

Item A1: Report on Representations Received in Relation to Planning Scheme Amendment AMD01/17 and Development Application DA2017/010 (16 Esplanade, Whitemark)

<b>ACTION</b>	Decision
<b>PROPONENT</b>	Commercial Project Delivery
<b>OFFICER</b>	James Ireland (Consultant Town Planner)
<b>APPROVED BY</b>	Karin Van Straten (Senior Consultant Town Planner)
<b>FILE REFERENCE</b>	AMD01/17 and DA2017/010
<b>ASSOCIATED PAPERS</b>	<i>Annexure 2: Representations</i>

Proposal: To amend the Flinders Planning Scheme to: a) make tourist operation, restaurant, community building and local shop discretionary uses in the port zone on a specific part of land at Whitemark Wharf (CT: 129006/1) and as described in DA2017010, and: b) to amend the planning scheme to add to the zone intent statement for the port zone. This amendment will enable an existing shed adjacent to the Whitemark wharf to be refurbished and used for a multi-purpose commercial centre.

Location: 16 Esplanade. Whitemark (CT:129006/1)

Applicant: Commercial Project Delivery

Representations: Six

## INTRODUCTION

The above combined amendment and permit application was initiated and certified by Council at the June 2017 meeting. It was subsequently put on notification for the required 28 days, with the closing time for representations being **5pm on Monday 21<sup>st</sup> July**.

Six representations were received before this time and a seventh was one day late. Of the six representations that can be considered, four were in unequivocal support, one was in support but expressed concern about the provision of car parking and one was opposed for various reasons. It is worth noting that the late representation was in general support and would not require changes to the amendment if it was counted.

An assessment of the representations is provided in the next section of this report. It summarises the representations, provides a planning response to the issues and addresses whether changes to the amendment should result from the representations (no changes are required). The representations themselves are provided in full as associated papers.

## REPORT ON REPRESENTATIONS:

No.	Ground	Planning Response	Changes Required
<b>1</b>	<b>Mark Baldwin, Lughrata</b>		
	<i>"I would like to register my support for the recent Development Application for the wharf shed. I hope it is approved without undue delay and the</i>	No planning response required.	None required.

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	<i>entire venture proves to be a great success."</i>		
<b>2</b>	<b>Judith Blundstone, Whitemark</b>		
	General support, but also concern about provision of car parking spaces.	<p>No planning response required in relation to the support.</p> <p>In relation to the concern about car parking provision:</p> <p>Part 6.6 Access and Parking (i) of the scheme requires: <i>"New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed."</i></p> <p>The scheme does not provide parking rates. The amendment/permit application by Commercial Project Delivery states that the proposed 20 spaces are adequate, except for <i>'occasionally during functions and special events'</i>, when there is <i>'more than adequate'</i> capacity on-street. Using the parking rates in the West Tamar planning scheme (they obviously don't technically apply, but are a useful comparison), the café/restaurant/bar requires 8 spaces (1 per 15m<sup>2</sup> public floor area), the offices require 5 spaces (1 per 50m<sup>2</sup> floor area plus 1 per employee – one per office) and the function area 3 spaces (1 per 20m<sup>2</sup> floor area). This gives a total parking requirement of 16 spaces, less than the 20 space provided. It is considered that the proposal provides adequate car parking to provide for the demand it generates. It is capable of being safely accessed.</p>	None required.
<b>3</b>	<b>Murray Dagley, Whitemark</b>		
	<i>General support, with reference to economic benefits.</i>	No planning response required.	None required.
<b>4</b>	<b>Alan Radford, address not supplied</b>		
	Reference to existing operation and the changes to it.	Unsure of what he refers to - there is no Council record of an existing food services operation on the site. If he refers to another operation of the proponent not on the site, this is not a relevant planning consideration.	None required.
	The proposal will 'impact on his business greatly' and may mean I need to close, terminating five employees.	Neither the scheme nor the Act seek to restrict commercial competition. This is not a planning consideration.	None required.
	Amendment only relates to this application for	The combined amendment / permit route was taken to prevent exactly this from happening. Other foreshore/marina areas in the Port Zone	None required.

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	permit and doesn't allow for other similar proposals in all foreshores and marina areas of Flinders Island.	are not suitable for developments such as this as they are functioning ports. To enable proposals such as this on most foreshore areas, an amendment would have to be made to the Environmental Management Recreation zone, which covers the majority of the coast. This is not the proposal here. This amendment was initiated by a private individual – a reasonable private individual does not fund broad-scale amendments.	
	Does the reference to 'Community Building' in the application mean that Council will purchase the building. Council already has sufficient buildings.	This is not a community building as defined in the planning scheme. It is a private operation and is 'community oriented' only insofar as the community will be able to use its café/restaurant/bar and function room.  There is no intention for the building to be sold to Council. It will remain the property of Tas Ports (the applicant is leasing it). The tenant/s will operate private operations.	None required.
<b>5</b>	<b>Aimee Wheatley, Memana</b>		
	<i>"I'm writing to you, expressing my absolute approval for the amendment to the Flinders Planning Scheme 1994, in regard to DA 2017/010 and Amendment 01/17"</i> (continues)	No planning response required.	None required.
<b>6</b>	<b>Commercial Project Delivery (applicant) OBO Quoin Holdings (proponent)</b>		
	General support.	No planning response required.	None required.

**STATUTORY REQUIREMENT:**

The *Land Use Planning and Approvals Act 1993* requires Council to consider the need for any alterations to an amendment following submission of representations during the notification process. This report satisfies this requirement. It does not identify any need for alterations to the amendment.

Once a decision on the representations is made by Council, this decision, along with the representations and the report on representations must be emailed the Tasmanian Planning Commission (TPC). The TPC then commence their statutory assessment process, which will include organising public hearings, where representors will be able to speak to their representations.

The TPC will then either approve as proposed, approve with changes or refuse the amendment and permit.

**POLICY/STRATEGIC IMPLICATIONS:**

Once initiated, Council cannot terminate an amendment process. An applicant may withdraw an application at any time. It is Council's statutory obligation to make a decision on the representations and advise the TPC of this decision.

**BUDGET AND FINANCIAL IMPLICATIONS:**

Financial considerations of the amendment are addressed through normal statutory processes.

**OFFICERS RECOMMENDATION:**

That Council:

1. Determines that no alterations are required to combined AMD 01/17 and DA2017010 as a result of the representations lodged;
2. Submits AMD 01/17 and DA2017010 to the Tasmanian Planning Commission for review; and
3. Requests approval of AMD 01/17 and confirmation of the approval of DA2017010.

**DECISION:**

**198.08.2017 Moved:** Cr G Willis      **Seconded:** Cr D Williams

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2. Submits AMD 01/17 and DA2017010 to the Tasmanian Planning Commission for review; and
3. Requests approval of AMD 01/17 and confirmation of the approval of DA2017010.

**CARRIED UNANIMOUSLY (6-0)**

**For:** Deputy Mayor Marc Cobham, Cr Chris Rhodes, Cr Peter Rhodes, Cr Ken Stockton, Cr David Williams and Cr Gerald Willis.