

GLENORCHY PLANNING AUTHORITY MEETING AGENDA

MONDAY, 3 OCTOBER 2022



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman Bec Thomas

Hour: 4.00 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 5 September 2022 be confirmed.

That the minutes of the Special Glenorchy Planning Authority Meeting held on 28 September 2022 be confirmed.

5. REPORT ON REPRESENTATIONS TO – PLS43A-21/02 – 32 CHEVIOT ROAD, WEST MOONAH

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: 3153986

REPORT SUMMARY

Application No.	PLS43A-21/02
Applicant	Terry Cousens
Owner	Australasian Conference Association Limited
Proposal	Partial rezoning of 32 Cheviot Road, West Moonah to a General Residential Zone combined with a planning permit application for a 19-lot subdivision plus balance at 32 Cheviot Road and 3 and 5 Ransley Court, West Moonah
Report Purpose	To consider the merits of representations received. The Planning Authority's assessment must be provided to the Commission under Section 40K and S42 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Three (3) (including one indicating no objection from TasWater)
Recommendation:	Refer representations, amendment, and the modified planning permit, to the Commission

REPORT IN DETAIL**INTRODUCTION:**

The Glenorchy Planning Authority decided to prepare and certify the amendment at its meeting of 11 July 2022 and place it on exhibition for 28 days.

The draft amendment was publicly notified from Monday 25 July 2022 until Monday 22 August 2022

The public notification involved advertisements in the Mercury on Saturday 23 July 2022 and Wednesday 27 July 2022, a mailout of letters to landholders adjoining the land and signs on the site.

Three (3) representations were received during the exhibition period, noting that one from TasWater indicated no objection subject to conditions on the planning permit. This report examines the merits of the representations.

BACKGROUND:

The planning scheme amendment seeks to rezone part of 32 Cheviot Road, West Moonah from a Community Purpose Zone to a General Residential Zone, the remaining school land will be retained in a Community Purpose Zone. The extent of the area to be rezoned is shown in Figure 1 below.



Figure 1: land subject to the amendment

A planning permit application to subdivide the land to be rezoned for a nineteen (19) lot residential subdivision was combined with the amendment and a draft permit was granted (see figure 2). The draft permit was exhibited with the amendment.



Figure 2 – Subdivision layout

A copy of the certified amendment and planning permit documents is included in **Attachment 1**.

The planning authority has thirty-five days from the close of the public exhibition period to submit a report on the merits of any representations to the Commission. This timeframe closed on 26 September 2022. On the 24 August 2022, the Commission granted an extension of time under S40K of LUPAA to 4 October 2022.

STATUTORY REQUIREMENTS:

Section 40K(2) of the *Land Use Planning and Approvals Act 1993* (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.*

Where the planning scheme amendment request has been combined with a planning permit application, the Planning Authority must also provide to the Commission a report under S42 of LUPAA that indicates whether the representation justifies modification to the Planning Authority's decision on the application for the planning permit.

In considering the merits of the representations, the Planning Authority can make a recommendation to the Commission that the amendment should be modified, abandoned, or not changed. The Planning Authority can also make recommendations to the Commission that the permit is not granted or to modify, include or remove conditions.

The Commission will take the Planning Authority's recommendations into account when making its decision.

DISCUSSION ON THE MERITS OF THE REPRESENTATIONS:

Three (3) representations were received during the public notification period. The representation from TasWater indicated no objection to the amendment and provided conditions to be applied to the planning permit.

The issues raised in the representations are summarised below with officer comment on: the merits of each issue; the need for modification and the potential impacts on the amendment and the Local Provisions Schedule (LPS) as a whole, if a modification were made; and whether there should be any modification to the Planning Authority's decision on the planning permit.

- **Work has started on the subdivision**

One representor indicated that work had started on the subdivision, with some trees being removed and diggers operating on site.

This matter has been investigated by Council's Compliance Officers. A planning permit (PLN-20-158) was granted for works to the existing school on the northern side of 32 Cheviot Road on 21 July 2020, with subsequent amendments approved on 9 June 2022. These works include new classrooms and some upgrading of the existing

buildings. Works for the associated plumbing and drainage have been undertaken along the northern and eastern boundaries of the site and so some clearing has occurred in association with these works. These works are not associated with the subject subdivision proposal.

It is considered that there is not adequate merit in this matter to justify modification of the amendment or the planning permit.

- **Impact of increased traffic**

Two of the representations raised concerns about the impacts of traffic on Ransley Court and potential impacts on safety at the Ransley Court and Sawyer Avenue intersection.

Council's Transport Engineer and Development Engineer have considered the issues raised in the representation.

The Traffic Impact Assessment (TIA) undertook a detailed assessment of the current and proposed traffic conditions. In Ransley Street there are currently 23 properties, and the new development proposes an additional 19 properties with an increase in traffic of 141 daily trips with 15 of these in peak hour (7.4 daily trips per dwelling). The additional properties are calculated as single dwellings with up to two cars per dwelling.

The TIA notes that a new development in urban areas can be concerning to local residents. The *Roads and Traffic Authority Guide to Traffic Generating Developments* (RTA Guide) has considered this matter and provides environmental performance standards that can be used to evaluate the likely impact on residential amenity. The environmental performance standards for a local street is 200 vehicles per hour with the maximum being 300 vehicles per hour. As this development will generate a peak of 15 vehicles per hour, the traffic in Ransley Court will be below this environmental standard.

Under the acceptable solution of the residential density standard in a General Residential Zone, four of the lots could potentially be developed for two multiple dwellings (which would require a minimum lot area of 650m²) and Lot 10 potentially developed for three multiple dwellings (which would require a minimum lot area of 975m²). This is potentially an increase of six dwellings which would likely generate no more than an additional 44 daily trip with 5 of these in peak hour. This is still below the environmental standard in the RTA Guide. It is acknowledged that there is potential to seek multiple dwellings on the smaller lots by relying on the performance criteria. However, this potential increase in traffic would still be under the environmental standard of maximum 300 per hour.

Sight distance at the new proposed junction at the curve in the Ransley Court road was assessed in the TIA. A speed survey was undertaken on 5 May 2021 of 23 vehicles, in which the 85th percentile speed (speed at which 85% of vehicles travel at or below) was calculated at 31 km/h with the mean speed of 28.5km/h. Based on Austroads Guide to Road Design, an operating speed of 31 km/h corresponds with a Safe Intersection Sight Distance of 34 metres. Sight distance for vehicles leaving the new junction was measured to have 55 metres in both directions to approaching vehicles.

Thus there is sufficient sight distance for drivers using the new junction to enter and leave Ransley Court in a safe manner.

The TIA reviewed crashes in the last 5 years in which there has been one crash at the junction of Sawyer Avenue and Ransley Court in April 2020 due to a vehicle turning right into Ransley Court colliding with a pedestrian crossing the road, a minor injury occurred. There is no history of crashes in Ransley Court that would indicate any road safety deficiency that would be exacerbated by the development. Any road surface damage caused by the extra traffic is a matter for Council to ensure that the road network is maintained.

The new junction will intersect Ransley Court on a horizontal curve that might make the junction less defined on who has priority. To eliminate this, the TIA has recommended that 'Give Way' signage and line marking is installed on the new road at the junction with Ransley Court. The residents either side of the new junction being 3 and 5 Ransley Court, have been notified of the development in which their driveway accesses will need to be modified. Conditions have been placed on the permit for assessment, design and consultation to occur for the driveway accesses to 3 and 5 Ransley Court.

It is considered that the proposed development, and the traffic generated by it, is not expected to have any significant detrimental impacts on Ransley Court or the surrounding road network in terms of traffic efficiency and road safety.

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

- **Impacts of increased traffic at Sawyer Avenue junction**

One representor was concerned that the increase of traffic leaving Ransley Court and turning left into Sawyer Avenue, will increase the existing risk of a head on collision as a result of cars parked on both sides of Sawyer Avenue near the intersection, creating a single lane of clearance up and down the street.

Council's Transport Engineer noted that the TIA did include an assessment of the junction of Ransley Court and Sawyer Avenue taking into account the crash data and increase in traffic volume. It concluded that the increase in traffic is not expected to cause any adverse traffic or safety issues. Council reviews its road network annually and any road safety deficiencies are addressed. Further, under the Tasmanian Road Rules, vehicles are not allowed to park within 10m of a junction to allow vehicles to safely turn. If this does not occur, then Council's parking officers can undertake enforcement.

It is considered that the issues raised by the representor do not have adequate merit to warrant modification to the amendment or the planning permit.

- **Stormwater Management**

One representor raised concerns that the development will exacerbate the water/stormwater issues already present in Ransley Court. The representor indicated that Taswater are regularly called to the street outside numbers 11 and 20 in an attempt to address the issues with runoff and that Taswater have had to pump out the stormwater at Ransley Court on a number of occasions. The representor is

concerned that a 19 lot subdivision will cause more problems in this regard impacting the amenity of residents of Ransley Court.

Council's Hydraulic Engineers have considered the proposal and the representation. The development proposal consists of a new internal stormwater network with on-site detention that has been designed in accordance with current engineering standards and Council policies. This network is designed to capture the stormwater runoff from uphill and the new developed site. The stormwater will then discharge into Council's existing underground stormwater system in a controlled manner. Once constructed, this stormwater network would greatly reduce any surface runoff impacts for the properties below the site on Ransley Court.

Furthermore, the new internal road network within the subdivision is designed to function as the overland flow path for major rain events, and will have the capacity to contain and convey the excess runoff safely into Council's existing underground stormwater network.

It is noted that TasWater provided comment on the draft amendment and planning permit application and indicated no objection to the proposal.

It is considered that the issues raised by the representor do not have adequate merit to warrant modification to the amendment or the planning permit.

- **Impact on and management of wildlife**

Two representors raised concerns about the impacts on wildlife resulting from the removal of vegetation on the site. One representor questioned what options would be available to existing wildlife in the local area given the limited trees remaining in the area.

The subject site is identified as including priority vegetation under the Natural Assets Code C7.0. The *Flora and Fauna Report*, Van Diemen Consulting, 11 October 2021 provided with the subdivision application was assessed by Council's Environment Coordinator as demonstrating the development standards for removal of vegetation under the Code had been satisfied.

The site can be considered as an island site in term of vegetation with no connections to other areas of vegetation in proximity of the site that would enable any wildlife currently living on the site to escape when clearing begins. Figure 3 below, indicates the subject land and vegetated areas in the vicinity.



Figure 3 – Aerial image showing subject land, circled, and vegetation in the local area

Given the potential for wildlife to be trapped on the site during clearing, or potentially run onto the surrounding road, it is recommended that conditions to prepare a Wildlife Welfare Plan (WWP) be required. The WWP would identify any animals on the site, including fledglings, and implement mitigation measures to encourage or relocate animals from the site, or ensure how any animals injured as a result of clearing are transported to an appropriate wildlife hospital or veterinary clinic. Conditions 46, 47 48 and 49, and advice encouraging the applicant to contact local wildlife carers and institutions as part of the preparation of the Wildlife Welfare Plan have been included in the permit, shown in track changes.

The additional conditions were provided to the applicant for review. The Applicant's consultant indicated that, as an ecologist, they felt the wildlife plan was unnecessary. Council's Environment Officer considered the conditions worthy of inclusion particularly given the 'island' nature of the vegetation on site. The additional conditions are not considered onerous, given the removal of vegetation being allowed under the planning permit. It is also noted that other Councils (such as Kingborough) use similar conditions for vegetation clearing. It is recommended that the conditions be included, noting that they will be subject to further review during the Commission hearing, where the applicant and representors will have opportunity to discuss this matter further.

The modified permit is included in **Attachment 2**.

It is considered that the issues raised by the representors do have merit to warrant the inclusion of additional conditions on the planning permit.

No changes to the amendment are recommended and, in this regard, the recommended changes will not have any effect on the LPS as a whole and the amendment is still considered to meet the LPS Criteria under S34 of LUPAA with the modification.

- **Impacts of future buildings, particularly on Lot 2, on adjoining land with respect to overshadowing and privacy, particularly if the site is developed for multiple dwellings**

The subdivision application was assessed as meeting the Performance Criteria under Clause 8.6.1 Lot Design, in that each lot is of sufficient width and depth to accommodate a building within the building envelope that is set in a General Residential Zone. This assessment occurred in the report to prepare the amendment considered at the 11 July 2022 GPA meeting

The final built form of a dwelling/multiple dwellings on Lot 2, subject to the amendment being approved, would need to meet the provisions of the Tasmanian Planning Scheme – Glenorchy.

The provisions for residential development include built form controls implemented through a building envelope that sets height and setback standards for buildings, windows and decks. Any proposal that cannot comply with the building envelope requirements is assessed regarding its potential impact on the amenity of adjoining properties, overshadowing, reduction of sunlight, visual impact and privacy. The planning scheme controls have been implemented by the State Government to ensure a reasonable standard of amenity, including mitigation of overshadowing and overlooking, is achieved.

As the subdivision application is considered to satisfy the Lot Design requirements under Clause 8.6.1 and that the impacts of future buildings would be assessed under a future planning application, it is considered that the issues raised by the representor do not have merit to warrant modification to the amendment or the planning permit for subdivision.

- **Concerns the boundary fence (currently a cyclone wire and three run barb wire fence) will be replaced with a timber fence and reduce security**

The *Boundary Fences Act 1908* sets out the law in relation to boundary fences in Tasmania. Council does not become involved in issues regarding boundary fences between neighbours as this is a civil matter. However, fences above 2.1m in height would need a building permit.

It is considered that the issues raised by the representor do not have merit to warrant modification to the amendment or the planning permit.

- **Inadequate public open space within 500m walking distance.**

One representor was concerned about the loss of the play space at Ransley Court and requested it should be maintained and upgraded. They were also concerned that the Amy Street location identified for a future play space, is more than 500m walk.

Council's Recreation and Environment Coordinator noted that there were no practical or desirable areas on the land proposed to be subdivided appropriate for open space

and that, as per clause 9 of the *Subdivision Public Open Space Acquisitions and Contributions Policy 2017*, a cash in lieu contribution instead of land would be taken.

Council's recently endorsed play space strategy, *Planning for Play 2041*, identifies the Ransley Court play space for future removal, with a new play space to be provided at the undeveloped Amy Street Reserve. That is, the Ransley Street block would still remain as public open space, however the play space would be removed as it has been deemed a poor location.

It is however noted that, while the endorsed play space strategy includes this recommendation, there has been no definitive decision as to if, or when, this removal would occur. Further consultation would be undertaken if this does occur in the future.

In this regard, as public open space would remain adjacent to the subject land, it is considered that the objectives of Council's open space policy have been met in requesting a financial contribution rather than land regarding the proposed subdivision.

It is considered that the issues raised by the representor do not have merit to warrant modification to the amendment or the planning permit.

- **Application of the Australian Standard AS2890.1 for the new roadway entry**

One representor raised concerns about the ability to override the Australian Standard AS2890.1 with respect to the 6m driveway clearance for the new roadway entry into the proposed subdivision

Council's Transport Engineer noted that the recommended 6m distance from the junction to the driveway under AS2890.1 may not be achieved for the existing driveways at 3 and 5 Ransley Court (which are either side of the proposed new road junction).

The Australian Standard is based on best practice, however in many cases, particularly for existing sites, the standards are unable to be met and an assessment must be undertaken. This assessment was undertaken by Council's Transport Engineer and detailed in the traffic referral forming part of the report to prepare the amendment (considered at the 11 July 2022 GPA). The assessment can be summarised as follows:

The 6m distance is required to ensure that sight lines are met, and drivers have adequate clearance to turn into or out of their driveway, which is important on high volume and speed roads. This is a low volume and speed junction, in which sight lines are met if the driveways are closer than the 6m recommended. Based on this, it is acceptable for the driveways to be closer than the 6m recommended if required. A condition has been placed on the permit for the location of the driveways to be further assessed by the developer in accordance with AS2890.1.

It is considered that the issues raised by the representor do not have merit to warrant modification to the amendment or the planning permit.

CONCLUSION

It is considered that the representations raised about works on the site, traffic impacts and road design, stormwater management, potential built form, boundary fences and public open space provision do not have adequate merit to support any modifications to the amendment.

The amendment is considered to meet the LPS criteria as required under Section 34 of LUPAA and it is recommended it is submitted to the Tasmanian Planning Commission in the form in which was publicly notified, without change.

It is considered that the issues raised around wildlife management do have merit to warrant the inclusion of additional conditions to address animal welfare during vegetation clearing on the planning permit. The modifications to the permit do not impact on the amendment meeting the LPS Criteria.

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 deciding on the amendment and the planning permit.

RECOMMENDATION:

That the Glenorchy Planning Authority, after considering the merits of the representations, and being satisfied that no changes to the amendment are required but that modifications to the planning permit are required:

1. **PROVIDE** the representations, this GPA Report on PLS43A-21/02 relating to land at 32 Cheviot Road and 3 and 5 Ransley Court, West Hobart and the modified planning permit contained in **Attachment 2**, to the Tasmanian Planning Commission under S40K and S42 of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1 Attachment 1 - Certified Attachment Documents



- 2 Attachment 2 - Modified Permit



CLOSED TO MEMBERS OF THE PUBLIC

6. COMPLIANCE REPORT

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential) and (4) (In relation to subregulation 15(3) only, matters relating to legal (or possible future legal) action taken (or may be taken) by or involving the Council).