

GLENORCHY PLANNING AUTHORITY
AGENDA
MONDAY, 4 APRIL 2016



GLENORCHY CITY COUNCIL

- * *The General Manager certifies that the reports contained in this Agenda have been written by qualified persons under Section 65 of the Local Government Act 1993.*
- * 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 K. Johnston

Hour: 3.00 p.m.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	3
2.	APOLOGIES/LEAVE OF ABSENCE	3
3.	PECUNIARY INTERESTS.....	3
4.	CONFIRMATION OF MINUTES	3
5.	PROPOSED NEW STREET AND WALKWAY NAMES - KIEWA RISE AND SAWYER STEPS.....	4
6.	PROPOSED USE AND DEVELOPMENT - VISITOR ACCOMMODATION PARKING DISCRETION - 7 GARDEN ROAD, MOONAH	7

7.	PROPOSED USE AND DEVELOPMENT - CHANGE TO USE TO RESTAURANT RELYING ON PERFORMANCE CRITERIA TO THE PARKING AND ACCESS STANDARDS - 437 MAIN ROAD, GLENORCHY.....	22
CLOSED TO MEMBERS OF THE PUBLIC		52
8.	APPEALS REPORT	52
9.	COMPLIANCE REPORT	52

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 21 March 2016 be confirmed.

5. PROPOSED NEW STREET AND WALKWAY NAMES - KIEWA RISE AND SAWYER STEPS

Author: Senior Administration Officer (Natasha Butler)

Qualified Person: Co-ordinator Planning Services (Kylie Williams)

Property ID: PLPROP-16/001

REPORT SUMMARY:

To seek approval to the naming of a new road and steps within a recently approved subdivision at 48A Creek Road, Lenah Valley and 221 Lenah Valley Road, Lenah Valley (see Figures 1 and 2 below).

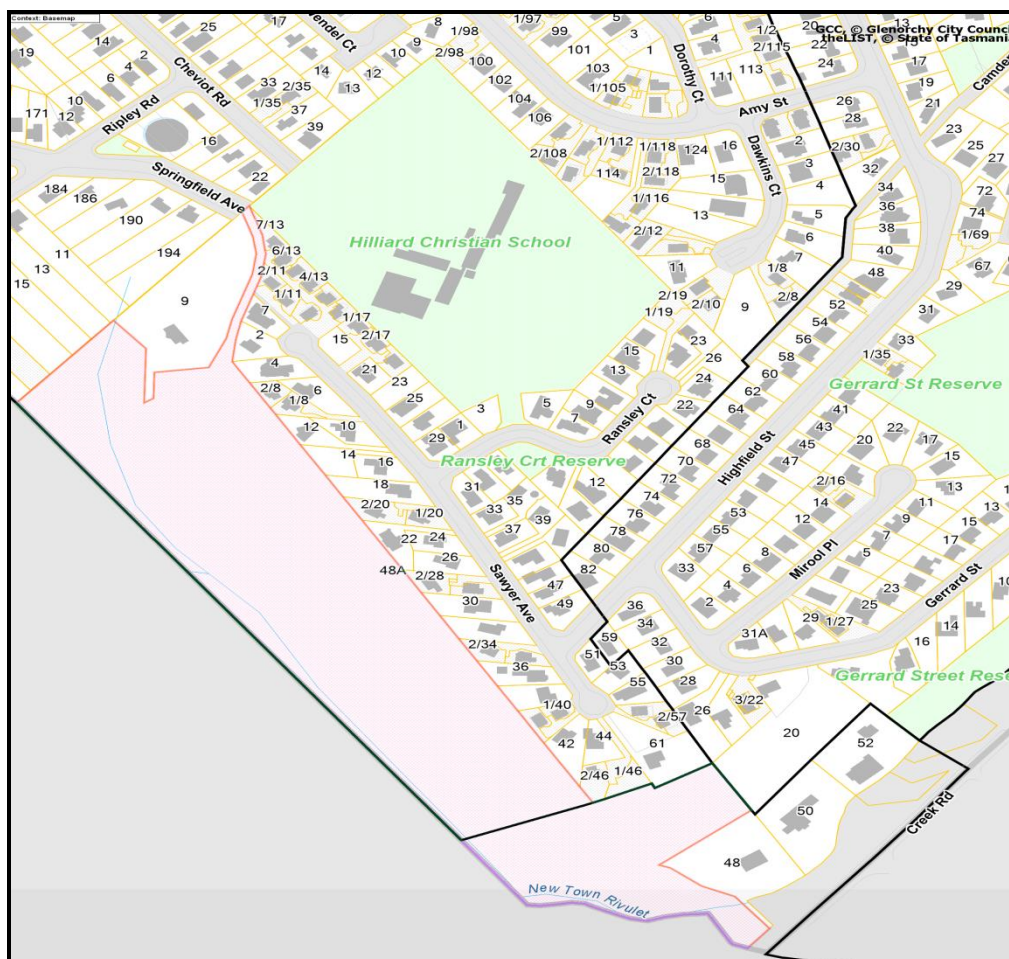


Figure 1: Location Plan of Land to be Subdivided.

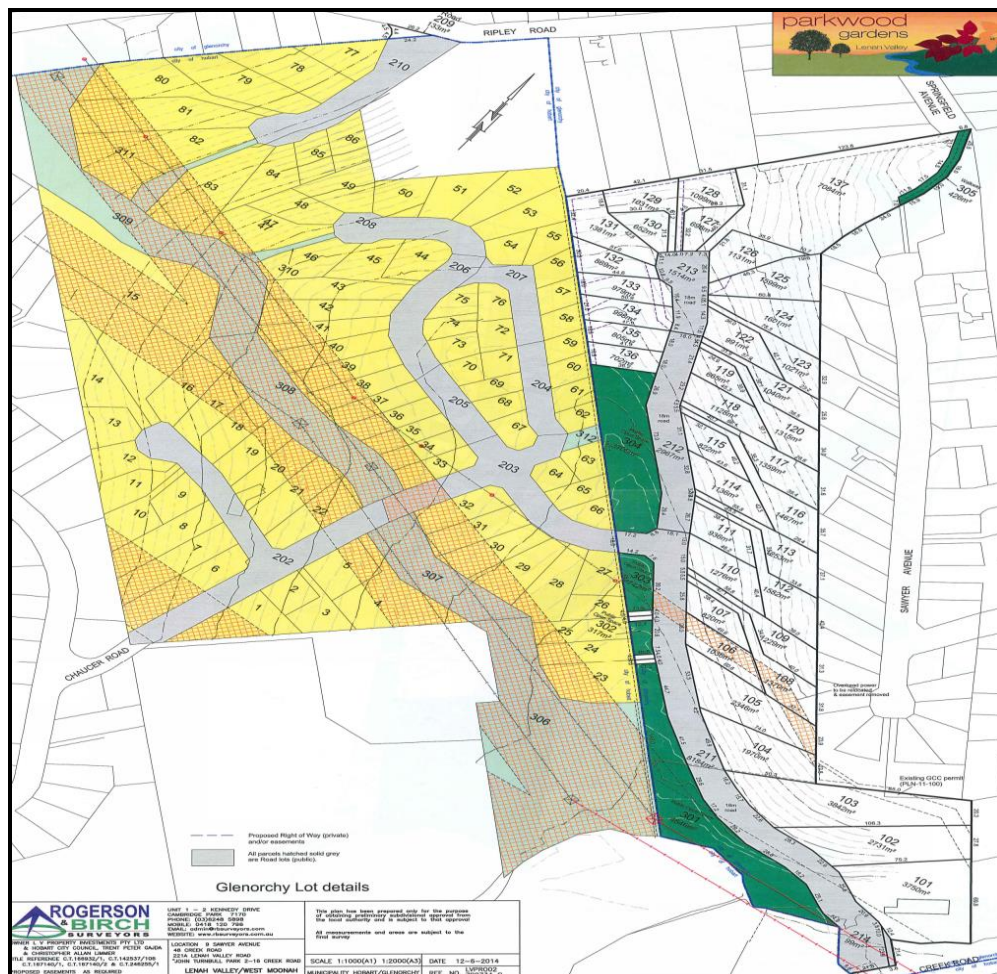


Figure 2: Location plan of road proposed to be named Kiewa Rise.

REPORT IN DETAIL:

PROPOSAL:

An application has been received from Hobart City Council on behalf of Lenah Valley Community Association to name the proposed street.

The name put forward by Lenah Valley Community Association is:

Kiewa Rise (pronounced key-war)

As the access for the subdivision from Creek Road will pass through a portion of an original property in the area named **Kiewa** at 48 Creek Road, members of the Lenah Valley local history group have suggested **Kiewa Road** or **Kiewa Dairy Road**. This would recognise one of the original properties and activities in the area. The old homestead nearby was known by this name and was the home of Mr and Mrs A Cooper from 1929 for many years.

Within the subdivision a concrete path and stairs will also be created, commencing at Sawyer Avenue Lenah Valley and concluding at Springfield Avenue West Moonah. Glenorchy Planning Department in consultation with Council's Heritage Officer, David Parham, selected the appropriate name of Sawyer Steps. The proposal was put forward to Steve Billingham at the Nomenclature Board who gave his support to the suggested name.

CONSULTATIONS:

Clarence City Council, Kingborough Council, Brighton Council, Derwent Valley Council, Hobart City Council, David Parham and Nomenclature Board.

Recommendation:

That the proposed street name Kiewa Rise and walkway name of Sawyer Steps, be approved.

The Nomenclature Board to be notified of the decision in accordance with Section 20E of the Survey Co-Ordination Act 1944.

Attachments/Annexures

Nil.

6. PROPOSED USE AND DEVELOPMENT - VISITOR ACCOMMODATION PARKING DISCRETION - 7 GARDEN ROAD, MOONAH

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5427361

REPORT SUMMARY:

Application No.:	PLN-16-035
Applicant:	G K Marshall
Owner:	G K Marshall
Zone:	Inner Residential
Use Class	Visitor Accommodation
Application Status:	Discretionary
Discretions:	11.3.2 (b) Visitor Accommodation (parking) E6.61 Number of Car Parking Spaces (discretion for 2 spaces) (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	4 April 2016
Existing Land Use:	Residential – Single Dwelling
Proposal In Brief:	Visitor Accommodation with parking discretion
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application is for an additional use of Visitor Accommodation in an existing single dwelling. It is proposed to rent two bedrooms as visitor accommodation. The change would require three car parking spaces on site where there is currently provision for one space. The site layout and topography of the land do not allow for the provision of additional parking on site. Therefore, the proposal relies on the performance criteria, in terms of car parking.



Figure 1: Prop

SITE and LOCALITY

The subject property is located on the south side of Garden Road towards the end of the road, west of Central Avenue.



Figure 2: Subject Site – Council Database 2013

The property contains a single dwelling and has a shared driveway with the neighbouring property. There is a single car parking space at the rear of the dwelling.

Five properties adjoin the subject property, each with a single dwelling, except for one that is a vacant lot. The street is approximately 100m long and allows for parking on both sides.

ZONE

The subject land lies within the Inner Residential Zone and is shown in 'maroon' below.

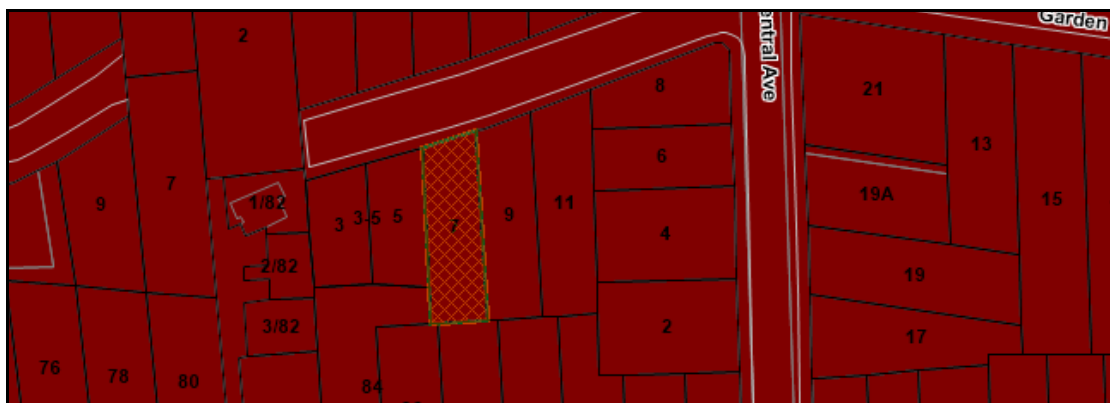


Figure 3: Zoning Map - GIPS 2015

BACKGROUND

There is no background information relevant to this assessment.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the Land Use Planning and Approvals Act 1993 (LUPAA).

A condition is recommended requiring appropriate soil and water management to prevent erosion and the transport of sediments into surface waters, consistent with the State Policy on Water Quality Management.

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

Planning Scheme Operation (Does a SAP or Code override Zone provisions?)

- No but E6.0 Parking and Access Code does apply.

Use Class Description (Table 8.2):

The use is classed **Visitor Accommodation** and is defined in Table 8.2 as the use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.

Other relevant definitions (Clause 4.1):

Nil.

Categorising Use or Development

The use was categorised separately because it is not subservient to the existing single dwelling use. The Scheme provides for multiple uses in clause 8.2.5 as follows:

If more than one use or development is proposed, each use that is not directly associated with and subservient to another use on the same site must be individually categorised into a use class.

Part C: Special Provisions

The following special provisions of the Scheme apply to this proposal:

Nil.

Part D: Zones

The land is within the Inner Residential Zone and the following Scheme zone purpose statements, use table, use standards and/or development standards apply to this proposal:

Zone Purpose Statement

To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.

- *To provide for compatible non-residential uses that primarily serve the local community.*
- *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- *To provide for a change in character from single dwellings on larger lots to alternative forms of housing such as terrace housing and apartments at greater density and with improved public open space amenity, whilst protecting amenity for existing nearby development.*

Comment:

It is considered that the proposal is in accordance with the above intent. The proposed visitor accommodation is not considered to cause a land use conflict for the local community.

Use Table

The use class Visitor Accommodation is otherwise 'permitted' in 11.2 Use Table. However, the application is 'discretionary' pursuant to subclause 8.8.1 (b), owing to the reliance of the proposal on the performance criteria of an applicable standard.

Discretions

- 11.3..2 (b) Visitor Accommodation (parking)
- E6.61 Number of Car Parking Spaces (discretion for 2 spaces)

Use Standards

There is a use standard for the proposed use in 11.3.2 Visitor Accommodation as follows:

Visitor accommodation must comply with all of the following:

- (a) is accommodated in existing buildings;*
- (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;*
- (c) has a floor area of no more than 160m².*

where the acceptable solution requires the floor area allocated to the use to be no greater than 160m².

The bedrooms for the visitor accommodation have a floor area of approximately 40m² and are contained within an existing dwelling so that they comply with (a) and (c) above. However, the proposal does not comply with (b) above as it seeks a discretion for the number of car parking spaces. The performance criteria are in standard 11.3.2 P1 Visitor Accommodation as follows:

Visitor accommodation must satisfy all of the following:

- (a) not adversely impact residential amenity and privacy of adjoining properties;*
- (b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;*
- (c) be of an intensity that respects the character of use of the area;*
- (d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.*

The proposal meets the relevant criterion in (b) above as there would be sufficient on-street parking available, which complies with the Parking and Access Code.

Development Standards for Non-Residential Building & Works

There would be no construction as part of this development, therefore the development standards do not apply.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The car parking requirement is set out in Table E6.1 of the Scheme and is as follows:

Use Class: Visitor Accommodation

Bed and breakfast establishment	1	for each bedroom
---------------------------------	---	------------------

The proposal plan shows one parking space for the existing dwelling which is the existing situation. Two additional parking spaces would be required for the Visitor Accommodation which cannot be provided. Therefore, the proposal must meet the performance criteria in E6.61 Number of Car Parking Spaces, which is as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*

- (m) *whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.*

It is considered that the proposal meets the above criteria as adequate on-street parking is available, according to the engineering assessment. The engineering assessment is included under the Referrals section later in this report.

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Development Engineer

Traffic, Access & Parking

The applicant is requesting a variation of the three car parking spaces required for the proposed visitor accommodation under clause E6.6.1 of the Glenorchy Interim Planning Scheme 2015, to one car parking space. The two car parking spaces the proposed change of use is deficient in are proposed to be accommodated in Garden Road, with the remaining space accommodated on-site at the rear of the existing dwelling. Due to the slope of the site, to provide additional carparking on site would be uneconomical. This section of Garden Road is approximately nine metres wide within a one hundred metre long “dead end” section of Garden Road. Adequate on-street parking is considered to be available to accommodate the proposed car park deficiency and with the proposed development being close to public transport (bus route) it is considered the proposed development will not create any adverse traffic or parking issues.

There are no other traffic or parking issues associated with this application.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other

Geoscience issues

There are no geotechnical issues identified through Council records that affect this application.

Flooding/Inundation issues

There are no flooding issues identified through Council records that affect this application.

Environmental Health

Telephone conversation with applicant on 17/03/2016 at 12:45PM confirmed that no food will be provided as part of the accommodation arrangement.

Environmental Health has assessed this application and has no conditions to recommend.

Waste Management:

Waste Services to 7 Garden Road Moonah is Council's standard bin service collected fortnightly.

The property is an existing property and as there are no additional dwellings applied for, the existing waste services apply.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling units, collected fortnightly.
- Please note that this property is an existing property and has a total of two (2) wheelie bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the property has their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

EXTERNAL REFERRALS***TasWater***

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(2)(a) TasWater does not object to the proposed development and no conditions are imposed.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with no representations being received.

CONCLUSION

The application is for the additional use of Visitor Accommodation at an existing dwelling. It is proposed to use two bedrooms for a bed and breakfast, which would have a floor area of less than 160m². There is no opportunity to provide further car parking on site so that the proposal does not meet the acceptable solution that would require two additional spaces. The application was assessed by Council's Development Technical Officer who assessed that there would be sufficient on-street parking. Therefore, the proposal meets the performance criteria and is considered acceptable.

The proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Interim Planning Scheme 2015, subject to the recommended conditions.

Recommendation:

That the application for the proposed use and development of Visitor Accommodation.

That a permit be granted for the proposed use and development of Visitor Accommodation with parking discretion at 7 Garden Road Moonah subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-035 and Drawing No. P1 submitted on 16/02/16, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

Engineering

3. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
4. One (1) clearly marked car parking spaces must be provided on site and kept available for car parking purposes only at all times. Car parking spaces, must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and must be constructed and sealed with an approved impervious surface treatment, prior to use of the development. All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system.
5. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.

Advice to Applicant

This advice does not form part of the permit but is provided for the information of the applicant.

- Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the Building Act 2000 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.
- Service of food may require a food business registration issued under the Food Act 2003. Please contact Council's Environmental health Office should the business consider providing food.

APPENDIX**11.0 Inner Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
11.3 Use Standards			
11.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.		N/A
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAmix) at any time.65dB(A) (LAmix) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.		N/A

Standard	Acceptable Solution	Proposed	Complies?
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) be turned off between 6:00 pm and 8:00 am, except for security lighting; security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.		N/A
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.		N/A
11.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings (b) provides for any parking and manoeuvring spaces required pursuant to the parking and Access Code on-site; (c) has a floor area of no more than 160m²	Complies with (a) and (c) but not (b)	Discretion see report

Standard	Acceptable Solution	Proposed	Complies?
11.3.3 Local Shop	A1 A local shop must comply with both of the following: (a) have a gross floor area no more than 200m ² ; (b) not displace an existing residential use.		N/A

APPENDIX**E6.0 Parking and Access Code**

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.		Discretion see report
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	None required	N/A
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	None required	N/A

Attachments/Annexures

- 1** Location Map - 7 Garden Road
- 2** Plans - 7 Garden Road
- 3** TasWater Referral - 7 Garden Road

7. PROPOSED USE AND DEVELOPMENT - CHANGE TO USE TO RESTAURANT RELYING ON PERFORMANCE CRITERIA TO THE PARKING AND ACCESS STANDARDS - 437 MAIN ROAD, GLENORCHY

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5383127

REPORT SUMMARY:

Application No.:	PLN-15-267
Applicant:	Jeff Lee & Associates
Owner:	Q Tan and X Zhao
Zone:	Central Business
Use Class	Restaurant
Application Status:	Discretionary
Discretions:	Reliant on performance criteria to the parking and access standards (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	N/A
42 Days Expires:	15 Apr 2016
Existing Land Use:	Shop and Apartment
Proposal In Brief:	Change of Use to Restaurant relying on performance criteria to the parking and access standards
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The applicant proposes to change the use of the existing shop to a restaurant on the ground floor at 437 Main Road, Glenorchy. No changes are proposed to the first floor.

The proposed restaurant would cater for a maximum 32 seats, and would have the following hours of operation:

Weekdays:	10am – 11pm
Saturday:	10am – 11pm
Sundays:	10am – 11pm
Public holidays:	10am – 11pm

The application is supported by a Traffic Impact Assessment (TIA).

SITE and LOCALITY

The site is situated on the eastern corner of the intersection between Main Road and King George V Avenue. The property has an area of 403m² and a combined frontage of approximately 52m to Main Road and King George V Avenue.

A two-storey commercial building is located on the Main Road frontage of the site while the rear part of the site is used for parking. The existing building has a shop on the ground floor and an apartment on the first floor.

The site lies in the centre of the Glenorchy business activity centre and is set amongst similarly developed properties.

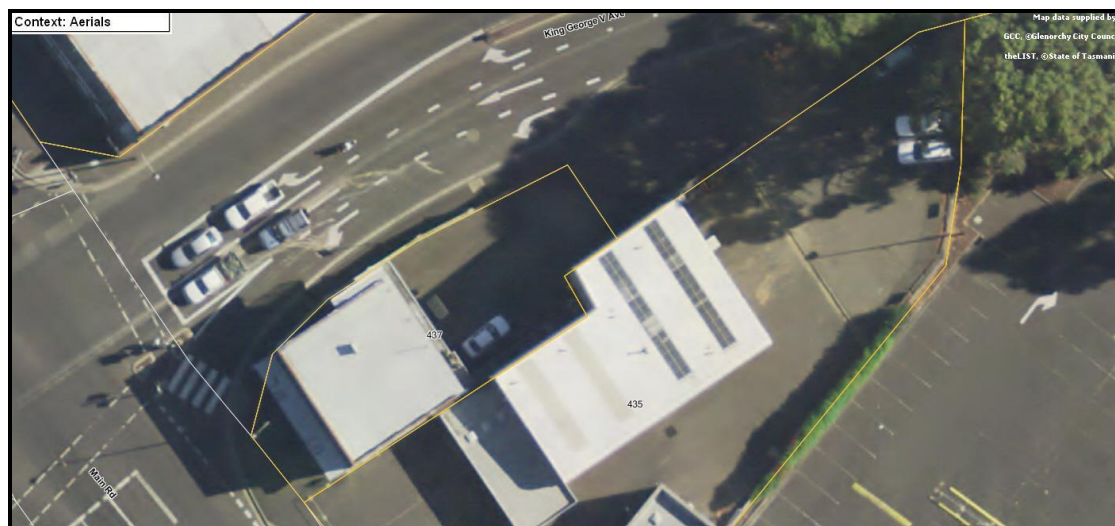


Figure 1: Aerial photograph of site and immediate surrounds with cadastral overlay.

ZONE

The land is zoned Central Business under the Glenorchy Interim Planning Scheme 2015 (the Scheme).

BACKGROUND

There is no information on file relevant to the assessment of this proposal.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

There are no inconsistencies with any other State Policies or with the objectives of the Land Use Planning and Approvals Act 1993 (LUPAA).

A condition is recommended requiring appropriate soil and water management to prevent erosion and the transport of sediments into surface waters, consistent with the State Policy on Water Quality Management.

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

Planning Scheme Operation (Does a SAP or Code override Zone provisions?)

No, however Code E6 Parking and Access does apply to the development (see later sections of this report).

Use Class Description (Table 8.2):

The restaurant falls within the Food Services use class description of the Glenorchy Interim Planning Scheme 2015.

Other relevant definitions (Clause 4.1):

Nil.

Part C: Special Provisions

Nil.

Part D: Zones

The land is within the Central Business zone and the following Scheme zone purpose statements, use table, use standards and/or development standards apply to this proposal:



Figure 2: Zoning map excerpt from Exponare zoning overlay.

Zone Purpose Statement

The General Business zone purpose statements in Clause 22.1.1 of the Glenorchy Interim Planning Scheme 2015 are as follows:

22.1.1.1

To provide for business, civic and cultural, community, food, hotel, professional, retail and tourist functions within a major centre serving the region or sub-region.

22.1.1.2

To maintain and strengthen the principal activity centre providing for a wide range of services and facilities to serve the surrounding subregion, with a strong focus on the retail and commercial sector.

22.1.1.3

To facilitate high density residential development and visitor accommodation within the activity centre above ground level and surrounding the core commercial activity centre.

22.1.1.4

To ensure development is highly accessible by public transport, walking and cycling.

22.1.1.5

To maintain and strengthen Hobart's Central Business District and immediate surrounds including, the waterfront, as the primary activity centre for Tasmania, the Southern Region and the Greater Hobart metropolitan area with a comprehensive range of and highest order of retail, commercial, administrative, community, cultural, employment areas and nodes, and entertainment activities provided.

22.1.1.6

To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.

22.1.1.7

To facilitate high density residential development and visitor accommodation within the activity centre above ground floor level and surrounding the core commercial activity centre.

The proposed change of use from shop to restaurant would provide for a food services business for the municipal area, in a location that is highly accessible by public transport. It is considered that the proposed change of use is consistent with the relevant zone purpose statements.

Use Table

The proposed use of 'restaurant' is a permitted use without qualifications in accordance with the use table in Clause 22.2 of the Glenorchy Interim Planning Scheme 2015.

Use Standards

The proposed change of use complies with all relevant use standards as shown in Appendix 1 except for the following;

Clause 24.3.1 Hours of Operation

The proposed restaurant would have the following hours of operation:

The proposal would require the following hours of operation to be in accordance with Clause 22.3.1 – Standard A1 in the Glenorchy Interim Planning Scheme 2015:

Hours of operation of a use within 50 m of a residential zone must be within:

- (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;*
- (b) 7.00 am to 9.00 pm Sundays and Public Holidays.*

except for office and administrative tasks.

The proposal would provide for the following hours of operation:

Weekdays: 10am – 11pm
Saturday: 10am – 11pm
Sundays: 10am – 11pm
Public holidays: 10am – 11pm

Variations may be considered in accordance with the performance criteria in Clause 22.3.1 – P1 as follows:

Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

The definition of "amenity" in Clause 4.1 Planning Definitions and Terms of the Scheme states the following:

means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

The residential zone in Lodge Street is within close proximity to the Central Business zone of the city of Glenorchy and lies between the Light Industrial, and two commercial zones.

As stated in the Environmental Health Officer's assessment, which is reproduced below:

The applicant submitted a report, Proposed Restaurant, 437 Main Road Glenorchy Car Parking and Traffic Impact Report (January 2016, ML Traffic Engineers Pty Ltd). This report addressed noise-related matters for the requested extended opening hours for the zone. This area is of a commercial nature and assessment of the submitted information indicates there will be negligible impact on the inner residential zone amenity from the operations of the proposed restaurant.

Therefore it is considered that a variation would be acceptable in this instance.

Development Standards for Buildings or Works

Not Applicable.

Development Standards for Subdivisions

Not Applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

Clause E6.6.1 – Standard A1

The proposed change of use from shop to restaurant including 32 seats would require a total of 21 car parking spaces in accordance with Clause E6.6.1 – standard A1 of the Glenorchy Interim Planning Scheme 2015. The proposal provides 4 car parking spaces. A variation may be considered in accordance with the performance criteria in clause E6.6.1 – P1 as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*

- (h) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) *the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) *any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) *any relevant parking plan for the area adopted by Council;*
- (l) *the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) *whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.*

The subject site is located on the Main Road within the Central Business Zone, with access to public transport and public car parking. The proposal would be for a change of use for an existing building.

As stated by Council's Transport Engineer below:

It should be noted that based on the information provided in the TIA, the proposed development is expected to generate 15 trips per hour during lunch hours. While this trip generation can be divided to approximately 8 incoming and 7 outgoing trips, it can be concluded that the proposed development requires 8 car parking spaces during restaurant's morning peak period.

Previous traffic studies associated with restaurant developments within Glenorchy area also show that approximately 25% of the customers use other transport modes rather than private car. Consequently, the required car parking spaces for the proposed development would be:

$$8 \times 0.75 \text{ (75\% of customers drive to the restaurant)} = 6 \text{ spaces}$$

Eventually, with the provision of 4 parking spaces on-site, the total parking shortfall for the proposed development equates to 2 spaces. It is also noted that the car park shortfall during evenings and weekends period can be accommodated in the nearby public car parks.

I agree with the conclusion that the parking demand generated by the proposed development can be accommodated in the available car parking supply within the Glenorchy Commercial Centre without any serious impact on the road network. However, as Council has a plan to upgrade one of the public car parks within 500 metres of the development, the applicant should pay cash-in-lieu in relation to the two (2) on-site car parking shortfall as required under Clause E6.6.1 Number of Car Parking Spaces – Performance Criteria P1 (i) of the Glenorchy Interim Planning Scheme 2015.

Therefore the proposal would comply with the performance criteria in clause E6.6.1 – P1 in accordance with the Scheme. Please refer to the report by Council's Traffic Engineer below.

Clause E6.6.3 – Standard A1

The proposed change of use from shop to restaurant including 32 seats would require a total of 2 motorcycle parking spaces in accordance with Clause E6.6.3 – standard A1 of the Glenorchy Interim Planning Scheme 2015. The proposal does not provide motorcycle parking spaces. A variation may be considered in accordance with the performance criteria in clause E6.6.3 – P1 as follows:

The number of on-site motorcycle parking spaces must be sufficient to meet the needs of likely users having regard to all of the following, as appropriate:

- (a) *motorcycle parking demand;*
- (b) *the availability of on-street and public motorcycle parking in the locality;*
- (c) *the availability and likely use of other modes of transport;*
- (d) *the availability and suitability of alternative arrangements for motorcycle parking provision.*

As stated previously, the subject site is located on the Main Road within the Central Business Zone, with access to public transport and public car parking.

Therefore, the proposal would comply with the performance criteria in clause E6.6.3 – P1 in accordance with the Scheme. Please refer to the report by Council's Transport Engineer in a later section of this report.

Clause E6.6.4 – Standard A1

The proposed change of use from shop to restaurant including 32 seats would require a total of 4 bicycle parking spaces in accordance with Clause E6.6.4 – standard A1 of the Glenorchy Interim Planning Scheme 2015. The proposal does not provide bicycle parking spaces. A variation may be considered in accordance with the performance criteria in clause E6.6.4 – P1 as follows:

The number of on-site bicycle parking spaces provided must have regard to all of the following:

- (a) *the nature of the use and its operations;*
- (b) *the location of the use and its accessibility by cyclists;*
- (c) *the balance of the potential need of both those working on a site and clients or other visitors coming to the site.*

As stated previously, the subject site is located on the Main Road within the Central Business Zone, with access to public transport and public car parking. Therefore, the proposal would comply with the performance criteria in clause E6.6.4 – P1 in accordance with the Scheme. Please refer to the report by Council's Transport Engineer below.

The proposal complies with all other relevant standards as shown in Appendix 2.

Stormwater Management Code

The proposal is not exempt under Clause E7.4 of the Glenorchy Interim Planning Scheme 2015, but the proposal complies with the standards in Section E7.0 of the Scheme. Therefore, the proposal would in accordance with Section E7.0 of the Glenorchy Interim Planning Scheme 2015 as can be seen in Appendix 3.

Inundation Prone Areas Code

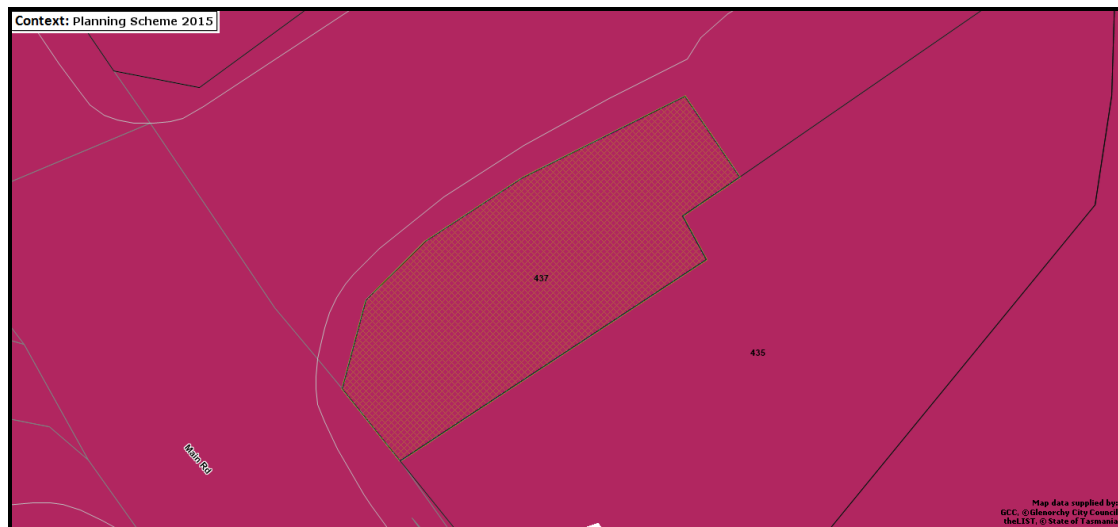


Figure 3: Excerpt from Inundation Code Overlay.

The proposal is not exempt under Clause E15.4 of the Glenorchy Interim Planning Scheme 2015 but the proposal complies with the standards in Section E15.0 of the Scheme. Therefore, the proposal would in accordance with Section E15.0 of the Glenorchy Interim Planning Scheme 2015 as shown in Appendix 4.

PART F: Specific Area Plans

The following specific area plan of the Scheme applies to this proposal:

F9 Glenorchy Activity Centre Urban Design Specific Area Plan

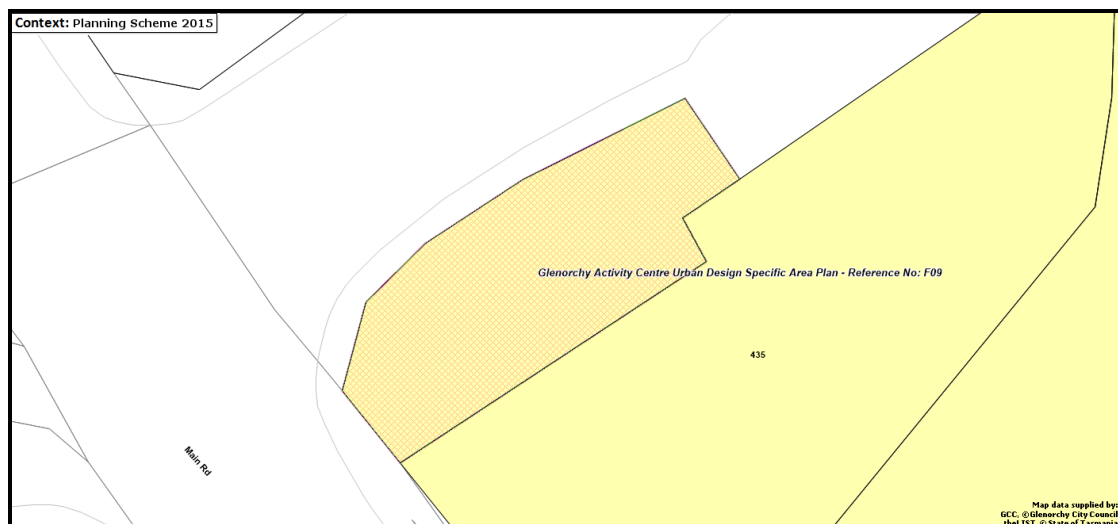


Figure 4: Excerpt from F9 Specific Area Plan overlay.

Use Standards

The proposal complies with the use standards set out in Clause 9.6 of the Glenorchy Interim Planning Scheme 2015 as shown in Appendix 5.

Development Standards for Buildings or Works

Not applicable.

INTERNAL REFERRALS**Development Engineer**

The proposal was referred to Council's Development Engineer who provided the following:

Traffic, Access & Parking

Access to the development is from King George V Avenue. Due to the presence of a raised traffic island and the proximity of the access to a controlled intersection, left in and left out manoeuvres can only be performed. The additional traffic movements generated by the development are not expected to significantly affect local traffic conditions.

The applicant submitted a Traffic Impact Statement (TIS) with the application to justify a reduction in car parking from that required by the Scheme. The TIS was referred to Council's Traffic Engineer for review and comments. Please refer to the Traffic Engineer's report for details on car parking and recommendation.

The parking layout submitted with the application provides for four parking spaces on site with an additional two car parking and two motorcycle parking spaces shown outside the property within a widened section of the road reservation. A condition is recommended that makes it clear that the additional parking shown outside the property does not form part of the approval. The width of the proposed on-site car parking is recommended to be widened to comply with higher turnover car parking in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking with amended drawings to be provided with the Building Application for approval by Council's Development Engineer.

Council's Traffic Engineer has advised the shortfall of the proposed two parking spaces can be accommodated within nearby available car parking supply with payment of the current cash-in-lieu for 15/16 of \$33,826.68 (inc GST). This amount is indexed annually in accordance with Council Cost Index.

One accessible car parking space is proposed and recommended to be conditioned (included in the total number to be provided) for use of people with disabilities.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other

Geoscience issues

There are no geotechnical issues identified through Council records that affect this application.

Flooding/Inundation issues

There are no flooding issues identified through Council records that affect this application.

Transport Engineer

The application was referred to Council's Transport Engineer who has provided the following comments:

I have reviewed the proposed change of use to Restaurant requiring variations to the access and parking standards at 437 Main Road, Glenorchy. The application documentation included a Traffic Impact Assessment (TIA) prepared by ML Traffic Engineers (dated March 2016).

Proposed Development

The subject site was formerly occupied by a shop on the ground floor – Black Cat Op Shop and a residence above it. It is located at the south-east corner of Main Road and King George V Avenue.

The proposal is to change the use of the ground floor from shop to restaurant, with a seating capacity of 32, and trading hours covering lunch and dinner periods. The ground floor has 134m² of gross leasable floor area. It is proposed that 74m² of the ground floor area will be dining and waiting areas and 60 m² will be kitchen and storage area (back of house).

The rear yard is sealed, and provides parking for 4 cars with vehicular access via King George V Avenue. On-site car parking will be retained – with 4 spaces (3 standard spaces and 1 disabled space).

Traffic Generation

The TIA states that the existing shop is considered to be a slow trade retail store with a traffic generation rate of 2 trips per 100m² on a weekday and 3.5 trips per 100m² on a Saturday. The report also indicates that with 134m² of leasable floor space, the existing shop would have generated between 3 and 5 trips an hour during normal business hours.

The report, then, states that during lunch hours, significant patronage is expected to be drawn from people who are already in the area for shopping or work with net traffic generation is estimated to be between 10 and 15 trips an hour (i.e. around 50% of dinner time traffic generation).

Assuming full occupancy in the evenings, average dining duration of 1 hour and a nominal take-away demand, the TIA notes that the proposed restaurant is estimated to generate between 30 and 50 trips an hour.

The report also indicates that based on observations of nearby food and drinks premises on a Friday evening, restaurant patronage is lower after 8pm while traffic generation is expected to be highest between 6pm and 8pm. The report, finally, concludes that this level of additional traffic generation will have minimal impacts on the operation of Main Road, King George V Avenue, driveways associated with North Gate shopping area car park.

I concur that this traffic generation estimation is appropriate for the case of the proposed development and the traffic generated by the proposed development will not have any significant adverse impacts on the surrounding road network in terms of traffic efficiency or road safety.

Access

The TIA states that due to the presence of median island on King George V Avenue, all access and egress to the site are restricted to left-in left-out. The report also indicates that the available sight distances to the right at the access driveway were measured to be 73 metres. In addition, the Australian Standard AS 2890.1:2004 (Parking Facilities – Part 1: Off-street Car Parking) requires a minimum sight distance of 69 metres at the access driveways for a 50km/h posted speed limit. Therefore, the report concludes that the access points fully comply with the provisions of the Australian Standards.

I concur that the proposed access driveway has adequate sight distance.

Parking

Based on the requirements of the Glenorchy Interim Planning Scheme 2015 – Parking and Access Code, the proposed development is classified as use class ‘Food Services - Restaurant’ which requires a provision of 15 spaces for each 100m² of floor area or 1 space for each 3 seats, whichever is the greater. As a result, based on the assessment undertaken by the TIA, with the consideration of 134m² floor area, the total parking requirement for the proposed development is 21 spaces. The TIA also indicates that a total of 4 parking spaces are provided on site. Consequently, the total parking shortfall for the proposed development equates to 17 spaces.

The TIA, then, argues that during daytime hours, the parking demand will be partly accounted for from passing traffic, i.e. from people who are already in the area – shoppers and office workers. During evenings and night time hours, trips will be largely purpose driven. The report also states that:

“There are adequate grounds to justify the required dispensation of the statutory parking requirements for this proposal on the basis of:

- The availability of car parking in the locality.*
- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces – the passing traffic factor.*
- Parking short-falls associated with the existing use.*
- The availability of public transport in the locality.”*

In addition, the TIA states that parking supply and utilisation surveys were undertaken during lunch and dinner periods on the busiest day of the week – Friday (with late night trading), in early December 2015. The report indicates that based on the results of the surveys; there are in excess of 140 off-site spaces available during lunch hours and 310 off-site spaces available during evening hours. The report, then, concludes that the parking demands of the proposed restaurant can be accommodated in nearby on-street and off-street parking areas during lunch and dinner hours.

It should be noted that based on the information provided in the TIA, the proposed development is expected to generate 15 trips per hour during lunch hours. While this trip generation can be divided to approximately 8 incoming and 7 outgoing trips, it can be concluded that the proposed development requires 8 car parking spaces during restaurant's morning peak period.

Previous traffic studies associated with restaurant developments within Glenorchy area also show that approximately 25% of the customers use other transport modes rather than private car. Consequently, the required car parking spaces for the proposed development would be:

$$8 \times 0.75 \text{ (75\% of customers drive to the restaurant)} = 6 \text{ spaces}$$

Eventually, with the provision of 4 parking spaces on-site, the total parking shortfall for the proposed development equates to 2 spaces. It is also noted that the car park shortfall during evenings and weekends period can be accommodated in the nearby public car parks.

I agree with the conclusion that the parking demand generated by the proposed development can be accommodated in the available car parking supply within the Glenorchy Commercial Centre without any serious impact on the road network. However, as Council has a plan to upgrade one of the public car parks within 500 metres of the development, the applicant should pay cash-in-lieu in relation to the two (2) on-site car parking shortfall as required under Clause E6.6.1 Number of Car Parking Spaces – Performance Criteria P1 (i) of the Glenorchy Interim Planning Scheme 2015.

Conclusion

As the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety, I have no objection to the development of the proposed change of use to Restaurant requiring variations to the access and parking standards at 437 Main Road, Glenorchy, on traffic engineering or road safety grounds, subject to the following conditions being met:

- The applicant must pay cash-in-lieu in relation to the two (2) on-site car parking shortfall.*

Environmental Health Officer

The application was referred to Council's Environmental Health Officer who has provided the following comments:

The applicant submitted a report, Proposed Restaurant, 437 Main Road Glenorchy Car Parking and Traffic Impact Report (January 2016, ML Traffic Engineers Pty Ltd). This report addressed noise related matters for the requested extended opening hours for the zone. This area is of a commercial nature and assessment of the submitted information indicates there will be negligible impact on the inner residential zone amenity from the operations of the proposed restaurant.

EXTERNAL REFERRALS**TasWater**

The planning permit application was referred to TasWater which has raised no objection to the proposal subject to the imposition of conditions. TasWater's conditions will be included in any permit issued by Council.

REPRESENTATIONS

The application was advertised for the statutory 14-day period and no representations were received.

CONCLUSION

The proposal is for a change of use from shop to restaurant relying on performance criteria at 437 Main Road, Glenorchy. As stated in the report, the restaurant is a permitted use (the variations for parking of cars, motorcycles, and bicycles are discretionary), and is considered to accord with the standards of the Central Business Zone of the Glenorchy Interim Planning Scheme 2015.

The proposed restaurant would require variations to allow for the hours of operation. The proposal is not considered to result in any adverse amenity impact and is considered to accord with the performance criteria in Clause 22.3.1 – P1 in the Scheme.

The parking variations are reflective of the proposal's existing development relative to the size of the site, the location, and access to public transport. The proposed variations are considered to accord with the parking standards of E6.0 Access and Parking Code in the Scheme.

Council's Development Engineer, Traffic Engineer and Environmental Health Officer are supportive of the proposal subject to recommended conditions.

The proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Interim Planning Scheme 2015, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Change of Use to Restaurant relying on performance criteria to the parking and access standards at 437 Main Road, Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-267 and Drawing No. P1 submitted on 10 December 2015, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

Engineering

3. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
4. Driveways, car parking and turning areas must be sealed with an approved impervious surface treatment. All runoff from paved and driveway areas must be retained within site boundaries, and discharged into Council's stormwater system.
5. The driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle paths are not restricted.
6. Four (4) clearly marked (delineated) car parking spaces (spaces 1 to 4 shown on the approved plan – sheet 2 of P1) must be provided on site prior to use and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking. In areas set aside for car parking, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences, walls or landscaped areas.

Note car parking spaces 5 to 6 and the two motorcycle parking spaces shown on sheet 2 of P1 of the approved plans do not form part of this consent and the on-site car parking spaces are required to be widened for short term higher turnover parking. Amended plans are required to be submitted for approval by Council's Development Engineer prior to Building Approval demonstrating this.

7. Of the required number of car parking spaces, one (1) car parking space shall be provided for the use of people with disabilities. The space shall be clearly marked and in accordance with the standard for disabled car parking laid down in Australian Standard AS/NZS 2890.1 - 2004 Off-Street Parking.
8. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.

Environmental Health

9. All solid wastes must be managed in accordance with the hierarchy of waste management summarised below, unless otherwise approved in writing by the Senior Environmental Health officer:
- waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - waste must be re-used or recycled to the maximum extent that is reasonable and practicable; and
 - any residual waste must be disposed of only at a site and in a manner approved by the Senior Environmental Health Officer.
10. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or water courses is strictly prohibited.
- Any area where liquid wastes (including spills) are generated must be suitably graded and bunded to direct the liquid waste to sewer.
11. Hours of operation are:
- Monday to Sunday, including public holidays, 10.00am to 11.00pm.
12. The loading and unloading of vehicles on the land and the transportation of any materials to or from the land must only take place between the following hours:
- | | |
|----------------------------|------------------|
| Monday through to Saturday | 7.00am to 6.00pm |
| Sunday and Public Holidays | 7.00am to 6.00pm |
13. Noise emissions measured at the boundary of a residential zone must not exceed the following:
- (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
 - (c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

Traffic

14. A cash-in-lieu car parking contribution must be provided for the two (2) deficient car parking spaces which cannot be provided on site. The rate for the 2015/16 financial year is \$16,913.34 inc GST per car parking space and is indexed annually using the Council Cost Index.

This contribution must be paid prior Building Approval.

Advice to Applicant

This advice does not form part of the permit but is provided for the information of the applicant.

- The proponent's Building Surveyor must forward copies of the following documents to the Senior Environmental Health Officer prior to any works being undertaken on site (including the installation of fixtures and fittings) that relate to the proposed food premises:
 - a. a request in an approved form (Form 42) for an Environmental Health Officer report;
 - b. any relevant drawings, specifications or other documents submitted with the application; and
 - c. details provided by the owner of the nature of the foods to be prepared, handled, stored or sold and the types of manufacturing processes to be undertaken on the premise
 - d. Council's Senior Environmental Health Officer may require the premises to meet equipment and fit out specifications which exceed those required by the *National Construction Code 2014*, before the premises can be registered and the food business licensed pursuant to the *Food Act 2003*.
- If asbestos is identified during demolition/renovation then removal must be undertaken in accordance with the *Building Regulations 2014*. The regulations outline a number of mandatory requirements covering the removal of asbestos; this includes ensuring that all practicable steps are taken before a demolition occurs to identify the presence of asbestos and only permits waste asbestos to be disposed of at an approved waste management facility.
- Food businesses must contract their own waste management service as Council does not collect food business waste in their usual service.

APPENDIX 1**22.0 Central Business Zone**

Standard	Acceptable Solution	Proposed	Complies?
22.3 Use Standards			
22.3.1 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and Public Holidays. except for office and administrative tasks.	The proposal would have the following hours of operation: Weekdays 10am – 11pm Saturday 10am – 11pm Sundays 10am – 11pm Public holidays 10am – 11pm Compliance would require the hours operation to be 6.00 am to 10.00 pm Mondays to Saturdays inclusive, and 7.00 am to 9.00 pm Sundays and Public Holidays. The variation would be between 10.00pm and 11.00pm Mondays to Saturdays, and between 9.00pm and 11.00pm Sundays and Public Holidays.	Discretion. Refer to discussion in report on reliance of the performance criteria.
22.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Restaurant use only.	YES

Standard	Acceptable Solution	Proposed	Complies?
22.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 11:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.	Not applicable.	N/A
22.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and public holidays.	Report states that no commercial truck movements will occur. Additionally, they advise they will use Council's waste service. This is not permitted for a commercial food business. The applicant would be required to engage their own waste collection for the restaurant.	YES
22.4 Development Standards for Buildings and Works			
22.4.1 Building Height	A1 Building height must be no more than: 20m.	Not applicable.	N/A
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not applicable.	N/A
22.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no more than: (a) nil m, if fronting Main Road: or (b) the alignment of adjoining buildings, if fronting a street other than Main Road.	Not applicable.	N/A
	A2 Building setback from a residential zone must be no less than: (a) 6m; or (b) half the height of the wall, whichever is the greater.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
22.4.3 Design	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level façade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) not include security shutters over windows or doors with a frontage to a street or public place; (g) provide awnings over the public footpath if existing on the site or on adjoining lots.	Not applicable.	N/A
	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	Not applicable.	N/A
22.4.4 Passive Surveillance	Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.		
22.4.5 Landscaping	A1 Landscaping is not required along the frontage in this zone.	Not applicable.	N/A
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2m.	Not applicable.	N/A
22.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
22.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5m must not be erected within 4.5m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1m and must not contain barbed wire.	Not applicable.	N/A

APPENDIX 2

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (b) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	The proposal includes 4 car parking spaces on site. Compliance would require 21 car parking spaces, and this would result in a variation of 17 car parking spaces.	Discretion. Refer to discussion in report on reliance of the performance criteria.
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	An accessible parking space would be provided on site.	YES
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	The proposal includes no motorcycle parking spaces. Compliance would require 2 motorcycle parking spaces, and this would result in a variation of 2 motorcycle parking spaces.	Discretion. Refer to discussion in report on reliance of the performance criteria.

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	The proposal includes no bicycle parking spaces. Compliance would require 4 bicycle parking spaces, and this would result in a variation of 4 bicycle parking spaces.	Discretion. Refer to discussion in report on reliance of the performance criteria.
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	The site has one existing access via King George V Avenue.	YES
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (c) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	The vehicular access is existing.	YES
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;	An existing passing area is located near the curb on the road reserve.	YES

Standard	Acceptable Solution	Proposed	Complies?
	(c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.	The proposal provides on-site turning for vehicles to exit in a forward direction.	YES
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	The proposed car parking layout would comply section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	YES
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following: (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	The sealed surface treatment for the parking area is existing.	YES
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	The parking area is existing.	YES

Standard	Acceptable Solution	Proposed	Complies?
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	The parking area is existing.	YES
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not applicable.	N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not applicable.	N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	Not applicable.	N/A
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	N/A
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not applicable.	N/A
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	The vehicular access to a road is existing.	YES

APPENDIX 3**E7.0 Stormwater Management Code**

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	The stormwater drainage is existing.	YES
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	The stormwater drainage is existing.	YES
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	The stormwater drainage is existing.	YES
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	The stormwater drainage is existing.	YES

APPENDIX 4**E15.0 Inundation Prone Areas Code**

Standard	Acceptable Solution	Proposed	Complies?
E15.6 Use Standards			
E15.6 Use Standards	A1 Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following: (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding.	Not applicable.	N/A

APPENDIX 5:**F9 Glenorchy Activity Centre Urban Design Specific Area Plan**

Standard	Acceptable Solution	Proposed	Complies?
F9.6 Use Standards			
F9.6.1 Ground Floor Use	A1 Except for minimal interruptions necessary to provide access to foyers, arcades, tenancies, parking or servicing, including for residential uses on upper levels, building uses at ground floor level must be for retail, business, community or other non-residential purposes.	The proposed change of use is for a restaurant.	YES

Attachments/Annexures

- 1 437 Main Road, Glenorchy

CLOSED TO MEMBERS OF THE PUBLIC

8. APPEALS 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 Section 15(4).

9. 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 Section 15(4).