

TASMANIAN PLANNING COMMISSION

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17 October 2023

Mr Tony McMullen
General Manager
Glenorchy City Council

Attention: Ms Angela Dionysopolous

By email: gccmail@gcc.tas.gov.au; Angela.Dionysopolous@gcc.tas.gov.au

Dear Mr McMullen

Tasmanian Planning Scheme - Glenorchy Draft amendment PLAM-22-04

I refer to the above draft amendment, subsequent to the hearing held at the Commission's office in Hobart on 21-22 September 2023.

The Commission directs that the planning authority submit a revised draft amendment responding to the drafting issues raised at the hearing.

General drafting notes for specific area plans (SAP)

- The planning authority is advised that a SAP needs to use simple, common terms and language that, as much as possible, is consistent with that of the State Planning Provisions.
- All standards, including the standard objectives, in a SAP must relate to and further the Plan Purpose.
- All Acceptable Solutions and Performance Criteria must relate to, and further, the objective of the relevant standard.
- Where there is an Acceptable Solution and corresponding Performance Criteria, they must address the same matter.
- Acceptable solutions should be clear, measurable and there must be no need for any interpretation or judgement. Also, when drafting Performance Criteria, the having regard to test must be directly related to the objective and the matters to be considered also must be directly related to the objective.

GLE-S8.1 Plan Purpose

- Consider the use of 'high quality' rather than 'high standard'.
- Consider drafting to include text that leads to the standards regarding gateway locations and solar access; for example by referring to local identity, place making, and pedestrian wayfinding.
- Consider drafting to include text that leads to the standards regarding pedestrian movement, parking, and other transport matters.

GLE-S8.2 Application of this Plan

- Consider whether the application requirements under clause GLE-S8.2.3 should include compliance with both Acceptable Solutions and the Performance Criteria.
- Consider whether section 54 of the *Land Use Planning and Approvals Act 1993* and the

application requirements at clause 6.1 of the SPPs give adequate scope for the planning authority to request additional information relevant to the assessment.

GLE-S8.3 Local Area Objectives

- Consider whether any of the proposed Local Area Objectives (LAOs) can be applied to discrete areas of land within the SAP and would support a Discretionary assessment process, for example LAO (b).
- Consider whether any LAOs that cannot be applied to discrete areas would add value to the proposed Purpose Statements. Delete the LAOs and revise the purpose statements accordingly.

Note: Any LAOs will need to be formatted to sit within the table in the LPS template at Appendix A of the SPPs. This table allows for LAOs to be categorised by different areas if needed or all be included within a single area. Practice Note 8 provides further guidance on how to complete this table.

GLE-S8.4 Definition of Terms

- Consider a revised definition for an apartment, which would be tied to a dwelling definition in the SPPs, without the requirement for laundry facilities.
- Include clarity about the content of landscaping plans and lighting plans within the standards where they are used.
- Reconsider the definition of publicly accessible areas to better correspond to use of the term in the standards.
- Clarify the definitions for a shared open space and outdoor entertainment area.
- Exclude references to the state heritage system from any relevant definitions and from the draft SAP.
- Consider removal of the following definitions and any consequential alterations to the drafting of standards:
 - FOGO;
 - Heritage place;
 - Heritage significance;
 - Key public view;
 - Landmark building;
 - Living room;
 - Passive surveillance;
 - Pedestrian eye level;
 - Pedestrian priority street;
 - Report;
 - Single aspect apartment;
 - Site analysis design response report;
 - Universal design; and
 - Waterway and coastal protection area.
- A consideration of the definition for specific types of reports. In the SPPs, there is a requirement for a suitably qualified person to prepare a report and determine the content of a report. This will also have implications for the drafting of Performance Criteria that aim to determine the content of a specific report.

GLE-S8.6 Use Standards

GLE-S8.6.1 Ground floor use

- Clarify and modify the objective for ground floor use.
- Consider the drafting of A1/P1 to ensure it is not contrary to the intent and allowable uses

of the Central Business Zone and it is simple and clear.

- Consider whether A2/P2 could be combined, and P2 drafted as 'No Performance Criterion', for example: "A2 Residential use, other than for access and parking, must be located above ground level and must not be located at the frontage". It is also noted that 'frontage' is clearly defined in the SPPs, and a more suitable expression, such as 'rear' or 'behind', might be more appropriate.
- Revise the drafting of the Performance Criteria to incorporate the language of the objective and ensure each enable the use of discretion with a 'having regard to' test.

GLE-S8.6.2 Hours of operation for a use in an outdoor entertainment area

Consider the consistency of the drafting in relation to 'Residential Use' and 'apartment'.

GLE-S8.6.3 Use of external lighting

- Consider the consistency of the drafting in relation to 'Residential Use' and 'apartment'.
- Clarify the meaning of 'a site' as used in P1.
- Consider the drafting of P1 with respect to the term 'containing'.
- Include a reference to a suitably qualified person in P1.

GLE-S8.7 Development Standards for Buildings and Works

GLE-S8.7.1 Building height and bulk

- Consider whether the standards reflect and align with the objective.
- Consider revising part (a) of the objective to refer to improving the streetscape through scale, proportion, and massing.
- Consider whether the objective should include a reference to heritage places.
- Consider deleting part (c) of the objective as it duplicates part (a).
- P1.1 is to be drafted to enable the use of discretion and the word 'must' needs to be followed by 'having regard to'.
- To provide clarity in the drafting consider:
 - Combining P1.1 and P1.2 and clarifying, or removing, the reference to 'significant architectural merit';
 - combining A1/P1 and A2/P2 (deleting A2 and making P2, P1.2);
 - including a having regard to test in P1.1; and
 - clarifying P2(c).
- In P2 (d) consider the use of 'locating' or 'must be sited' instead of 'setting back' or solely using P2 (d)(i), as this is a height standard, not a setback standard. Consider revising the drafting of P2 (e), and similar drafting in other standards, to correspond to SPPs drafting, for example "the advice contained in ...".
- Consider including "any relevant council policy" in the matters for consideration in P2.

GLE-S8.7.2 Building setback

- Consider whether the standards reflect and align with the objective.
- For consistency of terminology, consider redrafting of part (c) of the objective to read 'does not have an unreasonable impact' and review the drafting of the AS and PC accordingly.
- Simplify the drafting of A1 by just stating: 'Buildings must be built to the frontage' and include (a) and (b) within P1.
- Redraft the introduction of P1 to read "Buildings, including a building on a site adjoining Tolosa Street or adjoining a heritage place, must have a setback from a frontage that is compatible with the streetscape, having regard to: ..."
- Consider expanding on the term 'universal design' in P1 (b) to make the meaning clear or modifying the text to replace the term with what is meant, for example, 'accessibility and

pedestrian safety’.

- P2 is to be drafted to consider and articulate the safety of the pedestrian environment and to clarify the term ‘functional necessity’.
- Consider whether the terms and drafting of P4 align with the objective.
- Consider whether the requirement under A5 would trigger an assessment under C7.0 Natural Assets Code.
- Consider the drafting of P5, in particular clarify the reference to ‘external public thoroughfare’.

GLE-S8.7.3 Façade design

- Ensure the title of the standard and the objective correlate.
- Consider revising the objective to read “Building facades promote and maintain high levels of (a), (b), (c).”
- Consider use of plain language in the drafting of the objective, for example public and private ‘spaces’ rather than ‘realms’.
- Consider use of consistent language with other standards in part (d) of the objective, for example ‘does not cause an unreasonable impact’.
- The terms used in the standards should align with the terms used in the objectives, reconsider the use of the term active frontage or include it in the objective.
- Revise A4.1 to read ‘No Acceptable Solution’ and delete A4.2. In P4, revise the qualification at the end to incorporate the intention of P4.2, for example, ‘does not apply to heritage places’.
- Relocate A5/P5 to position of A3/P3 and reposition other AS and PC accordingly.

GLE-S8.7.4 Design of landmark buildings

- Consider revising the title of the standard and objective as the definition for landmark buildings will be removed, for example ‘Design of corner buildings and gateway locations’ or ‘Design of gateway location buildings’.
- Consider whether the objective reflects the purpose statements of the SAP.
- Revise P1 to read “A new corner building, excluding heritage places, must be designed to enhance the streetscape, local identity and pedestrian wayfinding, having regard to...”
- Remove the reference to Figure GLE-S8.1 in A2 as this is defined and mapped.
- P2 is to be drafted to enable the use of discretion and the word ‘must’ needs to be followed by ‘having regard to’.

GLE-S8.7.5 Design of apartment buildings

The Commission notes that the drafting matters regarding the above standards were addressed with respect to the Glenorchy draft amendment PLAM-22-10 in the Commission direction, dated 22 September 2023.

GLE- S8.7.6 Waste storage and collection for apartments

The Commission notes that the drafting matters regarding the above standards were addressed with respect to the Glenorchy draft amendment PLAM-22-10 in the Commission direction, dated 22 September 2023.

GLE-S8.7.7 Access, parking and sustainable transport

In addition to the drafting matters raised in the Commission direction, dated 22 September 2023 regarding the draft Northern Apartments Corridor SAP, consider the following points.

- Revise the operational clause to accurately indicate the elements in addition and substitution and which parts of the Parking and Sustainable Transport Code they relate to. If part of the proposed standard is in addition to or substitution of a Use Standard, relocate

that part to section S8.6.

- Revise A4 to read “For a site containing an apartment building where commercial vehicles will also access the site, there is no Acceptable Solution.”
- Revise P4 to read “For a site containing an apartment building, where commercial vehicles will also access the site, the design of the crossover, driveway and parking areas must have regard to ...”

GLE-S8.7.8 Pedestrian movement

- Revise the objective to read “That development promotes pedestrian connectivity and movement.”
- Redraft A1 to read “No Acceptable Solution”.
- Redraft P1 to read “... any redevelopment must provide safe pedestrian connectivity and movement, having regard to ...” and refer to feasibility within the having regard to test.

GLE-S8.7.9 Signs

- Reconsider the relationship between the objective and performance criterion and that they deliver what is intended with regard to transparency.
- Reconsider the use of the term ‘frontage activation’.

GLE-S8.7.10 Landscaping of publicly accessible areas

- As this standard only operates in relation to a zone, relocate it to a position in the SAP above the standards that operate in relation to codes.
- Reconsider the use of the term ‘cohesiveness’ in part (a) of the objective and clarify the intent of part (c) of the objective (for example, negative impacts on what?).
- Ensure the matters in the having regard to test relate to the objective.

GLE-S8.7.11 Provision of external lighting for publicly accessible areas

- As this standard only operates in relation to a zone, relocate it to a position in the SAP above the standards that operate in relation to codes.
- Consider adding ‘for publicly accessible areas’ to the title of the standard.
- Revise the objective to refer to publicly accessible areas rather than the principal activity centre.
- For clarity, consider redrafting the introduction of P1 to read “Lighting must be provided to publicly accessible areas ...” or ‘illuminated’ rather than ‘lighted’.
- Redraft P1 (f) to read “a lighting plan prepared by a suitably qualified person.” Also, clarify what a lighting plan includes.

Table GLE-S8.9.1 Shared open space for apartments

Delete the note referring to shared open space as this term is defined.

The planning authority may include additional matters discussed at the hearing in a revised draft. The revised draft should comprise track changes to the certified SAP showing changes the planning authority requested prior to the hearing and the matters raised in this direction.

The planning authority is to provide the submission responding to the above directions to the Commission by 24 November 2023. Any response submissions are to be provided to the Commission by 8 December 2023.

Submissions must be made by email to tpc@planning.tas.gov.au. Once received, submissions will be made available under the [relevant assessment](#)¹ on the Commission's website. Please note that submissions will be published in full, without redaction.

If the hearing is to be reconvened, the Commission will advise the parties and publish a notice.

For further information please contact Janelle Townsend, Planning Adviser, on 6165 6803.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Ferrier', with a horizontal line extending to the right.

Anthony Ferrier
Delegate

¹ <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/AM-GLE-PLAM-22-04>