

# TASMANIAN PLANNING COMMISSION



Our ref: DOC/23/102988  
Officer: Janelle Townsend  
Phone: (03) 6165 6803  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

13 September 2023

Mr Tony McMullen  
General Manager  
Glenorchy City Council

Attention: Ms Angela Dionysopolous

By email: [gccmail@gcc.tas.gov.au](mailto:gccmail@gcc.tas.gov.au); [Angela.Dionysopolous@gcc.tas.gov.au](mailto:Angela.Dionysopolous@gcc.tas.gov.au)

Dear Mr McMullen,

**Tasmanian Planning Scheme - Glenorchy  
Draft amendment PLAM-22-04  
Glenorchy Central Business Area**

I am writing regarding the above draft amendment and a hearing scheduled for 21-22 September 2023. Information about the hearing has been provided in a separate letter. However, in preparation for the hearing, the Commission has identified a range of matters related to the proposed Primary Activity Centre Specific Area Plan that it wishes to explore at the hearing.

The planning authority is requested to attend the hearing having considered, and with responses to, the matters listed below. It is important to note that additional matters to those listed may also be raised at the hearing.

**General drafting notes for specific area plans (SAP)**

- As part of a statutory instrument, a SAP needs to use simple, common terms and language that, as much as possible, is consistent with that of the State Planning Provisions. Descriptive terms that may reduce clarity, such as 'realm' or 'streetscape presence', are to be avoided.
- Provisions of a SAP are to be consistent with the purpose of the underlying zone and should not be detrimental to the existing activities occurring in accordance with the applicable zone.
- 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.
- An Acceptable Solution and corresponding Performance Criterion must address the same matter.
- Acceptable Solutions are drafted to be clear and measurable.
- Performance Criteria are drafted to enable the exercise of discretion; the introduction is to incorporate the language of the objective and, if they include the word 'must', then it needs to be followed by 'having regard to', and then a list of relevant matters.
- To ensure transparency and ease of use, the references to Council policies are to be drafted to only apply to policies that are endorsed by Council and relevant to the SAP.

Please review the above matters and consider their application to the Plan Purpose, Use Standards, and Development Standards. Some further matters for consideration are detailed below.

### **GLE-S8.1 Plan Purpose**

- Are all the purpose statements delivered by the standards?
- Are there any standards that do not relate to the purpose statements?
- Given the role of the purpose statements outlined in clause 6.10.2 of the State Planning Provisions (SPPs), will the statements proposed in the submission dated 2 August 2023 be called up by assessment against the standards?

### **GLE-S8.2 Application of this Plan**

- Do 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-S8.4 and GLE-S8.7 make reference to land subject C6.0 Local Historic Heritage Code and C7.0 Natural Assets Code – Waterways and Coastal Protection Areas. All relationships to applicable zones and codes need to be clearly articulated. Consider whether:
  - the provisions of these codes achieve the desired outcome;
  - there is any conflict between these codes and the proposed standards;
  - any of the proposed standards need to be drafted as in substitution for, addition to, or modification of provisions of these codes; and
  - these codes need to be included in the list at GLE-S8.2.2.
- Is there a reason for GLE-S8.2.3 to only allow for additional information to assist in determining compliance with Performance Criteria and not Acceptable Solutions?
- Clarity regarding the scope of a landscaping plan. It is noted that ‘landscaping plan’ is not defined in the SAP or the SPPs.

### **GLE-S8.3 Local Area Objectives**

The Commission raised the use of Local Area Objectives in the direction issued on 18 July 2023 and notes that the planning authority has an alternate view for discussion at the hearing, as raised in the submission dated 2 August 2023.

### **GLE-S8.4 Definition of Terms**

- Consider whether all of the proposed defined terms are necessary for the operation of the SAP, provide clarity for assessment, and operate effectively and consistently with the SPPs, for example:
  - commonly used words, such as ‘corner’ and ‘FOGO’, or common planning terms, such as ‘passive surveillance’ may not need to be defined;
  - is it necessary to define ‘report’ and the types of reports required rather than use the approach of the SPPs, which require a suitably qualified person to prepare a report and determine the content of a report?;
  - terms for which there is a similar definition in the SPPs that could be qualified or explained in the standards, such as ‘living room’, ‘apartment’, or ‘heritage place’;
  - terms used only once, such as ‘single aspect’, ‘universal design’, and ‘articulation’; in this instance it may be simpler to use plain language;
  - terms only used in the definition of other terms, such as ‘pedestrian eye level’;
  - terms used in a different sense to SPPs definition, such as ‘frontage’ is defined in the SPPs in a way that does not relate to the use of the word in ‘active frontage’;
  - clarity of definitions, for example, could the definition of ‘outdoor entertainment area’ be interpreted to include shared open space in an apartment building?; and
  - consistent use of terminology, for example, ‘key public view’ is defined in relation to heritage values but is also used in relation to kunanyi/Mt Wellington in GLE-S8.7.1.

### **GLE-S8.5 Use Table**

- Consider whether the qualifications for residential use in clause 16.2 of the SPPs respond to the Plan Purpose statements. The Plan Purpose of the SAP needs to be reflected in the Use Table.
- Clarify why the SAP prohibits new Visitor Accommodation Use.

#### **GLE-S8.6 Use Standards**

- Review the relationship between GLE-S8.6.1 A2/P2 and the qualification for Permitted Residential Use in the Central Business Zone Use Table and consider:
  - whether A2/P2 are necessary; and
  - whether P1 can be redrafted to include anything from P2 that is not addressed by the Central Business Zone Use Table.
- Review the relationship between GLE-S8.6.2 and clause 16.3.1 A1/P1 of the SPPs, and consider whether this standard would operate more effectively as a substitution of clause 16.3.1 A1/P1.
- Review the relationship between GLE-S8.6.3 and clause 16.3.1 A2/P2 of the SPPs, and consider whether this standard would operate more effectively as a substitution of clause 16.3.1 A2/P2.

#### **GLE-S8.7 Development Standards for Buildings and Works**

- GLE-S8.7.2 has been drafted in substitution for clause 16.4.2 Setbacks. Consider whether elements of clause 16.4.2 A3/P3 ought to have application and, if so, any mechanism for enabling this.
- The intent of GLE-S8.7.2 P1 appears to be very similar to that of clause 16.4.2 P1. Consider whether bringing more of the SPPs drafting through would be appropriate.
- GLE-S8.7.2 A1 (a)(ii) is drafted to control for use rather than development. Consider the intended outcome and potential drafting changes to achieve this, noting the SPPs have included use in 16.4.2 P1 as a 'having regard to' test.
- Consider drafting GLE-S8.7.5 A2/P2, which relates to hours of sunlight, more consistently with the SPPs drafting of similar Acceptable Solutions and Performance Criteria.
- Advise the basis for the measurements referred to in GLE-S8.7.5 A3/P3 and A8/P8.
- Consider the necessity of including controls for the management of waste collection in GLE-S8.7.6; waste collection has not generally been considered a planning matter.
- GLE-S8.7.7 Access, parking and sustainable transport has been drafted as in addition and substitution for parts Use Standards and Development Standards in the Parking and Sustainable Transport Code. It is unclear which Acceptable Solutions and Performance Criteria of GLE-S8.7.7 are adding or substituting related parts of the code. Consider:
  - separating the Use Standard component and moving it to GLE-S8.6 Use Standards;
  - whether the Use Standard operates in addition or substitution to C2.5.2 Bicycle parking numbers; and
  - creating separate standards for those in addition to the code and those substituting the code.
- GLE-S8.7.7 A3/P3 appears to have been drafted as in addition to C2.6 Development Standards for Buildings and Works, however, it addresses similar content to C2.6.7 and the operation may need to be reviewed.
- GLE-S8.7.7 A4/P4 appears to have been drafted as in addition to C2.6 Development Standards for Buildings and Works, however, consider its operation in relation to clauses 16.3.1 A3/P3 and C2.6.6 Loading bays.
- Consider whether GLE-S8.7.7 A4/P4 operates as a Use Standard and if it conflicts with the underlying zone purpose.
- Review the potential for conflict between GLE-S8.7.7 and C2.6 Development Standards for Buildings and Works.
- Consider the operation of GLE-S8.7.9 Signs in relation to clause C1.6.1 and Table 1.6 of the Signs Code and whether the proposed standard is necessary.

- With regard to GLE-S8.7.10, consider drafting A1 so that the 'change to an existing, publicly accessible area' is measurable and clarify the scope of a landscaping plan.
- Consider drafting GLE-S8.7.11, which relates to external lighting, more consistently with the SPPs drafting of similar Acceptable Solutions and Performance Criteria.

#### **GLE-S8.9 Tables**

Clarify the need to alter the definition of shared open space as shown in the note.

#### **Resources**

In addition to the relevant sections of the State Planning Provisions, some resources that might be useful include:

- [SAP drafting principles and examples](#)
- [Practice Note 5: Tasmanian Planning Scheme drafting conventions](#)
- [Practice Note 8: Draft LPS written document: technical advice](#) (sections 3.0 and 4.0)

If you require further information or are unable to access the website please contact Janelle Townsend, Planning Adviser, on (03) 6165 6803.

Yours sincerely,



Roger Howlett  
**Delegate (Chair)**

cc. representors