

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 14 APRIL 2025



GLENORCHY CITY COUNCIL

- * Alderman 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 Alderman for inspection upon request to the relevant Planning Officer.

Chairperson: Alderman Sue Hickey

Hour: 3.30 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 17 March 2025 be confirmed.

5. REPORT ON REPRESENTATIONS – TO ALLOW A TOURIST OPERATION AT 100 CADBURY ROAD, CLAREMONT PLAM-24/01

Author: Senior Strategic Planner (Darshini Bangaru Hyde)

Qualified Person: Senior Strategic Planner (Darshini Bangaru Hyde)

Property ID: 2245343

REPORT SUMMARY

Application No:	PLAM-24/01
Applicant:	ERA Planning & Environment
Owner:	Cadbury Schweppes Pty Ltd
Proposal:	Apply a Specific Area Plan to 100 Cadbury Road, Claremont to facilitate a Tourist Operation
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:	22 (including a notice of no objection from TasWater, and two late representations)
Recommendation:	Refer representations and amendment, with some changes, to the Commission

REPORT IN DETAIL

INTRODUCTION:

The Glenorchy Planning Authority (GPA) decided to prepare and certify the amendment at its meeting of 28 January 2025 and place it on exhibition for 28 days.

The draft amendment was publicly notified from 4 February 2025 to 4 March 2025.

The public notification involved advertisements in the Mercury on Monday 3 February and Saturday 8 February 2025 and a mailout of letters to landowners and occupiers of sites adjoining the subject site.

Twenty representations were received during the exhibition period, including one submission from TasWater indicating no objection to the proposed amendment. Two late representations were received outside of the public exhibition period and have been included in the discussion. This report examines the merits of the representations.

BACKGROUND:

The applicant's planning scheme amendment request was to introduce a Site-Specific Qualification (without any additional use or development controls) to permit a Tourist Operation and associated ancillary uses including Community Meeting and Entertainment, and General Retail and Hire uses associated with the Tourist Operation at 100 Cadbury Road, Claremont (the subject site). This site is home to the iconic Cadbury chocolate factory, renowned for its local heritage significance. The proposed uses by the applicant are currently prohibited under the existing zones.

Council officers undertook an assessment and identified while the overall vision of the project is supported, the proposed planning mechanism was not appropriate for achieving the desired outcomes or protecting adjoining residential amenity and heritage values. To address concerns about the possible impacts of the new use and ensure the amendment furthered the Schedule 1 objectives, Council officers recommended a modified planning scheme amendment in the form of the Cadbury Visitor Experience Specific Area Plan (the SAP) be prepared. The Glenorchy Planning Authority resolved to prepare the modified amendment which was subsequently exhibited.

The SAP recommended by Council Officers:

- Allows Tourist Operation as a Discretionary use on the land, however, excludes the Community Meeting and Entertainment, and General Retail and Hire uses associated with the Tourist Operation;
- Includes a use standard to protect residential amenity of the surrounding area and to avoid constraining the industrial use of the site for which it is zoned; and
- Includes a development standard relating to heritage to consider the siting of buildings, structures and landscape elements.

The area to which the amendment will apply is shown in Figure 1.



Figure 1: Land subject to the amendment

The SAP achieves the applicant's intended outcomes for the site (to allow a Tourist Operation) but also ensures surrounding residential amenity and industrial operations are protected, and that any future development associated with the Cadbury Chocolate Experience is designed to be appropriately and positively responsive to the site's particular heritage values.

A copy of the certified and exhibited amendment is included in **Attachment 1**.

S40FA referral

Section 40FA of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires the planning authority to notify the relevant government bodies that may have an interest in the draft amendment, *prior* to commencement of the exhibition period. In this case, these stakeholders were advised of the exhibition period dates on 12 February 2025, after commencement of exhibition. However, the application was referred to the relevant bodies as part of the initial assessment process to prepare the amendment. Referral comments were received from the Derwent Estuary Program, Aboriginal Heritage Tasmania, TasNetworks, TasGas and TasWater, as detailed in the Planning Scheme Amendment Assessment Report considered at the 28 January 2025 GPA meeting. In addition, TasWater has also provided a representation during the exhibition period, advising of no objection to the proposal.

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.*

This report on representations contains all the information required to fulfil the planning authority's obligations under section 40K(2).

DISCUSSION ON THE MERITS OF THE REPRESENTATIONS:

Below is a summary of the representations received:

Summary of Representations Received

- There were a total of 22 representations (including TasWater's submission and two late representations).
- Sixteen representations expressed full support, including four from community members and a significant number from organisations including Hobart Airport, Tourism Industry Council Tasmania, Destination Southern Tasmania, TasFarmers, Navigators Group, the Tasmanian Chamber of Commerce and Industry, Tasmanian Hospitality Association, Master Builders Tasmania, Mondelez Australia, Tourism Tasmania, Federal Group (late representation), and Pennicott Wilderness Journeys (late representation). One of these representors specifically referenced that the modified planning controls proposed by Council officers ensures to balance the development of the Cadbury Visitor Experience in a way that safeguards residential amenity and protects the site's heritage significance.
- TasWater indicated no objection to the amendment.

- Two community members supported the overall intent of the amendment but raised specific matters for consideration. These representors specifically supported the SAP approach recommended by Council officers.
- One representation from the applicant supported certain aspects of the modified amendment recommended by Council officers but opposed others.
- Two community members opposed the amendment and raised a range of concerns.

The issues raised in the representations are summarised below with officer comment on the merits of each issue, whether the proposed amendment should be modified, and the potential impacts on the amendment and the Local Provisions Schedule (LPS) as a whole, if a modification were made.

A detailed summary of the representations and officer responses is included in **Attachment 2**. The issues are summarised below.

- **Ground 1 - SAP approach and Use qualification**

The applicant considers that the proposed SAP is unnecessary for facilitating Tourist Operation use and adds unnecessary complexity. However, they accept the SAP approach to avoid the need for a substantial modification process. Both the applicant and another representation highlight the site's history of hosting visitor tours of the factory.

Additionally, the applicant expresses concern that excluding specific qualified uses—such as General Retail and Hire, and Community Meeting and Entertainment ‘where part of a visitor experience associated with the Cadbury chocolate factory’, could result in these uses being classified as Prohibited.

Conversely, one objecting representation received from a member of the community questioned what new “scenic parkland activities” and “community events” that already don’t happen there are anticipated to occur through this amendment.

Response

Previous tours were contained within the factory as an ‘ancillary’ use – that is, ‘directly associated with and a subservient part of another use’ in accordance with Clause 6.2.2 of the planning scheme. The amendment seeks to allow Tourist Operation as a new use in its own right, which is otherwise Prohibited under the current planning scheme.

As the site is a heritage place under the C6.0 Local Historic Heritage Code, the planning scheme (Clause 7.4) already allows a Prohibited use to be considered as if it were Discretionary, subject to various heritage considerations. No amendment is needed just to allow for the use. The SAP is needed to account for possible impacts (discussed separately below) to residential amenity, factory operations, and heritage values.

The request to include two additional uses ‘where part of a visitor experience associated with the Cadbury chocolate factory’ is unnecessary. The planning scheme at Clause 6.2.2 already accounts for uses that are part of another use.

Details about what additional “scenic parkland activities” or “community events” are anticipated to be held have not been provided by the applicant. However, as noted above, Council does not support the inclusion of additional uses requested by the proponent. Subservient uses to the existing factory or any future approved use on the site, including the proposed Tourist Operation use, would continue to be allowable under Clause 6.2.2 of the Scheme.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 2 - Inclusion of a development standard**

The applicant considers that inclusion of a development standard is inappropriate, as the application is solely to allow for a new use, the standard does not deal with the unique circumstances of the site or facilitate anticipated development, and the standard would not apply to development for any use other than Tourist Operation.

Response

No amendment to the planning scheme is required solely to allow for a new use, as noted above, as this is already allowable under Clause 7.4 of the scheme for heritage sites.

The proposed development standard specifically deals with the unique qualities of the site, pertaining to the importance of the open parkland setting that is central to the site’s listed ‘factory in a garden’ heritage values.

Siting of any development within the parkland setting is a crucial consideration, and Council officers are concerned that the existing heritage code standards do not provide a clear pathway to approval for any significant development – including for industrial use – within the site’s parkland setting.

The amendment seeks to allow for Tourist Operation use, which would be located in the site’s heritage parkland setting. The proposed standard provides a framework for potential development approval for that use, subject to clearly defined criteria that address the unique qualities of the site.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 3 - Strategic planning and natural justice**

The applicant considers that the SAP conflates heritage with visual landscape matters, with landscape being a new site value introduced through a reactionary rather than strategic approach. They note that the planning authority opted not to include a scenic protection or heritage precincts overlay during the transition to the Tasmanian Planning Scheme, which they consider would have protected the landscape values if they were important.

The applicant considers this is procedurally unfair. They advocate for a broader strategic planning exercise to consider a potential heritage precinct, heritage landscape or scenic protection area listing encompassing the site and its surrounds.

Response

The site’s listed values as a local heritage place (GLE-C6.1.24) are founded on its ‘garden city’ design principles, ‘creating a picturesque setting’ that ‘dovetails with the adjoining ‘garden

suburb' and associated civic spaces.' Consideration of the broader streetscape, setting or surrounding area is an appropriate matter for consideration in assessment of a local heritage place, and forms part of most of the code standards pertaining to local heritage places.

A broader strategic planning exercise is unnecessary to facilitate the proposal and would create substantial delays that may undermine its viability.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 4 – Heritage**

The applicant raised significant concerns regarding the proposed development standard relating to heritage. The applicant considers that tourism doesn't require a different approach to heritage than other uses that are allowed at the site. The applicant notes the existing standards in the C6.0 Local Historic Heritage Code and considers they are sufficient to address any proposed development, regardless of the associated use. They question the validity of considering visual landscape values in the context of a Heritage Place.

The applicant also considers that a requirement for a Conservation Management Plan (CMP) and a Visual Impact Assessment (VIA) is unreasonable, but that any CMP should account for the entire site and the wider Cadbury Estate.

The applicant also suggests a minor amendment to the description of the factory setting in the proposed development standard.

Several other representors also addressed heritage considerations. One supportive representation considered that the proposal would support pride in our industrial heritage.

Conversely, four representations were concerned about potential heritage impacts, including concerns about the siting and extent of potential development, and impacts to heritage values. Of these representations, two considered that the applicant's submission lacked sufficient consideration of heritage, and two were in favour of heritage protection controls under the proposed SAP. One representation urged Council to restrict the SAP area (and future development) to 7m south of the sealed bike/walking track as they considered it is prudent to ensure the protection of the existing large trees, the heritage values and the amenity of the area used by the community.

Response

Council officers' detailed responses to the applicant's heritage concerns can be found under **Attachment 2**. The proposed SAP does not seek to alter any of the ten development standards for local heritage places, aside from replacing standard Clause C6.6.4 in C6.0 Local Historic Heritage Code, for Tourism Operation use that is allowed under the SAP. Most of the existing standards include consideration of visual impacts from outside the site, in terms of the broader streetscape, setting or surrounding area.

Given the primacy of the garden setting to the site's listed heritage values, Council officers consider significant development for *any* use, including existing industrial use, within the garden setting would likely not be able to meet current standard under Clause C6.6.4 of the Heritage Code.

The proposed standard is specific to the Tourism Operation use as that is the use seeking to be facilitated through this amendment. The proposed development standard provides a

framework for consideration of heritage matters unique to the site, specifically addressing development siting with respect to heritage.

A Conservation Plan is a reasonable requirement, noting Clause 7.4 governing change of use of a local heritage place includes a requirement for one, and the *Sullivans Cove Planning Scheme 1997* also requires a Conservation Plan for development proposals.

However, upon further consideration it is agreed that mandating a Visual Impact Assessment is unnecessary. Additionally, rather than stipulating key views to the factory through Figure GLE-S15.3 as in the advertised SAP, it is considered more effective to describe them. The request to amend the description of the factory setting in the proposed standard is also supported. As a result, a modification to the amendment is proposed, as reflected in the track-changed version of the SAP provided in **Attachment 3**.

Many of the qualities identified in the other four representations from the community that raised concerns about heritage align with the principles of the garden city philosophy, particularly the enjoyment of open space. The proposed heritage standard acknowledges the specific historical and heritage values referenced by these representors. In doing so, it requires the proponent to carefully consider the siting of any development associated with the proposed Tourist use, to be compatible with the heritage significance, in which the parkland setting is central. The standard includes a requirement for a specific conservation policy focussed on these considerations, as set out in a Conservation Management Plan. The objective of the proposed SAP is to achieve both sound heritage conservation and future development outcomes.

In the absence of a masterplan of the future development, restricting the SAP area would be challenging, as it remains uncertain whether future development could be accommodated within such limits. The proposed SAP is intended to ensure that any future development for the new use is appropriately sited, respecting the site's heritage values—including its parkland setting, significant trees, and longstanding community and intergenerational importance. Therefore, restricting the SAP area is considered unnecessary in this instance.

It is considered that that some aspects of the representations made relating to heritage have merit and it is recommended that the controls are modified to reflect this. The proposed 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, and the changes do not affect the assessment of the amendment.

The modifications are shown as track changes in the draft SAP in **Attachment 3**.

- **Ground 5 - Residential amenity**

The applicant considers that the proposed use would have limited potential to impact residential amenity, compared with the impacts of the existing factory on the site.

Four other representations from the community raised concerns about potential amenity impacts on the local residential area, including traffic noise and loss of privacy. Two of these

representations were specifically supportive of the need for the proposed SAP to safeguard amenity.

Response

The General Industrial Zone does not include any controls to manage residential amenity impacts. The impacts of the existing factory are regulated under an Environmental Protection Notice, which the new use would not be subject to. Therefore, a new control is needed to consider the amenity impacts on nearby residences. The proposed standards for hours of operation, external lighting and commercial vehicle movements are equivalent to those which would apply, if the Tourist Operation use were located in a Major Tourism Zone, where it is a Permitted use. These standards provide protection of residential amenity equivalent to various zones that are designed to manage potential impacts to nearby residential use, such as the Major Tourism Zone, the Urban Mixed Use Zone and the Local Business Zone.

Additionally, it is important to note that the factory is already a non-residential use with a substantial workforce. While the number of people on-site is expected to increase significantly, existing building setback provisions under the zone will remain in place. Combined with the proposed development standard under the SAP, which is designed to safeguard the site's key heritage values—particularly its garden setting—these measures will ensure a maintained buffer between residential and non-residential uses, which will help mitigate unreasonable amenity impacts.

In addition, Clause 19.3.1 Discretionary Uses standard in the General Industrial Zone presupposes that potentially conflicting uses will not be co-located on a site. The proposed new use standard will also ensure the new Discretionary use will not impact on the existing factory on the same site.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 6 – Parklands and environmental impacts**

Four representations emphasised the popularity and importance of the parkland setting. Representors noted the presence of natural values with mature trees and wildlife, use for active transport and passive recreation, and long-held public amenity. There was concern about unsuitable development in the parkland setting.

One representation considered that the proposal would result in improvements to the surrounding parkland.

Response

No combined planning scheme amendment and planning application is proposed. The proposed SAP is intended to ensure that any future development is appropriately sited to align with the site's heritage values, including the primacy of its parkland setting and its strong community and intergenerational significance.

Additionally, the foreshore area falls within the Environmental Management Zone, meaning any development in this area would be subject to the zone's environmental controls.

It is also important to note that while the gardens hold significant community value, they remain privately owned. Council has no records of any agreements in place that require the

gardens to be open for public use. Therefore, aside from heritage considerations, it is not justified to mandate the maintenance of the parkland for public amenity.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 7 - Tourism and economy**

Several supporting representations considered the proposal would support increased tourism and visitor economy growth. This included the potential for job creation and visitor spending. Specific comments noted the proposal would support 'a sustainable tourism cycle', with regional dispersal into the northern suburbs, and would reinforce Tasmania's reputation for excellence in food and agritourism. It was noted that the proposal aligns with Hobart Airport development goals and complements anticipated Wilkinsons Point development. Several supporting representors highlighted the potential to support and showcase Tasmania's dairy industry.

However, two representations raised economic concerns. One was opposed to use of taxpayers' money for the proposal, noting other priorities such as health and education. The other representation considered the proposal would duplicate existing facilities (shops, playgrounds and recreation facilities), and would prioritise profit over community and the environment.

Response

Council officers are supportive of the proposal. The proposed SAP seeks to provide a clearly defined pathway for potential approval of development for the new use.

No development proposal for specific facilities has been received. It is noted that the site is in proximity to the Claremont Activity Centre; however, the Tourist Operation use would provide a unique offering that aligns with broader tourism strategy. Any ancillary uses would need to be directly associated with, and a subservient part of, the Tourist Operation use, i.e. a general retail store would not be allowed. On that basis, the scope for potential duplication and impact to the Activity Centre is considered insubstantial.

Funding arrangements for the proposal are not a planning matter that can be considered in assessing the proposed amendment.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 8 - Traffic and parking**

Two representations raised concerns about traffic and parking impacts, including pedestrian amenity, likelihood of on-street parking and congestion. Parking availability in the city for potential ferry users was also raised. Two supporting representations also considered the proposal would support ferry usage.

Response

The proposed amendment does not include a combined use or development application. Any future application will be assessed under the C2.0 Parking and Sustainable Transport Code and the C3.0 Road and Railway Assets Code, ensuring appropriate parking and traffic management. While ferry usage cannot be mandated through the planning system, traffic

and parking considerations will be based on the expected number of patrons and ferry services if provided.

Existing State Planning Provisions standards will ensure sufficient parking and necessary traffic upgrades. A Traffic Impact Assessment will likely be required to identify and recommend mitigation measures for any impacts. As the proposed use is Discretionary, should the amendment be approved, the community will have the opportunity to review the proposal and provide representations during the application assessment process.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 9 - Public consultation**

One representor indicated they had attended a community information session held by the proponent in December 2024; the representor is supportive of the proposal. Another objecting representor considered the public consultation was too limited.

Response

The public consultation conducted by the applicant was a non-statutory process and beyond the requirement of the formal planning scheme amendment process. However, the proponent took a proactive approach by engaging with the community, including hosting a public information session.

The formal amendment has now been publicly exhibited by the Council in accordance with the statutory requirements of LUPAA, which includes two newspaper notifications and direct notification to all owners and occupants of properties immediately adjoining the site.

The proposed amendment does not include a combined planning permit application. Since the proposed use is classified as Discretionary, should the amendment be approved, any future planning application will undergo further public consultation in accordance with Section 57 of LUPAA.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

- **Ground 10 - Alternative location**

One representation identified the need for alternative locations for the proposal.

Response

Council is obliged under section 38 of LUPAA to decide on the merits of the proposed amendment for the subject site and does not have authority to consider alternative sites.

It is considered that the issues raised by the representors do not have adequate merit to warrant modification to the amendment.

Other recommended changes to the SAP

- **Updates to the Plan Purpose**

Due to the proposed changes to the advertised SAP, particularly the development standard under GLE-S15.7.1, minor updates are also proposed to the Plan Purpose statement (GLE-S15.1.5) to better align with and reflect the intent of GLE-S15.7.1 (refer to the track-changed version of the draft SAP under **Attachment 3**).

- **Clerical error – heading for Development Standards.**

The heading for the Development Standards following the Use Standards was inadvertently omitted in the advertised SAP. A correction is proposed to address this oversight (refer to the track-changed version of the draft SAP under **Attachment 3**).

- **Updates to the objective of GLE-S15.7.1 as per the changes to the standard**

Due to the proposed changes to the development standard, the objective of the standard is also proposed to be updated to more accurately reflect its revised requirements (refer to the track-changed version of the draft SAP under **Attachment 3**).

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 these minor updates.

CONCLUSION

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

- Updates to the proposed development standard relating to heritage under GLE-S15.7.1;
- Updates to the Plan Purpose statements under GLE-S15.1 to better reflect the intent of the development standard; and
- Correct a minor clerical error.

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 PROCESS FROM HERE

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

Recommendation:

That the Glenorchy Planning Authority, after considering the merits of the representations, and being satisfied that the proposed changes to the SAP are minor:

1. AGREE to the recommended changes to the Cadbury Visitor Experience Specific Area Plan shown in **Attachment 3**.
2. AGREE that the recommended changes shown in **Attachment 3** satisfy the LPS Criteria at S34 of the Land Use Planning and Approvals Act 1993.
3. PROVIDE the representations, and this GPA Report on PLAM-24/01 on land at 100 Cadbury Road, Claremont to the Tasmanian Planning Commission under S40K of the *Land Use Planning and Approvals Act 1993*.

Attachments

Attachment 1 – Certified and exhibited amendment

Attachment 2 – Summary of Representations and officer responses with appendix

Attachment 3 – Amended SAP with track change