

# TASMANIAN PLANNING COMMISSION



## DECISION

<b>Planning scheme</b>	Glenorchy Interim Planning Scheme 2015
<b>Amendment</b>	PLAM-20-01 - amend Clause 21.2 Use Table of the General Business Zone to insert Storage as a Discretionary use class, only if on land in folio of the Register 229113/1 (52 Albert Road Moonah) and for self-storage
<b>Planning authority</b>	Glenorchy City Council
<b>Applicant</b>	Francis Beasley of ERA Planning
<b>Date of decision</b>	24 September 2020

## Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.

Ms Sandra Hogue  
**Delegate**

### Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

## REASONS FOR DECISION

### Background

#### Amendment

To amend Clause 21.2 Use Table of the General Business Zone by inserting Storage as a Discretionary use class after 'Sports and recreation', as follows:

Storage	Only if on land described in CT 229113/1 (52 Albert Road, Moonah), and if for self-storage facility
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#### Site information

The site is a single title (folio of the Register 229113/1) owned by BGHO Pty Ltd and located on the northern side of Albert Road, approximately 125m east of Main Road, Moonah, with an area of 176m<sup>2</sup> and frontage of 14m to Albert Road.

The site is currently used for a shopfront and warehouse for shop-fitting and display equipment (Bulky goods sales) and developed with a large building occupying most of the site and on-site parking for four cars is provided on the Albert Road frontage. Parking is also available on the council car park immediately to the north.

Previous use includes a service station or bulk fuel storage systems, so the site is considered potentially contaminated.

Surrounding land is generally used for Bulky goods sales, showrooms and offices, with adjoining land to the west used for Hotel industry and developed with a carpark.

The site is accessed from Albert Road and a laneway located off Station Street to the north.

Albert Road is a secondary arterial road with full access under the care and management of the council.

The site is fully serviced and lies within the TasWater water and sewer service areas. Stormwater drains to a reticulated system. Electricity and telecommunications services are provided.

The site is within the Glenorchy Interim Planning Scheme 2015 (interim planning scheme) and zoned General Business and is not subject to any overlays. Surrounding land is also in the General Business Zone.

On 19 December 2018, the draft Glenorchy Local Provisions Schedule (draft LPS) was submitted to the Commission for approval to exhibit. The site is proposed to be in the General Business Zone under the draft LPS.

Storage is a Discretionary use without qualification in the General Business Zone of the State Planning Provisions of the Tasmanian Planning Scheme.

#### Issues raised in representations

No representations were received during the exhibition period.

TasWater provided a Submission to the Planning Authority Notice (SPAN) under section 56S of the *Water and Sewerage Industry Act 2008* advising it does not object 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. This SPAN was provided to the planning authority on 20 May 2020, well before the exhibition period under section 38 commenced on 29 July 2020.

TasWater is taken to have made a representation under subsection 56S(2) of the *Water and Sewerage Industry Act 2008* only if made within the period determined in accordance with section 38. As the SPAN was received before the exhibition period commenced, TasWater is not taken to have submitted a representation under section 39.

### **Planning authority's response to the representations**

The planning authority's Strategic Planner, Ms Lyndal Byrne, reported under delegation dated 6 November 2018 that:

- (a) no representations were received following exhibition of the draft amendment by the Planning Authority from 29 July 2020 until 26 August 2020; and
- (b) the planning authority does not recommend any changes to the draft amendment under former section 39(2)(c).

### **Consideration of the draft amendment**

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. No representations were received and the Commission did not hold a hearing.
3. The amendment has been initiated and certified by the Glenorchy City Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
  - (a)-(d) . . .
  - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
  - (ea) must not conflict with the requirements of section 300;
  - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
5. Section 300 includes that:
  - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
6. Subsections 300(2)-(5) inclusive relate to the effect of amending a local provision with respect to common provisions. These matters are not relevant, as to the draft amendment has no implications for any common provisions.
7. Section 32(1)(e) is not considered relevant to the draft amendment as the land does not adjoin an adjacent municipal area.
8. Under section 32(1)(f) regional impacts of use and development permissible under the amendment have been considered with reference to the Southern Tasmania Regional Land Use Strategy (regional strategy), the Glenorchy City Council Strategic Plan 2016-2025, and the interim planning scheme.

9. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.

### **Strategic planning**

10. The applicant notes the regional strategy classifies Moonah as a Major Activity Centre which the regional strategy defines to have as its primary role:

To serve the surrounding district and provide a range of convenience goods and services as well as some community services and facilities
11. The applicant considers the draft amendment against regional policy AC 1.2, which provides:

Utilise the Central Business, General Business, Local Business Zones to deliver the activity centre network through planning schemes, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.
12. The applicant submits the draft amendment will ensure that policy AC 1.2 is achieved through expanding the range of uses allowable on the subject site.
13. The applicant also considers the proposed amendment against policy AC 1.6, which states:

Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.
14. The applicant submits the draft amendment will ensure that policy AC 1.6 is achieved by providing for another use without compromising the amenity of nearby sensitive uses or generating significant pressures on the local transport network or parking facilities. The applicant considers the self-storage facility use is appropriate, as it will complement the mix of uses within the immediate surrounding area that includes home improvement businesses such as tile and bathroom fit out shops, general retail and business and professional services.
15. In terms of land use and transport integration, regional policy LUTI 1.5 provides:

Local major trip generating activities in close proximity to existing transport routes and existing higher order activities centres.
16. The applicant considers the site is ideally located in terms of public transport, thereby meeting the access requirements for the Moonah activity centre.
17. The applicant also notes the site is located within an area without an active street frontage, with the majority of premises being large format retail stores such the tile retailer at 45-47 Albert Road and the showroom for bathroom fit outs at 43 Albert Road. The applicant considers the draft amendment compatible with existing uses within the surrounding area and in the context of the site's location outside of the main activity hub on Main Road.
18. The applicant concludes it reasonable for Moonah to provide for self-storage facilities to meet the needs of the surrounding district and provide for a mix of complementary commercial and retail opportunities providing employment opportunity.
19. The planning authority considers a self-storage facility use in the General Business Zone will not compromise the viability of the Moonah activity centre, as the use is generally consistent with the purpose statements of the General Business Zone. The planning authority submits the use would serve the surrounding district without detracting from amenity of the activity centre, whilst also providing employment, consistent with the objectives of the regional strategy.
20. The planning authority concludes the draft amendment is consistent with the regional strategy by being consistent with the surrounding land use and appropriate at a local level, and by promoting relevant regional strategies.

21. The planning authority also submits the draft amendment is consistent with the council's Strategic Plan 2016-2025.

### Commission consideration

22. The Commission accepts the submissions of the applicant and planning authority in relation to the regional and local strategies and finds that the draft amendment will as far as practical, avoid potential for land use conflicts, not conflict with the requirements of section 300 and be, as far as is practicable, consistent with the regional strategy.

### State Policies and Resource Management and Planning System Objectives

23. The site is not considered agricultural land under the State Policy on the Protection of Agricultural Land 2009 and is not within 1 km from the coast, so the State Coastal Policy 1996 does not apply.
24. No works are proposed, so that the *State Policy on Water Quality Management 1997* is not considered relevant.
25. National Environmental Protection Measures (NEPMs) are broad framework setting statutory instruments made under the *National Environment Protection Council (Tasmania) Act 1995*. Section 12A of the *State Policies and Projects Act 1993* provides that an NEPM is taken to be a State Policy approved by both Houses of Parliament.
26. The planning authority submits the site is potentially contaminated so that it is necessary to consider whether the land is suitable for the intended uses allowed under the proposed Community Purpose Zone under subclause 6(5) of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (the NEPM).
27. The planning authority notes the draft amendment does not seek to allow sensitive uses on the site and submits the NEPM is not relevant to the assessment of the draft amendment. The planning authority also submits that, subject to approval of the draft amendment, any excavation work on site would be subject to E2.0 Potentially Contained Land Code and considered as part of a planning permit application.
28. The Commission considers future use and development may be managed through the provisions of the interim planning scheme.
29. The Commission finds that the draft amendment complies with the applicable State Policies and that the draft amendment seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

### Modifications required to draft amendment

30. The draft amendment proposes to allow Storage with the qualification that it be only if for 'self-storage'. A self-storage use is not defined in the interim planning scheme. However, 'self storage' is defined in the State Planning Provisions.
31. It is therefore considered appropriate to modify the amendment to insert a definition for a self-storage use in clause 4.1, as follows:

self storage	means use of land to store goods in individual enclosed compartments
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32. The site specific qualification is also required to be modified to refer to the land by reference to the folio of the Register rather than as 'CT' to meet contemporary conventions.
33. The interim planning scheme overlay maps are also required to show the extent of the proposed use qualification.

34. A modified amendment is attached to this decision and reasons.

### **Decision on draft amendment**

35. Subject to the above modifications, the Commission finds that the draft amendment is in order and gives its approval.

### **Attachments**

Annexure A – Modified amendment

**Annexure A**

**Modified amendment PLAM-20-01**

Amend the Glenorchy Interim Planning Scheme 2015 as follows:

- 1 Insert a new row in Clause 4.1 Planning terms and Definitions after 'scrap yard', as follows:

self storage	means use of land to store goods in individual enclosed compartments
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- 2 Insert a new row in Clause 21.2 Use Table of the General Business Zone after 'Sports and recreation' in the Discretionary Use Class, as follows:

Storage	If for: (a) self storage; and (b) land described as 52 Albert Road, Moonah (folio of the Register 229113/1)
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- 3 Amend the overlay maps to insert a thick black line with reference to the site-specific qualification, as shown below:

