21/03 - S.40K REPORT ON REPRESENTATIONS

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: PLS43A-21/03

REPORT SUMMARY

Application No.:	PLS43A-21/03
Applicant:	SJM Property Development
Owner:	Valhal Properties Tasmanian PTY LTD; Kar Blar Wah, Hser La Wee & Law Eh Paw, Sally Woolley & Phillip Marsh; and Glenorchy City Council
Proposed Amendment:	To include 263, 271 & 295 Main Road Austins Ferry in a General Residential Zone and apply a Specific Area Plan to the land, combined with a planning permit application for demolition of the existing dwelling and construction of forty-two (42) multiple dwellings at 271 & 400 Main Road, Austins Ferry
Report Purpose:	To consider the merits of representations received. The Planning Authority's assessment must be provided to the Commission under Section 40K of the <i>Land Use Planning and Approvals Act 1993</i>
Representations Received:	1
Recommendation:	Refer representations and amendment, with changes, to the Commission

REPORT IN DETAIL

INTRODUCTION

The draft amendment and planning permit PLS43A-21/03 were publicly notified from Monday 31 January 2022 until Tuesday 1 March 2022.

The public notification involved advertisements in the Mercury on Saturday 29 January 2022 and Wednesday 2 February 2022, a mailout of letters to all owners and occupiers of land adjoining the subject land and signs on the subject land.

One representation was received during the exhibition period. This report examines the merits of this representation.

BACKGROUND

The amendment seeks to:

- Rezone 263, 271 and 295 Main Road, Austins Ferry from part Open Space and part Rural Living A Zone to a General Residential Zone.
- Apply a Specific Area Plan to all rezoned land to minimise the likelihood for sensitive uses to conflict with, interfere with or constrain uses with the potential to cause emissions on adjacent land uses for industrial and commercial activity at Whitestone Drive.

The land subject to the rezoning and SAP is shown in Figure 1 and 2 below



Figure 1 – aerial image of subject land

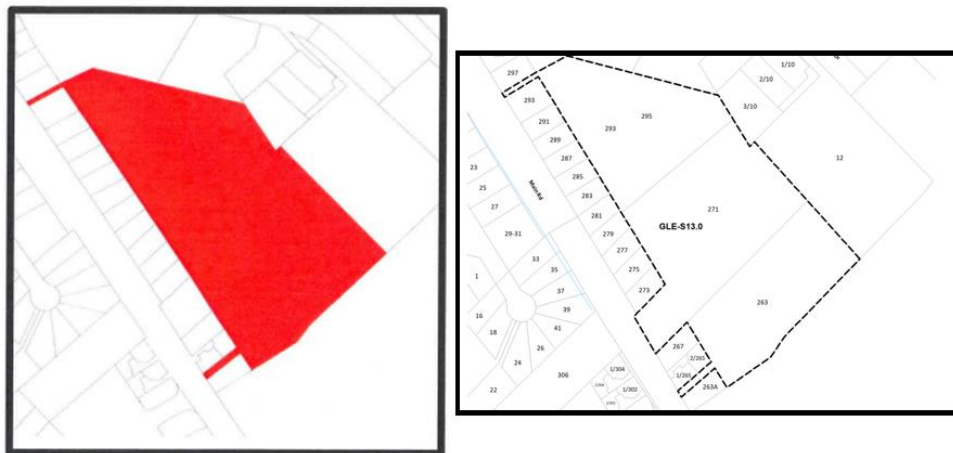


Figure 2 – Proposed rezoning and extent of the SAP area

The amendment is combined with a request for 42 multiple dwellings at 271 Main Road, Austins Ferry and also requires upgrades at the pump station at 400 Main Road, Austins ferry. The application seeks approval for demolition of the existing dwelling on site and construction of 42 dwellings [17 single storey and 25 two - storey dwellings] at 271 Main Road, Austins Ferry. The dwellings are a mix of 2 and 3 bedrooms. Each dwelling is provided with two (2) car parking spaces and fourteen (14) visitor spaces are also provided on site. Each dwelling has a minimum of 60m² of open space (see Figure 3 - unit layout).

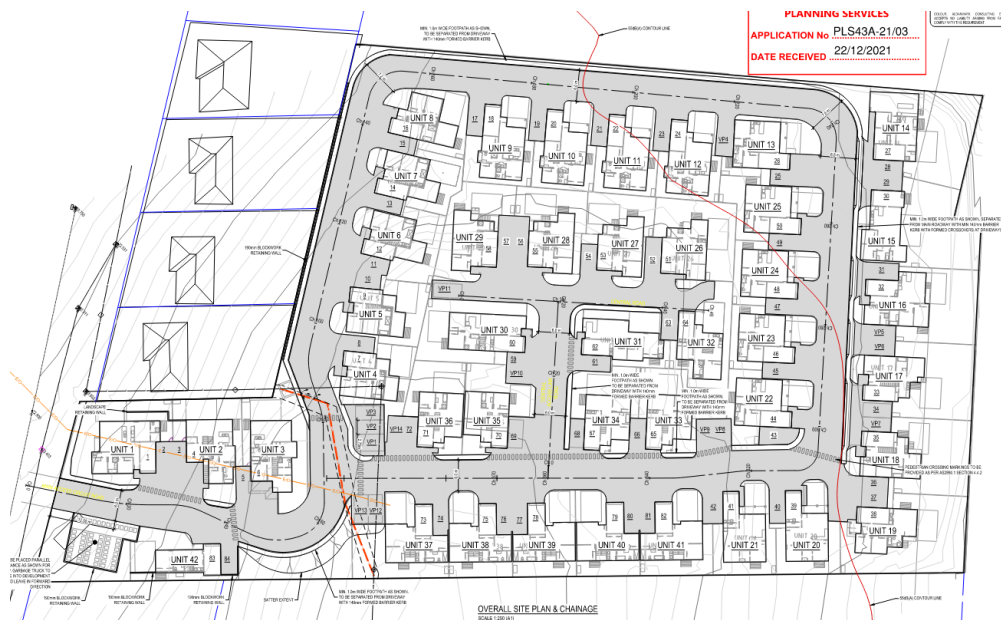


Figure 3 – Unit layout

STATUTORY REQUIREMENTS

Section 40K(2) of LUPAA requires a planning authority to provide a report to the Tasmanian Planning Commission (the Commission), comprising:

- (a) *a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) *a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
 - i. whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
 - ii. the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*

Where the planning scheme amendment request has been combined with a planning permit application, the Planning Authority must also provide to the Commission a report under S42 of LUPAA that indicates whether the representation justifies modification to the Planning Authority's decision on the application for the planning permit.

DISCUSSION ON MERITS OF REPRESENTATIONS

One representation was received during the public notification period.

The issues raised in the representation are summarised below with officer comment on: the merits of each issue; the need for modification and the potential impacts on the amendment and the Local Provisions Schedule (LPS) as a whole, if a modification were made; and whether there should be any modification to the Planning Authority's decision on the planning permit.

The representation was received on behalf of the owners of 4, 6 & 8 Whitestone Drive, Granton (shown in Figure 4).

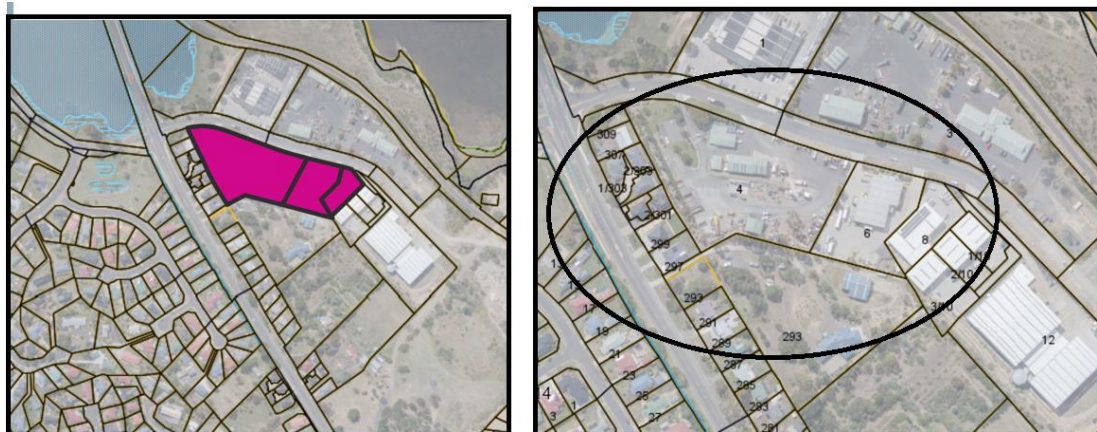


Figure 4 – Location of 4, 6 & 8 Whitestone Drive, Granton.

These properties have various approvals and primarily operate with the following uses: Storage (open contractor's yard and warehouses) Service Industry (electrical and motor repairs and workshops).

The representor is *'entirely opposed to the rezoning of 295 Main Road, Austins Ferry, but has a lesser concerns and minimal objection to any rezoning and multiple dwellings on 263 or 271 Main Road, Austins Ferry'*. The elements of the representation are discussed below.

The rezoning of 295 Main Road will facilitate an intensification of ongoing land use conflict between these properties which has included two appeals against use and development of 6 and 8 Whitestone Drive since 2018.

It is acknowledged that there have been numerous complaints received about the operations on the representor's land from the owners of 295 Main Road. In the majority of cases, the representor has been compliant with the conditions of their planning permit.

The proposed rezoning and SAP will not change the current situation, however, should new residential development be proposed at 295 Main Road, the noise mitigation measures under the SAP, which are additional to the existing requirements of the scheme, will be triggered and any future dwelling will need to be located and designed to attenuate noise. Therefore, the application of the SAP to 295 Main Road is likely to reduce conflict between these sites.

As discussed in detail later in this report (against the specific issue raised) it is also recommended that a 10m buffer on 295 Main Road be required, not as an Open Space Zone, but as a boundary setback.

It is considered that this element of the representation does not have adequate merit to warrant the removal of 295 Main Road from the amendment but does warrant modification to the Draft SAP to require dwellings and private open spaces to be setback 10m from the northern boundary of the land.

Rezoning the land will create land use conflict that is inconsistent with the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) and the protection and location of industrial land.

The representor identified a number of STRLUS policy positions on regional-level planning for industrial land, and the following key reasons why their land must be appropriately separated from residentially zoned land:

- Currently only 1 dwelling/lot is allowed at 295 Main Road, if rezoned theoretically 35 multiple dwellings could be approved. This would significantly increase potential for complaints and likely force out existing businesses.
- Heavy vehicles and machinery do not mix with local residential traffic.
- Industrial land needs sufficient area / building stock to be able to network and connect with local suppliers; the rezoning will reduce the area available for businesses to operate.
- The constraints imposed by the proximity of residential land will reduce viability and potential for Whitestone Drive to grow and intensify as an Industrial precinct and fails to plan for existing industrial land.

These STRLUS principles are relevant to the protection and development of industrial land precincts at the regional rather than local level. While the economic value of the land at Whitestone Drive is important to the City and existing business on the site should be protected, it is considered that this precinct is unlikely to significantly grow and intensify as an industrial precinct in the future to warrant the same level of protection regional industrial precincts under STRLUS should be given.

Council officers' preliminary review of the area identifies its relatively poor vehicle access to Brooker Highway via residential streets. Increased residential development in Granton (once the Future Urban Zone land is released) will lead to further issues for north bound traffic along Main Road. However, this local residential growth (Whitestone Point and Granton) is more likely to generate a local demand for trade supplies and service industry. In turn, such uses will generally have a lesser reliance on heavy vehicle movements than some of the existing uses.

Where such a shift occurs, industrial/residential interfaces can be more appropriately managed through design, landscaping and noise attenuating fences or walls rather than significant separation distances between uses that the STRLUS recommends are provided to regional scale industrial activity and those existing industrial precincts which are predicted to see significant internal growth and expansion.

It is considered that Whitestone Drive is unlikely to experience significant growth in the future and is more likely to become a more localised commercial/industrial area. It is therefore considered that the STRLUS industrial policy statements are not relevant to the Whitestone Drive area and consequently that the 'buffer' created by leaving 295 Main Road in a Rural Living A Zone (to reflect the STRLUS industrial buffer policies) is not warranted. It is considered that the interface between these uses is more appropriately managed by layout, design and building techniques to attenuate noise.

It is considered that this element of the representation does not have adequate merit to warrant the removal of 295 Main Road from the amendment but does warrant modification to the Draft SAP to require dwellings and private open spaces to be setback 10m from the northern boundary of the land.

Open Space Zone along 4 Whitestone Drive and 295 Main Road

The representor is concerned that with the removal of the 10m wide Open Space Zone which runs along the boundary of the land to be rezoned (and in particular 295 Main Road as no acoustic fence is required), the burden for avoiding land use conflict will fall completely on them. (See Figure 5 for extent of the Open Space Zone over the land).

With respect to the provision of an acoustic fence at 295 Main Road, while the SAP does not indicate the specific location and height of an acoustic fence on this land as the Acceptable Solution of the draft SAP standard, redevelopment of 295 Main Road will trigger the need to consider the construction of some form of contiguous mass barrier designed by an acoustic engineer under the Performance Criteria.

The Open Space Zone strip has been present on these parcels since at least the Glenorchy Planning Scheme 1992. It may have been created to function as a way of reducing conflict between industrial and residential land, however it is noted as there are no other areas in the city where a General Residential Zone and Light Industrial Zone are separated by an Open Space Zone (all other areas directly abut each other).

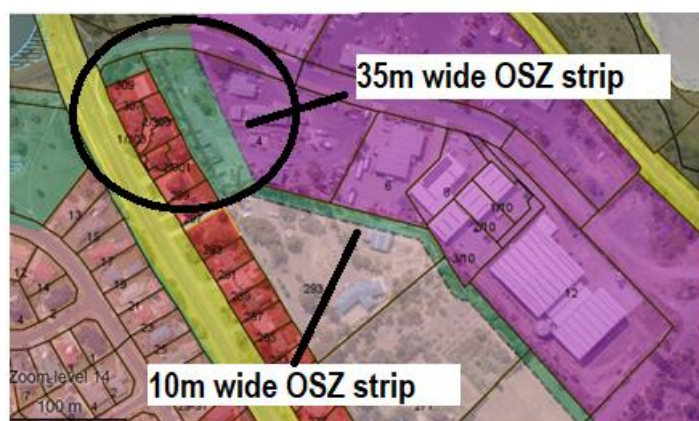


Figure 5 – Open Space Zone along subject land and representor’s land

However, while the retention of an Open Space Zone is not supported, maintaining a setback distance for sensitive uses from this boundary to reflect the current width of the strip for 295 Main Road could further reduce impacts.

A setback distance of 10m would reflect the current situation on the land. A setback should also apply to private open space of any future dwelling. However, garages, if constructed in the setback may be useful noise mitigation tools, and it is recommended that vehicle access, garages and carport be allowed within the setback. This modification should be absolute, and no reduction of the setback through performance criteria is recommended. This then reflects the current situation.

It is considered that this aspect of the representation has merit and the draft controls have been changed to reflect this. The modifications are shown as track changes in the draft SAP in **Attachment 1**.

The changes to the draft SAP are localised and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria as required under Section 34 of LUPAA with this change. The changes do not affect the assessment of the planning permit application.

The representor also noted that an Open Space Zone strip of 35m in width on their land has significant development constraints. This matter is not relevant to the amendment, however it may be appropriate to review the application of this Open Space Zone in this precinct when Council is in a position to review the development potential of 261 Main Road, Austins Ferry.

The rezoning is likely to drive out industrial uses and is inconsistent with the Glenorchy Strategic Plan 2016-2025 – Open for Business goal which promotes investment and jobs

Applying a SAP that requires new residential development moving onto the land to be designed to mitigate noise impacts aims to protect the existing operations in Whitestone Drive. This is consistent with the Strategic Plan goals.

Further modifications to the SAP, to include a 10m setback from the northern boundary of 295 Main Road for dwellings and private open space areas are also recommended.

The amendment seeks to balance the opportunity for housing on serviced land within the Urban Growth Boundary with the needs to minimise potential for noise complaints against existing uses by implementing an additional control to attenuate noise.

It is considered that this element of the representation does not have adequate merit to warrant the removal of 295 Main Road from the amendment.

The proposal is inconsistent with the Glenorchy Interim Land Use Planning Strategy 2010

The representor argues that:

- the rezoning is inconsistent with a strategy that promotes amenity for residential uses and the reduction of land use conflicts.
- as the strategy notes Glenorchy's industrial land supply is largely taken up, remaining land needs to be protected and the rezoning will erode its viability as an industrial estate, and there are no options to relocate.
- there is no demonstrated urgent need for more housing (based on the Strategy predictors of available residential land); but there is limited industrial land.

The *Glenorchy Interim Land Use Planning Strategy 2010* (the Strategy) was undertaken to review the Glenorchy Planning Scheme 1992 and develop a new scheme. However subsequent planning reform meant that many of the principles of the Strategy were either included in the STRLUS or have not been investigated as to how they would apply on the ground due to the development of the State Planning Provisions.

While the policy positions in the Strategy around minimising conflict and eroding industrial estates are valid and need to be adhered to, the sustainable use of land means that land use conflicts cannot simply be managed by separating uses by using zones to prevent development - particularly inappropriate zone choices that effectively sterilise the use of the land (such as application of an Open Space Zone or a Rural Living A Zone within the Urban Growth Boundary). Other techniques such as layout, design and landscaping provision have to be considered. These controls can achieve appropriate design outcomes that reduce land use conflict. It is considered that application of such techniques (which include those proposed in the SAP) to mitigate conflict would be consistent with the Strategy.

It is also considered that the housing predictors under the Strategy are no longer relevant given the initial work undertaken for the development of Metroplan (as part of the Hobart City Deal). As the Strategy is out of date in respect to housing demand requirements, and as Whitestone Drive is unlikely to grow beyond a local industrial/commercial centre in the future, the provisions of the draft SAP (including the recommended 10m setback) will reduce land use conflict if 295 Main Road is rezoned. It is therefore considered that the amendment is not inconsistent with the policy positions in the Strategy.

It is considered that this element of the representation does not have adequate merit to warrant the removal of 295 Main Road from the amendment but does support the modification to the Draft SAP to require dwellings and private open spaces to be setback 10m from the northern boundary of the land.

The rezoning of 295 Main Road is inconsistent with the Schedule 1 objectives of fair, orderly, and sustainable planning under LUPAA as it will lead to land use conflict

As discussed above, sustainable planning means that it is inappropriate to effectively sterilise the use of large portions of land when design and layout techniques can be implemented to essentially achieve the same outcome. Further, leaving a large portion of serviceable land within a Rural Living A Zone that is designed to be applied outside the Urban Growth Boundary is not orderly or sustainable land management.

It is considered that this element of the representation does not have adequate merit to warrant the removal of 295 Main Road from the amendment.

The rezoning is inconsistent with the Section 8A Guidelines for Zone and Code Application as a General Residential Zone should not be applied to an area subject to impediments (such as noise) and conversely Light Industrial Zones should only be applied to land where there are minimal off-site impacts.

The representor notes that as the Tarkarri Engineering acoustic assessment identifies noise impacts, and that these will be managed through an acoustic wall/fence at 271 & 263 Main Road, but the 7m high wall recommended in the Tarkarri report for 295 Main Road is not included in the SAP. The representor claims that as noise is an 'impediments', applying a General Residential Zone is inconsistent with the Section 8A Guidelines for Zone and Code Application.

While the SAP does not specify the height or location of an acoustic wall/fence for 295 main Road, an assessment of the design of any new development will need to consider the provision of some form of sound barrier. The SAP is designed to mitigate such impediments.

The representor also argues that even with an acoustic wall, second storey development will not be protected, and the wall will not mitigate other off-site impacts such as dust, lights, visual impacts, and odours.

Off-site noise impacts are proposed to be managed through the SAP, noting that second level balconies or decks are required be located on the southern or western side of a dwelling.

The SAP will also apply in addition to the provisions of C9.0 Attenuation Code which further manages emissions including odour and particulates, and the amenity provisions of a Light Industrial Zone (which apply to residential land, including land within a Rural Living Zone, within 50m of a Light Industrial Zone).

It is also noted that there are many areas under the Glenorchy Local Provisions Schedule (Glenorchy LPS) where land in a Light Industrial Zone and a General Residential / Inner Residential Zone directly abut each other. The Tasmanian Planning Commission did not question the application of these zoning choices during its assessment of the Glenorchy LPS. It is therefore considered that the application of a General Residential Zone to the land is not inconsistent with the S8A Guidelines.

It is considered that this element of the representation does not have adequate merit to warrant the removal of 295 Main Road from the amendment.

No objections to rezoning and SAP on 271 and 263 Main Road provided:

Full plans of the proposed acoustic fence/wall to be located on 263 and 271 and its precise location are to be provided.

Condition 3 of the planning permit requires the alignment of the fence to be shown on the building plans. The plans to be endorsed as part of the planning permit (if granted) also indicate the height of the fence. Condition 22 requires a Noise Verification Report to demonstrate and certify that the acoustic fence provides a contiguous mass barrier with a sound transmission loss of 20 dB or more at frequencies from the 125 Hz 1/1-octave band and above.

It is considered that these conditions satisfy the representor's request for the precise location of the fence and its construction.

No changes to the amendment or the planning permit are recommended in respect to this matter.

The acoustic wall is to be constructed in full prior to the occupation of any of the approved 42 multiple dwellings

Condition 22 requires a Noise Verification Report to demonstrate and certify that the acoustic fence meets the specified noise attenuation requirement, and this must be done within 4 weeks of occupancy to ensure it is satisfactory, or to identify further mitigation requirements.

However, an additional condition to require the fence to be constructed prior to occupancy of any of the units in Stage 2 is recommended. This will clarify the requirement. (Refer to **Attachment 2** for a track change version of the planning permit). While the representor has asked for the fence to be constructed prior to any of the units being occupied, only units in stage 2 are within the attenuation area – see Figures 6 and 7 below.

The applicant supports the additional condition.



Figure 6 – the 55dB(A) contour across the proposed development at 271 Main Road.



Figure 7 – staging plan of proposed development at 271 Main Road.

As the modification relates to the planning permit, there is no impact on the Local Provisions Schedule (LPS) as a whole, nor does the change impact on the amendment's ability to meet the LPS Criteria, as required under Section 34 of LUPAA.

A Part 5 Agreement is to be placed on both 263 and 271 Main Road that sets out:

- a) the ongoing retention, management, and maintenance of the acoustic wall**
- b) the acoustic construction requirements for dwellings, and in particular any second storeys to any proposed or future dwelling that will not be protected by the proposed acoustic fence.**

The representor has requested that a Part 5 Agreement (under ss70-80A of LUPAA) be registered on the certificate of title of all lots to notify new owners of their obligations to maintain and manage the acoustic fence.

Part 5 Agreements may give some certainty to the maintenance regime particularly when there is a change of ownership for each dwelling. The concerns are that planning permit conditions can get 'lost' from view and if a Part 5 Agreement appears on the title (parent title for strata divided lots) it is easily observed by the landowners. It could also be seen to 'cover the gap' in this instance for future second story additions to existing dwellings.

However, officers are concerned that assertions/development controls for future development may not be appropriate under a Part 5 Agreement, and that seeking the outcomes for maintenance of the fence, or need for noise attenuation for second storey additions, under a Part 5 agreement may not cause finality to the development proposed - as conditions should.

While the context of the issue raised is considered to have merit, it is considered that the approach to address it should be via the planning controls and additional permit conditions. It is also noted that permit conditions are more appropriate for compliance action, as once the permit is substantially acted on, it runs with the land indefinitely (or until superseded by a new permit for use and development).

It is recommended that an additional planning permit condition be included to clarify that the acoustic fence is maintained and managed at the required attenuation standard for the life of the approved use (ie multiple dwellings). The applicant supports the additional condition. Additional condition 5 is shown in **Attachment 2**.

It is also recommended that the SAP is modified to remove the word 'new' from the objective of GLE-13.6.1 and from the standards relating to second storeys. This will enable additions/alterations that create a second storey component to an existing dwelling to be assessed and appropriate noise mitigation measures applied.

The changes to the draft SAP are localised and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria as required under Section 34 of LUPAA with this change. The additional permit condition will not impact on the LPS as a whole or impact on the amendment's ability to meet the LPS Criteria, as required under Section 34 of LUPAA.

The draft SAP is amended to delete any reference to 295 Main Road.

As discussed above, it is recommended that 295 Main Road be rezoned to a General Residential Zone, and therefore it is necessary to apply the SAP to the land.

No changes to the amendment are recommended in response to this matter.

The Draft SAP is additional to any requirement in the Attenuation Code and does not substitute the C9.0 Code.

SAPs are required to be drafted with references as to which zone or code standard the SAP standard replaces or is in addition to. The draft SAP standard for development of sensitive uses is in addition to the development standards of C9.0 Attenuation Code, however the draft SAP standard for subdivision replaces the C9.0 Attenuation Code subdivision standard.

The representor raised concerns about the potential loss of application of other standards in C9.0 Attenuation Code, that is, the requirements of sensitive uses to be designed to mitigate impacts from other emissions such as dust and odour etc, as the SAP relates only to noise.

It is considered that this matter has merit in respect to the subdivision provisions of the SAP, and they should also be in addition to the subdivision provisions of C9.0 Attenuation. A minor modification to the SAP is recommended to achieve this (refer to **Attachment 1**).

The changes to the draft SAP are localised and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria as required under Section 34 of LUPAA with this change. The planning permit application is not impacted as it does not involve subdivision.

Other recommended changes to the SAP

During informal discussions with the owners of AWC Pty Ltd, it was noted that the performance criteria in draft standard GLE-13.6.1 P1, makes reference to the siting and location of outdoor spaces, but that this could be clearer in the introductory sentence to the standard. It is recommended that the term 'both internally and externally' be included in the introductory sentence (refer to the track change version of the SAP at **Attachment 1**).

The Glenorchy prefix 'GLE-S' has also been added to the standards of the SAP.

These are minor modifications to the draft SAP and will not have any effect on the LPS as a whole. The amendment is still considered to meet the LPS Criteria with this change.

CONCLUSION

Protecting economic areas and local business while also facilitating population increases and promoting housing affordability within our City, where urban land is scarce, means these matters have to be balanced to ensure the sustainable use of land. It is not always appropriate to sterilise the use of land in order to manage land use conflicts. Implementing design techniques and considering the layout of development are considered to be more effective tools, and therefore the request to exclude 295 Main Road, Austins Ferry from the amendment is not supported.

However, it is considered that some elements of the representation do have merit and the following changes are recommended:

Amend the SAP to

- Require a 10m setback for private open space areas and dwellings (excluding garages, carports and accesses) from the northern boundary of 295 Main Road Austins Ferry.
- Require the noise assessment for dwellings to include both internal and external noise environments.
- Remove the word 'new' from the objective and provisions relating to second storeys in Draft GLE-13.6.1.
- Require all standards to be in addition to other standards of the Glenorchy LPS.
- Include the Glenorchy prefix to the provisions.

Include the following two conditions in the permit:

- The acoustic fence must be constructed prior to the occupancy of any of the units in Stage 2.
- The acoustic fence must be maintained and managed as a contiguous mass barrier with a sound transmission loss of 20 dB or more at frequencies from the 125 Hz 1/1-octave band and above for the life of the use approved under this permit.

The changes do not impact on the amendment meeting the LPS Criteria.

THE PROCESS FROM HERE

The representation and this report will be forwarded to the Commission. The Commission may hold a public hearing prior to making a determination on the amendment.

RECOMMENDATION

That the representation and this GPA Report on PLS43A-21/03 be provided to the Tasmanian Planning Commission under S40K and S42 of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1 PLS43A-21 03 Attach 1 - Draft SAP (Post-exhibition modifications)
- 2 PLS43A-21 03 Attach 2 - Draft Permit (Revised March 2022)