

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 4 OCTOBER 2021



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: 5.00 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 6 September 2021 be confirmed.

**5. PROPOSED USE AND DEVELOPMENT - BOUNDARY
ADJUSTMENT AND THIRTY-SEVEN MULTIPLE DWELLINGS - 124
BRANSCOMBE ROAD CLAREMONT & 122 BRANSCOMBE
ROAD CLAREMONT & 124A BRANSCOMBE ROAD CLAREMONT**

Author: Senior Statutory Planner (Vanessa Tomlin)
 Qualified Person: Senior Statutory Planner (Vanessa Tomlin)
 Property ID: 3024841

REPORT SUMMARY

Application No.:	PLN-21-408
Applicant:	Barr Builders Pty Ltd
Owner:	Barr Builders Pty Ltd
Zone:	General Residential zone
Use Class	Residential, Subdivision
Application Status:	Discretionary
Discretions:	8.4.8 Waste Storage for multiple dwellings P1 & C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1 (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	05 October 2021
Existing Land Use:	Vacant residential land
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes a boundary adjustment between 124 Branscombe Road and 124A Branscombe Road (CT 177845/4), 37 multiple dwellings and associated works (Fig. 1). It is noted that a separate application has been made to adhere titles identified as 122 and 124 Branscombe Road (CT 140064/1 and CT 158746/1 respectively).

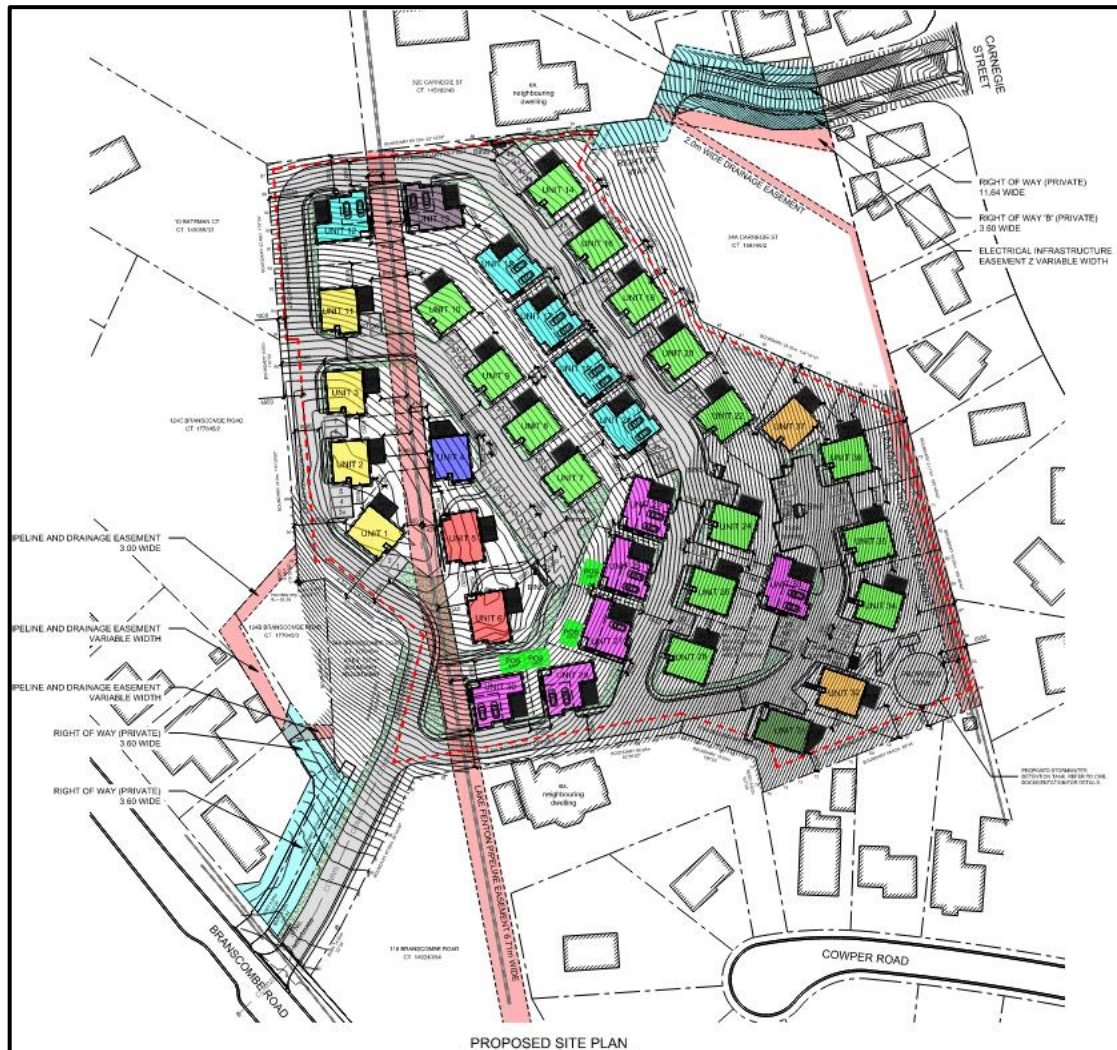


Figure 1. The site plan showing the layout of the various dwelling types on the subject site.

The boundary adjustment proposes to adjust the shared boundary between the two lots where 215m² will be taken from 124A Branscombe Road and given to 124 Branscombe Road. This strip of land is adjacent to the access and access way (driveway) of the site.

The 37 dwellings are proposed in nine different designs throughout the site. The site is undulating and relatively steep in places, and the proposed dwelling designs vary as a result. Each design, types 'A' through to 'I' (as shown on the plans) are to be three-bedroom, two bathrooms, with open plan kitchen, living and dining areas, except for one dwelling that is to have two bedrooms. Each dwelling type is to have 24m² of private outdoor space in the form of a deck and more than 60m² of private outdoor space per dwelling type provided on the ground.

The development has been designed to minimise cut and fill and the proposed siting of the dwellings is designed to ensure privacy both within and external to the site, and to maximise solar gain. The dwellings are to be constructed from a combination of materials, primarily light weight cladding systems, with skillion roofs, double glazed windows, and clear glass balustrading on the decks.

The dwellings are to be accessed by a private internal looped accessway (driveway). A new cross over and the widening of an existing cross over at the frontage is proposed and passing bays have been designed within the driveway itself. The application proposes 87 parking spaces and five motorbike spaces throughout the site. Services are to be upgraded and a detention tank/basin is proposed to manage stormwater runoff. The existing water tank on the site is to be demolished and some vegetation is to be removed to enable the construction of the development.

Waste is to be managed by a private garbage collection service and four communal bin storage areas are proposed at various locations throughout the site.

SITE and LOCALITY

The site is an internal lot and comprises 124 Branscombe Road CT 158746/1 which is 12 250m², 122 Branscombe Road CT 140064/1 which is 7513m² and 124A Branscombe Road CT 177845/4 which is 942m². The site is currently vacant, other than a disused water tank and is lightly treed (Fig. 2).



Figure 2. *An aerial view of the site and surrounds.*

The site is set amongst largely established residential development and is relatively steep. The highest point is on the western side of the site and then slopes down toward the north, east and south east. The gradient of slope varies across the site, with steepest area on the eastern portion of the site, with a gradient of approximately 1m in 3.75m (Fig. 3).

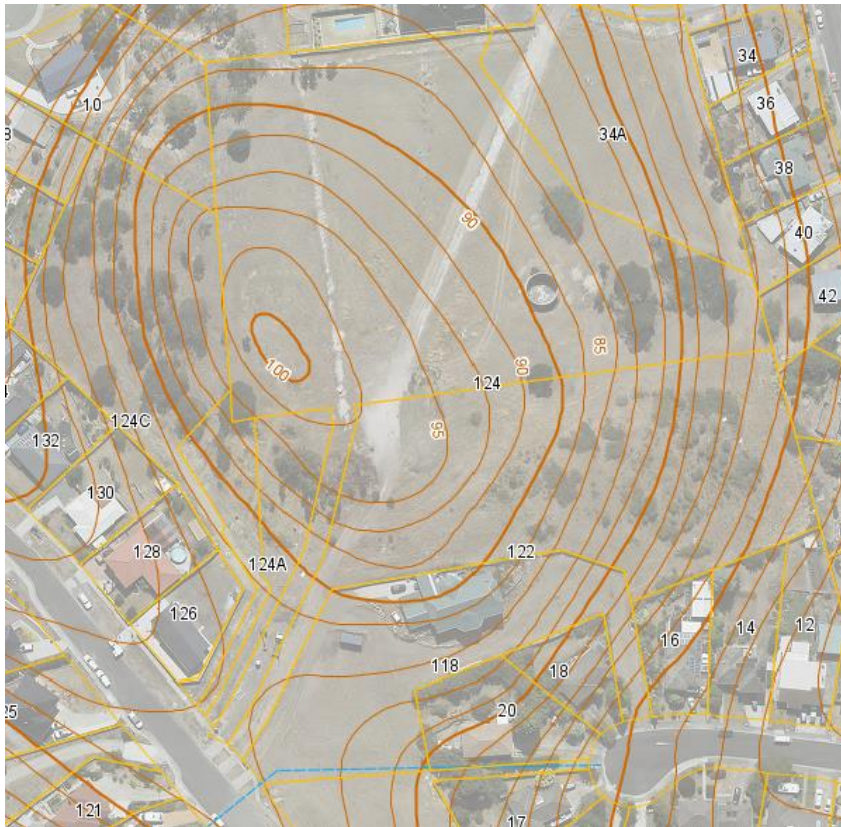


Figure 3. An aerial view of the site superimposed with 2m interval contours.

The Lake Fenton Pipeline easement, 6.71m wide encumbers the western portion of 124 Branscombe Road, and other lesser service infrastructure easement burden the site. There is are right of ways over the access, so that the access to 124C, 124B, 124A Branscombe Road is shared and the access to 124 Branscombe and 122 Branscombe road is shared.

ZONE

The site is wholly located within the General Residential zone (Fig 4).

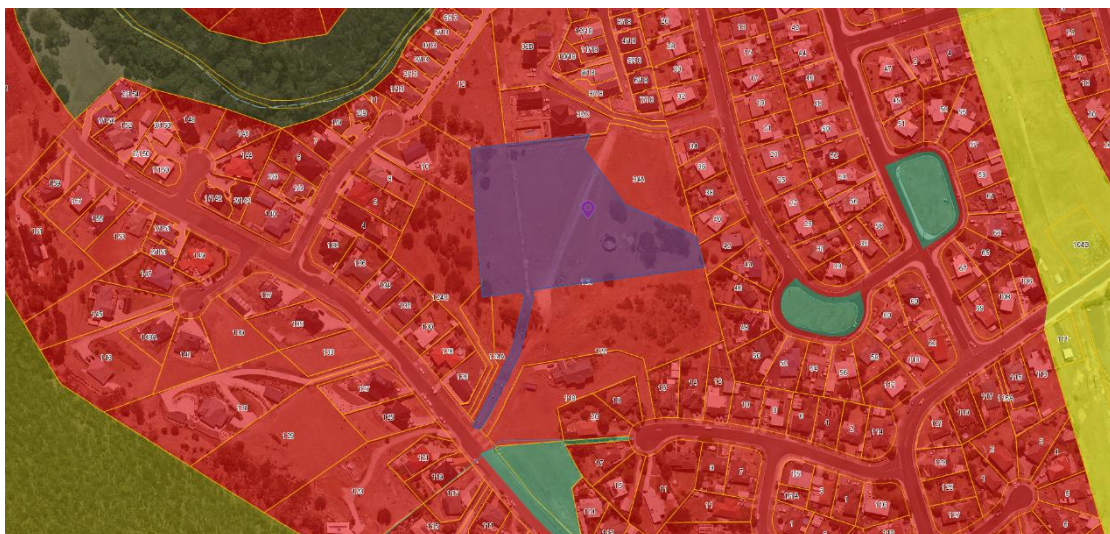


Figure 4. A view of the zoning pattern in the locality, showing the site within the General Residential zone (red) and nearby open space (green).

BACKGROUND

Adhesion of titles is dealt with under S110 of *Local Government (Building and Miscellaneous Provisions) Act 1993*. A separate application has been made to adhere 122 and 124 Branscombe Road (CT 140064/1 and CT 158746/1 respectively). To enable the development across both of these titles, a condition is recommended to ensure the adhesion of those titles occurs prior to the issue of a building permit.

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.

Stormwater Management is dealt with separately under the *Urban Drainage Act 2013*. However, S58A Of LUPAA enables a permit to be granted by a planning authority which includes a condition that an agreement is required to be entered into in respect of a use or development. If a planning authority grants a permit which includes a condition that an agreement is required to be entered into in respect of a use or development, the planning authority must specify in the condition the matters, and the requirements with respect to those matters, to be included in the agreement.

A Part 5 agreement is to be entered into and an appropriate condition is recommended. For further comments, please see the engineering comments in the referrals section of this report.

TASMANIAN PLANNING SCHEME - GLENORCHY 2021

State Planning Provisions (SPP)

Administration

Exemptions (Tables 4.1 – 4.6)

Miscellaneous exemption 4.6.8 allows retaining walls excluding any land filling to be exempt from the assessment if there is a setback not less than 1.5m from any boundary; and where a difference in ground level of less than 1m is retained. Some proposed retaining walls met this exemption. Those that don't meet the exemption are assessed in accordance with subclause 6.7.2.

It is noted that subclause 6.7.2 states that a development (the retaining walls in this instance) are not required to be categorised under subclause 6.2.6 (use category) and must be granted a permit if:

- (a) there are applicable standards that apply to the development;
- (b) the development complies with each applicable standard and does not rely on any Performance Criteria to comply with each applicable standard; and

- (c) the development is not Discretionary or Prohibited under any other provision of this planning scheme.

The retaining walls are assessed as part of this multiple dwelling development and are assessed as either exempt or complies with the acceptable solutions of applicable standards.

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

No General Provision, SAP or Code provisions override Zone provisions in this assessment.

Use Class Description (Table 6.2):

Residential means the use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based childcare, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings.

Other relevant definitions (Clause 3.0):

Frontage means a boundary of a lot which abuts a road.

Internal lot means a lot:

- (a) lying predominantly behind another lot; and
- (b) having access to a road by an access strip, private road or right of way.

Setback means the distance from any lot boundary to a building on the lot.

Building height means the vertical distance from existing ground level at any point to the uppermost part of a building directly above that point, excluding protrusions such as aerials, antennae, solar panels, chimneys, and vents.

General Provisions

The following General Provisions of the Scheme apply to this proposal:

7.3 Adjustment of a Boundary

7.3.1 An application for a boundary adjustment is Permitted and a permit must be granted if:

- (a) no additional lots are created;
- (b) there is only minor change to the relative size, shape, and orientation of the existing lots;
- (c) no setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;
- (d) no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;
- (e) no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and

- (f) no lot boundary that aligns with a zone boundary will be changed.

The site, 124A Branscombe Road is 942m² and 124 Branscombe Road is 12 250 m². The application proposes to adjust the shared boundary between the two lots such that 215m² will take from 124A Branscombe Road and given to 124 Branscombe Road. This will result in 124A Branscombe Road being 727m² with 3.79m frontage to Branscombe Road and 124 Branscombe Road will be 12 465m² with 6m of frontage to Branscombe Road (it is noted that once 122 Branscombe Road is adhered to 124 Branscombe Road, the frontage of these lots would be 12.7m).

No new lots are to be created as both 124A Branscombe Road and 124 Branscombe Road is to be retained. The adjustment of the boundary is taken to be a minor change to the relative size, shape, and orientation of the existing two lots and the two lots are currently vacant (no existing buildings). The width of the frontages is not proposed to change from what is existing and the lot size is not to be reduced below the relevant Acceptable Solution minimum lot size. No lot boundary aligns with a zone boundary.

The proposed boundary adjustment is assessed as meeting the requirements of the general provision and is permitted.

Zones

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

Zone Purpose Statements

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - (a) primarily serves the local community; and
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off-site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

The proposal contributes to a range of dwelling types that are to be fully serviced. The site has good connections to the road network and sustainable transport options are offered in the locality.

The proposal is assessed as furthering the purpose of the zone.

Use Table

Multiple dwellings are a permitted use and development within the General Residential zone. The application requires discretionary consideration because performance criteria is relied on to comply with applicable standards.

Use Standards

There are no use standards applicable to this assessment.

Development Standards for dwellings

8.4.2 Setbacks and building envelopes for all dwellings A1

The application is assessed as complying with the requirements of the acceptable solution of this standard, because the proposed frontage setback is not more than the greater, or less than the lesser setback for the equivalent (internal lot) frontages of dwellings on the adjoining sites, on the same street.

8.4.2 Setbacks and building envelopes for all dwellings A3

The application is assessed as complying with the requirements of the acceptable solution of this standard, because each dwelling fits within the building envelope shown in figure 8.3 of the planning scheme. All proposed dwellings are to be less than the maximum height of 8.5m and are to be setback from the boundaries sufficiently to enable the proposed height of each dwelling to be within the building envelope parameters.

The building envelope figure 8.3 shows the frontage setback of the internal lot to be a distance of 4.5m from the rear boundary of a property with an adjoining frontage (Fig. 5).

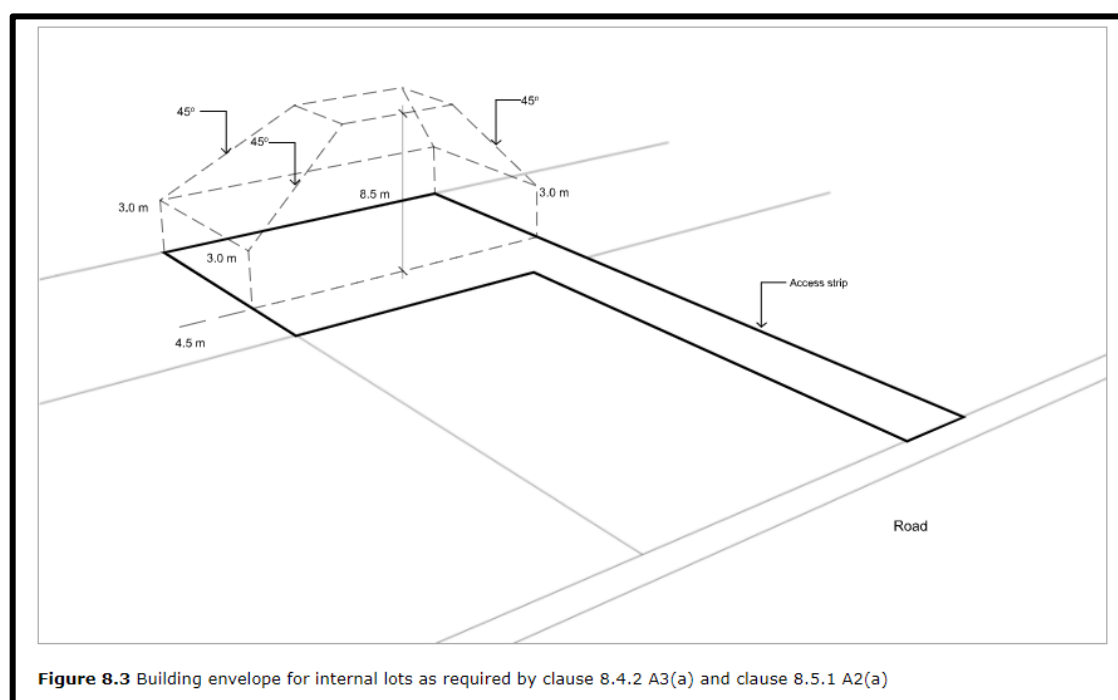


Figure 5. An excerpt from the planning scheme showing the building envelope of figure 8.3.

The frontage setback for this standard is taken to be between the site and 118 Branscombe Road and 12, 14 and 16 Cowper Road; and 124 A, B & C Branscombe Road. The building envelope allows the dwellings facing this frontage setback to be a maximum height of 8.5m when 4.5m from that shared boundary and when setback a minimum of 5.5m from the side boundaries. For example, proposed dwelling 31 is to be setback 4.66m from the 'frontage' setback shared with 16 Cowper Road and is to have a minimum 'frontage' setback of 4.5m to 118 Branscombe Road; and the dwelling is to be more than 5.5m from the side boundaries. This means that the building must be less than 8.5m in height along these shared boundaries to fit within the building envelope. The maximum height of these elevations is 6.3m where adjacent to 16 Cowper Road and 2.81m where adjacent to 118 Branscombe Road.

The assessment of the proposal concludes that the proposed dwellings fit within the building envelope described in the acceptable solution of this standard and there is no discretionary consideration. Therefore, matters contained within the performance criteria, such as the impact of the siting and scale of the dwelling in terms of overshadowing adjoining dwellings; visual impacts when viewed from adjoining dwellings; consistency of separation distances between dwellings on adjoining lots; and any impact to existing solar energy installations on an adjoining property, cannot be considered.

8.4.6 Privacy for all dwellings A1

Decks and parking spaces for dwellings that are to have a finished surface or floor level more than 1m above existing ground level are proposed. All proposed decks and parking spaces that are to have a finished surface or floor level more than 1m above existing ground level are proposed to be setback at least 3m from the side boundaries and at least 4m from the rear boundary.

It is noted that the threshold test for this standard is the distance these decks and parking spaces are setback from the respective boundaries; and the overall height of the decks above ground level is not taken into consideration when the required setback distance is met.

The application is assessed as meeting the requirements of the acceptable solution and complies with the standard.

8.4.8 Waste Storage for multiple dwellings P1

The proposal relies on preference criteria to comply with this standard. The performance criteria require multiple dwellings to have storage for waste and recycling bins that is:

- (a) capable of storing the number of bins required for the site;
- (b) screened from the frontage and dwellings; and
- (c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.

Four communal bin storage areas are proposed adjacent to parking spaces 17, 43, 56 and 82 and at least 5.5m away from any dwelling. The communal storage areas are designed to cater for five 600L bins for garbage and five 660L bins for recycling and the like. The storage area is to be screened by a 1.7m high fence, which will form the bin enclosure. The application proposes to provide a private garbage and recycling collection service and there is to be no reliance on Council collection services.

The application is assessed as satisfying the performance criteria and complies with standard.

Codes

The following codes of the Scheme apply to this proposal:

C2.0 Parking and Sustainable Transport Code

The proposal accords with all the relevant Acceptable Solutions as demonstrated in the attached Appendix. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

C3.0 Road and Railway Assets Code

The proposal accords with all the relevant Acceptable Solutions as demonstrated in the attached Appendix, except for C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1

The engineering assessment has found that the application relies on performance criteria to comply with this standard. The performance criteria require vehicular traffic to and from the site to minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

- (a) any increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature of the road;
- (d) the speed limit and traffic flow of the road;
- (e) any alternative access to a road;
- (f) the need for the use;
- (g) any traffic impact assessment; and
- (h) any advice received from the rail or road authority.

Councils Development Engineer and Traffic Engineer are satisfied that the application can satisfy the performance criteria and comply with this standard. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

Glenorchy Local Provisions Schedule (GLPS)

Local Area objectives

No local area objectives of the Scheme apply to this proposal.

Particular Purpose Zones

No particular purpose zones of the Scheme apply to this proposal.

Specific Area Plans

No specific area plans of the Scheme apply to this proposal.

GLE-Site Specific Qualifications

No site-specific qualifications of the Scheme apply to this proposal.

GLE-Code lists

No code lists of the Scheme apply to this proposal.

INTERNAL REFERRALS

Development Engineer

The development application seeks an approval to construct a 37-unit multi-residential development with a total of 87 car parking spaces and five motorcycle parking spaces on the subject site. The proposal includes adhering of titles of 122 and 124 Branscombe Road and a boundary adjustment between 124 and 124A Branscombe Road.

The layout of unit development can be seen in the extract of the master plan in the figure below.



Figure 6: Unit development layout

The stormwater on-site detention tank located on the eastern corner of the site is proposed to detain the runoff so that the post development runoff does not exceed the predevelopment runoff. Water treatment and new stormwater infrastructure are to be in accordance with the JSA Stormwater Hydraulic Plans H001 – H003. The development is also referred to Council's Senior Civil Engineer who provided comments and recommended conditions in the Hydraulics Referral documents. These conditions will be part of the General Manager's consent under the Section 14 *Urban Drainage Act 2013* and shall be met prior to the occupancy of the dwellings.

The Traffic Impact Assessment (TIA) undertaken by Hubble Traffic dated August 2021 addresses codes C2.5.1 Car Parking Numbers and C3.5.1 Traffic Generated at Vehicle Crossing, Level Crossings and New Junctions, is submitted as a supporting document. The TIA have been referred to Council's Transport Engineer to review, provide comments and recommend the conditions as required. Please refer to a Traffic Engineer referral for a detailed discussion on Traffic Generations and parking supply.

C3.0 Road and Railway Assets Code

The development complies with the Code. According to the TIA the proposed development is expected to increase vehicular traffic to and from the site to 240 vehicle movements per day which exceeds the amount of acceptable increase in Table C3.1. Therefore, the development is unable to comply with the acceptable solution and hence triggers the assessment against the performance criteria C3.5.1 P1. The TIA assesses the existing traffic conditions, traffic efficiency and traffic safety of the surrounding networks, using the speed limit, operating speed, and crash data for the last 5 years, to evaluates the impact from traffic generated by the proposed development. The local networks studied are Branscombe Road, Box Hill Road, Battersby Road, the intersections of Box Hill Road and Battersby Road and the intersection of Box Hill Road and Branscombe Road. Traffic modelling using SIRDA was undertaking for the intersections that showed that motorists are currently incurring no significant delays and with the development the performance of the intersection is not expected to deteriorate. Based on the assessment, the TIA concludes that the amount of traffic expected to be generated during peak hour periods is reasonably low and there is sufficient capacity within the Branscombe Road to absorb additional traffic movement without adversely impact on the local road network. The performance criteria for C3.5.1 P1 is met.

C2.0 Parking and Sustainable Transport Code

The development complies with the Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

The site can be accessed off the existing vehicle crossing which will be widened to 6m wide for two-way traffic, onto the driveway and parking areas. The motorists leaving or entering the site will have sufficient sight distance. The requirement under the C2.5.1 and table C2.1, A1 requires the total of two (2) car parking spaces for each residential dwelling and 1 dedicated visitor space per every 3 dwellings. The applicant proposes to comply with the requirements providing a total of 87 spaces for the entire site which comprises of 2 spaces for each unit and 13 visitor parking spaces. There are no requirements for accessible car parking, bicycle parking spaces and commercial vehicle applicable to the development application. Table C2.4 requires four motorcycle parking spaces; the developer proposes to provide five spaces.

The layout of all parking, access ways, manoeuvring and turning area are in accordance with the Australian Standard AS2890.1:2004 and will be constructed to a sealed surface where surface runoff will be collected and discharged to the approved outlet. The gradient of parking, driveway and turning areas are in accordance with Standard and will be clearly line-marked.

The 37 units will be served by one main internal loop road (road 1) and two cul-de-sacs (road 2 and road 3). The main loop road (road 1) will serve 23 units, with both roads 2 and 3 to serve 7 units each. Internal roads 2 and 3 terminates at each end of these roads providing a turning facility sufficient to accommodate an 8.8 metre medium rigid vehicle, swept path provided.

Pedestrian access within parking areas will be provided adjacent to the internal roads along one side at a minimum of one metre wide. A pedestrian pathway being 1m wide will be located adjacent to the internal roads along one side.

Other

C15.0 Landslide Code

There are no landslide issues identified through Council's records that affect the application.

C7.0 Natural Assets Code

There are no Natural assets issues identified through Council's records that affect the application.

C12.0 Flood-Prone Areas Hazard Code

There are no flooding issues identified through Council's records that affect the application.

Traffic Engineer

Introduction

The developer proposes to construct 37 three-bedroom units with 87 car parking spaces with access off Branscombe Road to the north of Box Hill Road junction.

The assessment below is based on the Traffic Impact Assessment (TIA) undertaken by Hubble Traffic dated August 2021. The TIA addresses codes C2.5.1 Car Parking Numbers and C3.5.1 Traffic Generated at Vehicle Crossing, Level Crossings and New Junctions.

Parking Supply

The development is proposing 87 on-site car parking spaces, in which each of the 37 unit will have two parking spaces and there are 13 visitor parking spaces. Under the new planning scheme, the requirement is for 2 spaces per 3-bedroom unit and 1 visitor park for every 4 units. This is a total of 84 parks.

The acceptable solution for code C2.5.1 A1 Car Parking Numbers is met.

Traffic Generation

The traffic generated by the development is expected to be 240 vehicles movements per day with 24 trips during peak hour based on the RMS Guide (Roads and Maritime Services) Road Traffic Authority NSW Guide to Traffic Generation Development.

Based on the above the Acceptable Solution is not met for code C3.5.1 as there is an increase of more than 40 vehicles per day or 20% whichever is the greatest, at the driveway access. The performance criteria C3.5.1 P1 is therefore assessed in the TIA.

Branscombe Road is a local residential street that connects onto the end of Box Hill Road and extend either side of Box Hill Road with residential dwellings and no through roads. Box Hill Road provides access onto to the surrounding area and onto the Brooker Highway via Battersby Road. The intersection of Battersby Road and Box Hill Road is situated 50m from the intersection of Branscombe Road and Box Hill Road, see Figure 7.

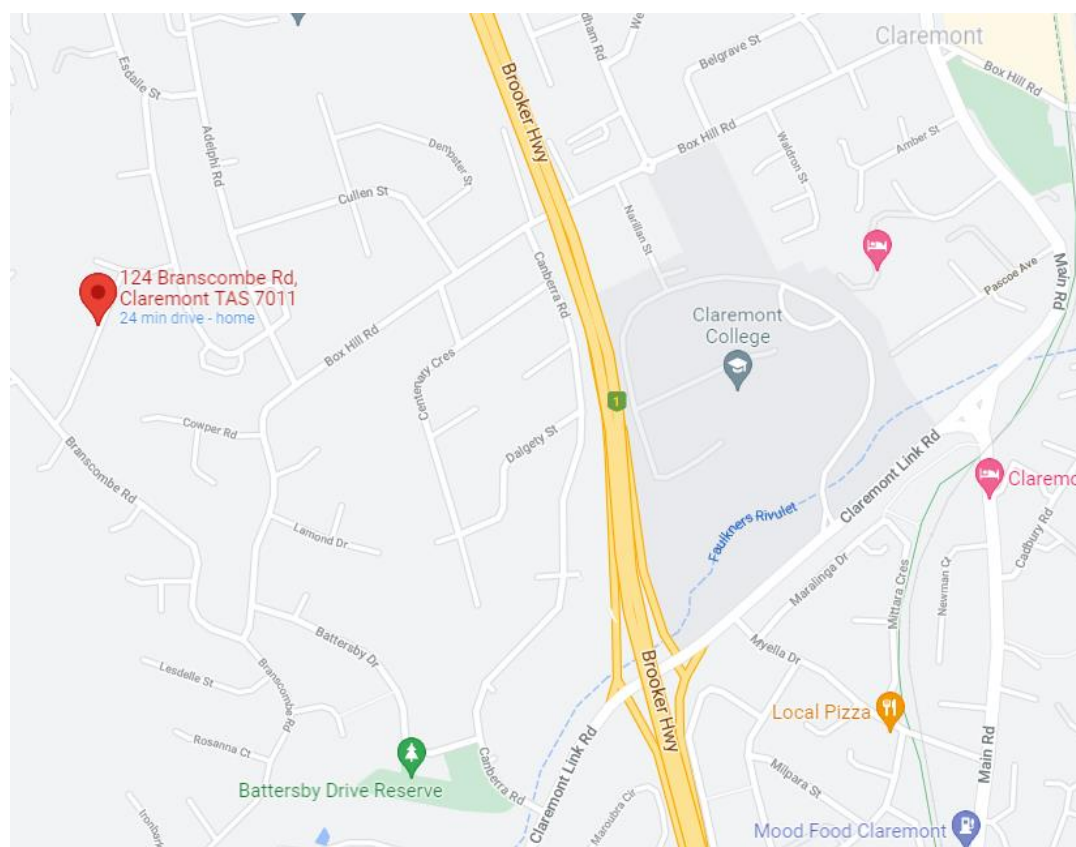


Figure 7 – Road Network near 124 Branscombe Road

The traffic impact at the intersections of Box Hill Road and Battersby Road was assessed in the TIA which shows the traffic coming from Branscombe Road. In the morning approximately 121 vehicles left Branscombe Road and 30 entered, a total of 151 vehicles. In the afternoon approximately 62 vehicles left Branscombe Road and 110 entered, a total of 172 vehicles.

The low volume of traffic from Branscombe Road means the increase in traffic from the development at the intersection of Box Hill Road and Branscombe Road can safely be accommodated. Box Hill Road terminates at Branscombe Road, with Give Way controls on Box Hill Road and adequate sight lines. Traffic from the development, will need to give way to traffic on Branscombe Road when approaching the site and when leaving will turn left from Branscombe Road onto Box Hill Road.

The traffic survey at the intersection of Box Hill Road and Battersby Road during morning and afternoon peak times showed that 67% in the morning and 62% in the afternoon periods used Battersby Road instead of Box Hill Road to/from their destination. Traffic modelling using SIRDA was undertaken for this intersection that showed that motorists are currently incurring no significant delays and with the development the performance of the intersection is not expected to deteriorate. The remaining vehicles that use Box Hill Road instead of Battersby Road, will be able to be absorbed into the network.

The Police crash data for the last 5 years was examined in the TIA, which found that there have been no reported crashes to police along Branscombe Road outside the development site, at the junction of Branscombe Road / Box Hill Road and Box Hill Road / Battersby Road. This indicates that there are no safety deficiencies in the network.

The TIA is accepted, and it can be concluded that the additional traffic should not have a significant impact on the road network. The performance criteria for C3.5.1 P1 is met.

Driveway Access and Internal Road Layout

Vehicle access to the development will be off a 6m wide driveway to accommodate two-way traffic movements. Sight distances at the proposed driveway to the development off Branscombe Road was assessed in the TIA showing 95m for drivers looking west and 100m for drivers looking east. This exceeds that required for a driveway onto a 50km/h road.

The units will be served by one main internal loop road and two cul-de-sac roads off the loop road. The cul-de-sac roads have an area at the end for 8.8m long medium rigid vehicle to be able to turn. The loop road and cul-de-sacs provide enough area for a garbage truck to enter and leave forward facing.

A pedestrian pathway being 1m wide will be located adjacent to the internal roads along one side. This will provide a safe path for pedestrian to travel through the site along with the vehicle speeds within the site likely being no more than 30km/h due to geometry of the roads.

CONCLUSION

As the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency, parking, or road safety, I have no objection to the development on traffic engineering or road safety grounds.

Hydraulics Engineer

As a result of the requirement to provide stormwater quality treatment under Council's Stormwater Management Policy, a Part 5 agreement is required to be entered into to maintain stormwater quality treatment measures to achieve the Objectives of the Resource Management and Planning System of Tasmania and to satisfy the objectives of the State Policy on Water Quality Management 1997 (S58A and S72 *Land Use Planning and Approvals Act 1993*).

EXTERNAL REFERRALS

TasWater

TasWater are in support of the proposal and have recommended conditions and advice.

TasNetworks

The application was referred to TasNetworks. TasNetworks have provided advice to the applicant separately.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with one representation being received. The issues raised are as follows:

1. Height and privacy

The representor states that the proposed dwellings, particularly unit 31 is to be very close to the adjoining dwelling at 16 Cowper Road. The pole house design appears to be a towering and intimidating structure that will have unimpeded views into the private garden of the adjoining dwellings. Having a building equivalent to three storeys just 10-11m from the adjoining properties is imposing and will have negative impacts on those adjoining properties.

Planner's Comment:

The application is assessed as complying with the acceptable solution of both 8.4.2 Setbacks and building envelope for all dwellings and 8.4.6 Privacy for all dwellings. Where an application complies with the acceptable solutions of applicable standards there is no option for discretionary consideration because the proposal is deemed to comply with the standard.

2. Overshadowing

The representor states that the proposed dwelling will overshadow the adjoining properties including their private outdoor space from dawn to dusk. This will negatively impact the enjoyment of those spaces and the micro-climate of the garden. It will also have a negative impact on the solar array on the roof tops of adjoining dwellings.

Planner's Comment:

Clause 8.4.2 Setbacks and building envelope for all dwellings deals with these matters. The application is assessed as meeting the requirements of the acceptable solutions and discretionary consideration to the impact of the siting and scale of the dwelling in terms of overshadowing adjoining dwellings; visual impacts when viewed from adjoining dwellings; consistency of separation distances between dwellings on adjoining lots; and any impact to existing solar energy installations on an adjoining property, cannot be given. This is because the proposal complies with standard through the acceptable solution.

3. Exterior lighting

The representor would like assurance that the adjoining properties are not unduly exposed to exterior lighting by light being projected towards or be visible from those adjoining properties.

Planner's Comment:

Exterior lighting in a domestic setting is not a matter dealt with under the planning scheme. Light pollution is dealt with under the *Environmental Management and Pollution Control Act 1994*.

4. Landscaping

The representor raises concern about the vagueness of the landscaping treatments proposed and the ongoing maintenance arrangements. The representor questions the treatments selected such as the success of lawn on steep area and the maintenance thereof. The representor is concerned about terracing that may occur in the future and that this would be unregulated and wants to know what measures are to be put into place to stop stormwater from threatening the properties down slope.

Planner's Comment:

There are no applicable standards in the General residential zone to apply to landscaping treatments in private gardens, and Clause 6.11 Conditions and Restrictions on a Permit does not enable a landscaping condition to be imposed. In terms of vegetation used in landscaping of private gardens, this is exempt from requiring a planning permit in accordance with Clause 4.4.2. In addition, some garden structures, such as pergola, garden arch, trellis or frame do not need planning approval (clause 4.3.11) and retaining walls for terracing that are setback more than 1.5m from the boundary and retain a ground level difference of 1m do not require planning approval (clause 4.6.8).

Stormwater management is not a matter for consideration in the planning scheme. Stormwater management is dealt with under the *Urban Drainage Act 2013*.

5. Residential character

The representor compares the materials choices of the proposed development to a tourist park and is concerned that it does not respect the character of the area. The representor also raises concerns about the lack of eco-friendly planning guidelines and states that the proposal would not meet best practice standards. Concerns are raised about the number of dwelling 'crammed' onto the site and the steep unusable areas of private outdoor space for future residents.

Planner's Comment:

There are no applicable standards in the General Residential zone of the planning scheme that apply to the building materials and external finishes or eco-friendly designs. Energy ratings are dealt with under the *Building Act 2016*.

The proposal complies with the acceptable solution of the density standard. There is no requirement for further scrutiny of the number of dwellings on the site because the proposal complies with applicable standards for density through the acceptable solution.

The proposal includes areas of useable private outdoor space that will have a gradient of no more than 1 in 10. This complies with the acceptable solution of that applicable standard.

CONCLUSION

The proposal is relying on the performance criteria to comply with applicable standards. The proposal is assessed as satisfying the performance criteria and complies with those standards. The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as the applicable standards of the Road and Railway Assets code and Parking and Access code. The application was publicly advertised for the statutory 14-day period and one representations was received. It is concluded that the proposal is consistent with the Scheme's zone purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Boundary adjustment and thirty-seven multiple dwellings at 124 Branscombe Road Claremont 122 Branscombe Road Claremont 124A Branscombe Road Claremont subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-408 and Drawing submitted on 12 August 2021 (49 pages), except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2021/01401-GCC, dated 01/09/2021, form part of this permit.
3. Titles for 122 and 124 Branscombe Road (CT 140064/1 and CT 158746/1) must be adhered prior to issue of the Certificate of Occupancy of the first dwelling.
4. Privacy screening must be provided on the decks of dwellings 7, 8, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28, and 30, as shown on the approved plans, and remain in place for the duration of the use as approved.

Engineering

5. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer.

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties.

The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council.

The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks, Waters and Environment. These are available from Council or online at www.derwentestuary.org.au

6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
7. No civil works related to or associated with the use or development approved by this permit are to occur on or external to the site unless these works are in accordance with engineering drawings that have been approved by Council's Development Engineer. Changes to the design and/or location of civil works will require the submission of amended engineering drawings prepared by a licensed civil engineer for approval by Council's Engineer.
8. Provide written certification from a licensed civil engineer certifying that all civil works have been completed in accordance with the engineering drawings approved by Council's Development Engineer and to the applicable Australian Standards prior to the commencement of the use or within 20 days of completion of the works whichever occurs sooner
9. Arrange a compliance inspection with Council of the civil works that have been approved by Council's Development Engineer prior to the commencement of the use or within 20 days of completion of the works whichever occurs sooner. Note that a minimum of five (5) business days notice must be given to Council for a compliance inspection.
10. The design and construction of the parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site.

The proposed driveway and parking must comply with the following:-

- (a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 25%.
- (b) Eighty-seven (87) clearly marked car parking spaces must be provided.
- (c) Of the proposed number of car parking spaces, thirteen (13) visitor parking spaces must be provided, clearly line-marked and always kept available for these purposes.
- (d) Vertical alignment must include transition curves (or straight sections) at all grade changes greater than 12.5%.

- (e) A 1 metre wide pedestrian path must be provided, signed and line-marked at points of crossing.
- (f) All runoff from paved and driveway areas must be discharged into Council's stormwater system.
- (g) The gradient of any parking areas must not exceed 5% and
- (h) Minimum carriageway width is to be no less than 5.5 metres.

To comply with the above requirements, the developer must submit engineering drawings demonstrating compliance with the requirements to the satisfaction of Council's Development Engineer prior to the issuing of the Building Permit. All works required by this condition must be installed prior to the occupancy of the dwelling(s).

11. Widening to the existing vehicle crossing to provide a passing bay at the access point must be constructed in accordance with the Tasmanian standard drawing TSD-R09-v3, TSD-R11-v3 and TSD-R14-v3 between the kerb and the property boundary and completed to the satisfaction of Council's Development Engineer prior to the occupancy. The detail design must be submitted and approved prior to the issuing of a Building Permit Approval.
12. Barrier compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit. All works required by this condition must be installed prior to the occupancy of the dwelling(s).
13. Private sewer, stormwater and water services/connections are to be entirely separate to each lot to ensure that they are contained entirely within the lots served. A detailed services plan showing both the existing and the proposed (or as built) private services, Council mains and access to all lots on the site must be prepared by a civil engineer or a qualified designer and submitted to the Council for approval prior to the sealing of the final plans. In particular, the developer must confirm the position of any services that may be affected by the subdivision/boundary adjustment.

14. In association with a Building Permit Application, a WSUD and OSD Maintenance Scheme must be submitted for approval, to the satisfaction of Council's Senior Civil Engineer, defining the maintenance method and frequency for each WSUD or OSD element incorporated in the development. The Owner and all successors in title must ensure ongoing compliance with the approved WSUD and OSD Maintenance Scheme for the duration of the approved use. Council must first approve any changes to the approved WSUD and OSD Maintenance Scheme.
15. Upon approval of the WSUD and OSD Maintenance Scheme, and in association with a Building Permit Application, the applicant shall enter into a registered agreement with Council, at the sole expense of the applicant, pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, for the area which is subject to this permit. The Owner and all successors in title must advise any subsequent successor in title of the existence of the Agreement and its terms and conditions. The Part 5 agreement shall require the Owner and all successors in title to covenant and agree with Council the following:
 - (a) All works outlined in the WSUD and OSD Maintenance Scheme submitted by the applicant and approved by Council, including the maintenance method and frequency for individual WSUD and OSD elements, must be implemented and managed by the Owner and all successors in title at their sole expense;
 - (b) The Owner must keep the maintenance records in an accessible form (either printed or electronic) for five years from the date of the work was carried out to prove that the maintenance of each WSUD and OSD element has been conducted in accordance with the WSUD and OSD Maintenance Scheme;
 - (c) Repair and replace all the WSUD and OSD elements at the sole expense of the Owner and all successors in title so that the WSUD and OSD functions (stormwater quality and quantity control) in a safe and efficient manner.
 - (d) Permit the Council from time to time and upon giving reasonable notice (but in the case of an emergency, at any time and without notice) to enter and inspect the WSUD and OSD elements for compliance with the requirements of this agreement;
 - (e) Comply with the terms of any written notice issued by the Council in respect of the requirements of this agreement within the time stated in the notice

Advice to Applicant

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

Other Permits

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 2016* 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.

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works.

Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit www.dialbeforeyoudig.com.au for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

Attachments/Annexures

- 1 PLN-21-408 GPA Attachment - 122 & 124 & 124A Branscombe Road
[⇒](#) Claremont

APPENDIX**8.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
8.4 Development Standards for Dwellings			
8.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	The site is to be 19 978m ² and 37 dwellings are proposed. The results in a site area per dwelling of 539.9m ² .	Yes
8.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a	The site is a vacant internal lot. The proposed frontage setback must be not more than the greater, or less than the lesser, setback for the <u>equivalent</u> frontage of the dwellings on the adjoining sites on the same street. An equivalent frontage would be a frontage to other internal lots in the same street. 118 Branscombe Road is an unusually shaped lot, but it is an internal lot of sorts. It has an internal lot frontage setback of approximately 10-45m, and another internal lot at 115 Branscombe Road has a frontage setback of approximately 8m and 113 Branscombe Road has an internal lot frontage setback of approximately 12m; and 105	Yes

Standard	Acceptable Solution	Proposed	Complies?
	frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.	Branscombe Road has an internal lot frontage setback of 4.5m. The site is predominately behind 118 Branscombe Road and 124 A, B & C Branscombe Road, and 12, 14 and 16 Cowper Road. As per figure 8.3, the proposed frontage setback is 9.3m from 118 Branscombe Road, 4.6m (minimum) from 16 Cowper, 12m from 124A Branscombe and 10.5m from 124C Branscombe Road. Therefore, the proposed frontage setback is not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.	
	A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a) 5.5m, or alternatively 1m behind the building line;	No garage or carport proposed within 5.5m of the frontage.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a	The lot is an internal lot. All dwellings are setback by more than 4.5m from the rear boundary of a property with an adjoining frontage and no dwelling is within 1.5m of a boundary. All dwellings are to be less than 8.5m in height. The following dwellings have the closest setback to the boundaries and the proposed heights of those dwellings in the relation to the setback is analysed below. Unit 30: setback 9.3m and max height of 5.3m. Unit 29: setback 9.30 and max height of 4.92m. Unit 31: setback 4.66m and max height is 7.5m (deck and balustrade is 6.3m) Unit 32: setback is 8.5m and max height is 7.01m.	Yes

	building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).	Unit 34: setback is 9.2m and max height is 7.1m. Unit 35: setback is 9.2m and max height is 7.95m. Unit 36: setback is 11m and max height is 7.30m. Unit 37: setback is 3.8m and the max height is 5.5m Unit 20: setback is 4m and the max height is 5.98m. Unit 18: setback is 4m and the max height is 5.41m. Unit 16: setback is 4m and the max height is 4.9m. Unit 14: setback is 4m and the max height is 4.87m. Unit 13: setback is 9.3m and the max height is 6.16m. Unit 12: setback is 9.3m and the max height is 5.87m. Unit 11: setback is 10.5m and the max height is 5.11m. Unit 3: setback is 10.5m and the max height is 4.9m	
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Standard	Acceptable Solution	Proposed	Complies?
		Unit 2: setback is 10.5m and the max height is 3.8m. Unit 1: setback is 12m and the max height is 4.49m. Retaining walls within the 4.5m setback retain a difference of less than 1m and are not within 1.5m of the boundary and are exempt. All other retaining walls throughout the site comply with the acceptable solution.	
8.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport, or entry foyer).	a) Site coverage is 18%; b) Each dwelling is to have more than 60m² of POS.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A2 A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport, or entry foyer); (b) has a minimum horizontal dimension of not less than: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport, or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.	a) Each dwelling is to have 24m² of POS in one location; b) With a minimum width of 4m; c) No POS is to be located between a dwelling and the frontage; d) The above-mentioned POS for each dwelling is provided as a deck or a landscape area, such that the gradient does not exceed 1 in 10.	Yes

Standard	Acceptable Solution	Proposed	Complies?
8.4.4 Sunlight to private open space of multiple dwellings	A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 8.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or	The site has a north south orientation. Where a dwelling is to north of the private open space of another dwelling on the site the dwellings are separated by 3m or greater and where the separation between dwellings is less than 3m, shadow diagrams provided show that those dwellings have POS that is 50% of shadowing for at least 3 hours on the 21 June.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling		
8.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	No garage or carport for a dwelling within 12m of a primary frontage proposed.	NA
8.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;	Decks and parking spaces for dwellings that has a finished surface or floor level more than 1m above existing ground level are proposed. It is noted that the threshold test is for the distance these decks are setback from the boundary, and the overall height of the decks above ground level is not taken into consideration if the setback distance is met. The proposal complies with a, b, and c as follows: a) No such deck or car park is to be within 3m of the side boundary;	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.	b) No such deck or car park is to be within 4m of the rear boundary; c) Screening is provided where the deck or car park is within 6m from a window or glazed door, to a habitable room of the other dwelling on the same site; <u>or</u> from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site. A condition is recommended to ensure the screen are erected and remain in place for the duration not the use as approved.	
	A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): (a) the window or glazed door: (i) is to have a setback of not less than 3m from a side boundary;	The proposal is assessed as satisfying A2(b).	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. (b) the window or glazed door: (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window		

Standard	Acceptable Solution	Proposed	Complies?
	or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.	All dwellings are to be separated from the shared driveway by more 1m and where the separation distance from the dwelling and shared driveway is 1m, a screen of not less than 1.7m in height is proposed. The plans show parking spaces dedicated to each dwelling which separates shared parking spaces from habitable rooms.	Yes

Standard	Acceptable Solution	Proposed	Complies?
8.4.7 Frontage Fences for all dwellings	A1 No Acceptable Solution ¹ . <i>(¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i>	No frontage fence proposed.	NA
8.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m ² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.	A storage area of at least 1.5m per dwelling is not proposed to be provided.	No

APPENDIX**C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
C2.5.1 Car parking numbers	A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: (a) 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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where:	2 car spaces per each dwelling plus 1 visitor space per three dwellings = 87 car spaces in total	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces		

Standard	Acceptable Solution	Proposed	Complies?
	B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.		
C2.5.2 Bicycle parking numbers	A1 Bicycle parking spaces must: (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.	Not required	NA
C2.5.3 Motorcycle parking numbers <i>This applies to:</i>	A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and	5 motorcycle parking spaces	Yes

Standard	Acceptable Solution	Proposed	Complies?
<i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i> <i>Educational and Occasional Care;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i> <i>Hotel Industry;</i> <i>Pleasure Boat Facility;</i> <i>Residential if for a communal residence, multiple dwellings or hostel use;</i>	(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.		

Standard	Acceptable Solution	Proposed	Complies?
<i>Sports and Recreation; and Tourist Operation.</i>			
C2.5.4 Loading bays <i>This applies to:</i> <i>Bulky Goods Sales;</i> <i>General Retail and Hire;</i> <i>Manufacturing and Processing; and</i> <i>Storage.</i>	A1 A loading bay must be provided for uses with a floor area of more than 1000m ² in a single occupancy.	Not required	NA
C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone	A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: (a) Food Services uses up to 100m ² floor area or 30 seats, whichever is the greater; and	Not required	NA

Standard	Acceptable Solution	Proposed	Complies?
<i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Educational and Occasional Care;</i> <i>Emergency Services;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Sports and Recreation;</i> <i>and</i> <i>Utilities, if not for minor utilities.</i>	(b) General Retail and Hire uses up to 100m² floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		

Standard	Acceptable Solution	Proposed	Complies?
C2.6 Development Standards for Building Works			
C2.6.1 Construction of parking areas	A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.	Parking and driveway area proposed to be paved surface and surfaced water are to be drained to the stormwater connection.	Yes

Standard	Acceptable Solution	Proposed	Complies?
C2.6.2 Design and layout of parking areas	A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i> ; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;	• Layout and gradients are provided in accordance with the AS2890.1 • On-site turning provided • Access width is 6 metre wide • Parking areas will be line marked	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or (b) comply with <i>Australian Standard AS 2890-Parking facilities, Parts 1-6</i>. A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: (a) be located as close as practicable to the main entry point to the building;		

Standard	Acceptable Solution	Proposed	Complies?
	(b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>. [S35]		
C2.6.3 Number of accesses for vehicles	A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.		Yes
	A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.		NA

Standard	Acceptable Solution	Proposed	Complies?
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	A1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are 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 <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i> .		NA
C2.6.5 Pedestrian access	A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:	A 1 m wide pedestrian path is provided.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.		

Standard	Acceptable Solution	Proposed	Complies?
C2.6.6 Loading bays	A1 The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i> , for the type of vehicles likely to use the site.		NA
	A2 The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Offstreet commercial vehicle facilities</i> .		

Standard	Acceptable Solution	Proposed	Complies?
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	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.		NA
	A2 Bicycle parking spaces must: (a) have dimensions not less than: (i) 1.7m in length; (ii) 1.2m in height; and (iii) 0.7m in width at the handlebars;		NA

Standard	Acceptable Solution	Proposed	Complies?
	(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.		
C2.6.8 Siting of parking and turning areas	A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.		NA
	A2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:		NA

Standard	Acceptable Solution	Proposed	Complies?
	(a) have no new vehicle accesses, unless an existing access is removed; (b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads.		
C2.7 Parking Precinct Plan			
C2.7.1 Parking Precinct Plan	A1 Within a parking precinct plan, onsite parking must: (a) not be provided; or (b) not be increased above existing parking numbers.		NA

Footnotes

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

APPENDIX**C3 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
C3.5 Use Standards			
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. A1.3	Vehicular traffic is expected to be increased by over 20% or 40 vehicle movements.	No – TIA addressed the traffic impact generated by the development.

Standard	Acceptable Solution	Proposed	Complies?
	For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority. A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road. A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.		

Standard	Acceptable Solution	Proposed	Complies?
C3.6 Development Standards for Buildings and Works			
C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area	A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: (a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building; (b) an extension which extends no closer to the existing or future major road or rail network than: (i) the existing habitable building; or (ii) an adjoining habitable building for a sensi (c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual, 2nd edition, July 2008</i>.		NA

Standard	Acceptable Solution	Proposed	Complies?
C3.7 Development Standards for Subdivision			
C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area	A1 A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.		NA

6. PROPOSED USE AND DEVELOPMENT - PLACEMENT OF FILL (RESIDENTIAL) - 123 AND 125 MAIN ROAD AUSTINS FERRY

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5328048

REPORT SUMMARY

Application No.:	PLN-21-331
Applicant:	K J Markham
Owner:	D Wood, Williams Acquisitions Pty Ltd
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	Clause 7.10 Development not required to be categorised into a use class and C12.6.1 Buildings and works within a flood-prone hazard area (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time granted until 07 Sep 2021
Existing Land Use:	Take Away Food Premises (Food Services) and Single Dwellings
Representations:	4 from 3 representors
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The proposal would include landfill and works to link up with the Planning Permit PLN-20-284 for landfill and associated works on 1 Austins Ferry Road, 119 and 121A Main Road. Although the works had been considered in the original engineering and hydraulics design, the properties had not been part of the formal assessment of the application. The current proposal is limited to the landfill and works on 123 and 125 Main Road; however, this will be a continuation of the previously approved works.

The proposed landfill will include western rear portions of 123 and 125 Main Road up to 5.2 AHD that will be graded back to link up to the approved landfill on 121A Main Road and 1 Austins Ferry Road, with stormwater drainage to link up with the drainage for the adjoining landfill.

The landfill will be graded with minimal slope to connect to the adjoining drainage point at 121A Main Road and 1 Austins Ferry Road (Figure 1).

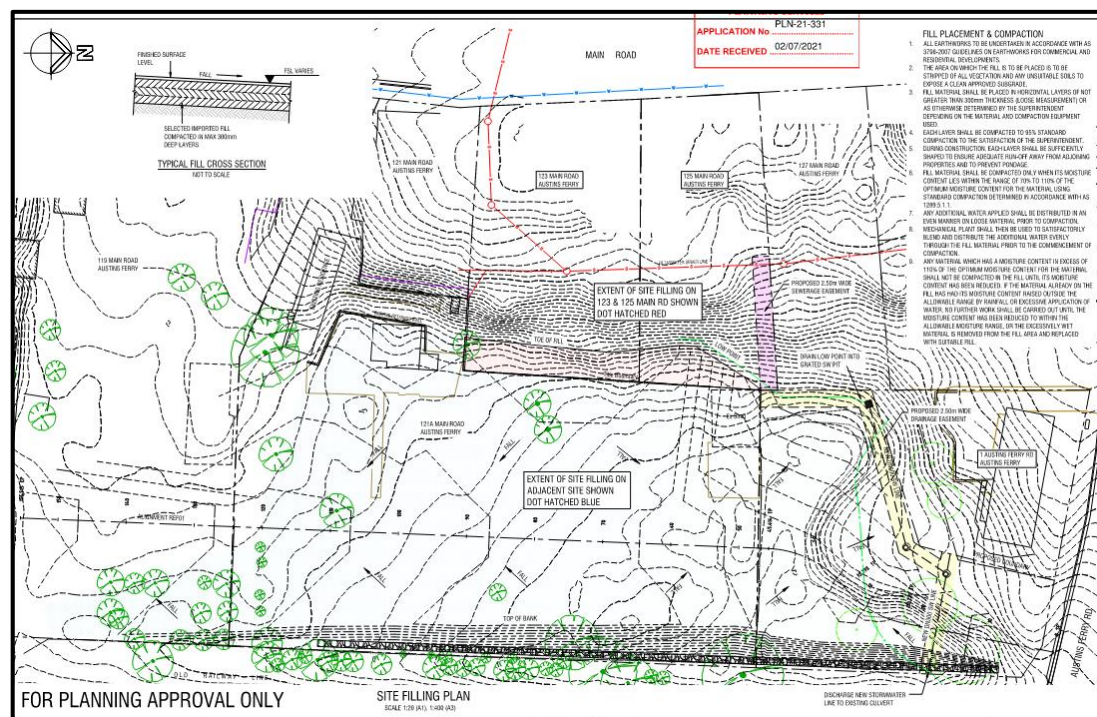


Figure 1: Site plan 123 and 125 Main Road, Austins Ferry.

The proposal would be reliant on performance criteria for Clause 7.10 for development not required to be categorised into a use class and C12.6.1 for buildings and works within a flood-prone hazard area.

SITE and LOCALITY

The properties are located on the western side of Main Road, approximately 50 m to the south of Austin Ferry Road, Austins Ferry.

The property at 123 Main Road has a single dwelling located at on the front portion with a driveway along the southern side boundary, with no significant vegetation. The site has a moderate to steep slope, with an average gradient of 1 in 6 falling to the west. The site has a rectangular shape, with a frontage of 22.3 m along Main Road, an average depth of 40 m and a total area of 1004 m².

The property at 125 Main Road has a single dwelling and take away food premises on the front portion and vehicular access on the north-east corner, with no significant vegetation. The site has a moderate to steep slope, with an average gradient of 1 in 6 falling to the west. The site has a rectangular shape, with a frontage of 18.2 m along Main Road, an average depth of 43.5 m and a total area of 804 m².

The properties are located in a long strip of by single dwellings and multiple dwellings in a residential area wedged between the Utilities zone for the Main Road and Rail Reserve to the west and east. With the Open Space Zone further to the west for Roseneath Park and to the east for Weston Park. A ribbon of the Environmental Management zone lies to the south for Roseneath Rivulet (Figure 2).

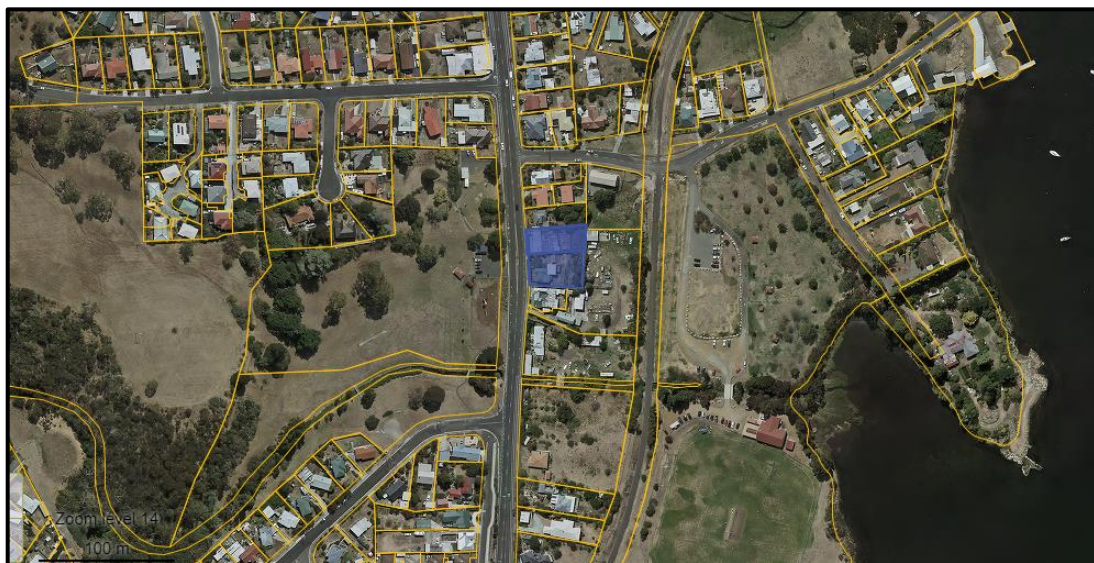


Figure 2: Aerial of 123 and 125 Main Road, Austins Ferry.

ZONE

The subject property is within the General Residential under the Glenorchy Interim Planning Scheme 2015 (Figure 3).

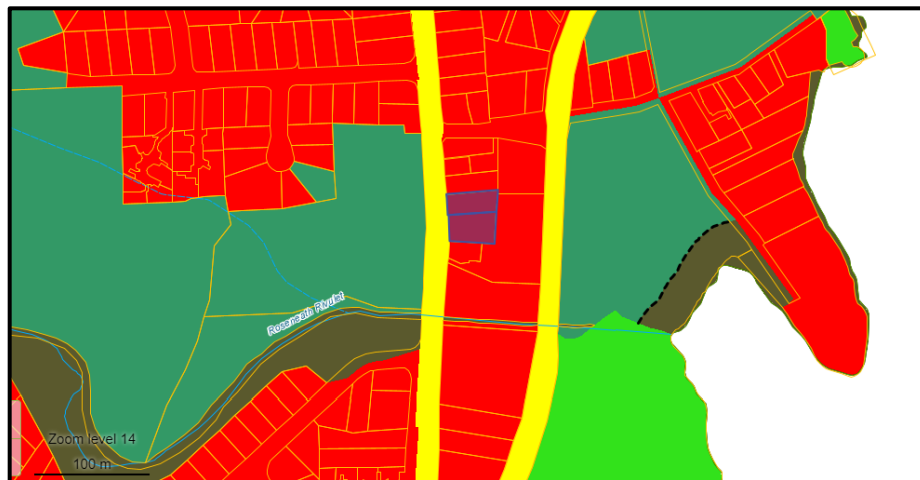


Figure 3: General Residential zones over 123 and 125 Main Road, Austins Ferry.

BACKGROUND

Planning Permit

A planning permit PLN-20-284 was approved for landfill and associated works for three properties (Figure 4), 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry. Unfortunately, the last amended set of plans included a site plan with a hatched area over 123 and 125 Main Road which does not form part of that application. While the flood report and details address the additional works, a separate application is required and is the subject of this report.

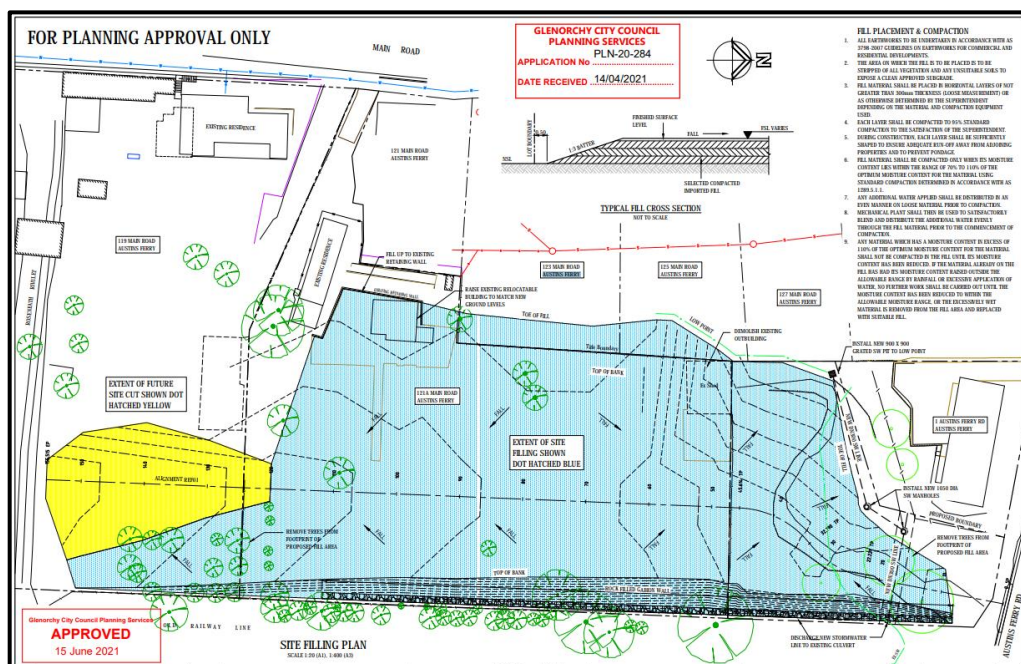


Figure 4: Site plan 1 Austins Ferry Road, 119 and 121A Main Road, Austins Ferry.

Planning Permit

A planning permit PLN-20-572 was approved for an additional multiple dwelling (Figure 5) for 125 Main Road, Austins Ferry.

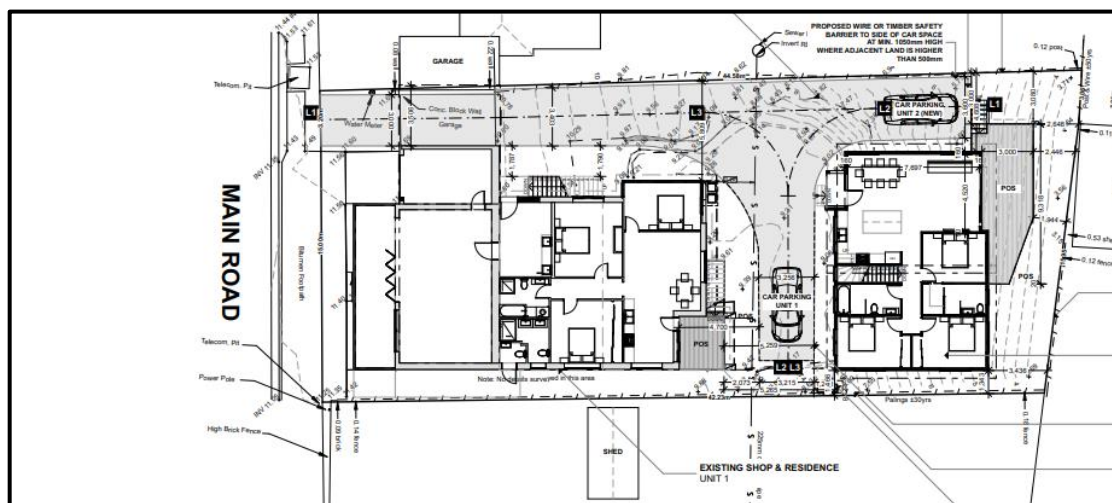


Figure 5: Site plan 125 Main Road, Austins Ferry.

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.

TASMANIAN PLANNING SCHEME - GLENORCHY 2021

State Planning Provisions (SPP)

Administration

Exemptions (Tables 4.1 – 4.6)

Nil.

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

No SAP or Code provisions override zone provisions in the assessment.

Use Class Description (Table 6.2):

Nil.

Other relevant definitions (Clause 3.0):*Land filling*

The term of a “land filling” is defined as the following in Clause 3.1 of the Tasmanian Planning Scheme:

means any change to the existing ground level of land by placement of any fill material, excluding refuse disposal, whether sourced from the land or elsewhere.

General Provisions

The following General Provisions of the Scheme apply to this proposal:

7.10 Development not Required to be Categorised into a Use Class

The proposal includes landfill; therefore Clause 7.10 of the Scheme applies:

7.10.1

An application for development that is not required to be categorised into one of the Use Classes under subclause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under subclause 7.3.1, may be approved at the discretion of the planning authority.

7.10.2

An application must only be approved under subclause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.

7.10.3

In exercising its discretion under subclauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:

- (a) the purpose of the applicable zone;*
- (b) the purpose of any applicable code;*
- (c) any relevant local area objectives; and*
- (d) the purpose of any applicable specific area plan.*

The proposed land filling will be considered as a discretionary planning application and will follow due process in accordance with Clause 7.10.1 of the Scheme.

As part of the application the impact of on adjoining uses and the surrounding area will be considered under the applicable zone and relevant code.

The relevant section of the planning scheme for consideration of a discretionary application are 8.0 General Residential Zone and C12.0 Flood-Prone Areas Hazard Code. No local area objectives or specific area plans apply.

8.0 General Residential Zone

The General Residential Zone purpose statements in Clause 8.1 of the Tasmanian Planning Scheme are as follows:

The purpose of the General Residential Zone is:

8.1.1

To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2

To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3

To provide for non-residential use that:

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

8.1.4

To provide for Visitor Accommodation that is compatible with residential character.

The proposed land filling is for the purpose of increasing the future residential potential of the land and provide associated infrastructure for the works. The proposal is located with access to Main Road with public transport and within close proximity to a public reserve, and the provision to extend the proposed connection up to existing infrastructure services. The proposal does not include a non-residential use or visitor accommodation. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 8.1 of the Scheme.

C12.0 Flood-Prone Areas Hazard Code

The Flood-Prone Areas Hazard Code purpose statements in Clause C12.0 of the Tasmanian Planning Scheme are as follows:

The purpose of the Flood-Prone Areas Hazard Code is:

C12.1.1

To ensure that use or development subject to risk from flood is appropriately located and managed, so that:

- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;*
- (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and*
- (c) it does not increase the risk from flood to other land or public infrastructure.*

C12.1.2

To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.

The proposed land filling is for the purpose for increasing the potential for future residential development by minimising the existing risk from riverine inundation. Council records incorporated sufficient information from previous studies (including Permit PLN-20-284) for Council's Hydraulics Engineer and Development Engineer to assess the proposal and are supportive of the works based on the plans, details and previous reports provided. Therefore, the proposal is considered to be in accordance with the code purpose statement in Clause C12.1 of the Scheme.

Conclusion

The proposed land filling has been assessed under the relevant zone and code purpose statements and in the circumstances is considered to be in accordance with the purpose statements. Therefore, it is considered that the proposal would be acceptable in this instance, and complies with the general provision.

Zones

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

Zone Purpose Statements

The General Residential Zone purpose statements in Clause 8.1 of the Glenorchy Interim Planning Scheme 2015 are as follows:

The purpose of the General Residential Zone is:

8.1.1

To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2

To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3

To provide for non-residential use that:

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

8.1.4

To provide for Visitor Accommodation that is compatible with residential character.

The proposed land filling would support the potential for future residential use and development within an area where connection to full infrastructure services is available. The landfill is unlikely to cause an unreasonable loss of amenity since the purpose is to minimise the impact from future flooding. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 8.1 of the Scheme.

Use Table

Not applicable.

Use Standards

The use standards set out in Clause 8.3 are not applicable to this application.

Development Standards for Non-dwelling Building & Works

The development standards set out in Clause 8.4 are not applicable to this application.

Codes

The following codes of the Scheme apply to this proposal:

C12.0 Flood-Prone Areas Hazard Code

The proposed land filling would be development within a private garden involving landscaping and would therefore be exempt under the Code (Figure 6).

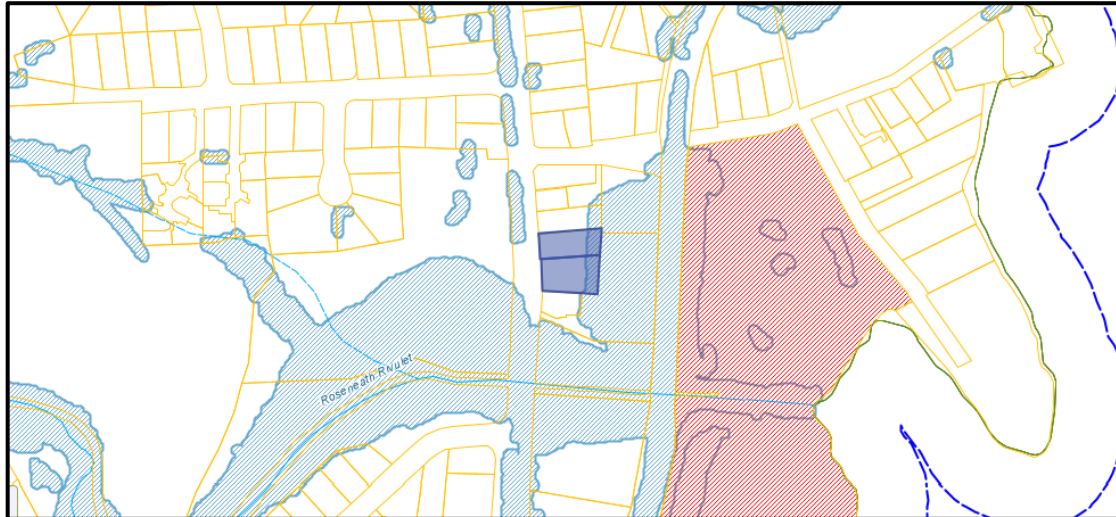


Figure 6: Flood prone area over 123 and 125 Main Road, Austins Ferry.

The proposed land filling would require assessment under this code due to riverine inundation.

Clause C12.6.1 – Standard A1, Buildings and works within a flood-prone area

The proposed land filling would be located outside a flood prone area, to be in accordance with Clause C12.6.1 – Standard A1. Whereas the proposed landfill would be located within a flood prone area. The proposal is considered in accordance with the performance criteria:

P1.1

Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:

- (a) the type, form, scale and intended duration of the development;*
- (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;*
- (c) any advice from a State authority, regulated entity or a council; and*
- (d) the advice contained in a flood hazard report.*

P1.2

A flood hazard report also demonstrates that the building and works:

- (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and*
- (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.*

Council's Hydraulics Engineer and Development Engineer have assessed the application based on information from a previous flood study for PLN-20-284 which incorporated the relevant works and is supportive on the basis that the proposal would assist in decreasing the flood level for adjoining properties. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance, and complies with the standard.

Glenorchy Local Provisions Schedule (GLPS)*Local Area objectives*

The following local area objectives of the Scheme apply to this proposal:

Particular Purpose Zones

No particular purpose zones of the Scheme apply.

Specific Area Plans

No specific area plans of the Scheme apply.

GLE-Site Specific Qualifications

No site specific qualifications of the Scheme apply.

INTERNAL REFERRALS**Development Engineer**

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

The proposal submitted for approval is to place fill on the properties at 123 and 125 Main Road Austins Ferry to decrease the inundation depths across the properties. The plans submitted identified a future pipeline easement across the property at no. 125 Main Road, that would service No. 121A Main Road, this easement has not been considered or formed part of the assessment of this application and appropriately noted on the approved plans.

C3.0 Road and Railway Assets Code

This code is not impacted by the proposal

C5.0 Parking and Access Code

This code is not impacted by the proposal

C12.0 Flood-Prone Areas Hazard Code

Council identified the development site as being affected by inundation from the Roseneath Rivulet during a 1% AEP storm event. The applicant was requested to demonstrate all overland flow paths in case of flooding for the pre and post-development scenario, along with measures to prevent property inundation during 1% AEP flood events. Evidence was requested to show that there will be no adverse effect on flood levels over adjacent properties through the displacement of overland flows due to the proposed development.

AD Design and Consulting have undertaken a flood impact assessment to determine the impact of the proposed development on 1% AEP flood levels, within the property and to neighbouring properties. This modelled the pre and post development scenarios.

The results show a net decrease in inundation depths across neighbouring properties between the proposed and existing scenarios.

Council's Hydraulic Engineer reviewed the report and is satisfied that the earthworks won't increase flood levels for neighbouring properties in a 1% AEP storm event, therefore A4 is met.

Three representations were received during the statutory public consultation period.

A neighbour had concerns related to the impacts the filling would have on the natural drainage during times of flooding.

The flood impact assessment submitted and accepted demonstrated inundation depths would decrease flood levels for neighbouring properties.

Concerns were expressed that the works proposed would impact a previously approved dwelling proposed on the site at 125 Main Road.

An inspection of the designs submitted indicated that the proposed fill levels would not impact the future construction of the proposed dwelling unit.

Other

C15.0 Landslide Code

There are no landslide issues identified through Council's records that affect the site.

C7.0 Natural Assets Code

There is no new stormwater point of discharge into a watercourse. Therefore, the development application complies with the A4 of E11.7.1

Hydraulics Engineer

The proposal was referred to Council's Hydraulics Engineer who was supportive of the proposal based on the Flood Impact Assessment by AD Design plus Consulting submitted on 14 April 2021 with the Planning Permit PLN-20-284.

EXTERNAL REFERRALS**TasWater**

The application was referred to TasWater which stated that no referral was required under the *Water and Sewerage Industry Act 2008*.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with four representations being received from three representors. The issues raised are as follows:

1. Documentation

The representors state that concern is raised regarding notification where discussions occurred prior; however adequate notification of the application was not given until after lodgement. Therefore, owner consent was not granted for lodgement of the application, and the dates on the application and the plans differ. In addition, other properties are shown with the development.

The plans lack detail, do not provide engineering level details, do not show future works for a sewer main, do not show proposed falls of the finished landfill or specific heights. The proposal did not include a flood study which had been provided with the previous application for landfill.

Planner's Comment:

The applicant provided a signed declaration as required by Section 52 of the *Land Use Planning and Approvals Act 1993* which states "*the applicant must include in the application for the permit a declaration that the applicant has notified the owner of the intention to make the application*". If any issues arise with the how the owner was notified this is a separate matter to the assessment of the application.

During the application process an amended set of plans was submitted after the date of the lodgement of the application and these plans form the basis of the assessment of the application.

The plans were drawn by Henry Design and Consulting to the required engineering standard for Council's Hydraulics Engineer and Development Engineer to assess the application.

Council is continually updating and adding to the flood study information for the Glenorchy area. As part of this process no additional information is requested unless required in addition to the existing flood studies on record. A flood study was provided with the Permit PLN-20-284 which included the proposed works. Therefore, Council's Hydraulics Engineer and Development Engineer had sufficient information to assess the application.

2. Flooding

The representor state that concern is raised that the proposal may cause a problem to properties with drainage and run off, especially during a flood.

Planner's Comment:

This issue has been previously addressed under the heading E12.0 Flood-Prone Areas Hazard Code and by Council's Development and Hydraulics Engineers who are supportive of the proposal.

3. Planning Scheme

The representors state that concern is raised regarding the landfill which would be non-dwelling development and would not meet the objectives by way of location, size, and height.

Planner's Comment:

This issue has been previously addressed under the heading "Development Standards for Non-dwellings".

4. Separate development

The representors state that concern is raised regarding the future development of the land and current planning permit for an additional dwelling that have been approved.

Planner's Comment:

The assessment of the application is limited to the proposal and therefore, this issue is not a planning issue that can be considered as part of this application. More than one planning application can be lodged for the same parcel of land. Having said this, the proposal would be land filling up to 5.2 AHD on the relevant parcel of land where approval has been granted for an additional multiple dwelling with a floor level of 5.6 AHD.

5. Separate legislation

The representors state that concern is raised regarding legislation for objectives relating to an amendment to or a new planning scheme under the *Land Use Planning and Approvals Act 1993*. The legislation for water runoff under the *Urban Drainage Act 2003*, and the legislation for the design and construction of sewer mains under the *Water and Sewage Industry Act 2008*.

Planner's Comment:

Unfortunately, these issues are not a planning issue that can be considered as part of this application. However, the application is being assessed under the Tasmanian Planning Scheme and future plumbing application will be assessed to ensure the new stormwater connection will comply with the relevant requirements. Any addition to the sewer main will need to be assessed by Tas Water and comply with the relevant standards for pipes near existing buildings.

CONCLUSION

The proposal is relying on the performance criteria to comply with the acceptable standards of the Scheme in relation to: development not required to be categorised into a use class, and buildings and works within a flood-prone hazard area.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as the applicable standards of the Flood-Prone Areas Hazard Code.

The application was publicly advertised for the statutory 14-day period and four representations were received from three representors raising concern regarding documentation, flooding, the planning scheme, separate development, and separate legislation.

It is concluded that the proposal is consistent with the Scheme's zone and code purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Placement of fill (Residential) at 123 Main Road Austins Ferry 125 Main Road Austins Ferry subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-331 and Drawing submitted on 2 July 2021 (5 Pages), except as otherwise required by this permit.

Engineering

2. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties.

The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks, Waters and Environment. These are available from Council or online at www.derwentestuary.org.au.

3. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
4. The earthworks must be substantially in accordance with Drawings submitted (H106036-F10, H106036-R11, H106036-F12, except as otherwise required by this permit.
5. All earthworks to be undertaken in accordance with AS3798-2007 guidelines on earthworks for commercial and residential developments.
6. The area on which the fill is to be placed is to be stripped of all vegetation and structures and any unsuitable soils to expose a clean approved sub-grade.

7. Fill material shall be placed in horizontal layers of not greater than 300mm. thickness (loose measurement).
8. During construction, each layer shall be sufficiently shaped to ensure adequate run-off away from adjoining properties to prevent pondage.
9. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be undertaken by Council at the developer's cost.

Advice to Applicant

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

Other permits

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 2016* 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.

Underground services

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works.

Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit www.dialbeforeyoudig.com.au for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

Attachments/Annexures

- 1 PLN-21-331 Attachment - 123 and 125 Main Road Austins Ferry



APPENDIX 1**8.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
8.3 Use Standards			
8.3.1 Discretionary uses	A1 Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm	Not applicable.	N/A
	A2 External lighting for a use listed as Discretionary: (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.	Not applicable.	N/A
	A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of: (a) 7:00am to 7:00pm Monday to Friday; (b) 9:00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.	Not applicable.	N/A
	A4 No acceptable solution.	Not applicable.	N/A
8.3.2 Visitor Accommodation	A1 Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m ² per lot.	Not applicable.	N/A
	A2	Not applicable.	N/A

	Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.		
8.4 Development Standards for Dwellings			
8.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	Not applicable.	N/A
8.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or	Not applicable.	N/A

	(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.		
	A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	Not applicable.	N/A
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building	Not applicable.	N/A

	height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).		
8.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).	Not applicable.	N/A
	A2 A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than:	Not applicable.	N/A

	(i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.		
8.4.4 Sunlight to private open space of multiple dwellings	A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 8.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or		

	(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.		
8.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A
8.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to		

	a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.		
	A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): (a) the window or glazed door: (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed	Not applicable.	N/A

	door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. (b) the window or glazed door: (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or	Not applicable.	N/A

	(b) 1m if: (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.		
8.4.7 Frontage Fences for all dwellings	A1 No Acceptable Solution¹. <i>(¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i>	Not applicable.	N/A
8.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than	Not applicable.	N/A

	1.2m above the finished surface level of the storage area.		
8.5 Development Standards for Non-dwellings			
8.5.1 Non-dwelling development	A1 A building that is not a dwelling, excluding for Food Services, local shop, garage or carport, and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3.0m, or if the setback from the primary frontage is less than 3.0m, not less than the setback, from the primary frontage, of any existing dwelling on the site; - or (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining properties on the same street.	Not applicable.	N/A
	A2 A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:	Not applicable.	N/A

	(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback less than 1.5m from a side or rear boundary if the building: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).		
	A3 A building that is not a dwelling, must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and a site area of which not less than 35% is free from impervious surfaces.	Not applicable.	N/A
	A4 No Acceptable Solution². <i>(² An exemption applies for fences in this zone – see Table 4.6)</i>	Not applicable.	N/A

	A5 Outdoor storage areas, for a building that is not a dwelling, including waste storage, must not: (a) be visible from any road or public open space adjoining the site; or (b) encroach upon parking areas, driveways or landscaped areas.	Not applicable.	N/A
	A6 Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback from the boundary of a property containing a sensitive use not less than 10m. ³ <i>(³ An exemption applies for heat pumps and air conditioners in this zone – see Table 4.6)</i>	Not applicable.	N/A
8.5.2 Non-residential Garages and Carports	A1 A garage or carport not forming part of a dwelling, must have a setback from a primary frontage of not less than: (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the building gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	Not applicable.	N/A
	A2 A garage or carport not forming part of a dwelling, within 12m of a primary frontage (whether the garage or carport is free-standing) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A

APPENDIX 2**C12.0 Flood-Prone Areas Hazard Code**

Standard	Acceptable Solution	Proposed	Complies?
C12.5 Use Standards			
C12.5.1 Uses within a flood-prone hazard area	A1 No Acceptable Solution.	Not applicable.	N/A
C12.5.2 Critical use, hazardous use or vulnerable use	A1 No Acceptable Solution.	Not applicable.	N/A
	A2 No Acceptable Solution.	Not applicable.	N/A
	A3 No Acceptable Solution.	Not applicable.	N/A
	A4 No Acceptable Solution.	Not applicable.	N/A
C12.6 Development Standards for Buildings and Works			
C12.6.1 Buildings and works within a flood-prone hazard area	A1 No Acceptable Solution.	The proposed land filling is located within the flood prone area. Compliance will require the proposal to be located outside the flood prone area. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

7. PROPOSED USE AND DEVELOPMENT - ADDITIONS TO MUSEUM (COMMUNITY MEETING AND ENTERTAINMENT) ON A HERITAGE LISTED PLACE - 651-655 MAIN ROAD BERRIEDALE

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 2250425

REPORT SUMMARY

Application No.:	PLN-21-379
Applicant:	Ireneinc Planning
Owner:	Claremont Partners (Tas) Pty Ltd Moorilla Estate
Zone:	Major Tourism
Use Class	Community Meeting and Entertainment
Application Status:	Discretionary
Discretions:	Clause C7.6.1 Buildings and works within a waterway and coastal protection area or a future refugia area, Clause GLE-S11.7.2 Setback, Clause GLE-S11.7.3 Landscaping, Clause GLE-S11.7.4 Buildings and works within a waterway and coastal protection area and Clause GLE-S11.7.5 Buildings and works within an inundation prone area (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension until 5 October 2021
Existing Land Use:	Museum and Winery

Representations:	1 Non-statutory representation
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The applicant proposes an extension to MONA and additional gallery space, for Museum use:

The proposal is for the extension of the existing ferry terminal landing and the creation of a tunnel through to the basement entrance to the Museum from the ferry landing to provide access for persons with mobility requirements. The ferry platform extension will be a cantilever slab flush with the existing ferry landing. Some footings will be required within the MONA site to support the slab. No works will occur within the adjacent waters. It will require cutting and removal of rock located on the foreshore, as well as tunnel excavation. Water access will be relied on to complete these works, however, all works have been designed to ensure containment within the site and no spill over of sediments or rocks will occur. The application also includes the development of additional outside gallery space to provide a platform for temporary art installations. This platform is a cantilever structure located adjacent to 'Spectra' and 'Chapel.' It has a maximum height of approximately 5.4m and will be constructed of timber decking, a concrete footpath edifice which will step down to a landscaped perimeter to act as a barrier. The grassed perimeter has a depth of 1.5m and will connect to the existing boundary treatment of 'Spectra.'

The proposed extension for the jetty will provide improved access to the site with a connection between the existing jetty and the tunnel/stairway in the museum to the south-east. The platform addition will adjoin an existing outdoor gallery space and will be located to the west of the Round House.

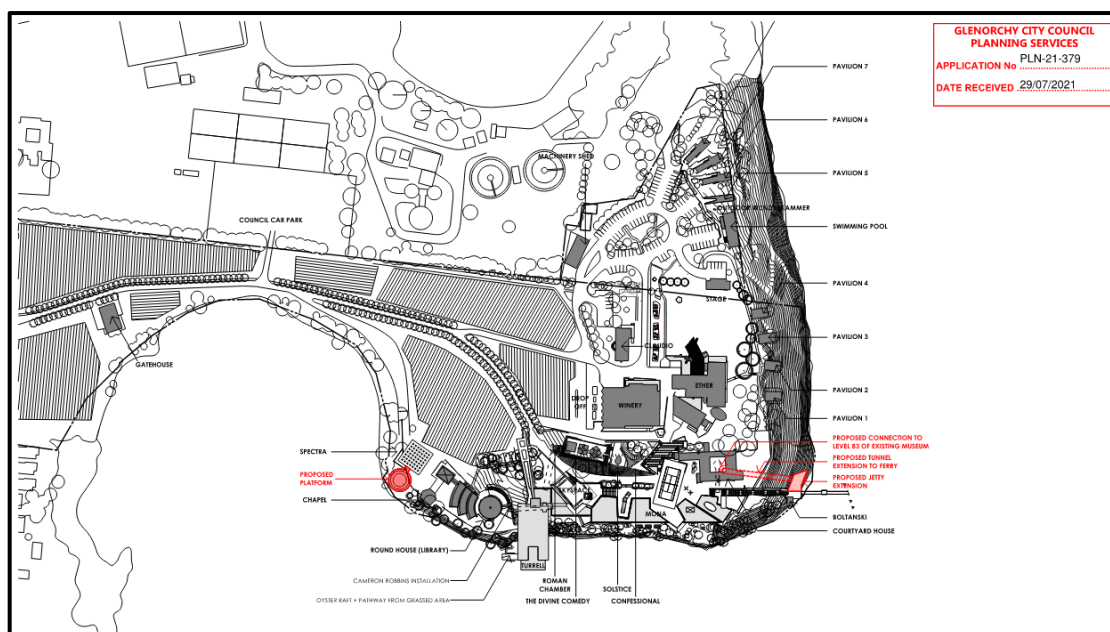


Figure 1: Site Plan for 651-655 Main Road, Berriedale.

Application:

The applicant submitted a comprehensive proposal including the following:

- Architectural Plans by Nonda Katsalidis Architects Pty Ltd
- Planning Report by Irene Inc Planning and Smith Street Studio, dated 29 July 2021
- MONA plus Moorilla Landscape Heritage Assessment and Development Considerations by Inspiring Place, dated December 2017
- Desktop Geotechnical Assessment by Pitt & Sherry, dated 22 June 2021
- Inundation Risk Management Plan by Pitt & Sherry, dated 13 July 2020
- Landslide Hazard Assessment by Pitt & Sherry, dated 22 June 2021
- Stormwater Planning Report by JMG Engineers and Planners, dated 2021
- Unanticipated Discovery Plan
- Flora and fauna habitat assessment by North Barker Ecosystem Services, dated 14 July 2021

Discretions

The proposal will rely on performance criteria for Clause C7.6.1 for buildings and works within a waterway and coastal protection area or a future refugia area, Clause GLE-S11.7.2 for setback, Clause GLE-S11.7.3 for landscaping, Clause GLE-S11.7.4 for buildings and works within a waterway and coastal protection area and Clause GLE-S11.7.5 for buildings and works within an inundation prone area.

SITE and LOCALITY

The proposed Museum Use would be located within proximity to the Round House and Museum of Old and New Art (MONA) at Moorilla Estate and would extend onto the Derwent River.

Moorilla Estate has an area of approximately 9.5 hectares. The property is located on the western bank of the Derwent River on a small peninsula at Berriedale. The site is accessed via a long driveway bordered by vineyards. The principal existing site development comprises two heritage listed houses, a museum, a restaurant, wine making shed and associated storage and production plant and eight guest houses (Figure 2).

The property is bound by Main Road to the west, Cameron Park Reserve to the north, and the Derwent River to the east and south.



Figure 2: 651-655 Main Road, Berriedale.

ZONE

The subject property is within the Major Tourism Zone under the Tasmanian Planning Scheme.

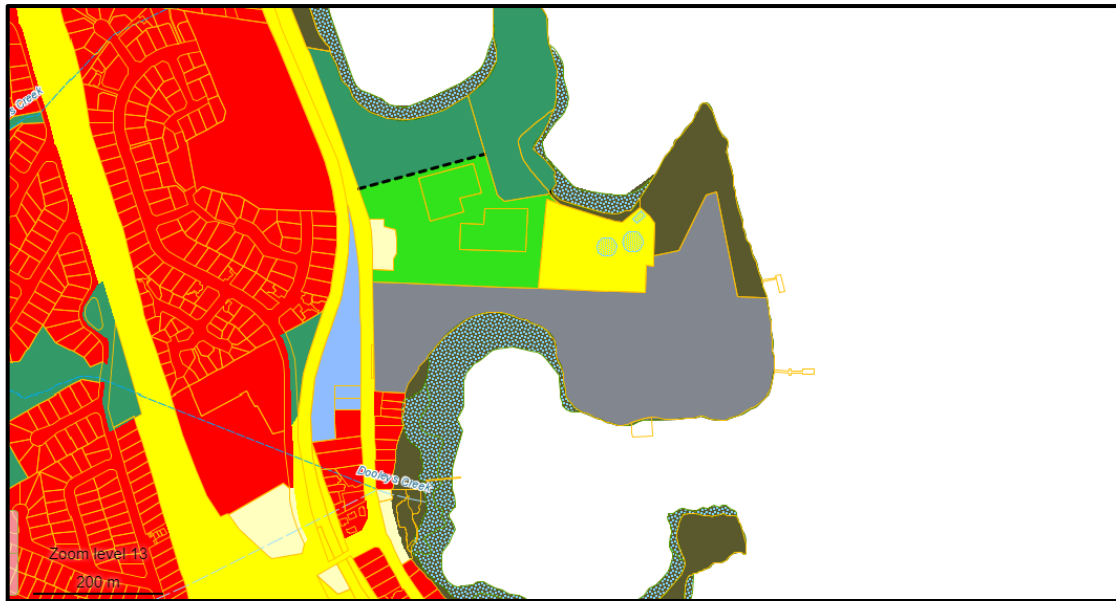


Figure 3: Zone over 651-655 Main Road, Berriedale.

BACKGROUND

There is no background relevant to this application.

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.

TASMANIAN PLANNING SCHEME - GLENORCHY 2021

State Planning Provisions (SPP)

Administration

Exemptions (Tables 4.1 – 4.6)

Nil.

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

Yes, the SAP provisions override the zone provisions in this assessment for Clause 24.3.1 – A1, Clause 24.3.2, Clause 24.4.1 for building height, Clause 24.4.2 for setbacks, Clause C7.6.1 (waterway and coastal protection only) and Clause C11.6.1.

Use Class Description (Table 6.2):

The use of a Museum is located within the Community Meeting and Entertainment use class description of the Tasmanian Planning Scheme.

The definition of Community Meeting and Entertainment use class states:

use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, place of worship, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre, community centre and neighbourhood centre.

Other relevant definitions (Clause 3.0):**Museum**

The use of a Museum is defined as the following in Clause 4.1 of the Tasmanian Planning Scheme:

means use of land to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other similar works or artefacts.

General Provisions

No General Provisions of the Scheme apply.

Zones

The land is within the Major Tourism zone and the following zone purpose statements, use table, use standards and/or development standards apply to this proposal.

Zone Purpose Statements

The Major Tourism zone purpose statements in Clause 24.1 of the Tasmanian Planning Scheme are as follows:

The purpose of the Major Tourism Zone is:

24.1.1

To provide for large scale tourist facilities which include a range of use and development.

24.1.2

To provide for compatible use and development that complements or enhances the tourist facilities on the site.

24.1.3

To provide for development that does not unreasonably impact on surrounding areas.

24.1.4

To ensure that any commercial uses support the tourist purpose of the site and do not compromise or distort the role of existing activity centres.

The proposed museum extension for the platform and jetty access would encourage a range of tourist facilities including the provision of large-scale mixed-use development for a major tourism attraction. The proposal would be an addition to the existing museum and would be in keeping with the style and materials.

The commercial use of a museum would support the tourist purpose of the site would enhance existing tourist activities by creating additional space for the works of artist Anselm Kiefer. The use of museum is permitted in the Major Tourism zone. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 24.1 of the Scheme.

Use Table

The proposed use of “Museum” is a permitted use without qualifications in accordance with the use table in Clause 24.2 of the Tasmanian Planning Scheme. However, the proposal is discretionary owing to the reliance on performance criteria for Clauses C7.6.1, GLE-S11.7.2, GLE-S11.7.3, GLE-S11.7.4 and GLE-S11.7.5.

The proposal has been issued an exemption under Section 36(3)(a) of the *Historic Cultural Heritage Act 1995*.

Use Standards

The use standards set out in Clause 24.3 are not applicable to this application.

Development Standards for Buildings or Works

The proposal complies with the development standards set out in Clause 24.4 of the Scheme.

Codes

The following codes of the Scheme apply to this proposal:

C2.0 Parking and Sustainable Transport Code

Clause C2.5.1 – Standard A1, Car parking numbers

The additions to Museum would not generate an increase in the car parking requirement and is considered to be in accordance with Clause C2.5.1 – Standard A1.

C3.0 Road and Railway Assets Code

The proposal is not exempt under Clause C3.4 of the Scheme. However, the proposal complies with the acceptable solutions of the standards in Section C3.0.

C6.0 Local Historic Heritage Code

The place is listed in GLE-Table C6.1 Local Heritage Places. However, the code does not apply due to the listing of the place on the Tasmanian Heritage Register (Figure 4).

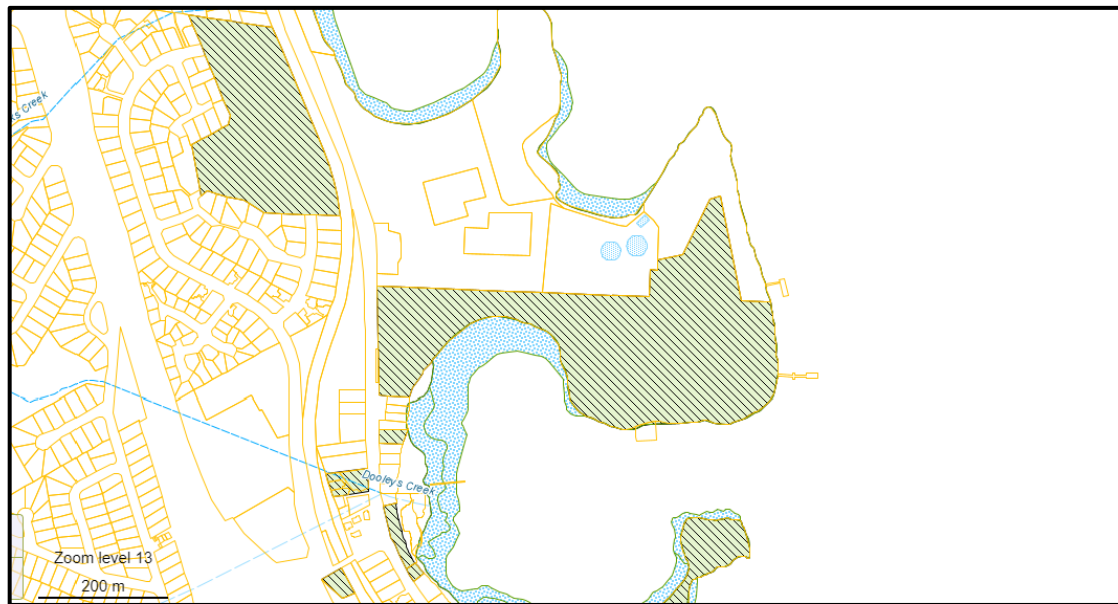


Figure 4: Local heritage listing over 651-655 Main Road, Berriedale.

C7.0 Natural Assets Code

Waterway and coastal protection

The proposal would not require assessment under this code for the waterway coastal protection area due to Clause GLE-S11.7.4 in the MONA Specific Area Plan (Figure 5).

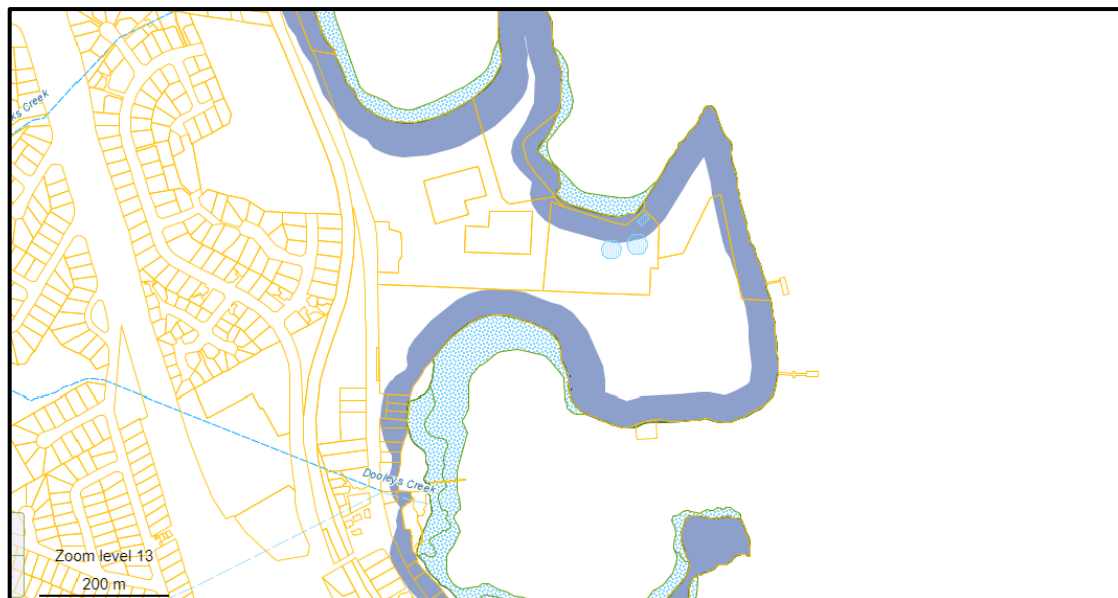


Figure 5: Waterway and coastal protection over 651-655 Main Road, Berriedale.

Priority vegetation area

The proposal additions to the Museum will be located outside the priority vegetation area under this code (Figure 6).

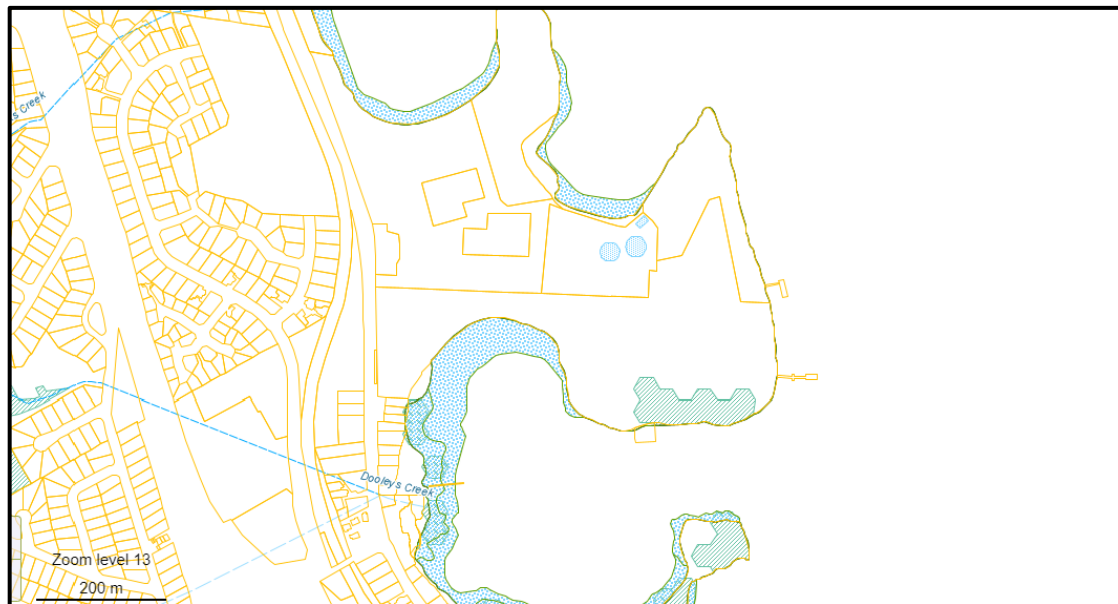


Figure 6: Priority vegetation area over 651-655 Main Road, Berriedale.

Waterway and coastal protection, and Future coastal refugia area

The proposal would require assessment under this code for the future coastal refugia (Figure 7).

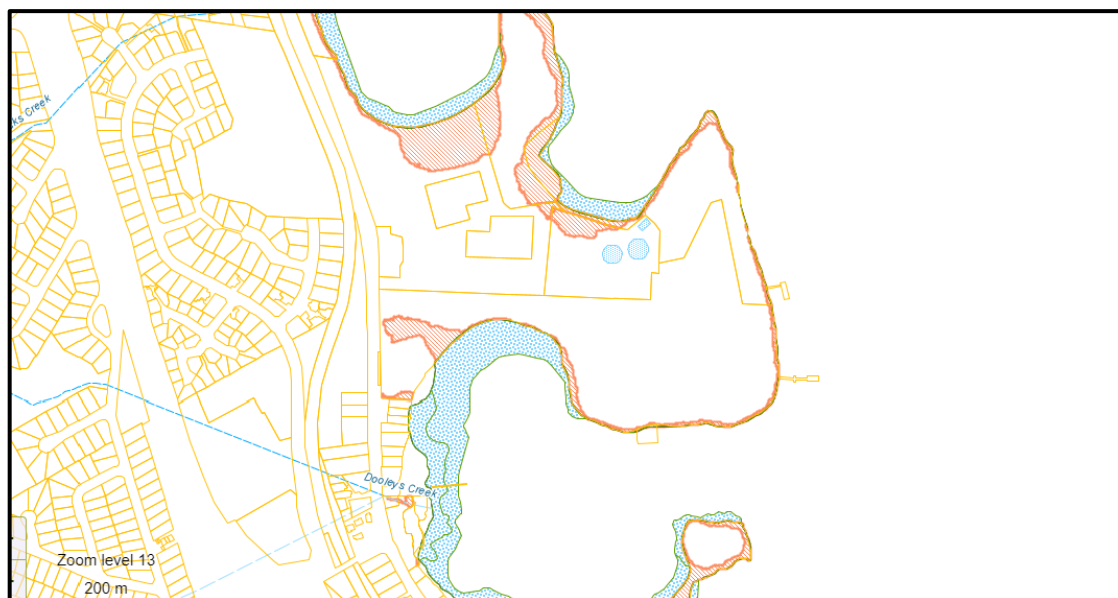


Figure 7: Future coastal refugia area over 651-655 Main Road, Berriedale.

Clause C7.6.1 – Standard A2, Building and works within a waterway and coastal protection area or a future coastal refugia area

The proposal is required to be outside the future coastal refugia area, to be in accordance with Clause C7.6.1 – Standard A2. Whereas the proposal would be located inside the future coastal refugia area in the scheme. The proposal is considered in accordance with the performance criteria:

P2.1

Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:

- (a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas;*
- (b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation;*
- (c) allowing the coastal processes of sand deposition or erosion to continue to occur;*
- (d) the need to group new facilities with existing facilities, where reasonably practical;*
- (e) the impacts on native vegetation;*
- (f) minimising cut and fill;*
- (g) building design that responds to the particular size, shape, contours or slope of the land;*
- (h) the impacts of sea-level rise on natural coastal processes and coastal habitat;*
- (i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and*
- (j) the guidelines in the Tasmanian Coastal Works Manual.*

P2.2

Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:

- (a) the need to access a specific resource in a coastal location;*
- (b) the need to operate a marine farming shore facility;*
- (c) the need to access infrastructure available in a coastal location;*
- (d) the need to service a marine or coastal related activity;*
- (e) provision of essential utility or marine infrastructure; and*
- (f) provision of open space or for marine-related educational, research, or recreational facilities.*

The proposed works will be grouped with the existing museum facilities and be designed to minimise the impact of the structure by way of cantilevering the platform and jetty addition where practical. The minimal intrusions of the additions to the existing museum have been supported with reports provided by Pitt & Sherry, and North Barker Ecosystem Services addressing the performance criteria. The structures have been designed to avoid the creation of barriers to prevent future tidal inundation and impacts from sea level rise.

The proposal will be for additions to an existing jetty that provides an essential utility for marine infrastructure, while the outdoor gallery space for the platform will provide for an artistic cultural resource in a coastal location.

Council's Development Engineer and Environment Coordinator are supportive of the proposal and recommended conditions. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

C9.0 Attenuation Code

The proposal is within the attenuation area for a place listed in Table 9.2 Attenuation Distances for Sewage Treatment Plant Processes. However, the code does not apply because the proposal is not a sensitive use (Figure 8).



Figure 8: Attenuation overlay over 651-655 Main Road, Berriedale.

C11.0 Coastal Inundation Hazard Code

The proposed development would require assessment under this code due to riverine inundation (Figure 9). However, the intensification of the use would be exempt.

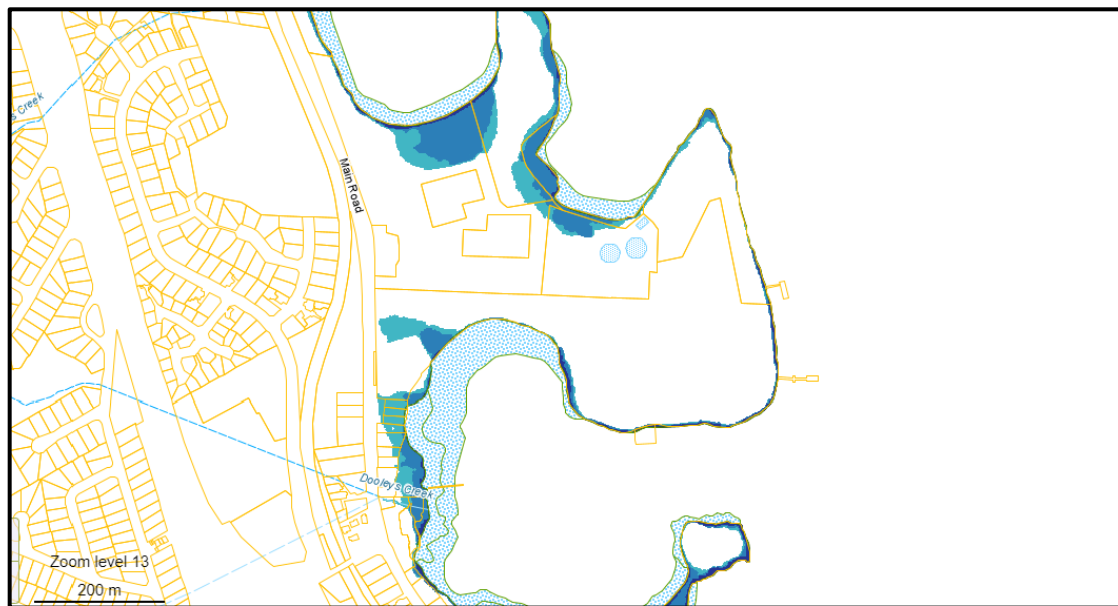


Figure 9: Coastal Inundation Hazard Code over 651-655 Main Road, Berriedale.

Clause C11.6.1 – Standard A1, Buildings and works, excluding coastal protection works, within a coastal inundation hazard area

The proposal is required to be outside the coastal inundation hazard area, to be in accordance with Clause E11.6.1 – Standard A1. Whereas the proposal would be located inside the coastal inundation hazard area in the scheme. The proposal is considered in accordance with the performance criteria:

P1.1

Buildings and works, excluding coastal protection works, within a coastal inundation hazard area must have a tolerable risk, having regard to:

- (a) whether any increase in the level of risk from coastal inundation requires any specific hazard reduction or protection measures;*
- (b) any advice from a State authority, regulated entity or a council; and*
- (c) the advice contained in a coastal inundation hazard report.*

P1.2

A coastal inundation hazard report also demonstrates that the building or works:

- (a) do not cause or contribute to coastal inundation on the site, on adjacent land or public infrastructure; and*
- (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific coastal inundation protection works.*

The proposed works will be cantilevered with minimal structures below the inundation levels. The additions to the existing museum have been designed to accommodate the risk from coastal inundation, a coastal inundation assessment and reports were provided by Pitt & Sherry addressing the performance criteria. The proposal is considered to achieve a tolerable risk and is unlikely to cause an unreasonable impact on the site, adjacent land, or public infrastructure.

The platform and jetty addition will be located partly within the designated areas at risk of inundation; however, the finished floor level will be located above the minimum requirement. The proposal has been designed to accommodate risk from coastal inundation. Council's Development Engineer is supportive of the proposal and recommended conditions. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Glenorchy Local Provisions Schedule (GLPS)

Local Area objectives

No following local area objectives of the Scheme apply.

Particular Purpose Zones

No following particular purpose zones of the Scheme apply.

Specific Area Plans

The following specific area plans of the Scheme apply to this proposal:

GLE-S11.0 MONA Specific Area Plan

The proposed Museum extension would require assessment under this Specific Area Plan (Figure 10).

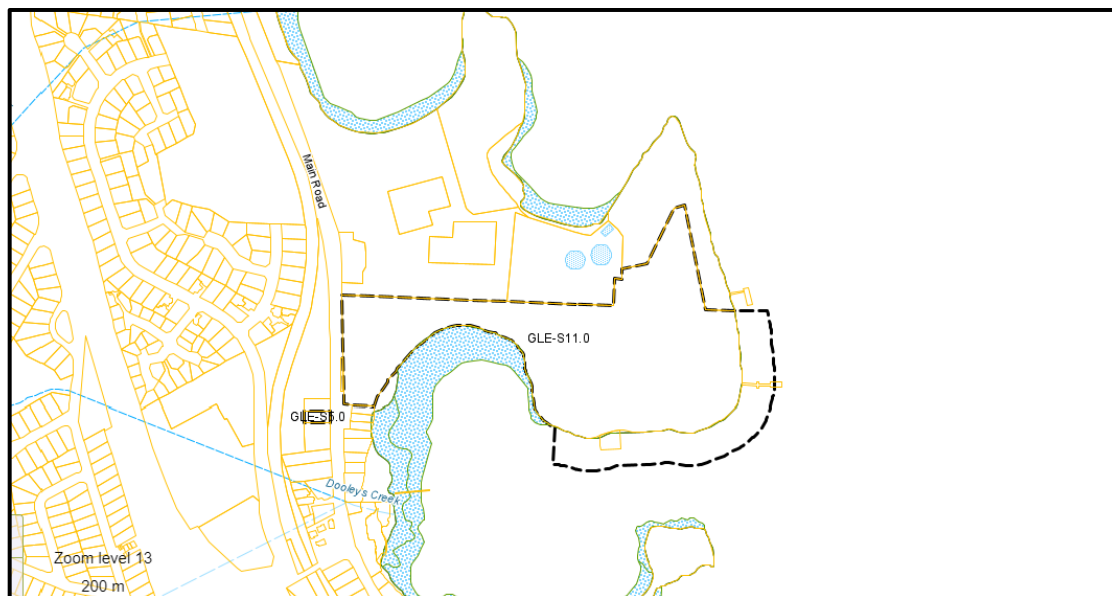


Figure 10: Specific Area Plan over 651-655 Main Road, Berriedale.

Clause GLE-S11.7.2 – Standard A3, Setback

The proposed addition to the museum for the platform would require a minimum setback of 20 m from the Environmental Management zone, to be in accordance with Clause GLE-S11.7.2 – Standard A3. Whereas the proposal would be located within 1 m of the Environmental Management zone. The proposal is considered in accordance with the performance criteria:

Buildings and works within 20m of, or within, an Environmental Management Zone must be sited to satisfy the following:

- (a) *there is no significant impact from the development on natural values;*
- (b) *the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;*
- (c) *there is no potential for contaminated water runoff or sediment impacting the land zoned Environmental Management; and*

- (d) *development is consistent with the plan purpose statements at Clause GLE-S11.1.*

GLE-S11.1 Plan Purpose

<i>GLE-S11.1.1</i>	<i>To recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.</i>
<i>GLE-S11.1.2</i>	<i>To encourage use and development that will facilitate the creative, economic, cultural, community, and social activities of MONA.</i>
<i>GLE-S11.1.3</i>	<i>To provide public access points to the foreshore.</i>
<i>GLE-S11.1.4</i>	<i>To provide for short term displays, occasional events associated with the use of the site, and ephemeral artworks.</i>
<i>GLE-S11.1.5</i>	<i>To identify and manage use and development in areas at risk of inundation.</i>
<i>GLE-S11.1.6</i>	<i>To promote design outcomes that recognise the plan area as a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.</i>
<i>GLE-S11.1.7</i>	<i>To support development that reflects the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings located to the south-east. Development should reduce in scale where adjacent to the street frontage or residential zones.</i>
<i>GLE-S11.1.8</i>	<i>To create a variety of landscaped areas to enliven the experience of the site and recognise the values of the commercial vineyard and treed approach.</i>

GLE-S11.1.9	<i>To recognise the natural values of the estuary and surrounding area and ensure that development responds to the natural values.</i>
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The proposal has been designed to minimise impact on contaminated water runoff and sediment, with management for soil pathogen and weed control while taking into account the natural values of the landscape. The minimal impact from the structures for additions to the existing museum have been supported with reports provided by Inspiring Place, JMG Engineers and Planners, and North Barker Ecosystem Services addressing the performance criteria.

The Museum extension for the platform and additional access to the jetty will continue to recognise and support the use and development of the site as a museum and art gallery of state and regional importance, by providing a continuation of the outdoor gallery space and improved access. The jetty addition and platform have been designed to integrate and link with the existing buildings and to facilitate the activities of the Museum of Old and New Art (MONA). The structure will connect with the existing access points to the jetty and outdoor gallery space. The proposal is designed with the potential to increase interest in large scale artwork and increase accessibility to the public. The additions have been designed to be visible as a structure and complement the main museum, with a subdued material and colour scheme to be similar to the mass of buildings in the background (Figures 11 and 12).



Figure 11: Montage of proposed jetty addition at 651-655 Main Road, Berriedale.



Figure 12: Montage of proposed platform at 651-655 Main Road, Berriedale.

The proposal will involve excavation for a new tunnel entry to the jetty and structural works to support the platform. However, this will have minimal impact on the landscape surrounding the museum. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause GLE-S11.7.3 – Standard A1, Landscaping

The proposal would not require the removal or conversion of existing vegetation, to be in accordance with Clause GLE-S11.7.3 – Standard A1. Whereas the proposal would involve disturbance to approximately 0.03 ha for the platform and 0.02 ha for the jetty addition. The proposal is considered in accordance with the performance criteria:

A landscaping plan, prepared by a suitably qualified landscape architect, addresses the following:

- (a) *identifies the character of landscaped areas;*
- (d) *identifies, where relevant:*
 - (i) *materials;*
 - (ii) *finishes;*
 - (ii) *planting, including succession planting; and*
 - (ii) *maintenance and protection works; and*
- (e) *is consistent with the plan purpose statements at Clause GLE-S11.1.*

GLE-S11.1 Plan Purpose

<i>GLE-S11.1.1</i>	<i>To recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.</i>
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<i>GLE-S11.1.2</i>	<i>To encourage use and development that will facilitate the creative, economic, cultural, community, and social activities of MONA.</i>
<i>GLE-S11.1.3</i>	<i>To provide public access points to the foreshore.</i>
<i>GLE-S11.1.4</i>	<i>To provide for short term displays, occasional events associated with the use of the site, and ephemeral artworks.</i>
<i>GLE-S11.1.5</i>	<i>To identify and manage use and development in areas at risk of inundation.</i>
<i>GLE-S11.1.6</i>	<i>To promote design outcomes that recognise the plan area as a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.</i>
<i>GLE-S11.1.7</i>	<i>To support development that reflects the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings located to the south-east. Development should reduce in scale where adjacent to the street frontage or residential zones.</i>
<i>GLE-S11.1.8</i>	<i>To create a variety of landscaped areas to enliven the experience of the site and recognise the values of the commercial vineyard and treed approach.</i>
<i>GLE-S11.1.9</i>	<i>To recognise the natural values of the estuary and surrounding area and ensure that development responds to the natural values.</i>

The proposal will include additions to the outdoor gallery and museum, with links via a new tunnel to connect with the existing building. The landscaped spaces adjacent the platform will gain access via paths to the existing courtyards and external areas. As discussed, the proposal is considered to be consistent with the plan purpose statements in Clause GLE-S11.1 by providing facilities for the museum and incorporating landscaping by landscape architects in conjunction with assessment of the natural fauna and flora.

The proposed disturbance to the vegetation will be minimal for the additions to the museum with reports and landscaping provided by Inspiring Place (Landscape Architects), and North Barker Ecosystem Services addressing the performance criteria.

Council's Environment Coordinator is supportive of the proposal and recommends conditions. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause GLE-S11.7.4 – Standard A1, Buildings and works within a waterway and coastal protection area

The proposal would be required to be located no closer than 40 m to high water mark, to be in accordance with Clause GLE-S11.7.4 – Standard A1. Whereas the proposal will be located within 1 m from high water mark. The proposal is considered in accordance with the performance criteria:

Building and works within a waterway and coastal protection area must satisfy the following:

- (a) avoid or mitigate impacts on natural values;*
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) works are undertaken generally in accordance with Wetlands and Waterways Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, Page and Thorp, 2010); and*
- (e) the unnecessary use of machinery within watercourses and wetlands is avoided.*

The proposal is for additions to the outdoor gallery and jetty for the museum. The design for both the platform and the jetty access will be cantilevered and raised above natural ground level to minimise impacts on the natural values, erosion, sediment and run off. In addition, the design would reduce the potential impact from machinery and works would be “undertaken generally in accordance with *Wetlands and Waterways Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, Page and Thorp, 2010)*”.

As discussed, the proposal is considered to be consistent with the plan purpose statements in Clause GLE-S11.1.

The proposed works for additions to the museum have been supported with reports provided by Pitt & Sherry, JMG Engineers and Planners, and North Barker Ecosystem Services addressing the performance criteria.

Council's Development Engineer and Environment Coordinator are supportive of the proposal and recommend conditions. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause GLE-S11.7.5 – Standard A1, Buildings and works within an inundation prone area

The proposal is required to be situated where the natural ground level is above 2.4 m AHD, to be in accordance with Clause GLE-S11.7.5 – Standard A1. Whereas the supporting structure for the proposal would be located below 2.4 m AHD. The proposal is considered in accordance with the performance criteria:

An inundation risk management plan must demonstrate that:

- (a) floor levels of habitable rooms are designed with respect to coastal inundation hazard band levels identified in GLE-Table C11.1 of this planning scheme;*
- (b) risk to users of the site, adjoining or nearby land is tolerable;*
- (c) risk to adjoining or nearby property or public infrastructure is tolerable;*
- (d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;*
- (e) need for future remediation works is minimised;*
- (f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site; and*
- (g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works.*

The proposal is for additions to the outdoor gallery and museum for access via the jetty. The works have been designed with finished floor levels above the coastal inundation hazard band level, to minimise the risk to users of the site and adjoining or nearby land, and infrastructure. The structures have been sited and cantilevered to minimise risk from wave run-up and the need for future remediation works, while providing a reasonable access due to sea level rise

As discussed, the proposal is considered to be consistent with the plan purpose statements in Clause GLE-S11.1.

The proposed works for additions to the museum have been supported with reports provided by Pitt & Sherry, JMG Engineers and Planners, and North Barker Ecosystem Services addressing the performance criteria.

Council's Development Engineer and Environment Coordinator are supportive of the proposal and recommend conditions. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

GLE-Site Specific Qualifications

No following site-specific qualifications of the Scheme apply.

GLE-Code lists

The following code lists of the Scheme apply to this proposal:

GLE -Table C6.1 Local Heritage Places

The proposal is listed in GLE-Table C6.1 Local Heritage Places, with the reference GLE-C6.1.15 for titles CT 61366/3, CT 61366/4 and CT 164039/1.

GLE-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

The proposal is located within the Coastal Inundation Hazard Code and is listed in the Berriedale locality under the following table:

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
	Sea Level Rise 2050	1% annual exceedance probability 2050 with freeboard	1% annual exceedance probability 2100 (design flood level) with freeboard	1% annual exceedance probability 2100
Berriedale	0.9	1.9	2.6	2.3

INTERNAL REFERRALS

Development Engineer

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

The proposal is for an extension to the jetty landing solely within the MONA site to facilitate access to the basement of the museum via a graded tunnel. Excavation will be required. The outdoor museum extension is for a platform that will support temporary art installations. Both sites are near the coast and a natural values assessment accompanies this application.

The proposed structures are located above the permitted level concerning inundation cited in the MONA SAP. The proposal does not generate any parking in accordance with the Scheme and no parking has been provided. The proposal is consistent with the plan purpose of the MONA SAP.

C5.0 Road and Railway Assets Code

The development complies with Road and Railway Assets Code; and the safety and efficiency of the access road to the site is not expected to reduce by the proposed development. The development complies with Code C5.0 Road and Railway Assets Code; and the safety and efficiency of the road is not expected to reduce by the proposed development. The development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements and therefore complies with the Acceptable solution C5.5.1 A1.4 Traffic generation at vehicular crossing, level crossing or new junction. A3 of E5.5.1. The site can be accessed off the existing approved access road, and no new access is proposed.

C2.0 Parking and Sustainable Transport Code

As the jetty platform extension and outdoor museum extension are unwallled buildings, the area does not constitute GFA and is not considered. The tunnel is an access way for the purpose of travelling along into the museum. Therefore, no parking is generated by the proposal as no floor area is proposed. No parking is provided and therefore the proposal complies with A1.

*Other**C15.0 Landslide Code*

The jetty extension is located in the medium landslide hazard area. In accordance with C15.4 a) and d) the use and development are exempt. The use is not a critical, hazardous or vulnerable use and will require authorisation under the Building Act 2016. The outdoor museum extension is not in a landslip hazard overlay.

C7.0 Natural Assets Code

There is no new stormwater point of discharge into a watercourse. Therefore, the development application complies with the A4 of E11.7.1

C12.0 Flood-Prone Areas Hazard Code

There are no Inundation issues identified through Council's records that impact the application.

Environmental Health Officer

The proposal was referred to Council's Environmental Health Officer who provided the following:

This proposed additions of a sculpture platform, tunnel, and extension to ferry landing are expected to comply with GLE-S11.6.2 Noise of the Tasmanian Planning Scheme – Glenorchy as there is no amplified noise proposed as part of the development. Therefore, it is recommended that GLE-S11.6.2 acceptable solution A1 is placed on the permit as a condition to ensure that this expectation is maintained.

Due to the large amount of excavation occurring for the proposed tunnel it is recommended that advice is added to the permit to remind the applicant of their responsibilities under the Environmental Management Pollution Control Act 1994 and associated Regulation.

Environment Coordinator

The proposal was referred to Council's Environment Coordinator who provided the following:

Supporting documentation

A Flora and Fauna Habitat Assessment report has been prepared by North Barker Ecosystem Services for the proposed Art Platform and Jetty Platform Extension and Access Tunnel at MONA, Berriedale.

Summary of natural values

A summary of the natural values and impacts identified in the Flora and Fauna Habitat Assessment report is as follows:

1. Flora

- Most of the proposal area for the art platform is covered by modified Allocasuarina verticillata forest (NAV) with a high proportion of landscape plantings*
- The art platform proposal will impact upon approximately 0.03 ha of modified NAV and will require the removal of some trees of low significance*
- A narrow band of saline sedgeland/rushland (ARS) is located along the edge of the proposed platform and the shoreline of the River Derwent*
- There is the potential for indirect impacts to saltmarsh (saline sedgeland/rushland ARS) and the foreshore and waterway*
- ARS is in good condition with little weed invasion*

- *The proposal area for the ferry platform footprint which is < 0.02 ha also consists of sparse Allocasuarina verticillata forest (NAV), although due to the steep slope and proximity to the water there are no trees within the proposed impact area*
- *NAV is not listed as threatened at the State level under the Tasmanian Nature Conservation Act 2002 (NCA), nor under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBCA)*
- *ARS is not listed as threatened under the Tasmanian Nature Conservation Act 2002 (NCA); however, it is listed as Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBCA) within the “Subtropical and Temperate Coastal Saltmarsh” ecological community.*

2. Fauna

- *There is very limited habitat for native fauna within the proposal area. None of the trees within the area have been observed to contain tree hollows viable for the nesting or roosting of vertebrates, particularly threatened species*
- *No potential foraging habitat trees are present for the swift parrot*
- *No evidence of native mammal presence has been observed on site (scats, tracks, etc.)*
- *Common native birds have been recorded on-site.*

3. Weeds

- *Weed density is considered low on-site.*

Conclusion and recommendations

The Flora and Fauna Habitat Assessment report prepared by North Barker Ecosystem Services for the proposed Art Platform and Jetty Platform Extension and Access Tunnel at MONA, Berriedale provides a series of recommendations to protect natural values and ensure adherence with relevant legislation and Planning Schemes.

The Flora and Fauna Habitat Assessment report notes that most of the vegetation to be cleared includes landscape plantings and some remnant shrubs.

EXTERNAL REFERRALS

TasWater

The application was referred to TasWater which stated that no referral was required under the *Water and Sewerage Industry Act 2008*.

Tasmania Heritage Council

The application was referred to Tasmania Heritage Council which determined the proposal was exempt under Section 36(3)(a) of the *Historic Cultural Heritage Act 1995*.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with no representations being received. However, one letter of concern was received after the close of the advertisement. The issues raised are as follows:

Heritage

The representor states that concern is raised regarding the “emerging tunnel” would compromise the integrity of the heritage building.

Planner’s Comment:

This issue has been previously addressed under the heading “Tasmania Heritage Council”.

Vegetation

The representor states that concern is raised regarding the preservation of the foreshore vegetation, potential erosion of screening of the proposal from “makalina rruni/Frying Pan Island” and concern about rehabilitation.

Planner’s Comment:

This issue has been previously addressed under the heading “*Clause C7.6.1 – Standard A2, Building and works within a waterway and coastal protection area or a future coastal refugia area*” and “*Clause GLE-S11.7.3 – Standard A1, Landscaping*”.

Unfortunately, screening of the proposal from “makalina rruni/Frying Pan Island” is not a planning issue that can be considered as part of this application.

CONCLUSION

The proposal is relying on the performance criteria to comply with the applicable standards of the Scheme in relation to; buildings and works within a waterway and coastal protection area or a future refugia area, buildings and works, excluding coastal protection works, within a coastal inundation hazard area, setback, landscaping, buildings and works within a waterway and coastal protection area, and buildings and works within an inundation prone area.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the Major Tourism zone, as well as the relevant standards of the Parking and Sustainable Transport Code, Road and Railway Assets Code, Natural Assets Code, Coastal Inundation Hazard Code, and the MONA Specific Area Plan.

The application was publicly advertised for the statutory 14-day period and one late representation (non-statutory representation) was received raising concern regarding the heritage values and impact on vegetation.

It is concluded that the proposal is consistent with the Scheme's zone and code purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of 651-655 Main Road Berriedale subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-379 and Drawings submitted on 29 July 2021 (11 of pages), except as otherwise required by this permit.

Engineering

2. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer.

The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways, or adjoining properties.

The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council.

The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

Advice: For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Primary Industries, Parks, Waters and Environment. These are available from Council or online at www.derwentestuary.org.au.

3. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
4. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be undertaken by Council at the developer's cost.

Environmental Health

5. Noise emissions measured at the boundary of a residential zone must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00 pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;
 - (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.

Environment

6. A landscaping plan, prepared by a suitably qualified person, is to be submitted in association with the building permit application for approval by Council's Environment Co-ordinator. Particular attention is to be paid to flora.

The landscaping works must be completed *within 6 months of the issue of an Occupancy Permit* and then maintained to the satisfaction of Council's Senior Statutory Planner.

7. The landscape plan must include the following:
 - (a) Direct and irreversible clearance must be concentrated within the direct impact footprint of the proposal. Machinery access should be restricted where possible to the development footprint. Where access is required outside the proposal footprint, the ARS must be treated as an exclusion zone and movement of machinery restricted to previously landscaped areas along the top of the slope.

- (b) Clearance boundaries must be clearly marked on construction plans and on the ground, so no unnecessary clearance occurs within native vegetation. Areas of native vegetation beyond the approved impact footprint must be marked as exclusion zones during works, with no access for people or machinery and no storage of materials.
 - (c) Disturbed areas outside the proposal footprint must be revegetated with species characteristic of the applicable community, with the landscape plan advisable to inform this and provide compliance with development standards under the special area plan within the planning scheme.
 - (d) Given the proximity to the shoreline, works must be undertaken in accordance with Wetlands and Waterways Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, Page and Thorp, 2010).
8. A weed management plan identifying methods to control weeds and the spread of soil-based pathogens must be submitted to and approved by Council's Environment Co-ordinator prior to the commencement of works. The works identified in the weed management plan must be carried out prior to completion of the development. The weed management must include the following:
- (a) It is recommended that pre-works weed monitoring and required weed management action is undertaken on-site before works occur.
 - (b) During all works, appropriate hygiene measures must be undertaken prior to any machinery entering and leaving the site as outlined in the Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania (DPIPWE, Stewart and Askey-Doran, 2015).
 - (c) No potential weeds are to be removed from or introduced onto the site. If affected soil must be removed from the site it must be disposed of appropriately to ensure weed seeds are not spread to other sites/locations.
 - (d) A follow-up weed inspections of the works area is required to establish the post-works treatment required following the soil disturbance. This inspection will also determine future weed monitoring required for the site and allow for measures to be put in place to control any sprouted weeds.

Advice to Applicant

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

EMPCA 1994

Noise, dust, fumes, odour, or other pollutants emitted during construction must not cause any disturbance or annoyance to owners/occupiers in the vicinity and shall comply with the Environmental Management and Pollution Control Act 1994 and subsequent regulations.

Other permits

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 2016* 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.

Threatened fauna

In the event of any threatened fauna species or threatened fauna habitat being located during construction, work should stop at that specific location until a permit to 'take' is obtained from DPIPWE. A record is to be made of the finding and submitted to the Natural Values Atlas.

Threatened flora

In the event of any threatened flora being located during construction, work should stop at that specific location until a permit to 'take' is obtained from DPIPWE. A record is to be made of the finding and submitted to the Natural Values Atlas.

Underground services

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works.

Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit www.dialbeforeyoudig.com.au for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

Attachments/Annexures

- 1 PLN-21-379 - GPA Attachment - 651-655 Main Road Berriedale



APPENDIX 1**24.0 Major Tourism Zone**

Standard	Acceptable Solution	Proposed	Complies?
24.3 Use Standards			
24.3.1 All uses	A1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential or Rural Living Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
	A2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must: (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.		
	A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	Not applicable.	N/A
24.3.2 Discretionary uses	A1 No Acceptable Solution.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
30.4 Development Standards for Buildings and Works			
24.4.1 Building Height	A1 Building height must be not more than 10m.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
	A2 Building height:	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) within 10m of a General Residential Zone, Low Density Residential Zone or Rural Living Zone must be not more than 8.5m; or (b) within 10m of an Inner Residential Zone must be not more than 9.5m.		
24.4.2 Setbacks	A1 Buildings must have a setback from a frontage of: (a) not less than 10m; (b) not less than existing buildings on the site; or (c) not more or less than the maximum and minimum setbacks of the buildings on adjoining lots.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
	A2 Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone, Low Density Residential Zone or Rural Living Zone of not less than: (a) 5m; or (b) half the wall height of the building, whichever is the greater.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	A3 Buildings for a sensitive use must be separated from a Rural Zone or Agriculture Zone a distance of: (a) not less than 200m; or (b) if an existing building for a sensitive use is within 200m, not less than the existing building.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
	A4 Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from the General Residential Zone, Inner Residential Zone, Low Density Residential Zone and Rural Living Zone. [S28]	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A

[S28] An exemption applies for air conditioners and heat pumps in this zone – see Table 4.6.

APPENDIX 2**C2.0 Parking and Sustainable Transport Code**

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
C2.5.1 Car parking numbers	A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: (a) 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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.		
C2.5.2 Bicycle parking numbers	A1 Bicycle parking spaces must: (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
C2.5.3 Motorcycle parking numbers	A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.	Not applicable.	NA
C2.5.4 Loading bays	A1 A loading bay must be provided for uses with a floor area of more than 1000m ² in a single occupancy.	Not applicable.	NA
C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone	A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: (a) Food Services uses up to 100m ² floor area or 30 seats, whichever is the greater; and (b) General Retail and Hire uses up to 100m ² floor area,	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		
C2.6 Development Standards for Building Works			
C2.6.1 Construction of parking areas	A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.	Not applicable.	NA
C2.6.2 Design and layout of parking areas	A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or (b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.		

Standard	Acceptable Solution	Proposed	Complies?
	A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>. [S35]		
C2.6.3 Number of accesses for vehicles	A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	Not applicable.	NA
	A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	Not applicable.	NA
C2.6.4	A1	Not applicable. Existing.	NA

Standard	Acceptable Solution	Proposed	Complies?
Lighting of parking areas within the General Business Zone and Central Business Zone	In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are 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 <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i> .		
C2.6.5 Pedestrian access	A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. A1.2	Not applicable. Existing.	NA

Standard	Acceptable Solution	Proposed	Complies?
	In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.		
C2.6.6 Loading bays	A1 The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i> , for the type of vehicles likely to use the site.	Not applicable.	NA
	A2 The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Offstreet commercial vehicle facilities</i> .	Not applicable.	NA
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	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.	Not applicable.	NA
	A2	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	Bicycle parking spaces must: (a) have dimensions not less than: (i) 1.7m in length; (ii) 1.2m in height; and (iii) 0.7m in width at the handlebars; (b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.		
C2.6.8 Siting of parking and turning areas	A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.	Not applicable. Existing.	NA
	A2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(a) have no new vehicle accesses, unless an existing access is removed; (b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads.		
C2.7 Parking Precinct Plan			
C2.7.1 Parking Precinct Plan	A1 Within a parking precinct plan, onsite parking must: (a) not be provided; or (b) not be increased above existing parking numbers.	Not applicable.	NA

Footnotes

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

APPENDIX 3**C3 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
C3.5 Use Standards			
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.	Existing approved access to be utilised.	Yes
	A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.	Not applicable.	NA
	A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road. A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.	Complies Not applicable.	Yes NA
C3.6 Development Standards for Buildings and Works			
C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area	A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: (a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building; (b) an extension which extends no closer to the existing or future major road or rail network than:	Not applicable.	NA

Standard	Acceptable Solution	Proposed	Complies?
	(i) the existing habitable building; or (ii) an adjoining habitable building for a sensitive use; or (c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual</i>, 2nd edition, July 2008.		

APPENDIX 6**C7.0 Natural Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
C7.6 Development Standards for Buildings and Works			
C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area	A1 Building	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
	A2 Building and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.	The proposal would be located within the future coastal refugia area. Compliance will require the proposal to be located outside the future coastal refugia area. Therefore, the proposal relies on the performance criteria.	No Refer to discussion in the report.
	A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.	Not applicable.	N/A
	A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.	Complies.	Yes
	A5 Coastal protection works or watercourse erosion or inundation protection works must not occur within a	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	waterway and coastal protection area or a future coastal refugia area.		
C7.6.2 Clearance within a priority vegetation area	A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.	Not applicable.	N/A

APPENDIX 7**C11.0 Coastal Inundation Hazard Code**

Standard	Acceptable Solution	Proposed	Complies?
C11.5 Use Standards			
C11.5.1 Uses within a high coastal inundation hazard band	A1 No Acceptable Solution.	Not applicable.	N/A
C11.5.2 Uses located within a non-urban zone and within a medium coastal inundation hazard band	A1 No Acceptable Solution.	Not applicable.	N/A
C11.5.3 Uses located within a non-urban zone and within a low coastal inundation hazard band	A1 No Acceptable Solution.	Not applicable.	N/A
C11.5.4 Critical use, hazardous use or vulnerable use	A1 No Acceptable Solution.	Not applicable.	N/A
	A2 No Acceptable Solution.	Not applicable.	N/A

	A3 No Acceptable Solution.	Not applicable.	N/A
	A4 No Acceptable Solution.	Not applicable.	N/A
C11.6 Development Standards for Buildings and Works			
C11.6.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area	A1 No Acceptable Solution.	Not applicable. GLE-S11.0 MONA Specific Area Plan applies.	N/A
C11.6.1 Coastal protection works within a coastal inundation hazard area	A1 No Acceptable Solution.	Not applicable.	N/A

APPENDIX 5**GLE-S11.0 MONA Specific Area Plan**

Standard	Acceptable Solution	Proposed	Complies
GLE-S11.5 Use Standards			
GLE-S11.6.1 Discretionary Use	No Acceptable Solution.	Not applicable.	N/A
GLE-S11.6.2 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) (LAmax) 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.	Complies. A condition has been recommended.	Yes

GLE-S11.6.3 Hours of Operation	A1 Uses located within 50m of a residential zone must be restricted to operating between 7.00 am to 9.00 pm	Not applicable.	N/A
GLE-S11.6 Development Standards			
GLE-S11.7.1 Building Height and Design	A1 Building and works must be no more than 10m in height.	Complies.	Yes
GLE-S11.7.2 Setback	A1 Buildings must have a setback from a frontage of not less than 5m.	Complies.	Yes
	A2 Buildings must be setback from a residential zone not less than: (a) 5m; or (b) half the wall height of the building, whichever is the greater.	Complies.	Yes
	A3 Buildings and works must have a setback of no less than 20m from land zoned Environmental Management, unless for temporary development.	The proposal will include buildings and works to be setback 1 m from land zoned Environmental Management. Compliance would require buildings and works to be setback no less than 20m from land zoned Environmental Management. Therefore,	No Refer to discussion in the report.

		the proposal relies on performance criteria.	
GLE-S11.7.3 Landscaping	A1 Building and works does not require the removal or conversion of existing vegetation.	The proposal will include removal of existing vegetation. Compliance would require no removal or conversion of existing vegetation. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
GLE-S11.7.4 Building and Works within a Waterway and Coastal Protection area	A1 Building and works are: (a) not located within 40m of the high water mark; or (b) for a temporary development.	The proposal will include buildings and works to be setback 1 m from high water mark. Compliance would require buildings and works to be setback no less than 40m from high water mark. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
GLE-S11.7.5 Building and Works within an Inundation Prone Area	A1 Building and works are: (a) situated where the natural ground level is above 2.4 m AHD; or (b) for a temporary development.	The proposal will include buildings and works below 2.4 m AHD. Compliance would require buildings and works to be situated where the natural ground level is above 2.4 m AHD. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

**8. AMENDMENT PLS43A-20/01 - S.40K REPORT ON REPRESENTATIONS
PARTIAL REZONING OF BOURNVILLE CRESCENT AND 1 BOURNVILLE CRESCENT TO GENERAL RESIDENTIAL & OPEN SPACE AND FOUR LOT SUBDIVISION PLUS BALANCE AT BOURNVILLE CRESCENT, 109 CADBURY ROAD & 1 BOURNVILLE CRESCENT CLAREMONT**

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: 3032775

REPORT SUMMARY

Application No.:	PLS43A-20/01
Applicant:	All Urban Planning
Owner:	Claremont Bowls Club Inc, Glenorchy City Council, Claremont Golf Club Inc
Proposed Amendment:	Part rezoning of Bournville Crescent & 1 Bournville Crescent to a General Residential Zone and Open Space Zone combined with an application for a four-lot subdivision plus balance at Bournville Crescent, 109 Cadbury Road & 1 Bournville Crescent, Claremont
Report Purpose:	To consider the merits of representations received. The Planning Authority's assessment must be provided to the Commission under Section 40K of the Land Use Planning and Approvals Act 1993
Representations Received:	2
Recommendation:	Refer representations and amendment, without changes, to the Commission

REPORT IN DETAIL

INTRODUCTION:

The proposal is assessed as furthering the purpose of the zone.

The draft amendment and planning permit PLS43A-20/01 were publicly notified from 18 August 2021 until 16 September 2021.

The public notification involved advertisements in the Mercury on Wednesday 18 August 2021 and Saturday 21 August 2021 and a mailout of letters to all owners and occupiers of land adjoining the subject land.

Two representations were received during the exhibition period. This report examines the merits of these representation.

BACKGROUND:

The amendment

The amendment seeks to:

- Excise part of CT 134788/1, an unused portion of the Bowls Club land, from the Claremont Peninsula Specific Area Plan (the SAP)
- Realign the SAP boundaries so that the club house is wholly contained within precinct REC1
- Rezone part of CT 134788/1 (about 2,144m²) from a Recreation Zone to a General Residential Zone
- Rezone part of CT 134788/1 (53m²) from a Recreation Zone to Open Space Zone
- Rezone part of CT 134788/2 to the rear of properties at 13-19 Bournville Crescent (Council land) from an Open Space Zone to a General Residential Zone.

See Figures 1 and 2 below:



Figure 1 – extract from Consultant Report showing proposed rezoning over annotated cadastre from the LIST

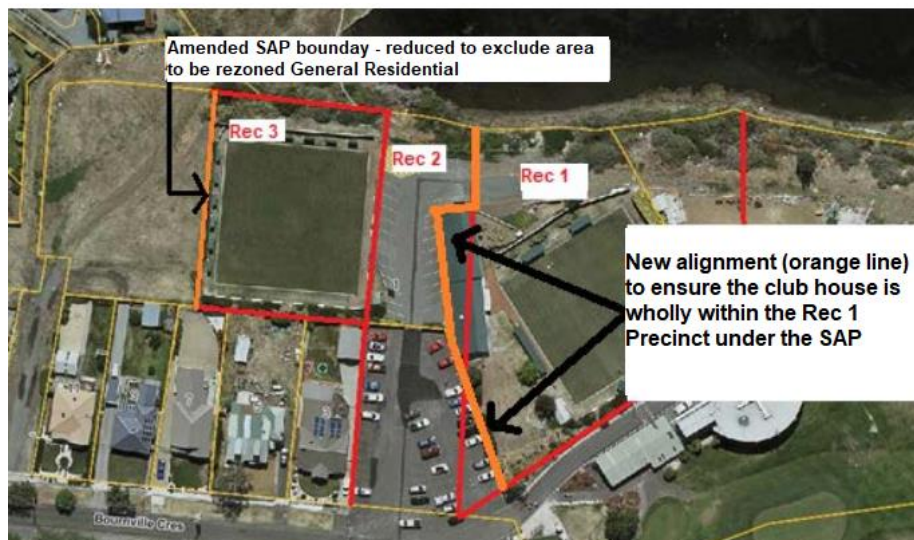


Figure 2 - extract from Consultant Report showing proposed realignment of SAP precinct boundaries over annotated cadastre from the LIST

The subdivision application (see Figure 3) creates:

- Lot 2 of 1,925m² (residential lot) – Bowls club land
- Lot 3 of 770m² (public open space) – Council land combined with 53m² of Bowls Club land
- Lot 4 of 724m² (residential lot) – Council land
- Lot 100 of 440m² (Road lot) – Council and Bowls Club land
- Lot 1 is to contain 7,763 m² of balance land.

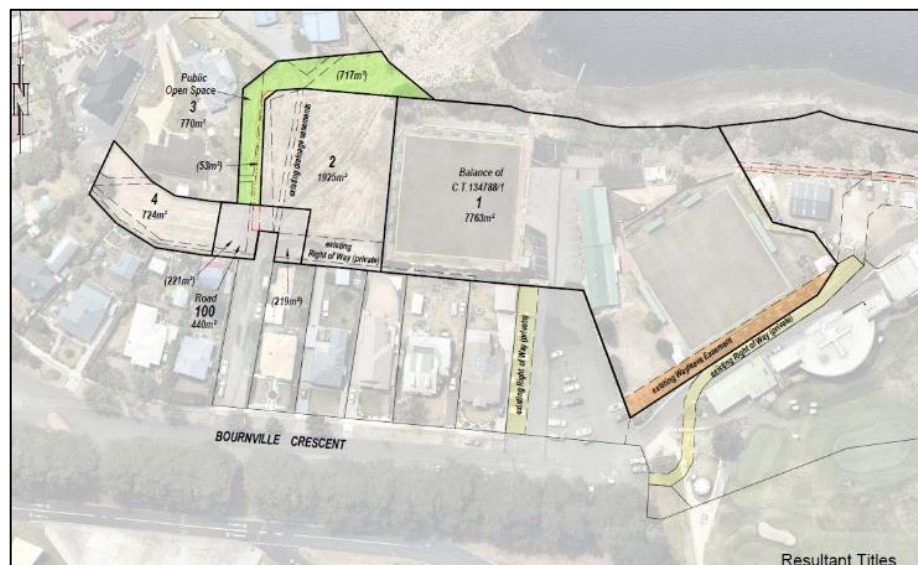


Figure 3 – Resultant titles

At its meeting of 9 August 2021, the Glenorchy Planning Authority determined to initiate and certify the draft amendment and place it on public exhibition for 28 days. A copy of the certified amendment, planning permit and plans are included in **Attachment 1**.

Land disposal

Council resolved to dispose of part of CT 134788/2 at its meeting of 27 April 2020.

Legislative changes

At the time of seeking initiation (9 August 2021) to prepare the amendment, the Tasmanian Planning Scheme - Glenorchy (TPS – Glenorchy) was not in effect – that occurred on 18 August 2021.

In accordance with the savings and transitional provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (LUPAA), planning scheme amendments that alter the designation of a zone [Schedule 6, clause 4(1)(a)] or the requirements of an existing specific area plan [Schedule 6, clause 5(1)(a)(i)] and have been initiated before the new scheme comes into effect, are ‘saved’ and considered as amendments to the new scheme.

As the TPS – Glenorchy is now in effect, the amendment is now to modify the TPS – Glenorchy. Additionally, the sections of LUPAA relating to Tasmanian planning schemes now apply rather than the sections of LUPAA which related to interim planning schemes.

STATUTORY REQUIREMENTS:

Section 40K(2) of 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.*

REPRESENTATIONS:

Two representations were received during the public notification period. A summary of the representations is included in **Attachment 2**.

The issues raised in the representations are summarised below with officer comment as to 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.

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
15 Bournville Crescent would lose access to rear yard	The property at 15 Bournville (CT 55634/75) does not have a right of carriageway over the Council land at the rear (CT 134788/2). Should the subject land be sold and redeveloped, it will not alter any existing legal rights of access to 15 Bournville. As the proposal has no impact on access rights, the issue raised does not justify a modification to the amendment or the permit.	No changes recommended
Original Sale of Agreement of the land limits the site to be used only for open space	There is no protective covenant on the title or any reference to one on Council's files that require this land to be retained as open space. In any event this issue is not a strategic land use consideration. The issues raised do not justify a modification to the amendment or the permit.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
Redevelopment would have a negative impact on views, privacy and outlook	The subject planning permit application relates to subdivision only, no new dwellings are proposed at this stage. Should the amendment and permit be approved, any future redevelopment proposal of the site would need to comply with the provisions of the Tasmanian Planning Scheme – Glenorchy. While there are no specific provisions relevant to views in the planning scheme, there are provisions that seek to limit visual impacts, maintain privacy and limit overlooking. These controls are implemented through a building envelope that sets height and setback standards for buildings, windows and decks. Any determination on whether new development is appropriate for the site or may impact on privacy and outlook needs to be considered under a future planning permit application process. The issues raised do not justify a modification to the amendment or permit application.	No changes recommended
Proposal will limit access to the foreshore	There will be no loss of access to the foreshore. It is noted that Council's Open Space Strategy references the need to improve access to the foreshore, and the proposed amendment and subdivision enables the existing access to be widened, improving sightlines, and creating an improved access. It is also noted that vehicle access through the reserve to access moorings and for boat launching by vehicles is not permitted. The issues raised do not justify a modification to the amendment or permit application.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
Development to be in keeping with existing housing	The subject planning permit application relates to subdivision only. Should the amendment and permit be approved, any future redevelopment proposal of the site would need to comply with the provisions of the Tasmanian Planning Scheme – Glenorchy. The planning scheme includes standards that relate to density, site coverage, height and setback provisions. Any new development proposal will be tested against these provisions to determine whether it is appropriate for the site. The issue raised does not have adequate planning merit to justify a modification to the amendment or permit application.	No changes recommended
Proposal will cause an increase in traffic	Councils Traffic Engineer has reviewed the representation and indicated that the two residential lots proposed off the new road, would generate traffic of less than 40 vehicle movements per day or 20% whichever is the greatest. Thus, the acceptable solution in the planning scheme for access is complied with.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
	Council's Traffic Engineer also indicated that future redevelopment could result in 2 dwellings on lot 4 and 8 dwellings on lot 2. The traffic generated from 10 dwellings onto the new road would be 74 vehicles per day and 7.4 vehicles in peak hour, based on the dwellings being low density as per the Road and Traffic Authority NSW Guide to Traffic Generation Development. While this represents an increase in traffic, Council's Traffic Engineer indicated that the potential increase is not considered to create any safety issues. However, any determination on whether new development, and potential impacts on traffic, is appropriate for the site needs to be considered under a future planning permit application process. The issue does not justify the need for a modification to the amendment or permit application.	
Claremont golf club has inadequate parking and Council staff have advised the site would not be built on and is to be used as overflow parking	The traffic and parking for the golf course unit development was assessed and approved as part of a previous planning application. It is acknowledged that parking from the golf course and bowls club does overflow at times onto Bournville Crescent. The existing overflow angle parking on the southern side of Bournville Crescent is to remain. Council has resolved to dispose of the land, so any overflow parking could no longer be relied on and alternatives will need to be found by the golf course and bowls club. The issue does not justify modification to the amendment or permit.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
Impacts of traffic and parking in Bournville Crescent need to be addressed. Providing additional parking will cause removal of heritage value nature-strips and trees	The impact of the subdivision application on traffic has been assessed under the planning permit application as satisfying the acceptable solution under the planning scheme. The subject application does not propose the removal of the angle parking on the southern side of Bournville Crescent or the removal of nature strips to provide for more parking in the area. Any future development proposal and its impacts on traffic and parking would be assessed under a planning permit application. The issue does not raise planning matters that justify modification to the amendment or permit.	No changes recommended
Could entry/exit to the site be via McRobertsons Terrace	Access via MacRobertsons Terrace is approximately 6m wide which is not wide enough for a road reservation to the proposed two residential lots. Further, the access would need to cross over the Council pedestrian accessway to the foreshore which is not appropriate. The issue does not justify a modification to the amendment or permit.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
Impacts of lighting from the extra light poles in the turning circle	The proposed turning circle is required for vehicles, including garbage trucks and emergency vehicles, to be able to turn at the end of the proposed road. The proposed turning circle and road will need to be lit for the safety of drivers and pedestrians in accordance with the relevant standard AS1158. The 'brightness' of streetlights and methods to reduce visual impacts and minimise glare is managed by TasNetworks. The issue does not justify modification to the amendment or permit.	No changes recommended
Lack of consultation	The consultation undertaken during the disposal process included an initial conversation with the community and adjacent properties. Considering this feedback, Council proceeded to the formal disposal process under section 178 of the Local Government Act 1993 where the public were provided an opportunity to formally object. Council approved the disposal and those objectors were given an additional opportunity to appeal the decision with the Tasmanian Resource Management and Planning Appeal Tribunal, of which Council received no representations. The process to consider the combined planning scheme amendment and permit application was undertaken in accordance with the statutory requirements of the LUPAA regulations (2 notices in the Mercury and letters to adjoining owner occupiers) and as the proposal included a permit application, a sign was also placed on the subject land.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
	The consultation is considered to have complied with the statutory requirements for both the land disposal and notification of a combined planning scheme amendment and permit application. This matter is not considered to justify a modification to the amendment or planning permit application.	
Sale of the land process is flawed	The land has been considered through the legislative requirements for land disposal under S178 of the Local Government Act 1993 and Council resolved to disposal of the land at its meeting of 27 April 2020. However, this issue is not a strategic land use consideration and it does not relate to the subject amendment and permit application. Therefore this matter does not justify a modification to the amendment or planning permit application.	No changes recommended
Loss of land for wildlife/ food sources for birds	There is no appropriate nesting habitat on the land and there is ample green space within Claremont with suitable food sources which birds will preference. This matter is not considered to justify a modification to the amendment or permit application.	No changes recommended
The Local Area Objectives of the Claremont Peninsula Specific Area Plan require compatible development	The purpose of the Claremont Peninsula Specific Area Plan (the SAP) is: ▪ <i>To protect the landscape character of the Claremont Peninsula by the retention of open space qualities provided by the golf course.</i> ▪ <i>To encourage the retention of recreational facilities on the Claremont Peninsula.</i>	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
	▪ <i>To facilitate the development of a range of commercial and residential uses in a coordinated manner through the establishment of specific precincts.</i> The local area objectives for Recreation Precinct 1 (the Bowl's club land) under the SAP are to: (a) provide for the expansion of the bowling club and compatible uses; and (b) protect the foreshore area from use or development that affects the character or amenity of the foreshore or prevents pedestrian access. The representor has indicated that the SAP should ensure compatible development will occur on the land and that it will not impact on the amenity of neighbouring residential areas. The Bowls club has indicated that the land is surplus to its needs and, while three bowling greens may have initially been planned for the site, the club is struggling financially to meet the costs of maintaining the two existing greens. If the Bowls club can no longer provide for a third bowling green, the SAP local area objectives under (a) for the site are considered redundant. If the SAP is removed, including the land in a General Residential Zone is the most appropriate zoning choice to mitigate impacts on the residential amenity of the area.	

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
	It is also noted that the inclusion of a portion of the Bowls club land within the pedestrian accessway will increase its width and improve access to the foreshore. Therefore, while the SAP would no longer apply to the land if the amendment is approved, an objective of the SAP is still being achieved, as access to the foreshore will be improved due to the increased width for the link. This issue is not considered to justify a modification to the amendment or permit.	
Access road of the subdivision does not meet the Tasmanian Standards	Proposed road accesses should be in accordance with TSD-R06-v3 for the road and TSD-R07-v3 for the turning area. TSD-R06-v3 specifies the road reservation width should be 15m unless the General Manager's delegated officer approves otherwise to suit specific project outcomes. In this instance, a road reservation width of 11.5m has been accepted by Council officers as services, road and footpath can be accommodated within this road reservation width proposed serving two residential lots and a public open space lot. The new road will be required to extend to the seal of Bournville Crescent with a new road junction formed. The new road will need to meet the design standards for sight lines at the junction, ensure that vehicles will not scrape their underside and that the junction is safe. These design requirements are included in the conditions of the draft permit.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
	It is considered that the concerns raised have been adequately addressed through the assessment process and via the conditions of the planning permit. No additional changes to the amendment or permit are considered necessary.	
11 & 13 Bournville Crescent will be left without access	Vehicle access to properties 11 and 13 Bournville Crescent which are either side of the proposed road, will be off the new formed road. Conditions of the draft permit require the driveway access to these properties and that connecting to the Right of Way off the proposed road to properties 7 and 9 Bournville Crescent, to be designed and constructed in accordance with the relevant standards to provide safe access with acceptable sight lines. It is considered that the concerns raised have been adequately addressed through the assessment process and via the conditions of the planning permit. No additional changes to the amendment or permit are considered necessary.	No changes recommended

Issue summary	Officer comment on merit and need for modification	If change recommended, Officer view on effect on the draft amendment and LPS as a whole, of implementing the change
Rear gates for 11 & 13 Bournville open outward making use of the thoroughfare dangerous	Existing gates to the garages/sheds should not open onto the existing laneway or the proposed road reservation, if they block the footpath or road. The gate in front of the heritage-listed wooden shed at the back of 13 Bournville Crescent currently does not appear to open onto the laneway as there is at least 4m between the proposed road reservation and the shed which should be sufficient for the doors to open as the shed is approximately 3.5m wide. Residents to properties 11 and 13 Bournville Crescent will be able to park within the new road on-street or on Bournville Crescent where parking is allowed and available. This issue raised is not considered to justify a change to the amendment or permit.	No changes recommended
Significant increase in noise from redevelopment	There are no provisions in the scheme relevant to noise levels from residential development. Increased numbers of people inevitably lead to an increased level of noise, however excessive or unreasonable noise nuisance, that cannot be satisfactorily resolved between neighbours, can be investigated by Council under the Environmental Management and Pollution Control Act 1994 or via a complaint to Tasmania Police. This matter is not considered to justify a change to the amendment or permit.	No changes recommended

DOES THE AMENDMENT MEET THE LPS CRITERIA?

The amendment was initiated prior to the Tasmanian Planning Scheme – Glenorchy coming into effect (which occurred on 18 August 2021). Therefore, the amendment was considered against the former provisions of LUPAA and comment on whether it satisfied the LPS criteria under S34 of LUPAA was not required at that time.

However, the amendment was assessed against the relevant provisions of State Policies, the Schedule 1 Objectives of LUPAA, the *Southern Tasmania Regional Land Use Strategy*, the *Glenorchy City Council Strategic Plan 2013-18*, the *Gas Pipelines Act 2000* (which has been superseded by the *Gas Safety Act 2019*) and its consistency with other municipal LPSs and was considered consistent with these elements. The LPS criteria under S34 replicate these requirements. (Refer to **Attachment 3** for a detailed statement on compliance with the LPS Criteria)

The amendment is therefore considered to meet the LPS Criteria under S34 of LUPAA.

CONCLUSION

It is considered that the representations do not have adequate merit to support any modifications to the amendment or the permit application. The amendment is considered to meet the LPS criteria, and it should be submitted to the Tasmanian Planning Commission in the form in which it was publicly notified, without change.

THE PROCESS FROM HERE:

The adopted s40K report on representations will be forwarded to the Commission. The Commission may hold a public hearing prior to making a determination on the amendment.

Recommendation:

That the representations and this GPA Report on PLS43A-20/01 be provided to the Tasmanian Planning Commission under S40K of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1 PLS43A-20 01 Attachment 1 - Amendment Documents



- 2 PLS43A-20 01 Attachment 2 - Summary of representations



- 3 PLS43A-20 01 Attachment 3 - LPS Criteria Assessment



9. AMENDMENT PLAM-21/01 - S.40K REPORT ON REPRESENTATIONS
PROPOSAL: TO REZONE 5A TAREE STREET AND 3 EDGAR STREET TO A GENERAL RESIDENTIAL ZONE, 345 MAIN ROAD TO A CENTRAL BUSINESS ZONE AND APPLY A SAP TO 345 MAIN ROAD

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: 5344697

REPORT SUMMARY

Application No.:	PLAM-21/01
Applicant:	Ireneinc Planning & Urban Design
Owner:	Glenorchy City Council
Proposed Amendment:	To rezone 5A Taree Street, Chigwell and 3 Edgar Street, Claremont to a General Residential Zone To rezone 345 Main Road, Glenorchy to a Central Business Zone and apply the Glenorchy Urban Design Specific Area Plan
Report Purpose:	To consider the merits of representations received. The Planning Authority's assessment must be provided to the Tasmanian Planning Commission under Section 40K of the <i>Land Use Planning and Approvals Act 1993</i>
Representations Received:	1
Recommendation:	Refer representation and amendment, without changes, to the Tasmanian Planning Commission

REPORT IN DETAIL

INTRODUCTION:

The draft amendment PLAM-21/01 was publicly notified from 18 August 2021 until 16 September 2021.

The public notification involved advertisements in the Mercury on Wednesday 18 August 2021 and Saturday 21 August 2021 and a mailout of letters to all owners and occupiers of land adjoining the 3 subject sites.

One representation was received against the rezoning of 5A Taree Street, Chigwell during the exhibition period. This report examines the merits of that representation.

BACKGROUND:

The amendment

The amendment seeks to:

- Rezone 5A Taree Street, Chigwell from an Open Space Zone to a General Residential Zone.
- Rezone 3 Edgar Street, Claremont from an Open Space Zone to a General Residential Zone.
- Rezone 345 Main Road, Glenorchy from a Utilities Zone to a Central Business Zone and apply the Glenorchy Activity Centre Urban Design Specific Area Plan to the site.

At its meeting of 9 August 2021, the Glenorchy Planning Authority determined to initiate and certify the draft amendment and place it on public exhibition for 28 days. A copy of the certified amendment is included in **Attachment 1**.

Land disposal

All of the properties are owned by Council, and at its meeting of 27 April 2020, Council resolved to dispose of these three sites.

Legislative changes

At the time of seeking initiation (9 August 2021) to prepare the amendment, the Tasmanian Planning Scheme - Glenorchy (TPS – Glenorchy) was not in effect – that occurred on 18 August 2021. In accordance with the savings and transitional provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (LUPAA), planning scheme amendments that alter the designation of a zone [Schedule 6, clause 4(1)(a)] or the requirements of an existing specific area plan [Schedule 6, clause 5(1)(a)(i)], and have been initiated before the new scheme comes into effect, are ‘saved’ and considered as amendments to the new scheme.

As the TPS – Glenorchy is now in effect, the amendment is now to modify the TPS – Glenorchy. Additionally, the sections of LUPAA relating to Tasmanian Planning Schemes now apply, rather than the section of LUPAA that related to the interim planning schemes.

STATUTORY REQUIREMENTS:

Section 40K(2) of 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.*

REPRESENTATIONS:

One representation was received during the public notification period relating to 5A Taree Street, Chigwell.

The issues raised in the representation are summarised in the table below with officer comment as to 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.

Issue	Issue Summary	Opinion on merit, need for modification and effect on the draft amendment and LPS as a whole, of implementing the recommendation
5A Taree, Chigwell is still 'fit for purpose' as open space	The representor considers the land is 'fit for purpose' as open space and is used as an exercise area for local residents. The representor notes that Council has not spent any money on maintaining the site since late 1950's	Council resolved at its meeting of 27 April 2020 that the land was not 'fit-for -purpose' and to dispose of the site. Council's Open Space Strategy concluded that the 'battle axe' form of the lot restricts opportunities for public surveillance, and that the land should be considered for disposal. It is noted that the narrow access and potential for redevelopment is also raised by the representor – and this issue is discussed below. There are significant open space areas in Chigwell including: Bethune Street Reserve, Chigwell Community Park, Catherine Street Reserve, Chigwell Barn Reserve, North Chigwell Soccer Ground, Alkoo Circle Reserve, Burgan Circle Reserve and Chandos Drive Reserve that provide significant contribution to the open space needs of Chigwell residents. It is considered that, from a public open space perspective, the site is not - fit for purpose, and consequently the zoning is inappropriate. This issue does not justify a modification to the amendment.

Issue	Issue Summary	Opinion on merit, need for modification and effect on the draft amendment and LPS as a whole, of implementing the recommendation
The site is not suitable for housing development	The representor considers, that due to the narrow access to the site, with potential to create disasters in an emergency situation – such as fire, the site is unsuitable for housing development.	The narrow access to the site is acknowledged. However, the consolidation of any of the surrounding titles with the subject land (and consequent demolition of the existing dwelling) would enable an appropriate access to be created. It is noted that Housing Tasmania owns several properties around the site, including 2 already adjacent lots. It is considered that there is potential for the site to be developed for housing; the final form and number of any proposed dwelling development will need to be assessed via a planning permit application that will consider if the access is adequate. This issue does not justify a modification to the amendment.
Chigwell needs more open space	The representor considers that Chigwell cannot afford to lose any more open space given the areas already lost from the former Chigwell School grounds, and that there is limited open space areas left (ie the small Kilander Crescent Reserve area). Changing demographics in Chigwell, that is, an increase in young children, indicates a need for more open space.	The land is undeveloped – containing no infrastructure such as seats or play equipment. The land was identified in Council's Open Space Strategy for disposal, given its poor opportunities for casual surveillance. The disposal of the land represents an opportunity to reduce maintenance costs and potentially upgrade other areas – providing more appropriate recreational spaces.

Issue	Issue Summary	Opinion on merit, need for modification and effect on the draft amendment and LPS as a whole, of implementing the recommendation
		There are significant open space areas in Chigwell including: Bethune Street Reserve, Chigwell Community Park, Catherine Street Reserve, Chigwell Barn Reserve, North Chigwell Soccer Ground, Alkoo Circle Reserve, Burgan Circle Reserve and Chandos Drive Reserve. These areas provide significant contribution to the open space needs of Chigwell residents. Given the limited viability of the site as functional open space, its rezoning to a General Residential Zone is considered to be consistent with the Schedule 1 Objectives of LUPAA and consistent with the <i>Southern Tasmania Regional Land Use Strategy</i>. This issue does not justify a modification to the amendment.
Negative impacts from new development on surrounding property owners	The representor considers that building on 5A Taree Street would mean: ▪ A loss of privacy to existing residents, especially if any dwellings were to be more than one storey high. ▪ Loss of sunlight, adversely affecting living conditions and the gardens on surrounding property. ▪ An increase in noise levels from increased density of housing.	Any redevelopment of the land would need to comply with the provisions of the Tasmanian Planning Scheme – Glenorchy. These provisions manage the impact of overshadowing and overlooking through setbacks for buildings, windows and decks and through a building envelope.

Issue	Issue Summary	Opinion on merit, need for modification and effect on the draft amendment and LPS as a whole, of implementing the recommendation
		The existing property access is along the southern boundary which, if used, would likely lead to driveway access along the southern boundary and greater separation. Further, the adjoining dwellings to the south are all setback more than 10m from the boundary. There are no provisions in the scheme relevant to noise levels from residential development. Increased numbers of people inevitably lead to an increased level of noise, however excessive or unreasonable noise nuisance, that cannot be satisfactorily resolved between neighbours, can be investigated by Council under the Environmental Management and Pollution Control Act 1994 or via a complaint to Tasmania Police. This issue does not justify a modification to the amendment.
Representations to Members of Parliament	The representor has indicated they will consider meeting with Mr Andrew Wilkie, their Independent Member of Federal Parliament, or the ombudsman, or seek legal advice, should the amendment progress.	This action is not relevant to the merits of the planning scheme amendment. The process to consider planning scheme amendments affords the representor the right to be heard by the Planning Authority and, following this process, by an independent Panel run by the Commission. This issue is not considered to have planning merit and therefore no modification to the amendment is recommended.

DOES THE AMENDMENT MEET THE LPS CRITERIA?

The amendment was initiated prior to the Tasmanian Planning Scheme – Glenorchy coming into effect (which occurred on 18 August 2021). Therefore, the amendment was considered against the former provisions of LUPAA and comment on whether it satisfied the LPS criteria under S34 of LUPAA was not required at that time.

However, the amendment was assessed against the relevant provisions of State Policies, the Schedule 1 Objectives of LUPAA, the *Southern Tasmania Regional Land Use Strategy*, the *Glenorchy City Council Strategic Plan 2013-18*, the *Gas Pipelines Act 2000* (which has been superseded by the *Gas Safety Act 2019*) and its consistency with other municipal LPSs, and was considered consistent with these elements. The LPS criteria under S34 replicate these requirements.

The amendment seeks to apply the Glenorchy Activity Centre Urban Design Specific Area Plan (the SAP) to 345 Main Road, Glenorchy. It is considered that, as this SAP is existing and applies to all land within a Central Business Zone, that it is appropriate to apply the SAP to 345 Main Road if it is rezoned. The land, if within a Central Business Zone, would have particular economic and spatial qualities that make the extension of the SAP over it appropriate under S32(4)(b) – which relates to the application of specific area plans.

(Refer to **Attachment 2** for a detailed response on the LPS Criteria).

The amendment is therefore considered to meet the LPS Criteria under S34 of LUPAA.

CONCLUSION

It is considered that the representation does not have adequate merit to support any modifications to the amendment. The amendment is considered to meet the LPS criteria, and it should be submitted to the Tasmanian Planning Commission in the form in which was publicly notified, without change.

THE PROCESS FROM HERE:

The adopted s40K report on representations will be forwarded to the Commission. The Commission may hold a public hearing prior to making a determination on the amendment.

Recommendation:

That the representation and this GPA Report on PLAM-21/01 be provided to the Tasmanian Planning Commission under S40K of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1 PLAM-21 01 Attachment 1 - Amendment Documents



- 2 PLAM-21 01 Attachment 2 - LPS Criteria Assessment

