

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 7 SEPTEMBER 2020



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 Kristie Johnston

Hour: 5.00 p.m.

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1. PLANNING AUTHORITY DECLARATION
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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 10 August 2020 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - TWO MULTIPLE DWELLINGS (ONE EXISTING AND ONE NEW) - 104 CHAPEL STREET GLENORCHY

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5360056

REPORT SUMMARY

Application No.:	PLN-20-159
Applicant:	M L Simpkins
Owner:	M L Simpkins
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.3 P2 Site coverage and private open space for all dwellings (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	7 Sept 2020
Existing Land Use:	Single Dwelling
Representations:	2
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes a second dwelling on a corner lot. The proposed dwelling would be single storey, timber framed, clad with weatherboards and capped with a skillion roof. The dwelling would accommodate four bedrooms, open plan living, a 17m² deck and an integrated single garage. There would be another parking space in front of the garage. Two driveways are proposed, one from each frontage. The existing dwelling would have two tandem parking spaces within the existing driveway. Private outdoor space for the proposed dwelling would be in form of the deck on the northwest side and extends up to the garden over a few steps. Private outdoor space for the existing dwelling would be an area of 71m² that is partially 4m wide, located between the two dwellings and accessed through a sliding door from the living area. The application is discretionary for the width and area of private outdoor space. The proposal is shown in Figure 1.

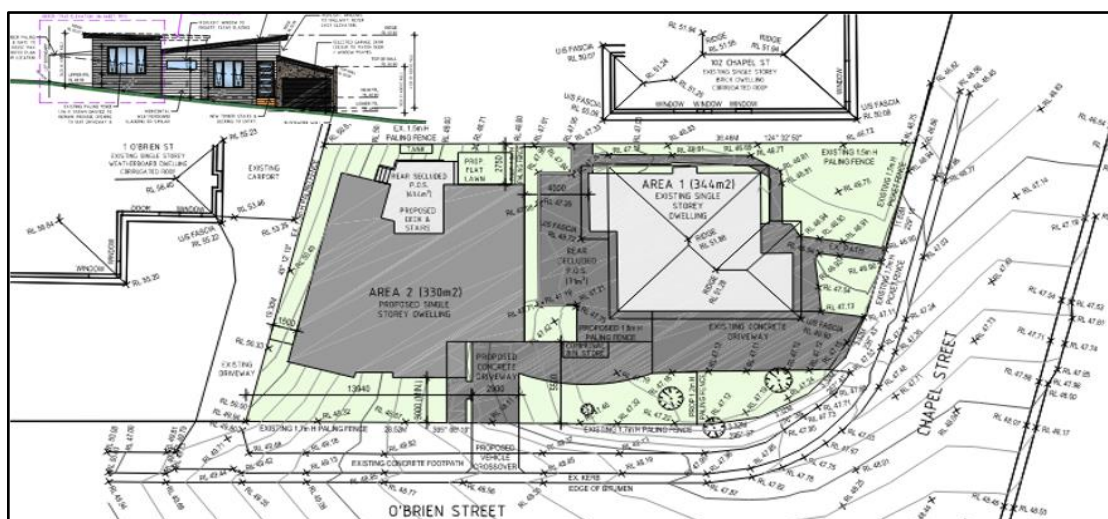
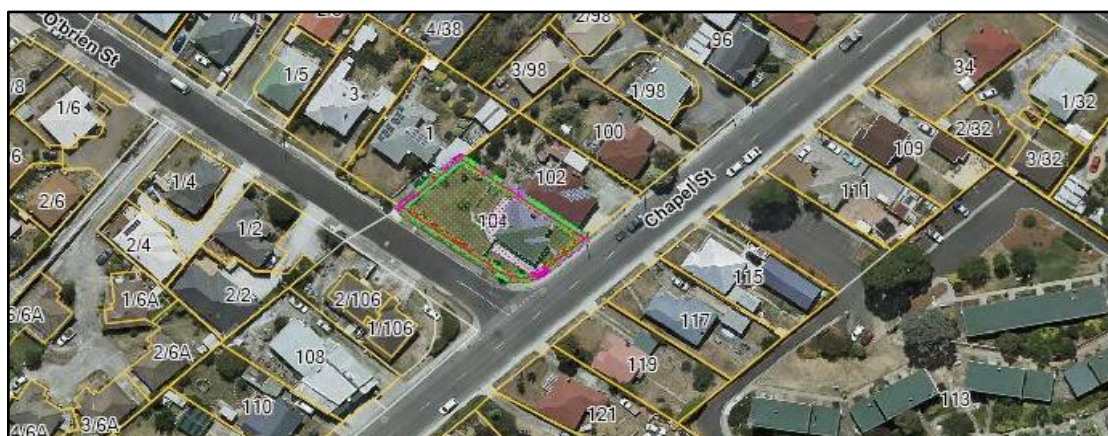


Figure 1: Proposal Plan - Superdraft

SITE and LOCALITY

The property is located on the northern corner of the T-junction of Chapel Street and O'Brien Street and is shown in Figure 2.



The property is rectangular, with an area of 673m² and contains a single dwelling. The dwelling has a paved courtyard at the back and an existing driveway with two tandem parking spaces. The property has a gentle slope, falling towards Chapel Street. The neighbouring property to the northeast contains a dwelling aligned with the existing dwelling on the subject site and has a backyard opposite the deck of the proposed dwelling. The neighbouring property to the northwest, sits higher than the subject property and has a driveway and carport adjoining the common boundary.

ZONE

The subject land is situated within the General Residential Zone in red, which also applies to the surrounding land as shown in Figure 3 below.

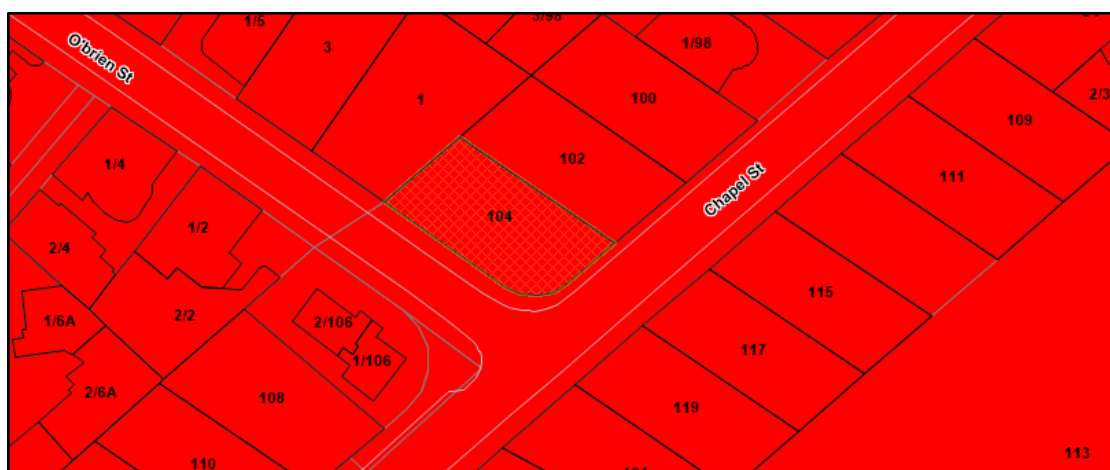


Figure 3: Zoning Map - GIPS 2015

BACKGROUND

Permits

There is no background information relevant to this assessment.

This Application

A representor is concerned about loss of privacy from the proposed dwelling along the northeast boundary. The applicant has offered to install a higher fence of 2.1m in response to the representation, as shown in Figure 4.

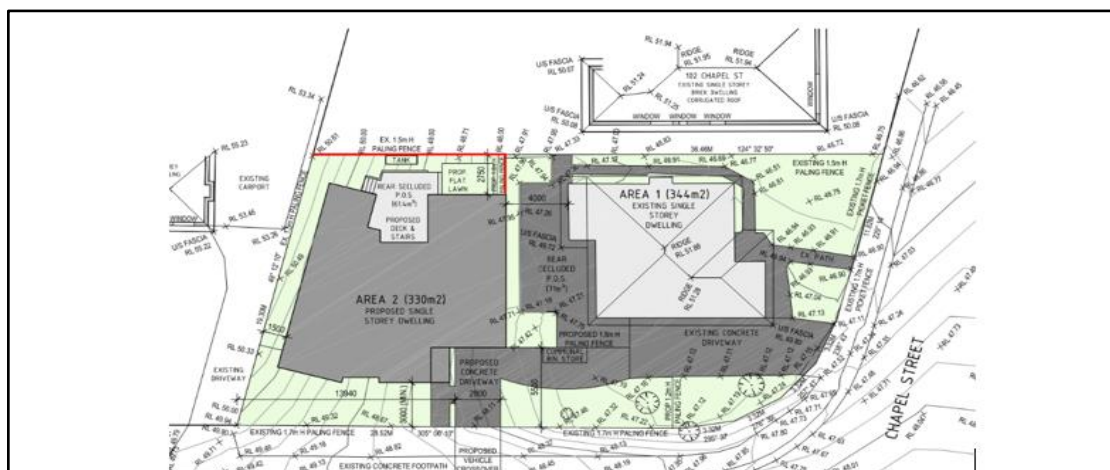


Figure 4: Location of proposed 2.1m high fence

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

No Specific Area Plan applies. The following codes apply and prevail over the relevant Zone provisions if there is any conflict.

- E5.0 Road and Railway Assets Code
- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code
- E15.0 Inundation Prone Areas

Use Class Description (Table 8.2):

The application is for a Multiple Dwellings which fits under the use class Residential (Multiple Dwelling). The use is defined in Table 8.2 Use Classes as follows:

Residential

use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

Other relevant definitions (Clause 4.1):

The following meanings in 4.1 Planning Terms and Definitions are applicable:

Dwelling

Means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.

Outbuilding

Means a non-habitable detached building of Class 10a of the Building Code of Australia and includes a garage, carport or shed.

Multiple Dwelling

means 2 or more dwellings on a site.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

The planning authority has discretion to refuse or permit a use or development if:

- (a) the use is within a use class specified in the applicable Use Table as being a use which is discretionary;*
- (b) the use or development complies with each applicable standard but relies upon a performance criterion to do so; or*
- (c) it is discretionary under any other provision of the planning scheme,*
- (d) and the use or development is not prohibited under any other provision of the planning scheme.*

The proposal is discretionary under (b) above as it relies on Performance Criteria as follows:

- 10.4.3 A2 Site coverage and private open space for all dwellings

Part C: Special Provisions

There are no Special Provisions applicable.

Part D: 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 purpose of the General Residential Zone in 10.1.1 is as follows:

- To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*
- To provide for compatible non-residential uses that primarily serve the local community.*
- To provide for the efficient utilisation of services*

Comment

The proposal accords with the above purpose as it is for residential development utilising serviced land.

Use Table

The use class Residential (Multiple Dwelling) is permitted within the General Residential Zone in 10.2 Use Table.

Use Standards

The standards in Clause 10.3 Use Standards specifically relate to non-residential use, visitor accommodation and local shop and are therefore not applicable to this proposal.

Development Standards for Residential Buildings & Works

The application accords with all relevant Acceptable Solutions as demonstrated in the attached appendix, except as follows:

10.4.3 A2 Site coverage and private open space for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.3 A2 with respect to private outdoor space. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.3 P2 Site coverage and private open space for all dwellings

A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:*
 - (i) conveniently located in relation to a living area of the dwelling; and*
 - (ii) orientated to take advantage of sunlight.*

Comment

The Acceptable Solution requires the provision of level private outdoor space (POS) of 24m², with a minimum width of 4m that is directly accessible from a living area and that receives at least three hours of sunlight to 50% of the area on 21st of June. The proposal provides for 71m² of POS for the existing dwelling on the northwest side. The POS is directly accessible from the open plan living area. The area adjacent to the living area is only 3.075m wide, which does not comply, although the area widens to the south to be 4.6m wide. There would be 23m² of POS area at least 4m wide further south from the access point. The private outdoor space for the existing dwelling is situated between the two dwellings and to the south east. The application includes shadow diagrams that demonstrate the POS would receive sunlight to more than 50% of the area between 9am and 12pm on 21st of June, which would comply.

The POS area for the proposed dwelling would be in the form of a deck at ground level and accessible from the living areas. The deck would be 17.1m², 4.85m deep and between 3m to 3.75m wide. The deck would have four steps up to the backyard where there would be additional outdoor area available so that the total would be 61.4m², albeit not all of it level.

Given, that the provisions of private outdoor space are reasonable in terms of usable area and receive sufficient sunlight, the POS area satisfies the above Performance Criteria.

Therefore, the proposal complies with the standard through the Performance Criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal accords with 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.

E6.0 Access and Parking Code

The proposal accords with 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.

E7.0 Stormwater Management Code

The proposal accords with 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.

E15.0 Inundation Prone Areas Code

The property is identified as being located within an Inundation Prone Area as shown in Figure 5.

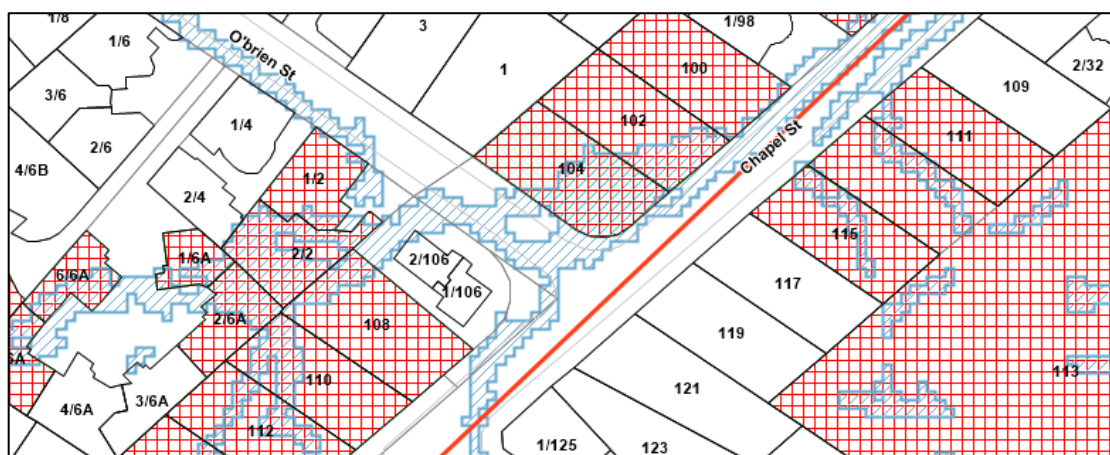


Figure 5: Flood (Properties at Risk) - Council Database 2019

The proposal complies with the relevant Acceptable Solution in E15.7.4 A1 Riverine Inundation Hazard Areas. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

PART F: Specific Area Plans

No Specific Areas Plan applies.

INTERNAL REFERRALS

Development Engineer

Comments

The proposal is to construct an additional dwelling on a corner allotment at 104 Chapel Street Glenorchy.

The allotment is fully serviced, and a stormwater detention strategy is proposed, utilising a 2000 litre tank, the overflow will be connected to the house connection gravity system.

E5.0 Road and Railway Assets Code

The development complies with Code E5 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 A3 of E5.5.1. The existing dwelling is accessed of the Chapel Street frontage and the access to the new dwelling is proposed from a new access to be constructed on the O'Brien Street frontage; this complies with A1 and A2 of the E5.6.2.

E6.0 Parking and Access Code

The submitted plans indicate a total of four (4) parking spaces. The development complies with E6 Parking and Access Code.

It is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

E7.0 Stormwater Management Code

The development meets the requirements of the Stormwater Management Code. There are no GCC stormwater mains affected by this application. All runoff from the new impervious area will be discharged by gravity to the existing connection. The development is considered to comply with the Acceptable Solution E7.7.1 A1. The development also is considered to comply with the acceptable solution E7.7.1 A2, and a stormwater system does not require to incorporate water sensitive urban design for treatment, as the size of the new impervious area is less than 600m².

Other

E3.0 Landslide Code

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

E11.0 Waterway and Coastal Protection Code (E11.7.1 A4 and P4)

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

E15.0 Inundation Prone Areas Code

The allotment has been identified through Council's records as prone to inundation. The area identified is the lower part of the site where the existing dwelling is located.

A representation was received in relation to concerns with the drainage of the allotment and the potential overflow from the stormwater detention facility.

Council's recent flood modelling undertaken in the area indicates that flooding occurred to a level of 47.30 AHD at the rear of the existing dwelling. The proposed floor level of the new dwelling is 48.90 AHD (1.60m above flood level). A tank to be installed as a

stormwater detention system will have an overflow to the proposed stormwater drainage system and Council infrastructure.

Also, the proposal is to capture run-off from the existing impervious paved area surrounding the existing house and directing it into the Council stormwater infrastructure thereby lessening the overland flow to the neighbouring property.

As the proposed second dwelling is outside the identified flood prone area it will not be subject to any inundation risk.

Waste Management Officer

Waste Services to the proposed multiple dwelling development would be Council's standard bin service collected fortnightly.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for recycling and (1) x 240L FOGO bin to each of the dwelling, collected fortnightly.
- Please note that this property would have a total of six (6) bins, two (2) Waste bins and two (2) Recycling Bins, and two (2) FOGO bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

EXTERNAL REFERRALS

TasWater

The application was referred to TasWater, which has nominated a number of conditions should the application be approved. The *Water and Sewerage Industry Act 2008* requires the Planning Authority to include conditions from TasWater, if a permit is granted.

REPRESENTATIONS

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

Density

The representor states that the existing dwelling is already rented to five people.

Planner's Comment:

The proposal complies with the density standard, which allows one dwelling per 325m², regardless of the number of people living within a dwelling.

Parking and Access

The representor states that there are already three cars parked at the property for the existing dwelling and three more parked at the side of O'Brien Street. Furthermore, that only one access for the property makes the corner of O'Brien Street and Chapel Street very congested, especially with the number of units in the street.

Planner's Comment:

This issue has been previously addressed under the heading Referrals/Development Engineer. The proposal provides the required number of carparking spaces, which is four spaces. In addition, the access arrangements also comply the requirements under the Parking and Access Code.

Loss of Privacy

The representor states that the deck and back windows of the proposed dwelling would cause a loss of privacy through overlooking of the neighbouring property. In addition, that the boundary fence is lower than portrayed on the plans which contributes to a loss of privacy to the neighbouring property.

Planner's Comment:

There is no discretion with respect to the setback from the common boundary with the neighbouring property to the northeast. Nevertheless, it is proposed to install a new fence in front of the proposed dwelling to preserve privacy for both properties. The new fence would be 2.1m high, instead of the 1.5m of the existing fence. This should alleviate any concerns in this respect.

Drainage

The representor states that drainage has been an ongoing concern ever since the block was levelled. The proposed rainwater tank would also be a concern, should it overflow.

Planner's Comment:

This issue has been previously addressed under the heading Referrals/Development Engineer. The proposed dwelling would be located outside the flood prone area and additional stormwater management measures are proposed. The water tank would not overflow as there is a safety feature that drains the water to the stormwater system when it is full.

CONCLUSION

The application proposes a second dwelling on a corner lot within the General Residential Zone. The application is only discretionary for the width and area of private outdoor space. Each dwelling would have a reasonable amount of usable private outdoor space but does not fully accord with the Acceptable Solution with respect to area and width. Nevertheless, each private outdoor space area would serve as an extension to the dwelling for recreation and would be conveniently located and orientated to receive sunlight, which satisfies the Performance Criteria.

There were two representations received during the advertising period. The issues raised are about density; parking and access; loss of privacy; and drainage. The proposal complies in terms of density, access arrangements and number of parking spaces. In terms of drainage, the property is in an inundation prone area, although the proposed dwelling would be located above the mapped flood flow. There would be additional stormwater management measures required for the site, but the proposed dwelling would not be at risk from inundation and complies with the Inundation Prone Areas Code. With respect to privacy, the proposal complies with all setbacks. However, there is currently a low fence on the common boundary with the neighbouring

property at 102 Chapel street, which would enable overlooking from the proposed dwelling. The applicant is offering to replace the fence adjacent to the proposed dwelling with a higher fence of 2.1 in height to ensure privacy for both properties. A condition is recommended for the fence.

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

RECOMMENDATION:

That a permit be granted for the proposed use and development of Two Multiple Dwellings (one existing and one new) at 104 Chapel Street Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-20-159 and Drawing submitted on 20/07/20, 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 2020/00699-GCC, dated 17/08/2020, form part of this permit.
3. A 2.1m high fence must be installed on the common boundary with 102 Chapel Street, for a length of at least 12m from the northern corner of the property. The fence must be installed prior to the issue of a Certificate of Occupancy and must remain for the duration of the use of the dwelling.

Engineering

4. 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

5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. 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 design of the driveway, parking, access and turning areas must be submitted with the Building Application or prior to the commencement of works on site (whichever comes first) for approval by Council's Development Engineer. The proposed driveway and parking area 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) Four (4) clearly marked car parking spaces (two spaces per dwelling) must be provided in accordance with the approved plan and kept available for these purposes at all times;
 - c) Vertical alignment shall include transition curves (or straight sections) to the Australian Standard, Parking facilities - Part 1: Off-Street Carparking AS 2890.1 - 2004, Clause 2.5.3 (d) at all grade changes greater than 12.5%;
 - d) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - e) Be clearly line-marked or physically separated to each space in accordance with the approved plan;
 - f) The gradient of any parking areas must not exceed 5%; and
 - g) Minimum carriageway width is to be no less than 3.0 metres.

The approved design of the driveway, parking, access and turning areas must be installed prior to the occupancy of the additional dwelling.

7. Adequate on-site stormwater detention must be provided so that stormwater discharged from the site does not exceed the pre-development stormwater runoff for 1 in 20 ARI (5% AEP) storm event. A detailed design must be submitted with the Building Application prepared by a qualified professional engineer for approval by Council's Development Engineer and satisfactorily installed/completed prior to a Certificate of Occupancy being issued for the additional dwelling.
8. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.
9. As it is proposed to discharge the stormwater run-off from the additional dwelling to a proposed new connection at an existing side entry, the applicant must complete and submit a stormwater connection form for approval and pay all necessary fees associated, prior to commencing any construction works on the site.

10. The construction of the proposed driveway crossover is to be constructed in accordance with Municipal Standard Drawing TSD R09-v2.

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.

Other 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

Waste Management

Waste Services to the proposed multiple dwelling development would be Council's standard bin service collected fortnightly.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste, one (1) x 240L wheelie bin for recycling and (1) x 240L FOGO bin to each of the dwelling, collected fortnightly.
- Please note that this property would have a total of six (6) bins, two (2) Waste bins and two (2) Recycling Bins, and two (2) FOGO bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

Attachments/Annexures

- 1 Attachments - 104 Chapel Street



APPENDIX

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Land 673m ² /2= 336.5m ²	Yes
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or	The subject property is a corner lot. The existing dwelling has front setback to the primary frontage of at least 4.5m. The proposed dwelling would have setback of 3m from the secondary frontage, which complies.	Yes

	(c) if for a vacant site with existing dwellings on adjoining sites 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 the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	The proposed garage would have a setback of 5.5m.	Yes
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the	The subject site is a corner lot so that there are only side boundaries and frontage boundaries. Setbacks are as follows: Primary frontage: 4.5m existing, Secondary frontage: 3m, Side boundary NE: 1.2m deck (below NGL and 4.37m wide), 1.94m to wall (3.46m high wall), Side boundary NW: 1.5 (2.85m high wall)	Yes

	rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
10.4.3 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 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	a) Site coverage: 36.7% b) POS at least 61m² c) Impervious free area: 39%	Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m	See report	No- Discretion

	above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Living room 30° west of north	Yes
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on		Yes

	the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	The proposed dwelling would be to the northwest of the existing dwelling, but would be at least 4m from the existing dwelling, which complies with (a).	
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.	The proposed dwelling would be to the northwest of the existing dwelling. The private outdoor space of the existing dwelling would be located between the two dwellings, approximately 1m from the proposed dwelling. Shadow diagrams were submitted demonstrating that the POS of 71m² would receive sunlight to more than 50% of the POS before 12pm, as 40.7m² would be unaffected at 12pm, which complies with (b).	Yes

	(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m 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 6 m or half the width of the frontage (whichever is the lesser).	The proposed garage opening would be 3.2m wide.	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no 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 at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and	The proposed deck is would be at the finished level, which is below NGL, so that this standard does not apply.	NA

	(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (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 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m 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 at least 6 m 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, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or	There would be highlight windows on the east elevation above the garage to the kitchen/hallway, which would be 2.78m above floor level. The north elevation, which faces the neighbouring property does not have a floor level of more than 1m above NGL. Therefore, the setback may be less than 3m. It is noted that the windows are approximately 2.12m and 2.75m from the boundary.	Yes

	(ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m 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 at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	Each dwelling will have a separate driveway	Yes
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m	There is an existing 1.8m high fence, which will be retained.	NA

	which provide a uniform transparency of not less than 30% (excluding any posts or uprights).		
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	The proposal includes communal bin storage area. However, waste management has advised that there would be individual bins for each dwelling. There would be enough space at each dwelling so that the communal bin storage area is not required.	Yes

APPENDIX**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Estimated AADT 14.80	YES

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.		NA
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		NA

Standard	Acceptable Solution	Proposed	Complies?
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		NA
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	Access available to two (2) street frontages.	YES
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA

Standard	Acceptable Solution	Proposed	Complies?
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		YES

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	Four spaces proposed	YES
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	No requirement	NA
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales,	No requirement	NA

Standard	Acceptable Solution	Proposed	Complies?
	(rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	No requirement	NA
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Two access proposed one to each road frontage.	YES
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to		YES

Standard	Acceptable Solution	Proposed	Complies?
	comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		NA
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		NA
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to		

Standard	Acceptable Solution	Proposed	Complies?
	comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.		YES
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Concrete pavement proposed for new dwelling, and existing concrete parking area to be utilised for existing dwelling.	YES
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		NA
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		NA

Standard	Acceptable Solution	Proposed	Complies?
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	No requirement	NA
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	No requirement	NA
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	No requirement	NA
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	No requirement	NA

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

APPENDIX**E7.0 Stormwater Management Code**

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		YES
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	New impervious does not exceed 600m ²	NA
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	On-site detention proposed (OSD)	YES

Standard	Acceptable Solution	Proposed	Complies?
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		NA

APPENDIX

E15.0 Inundation Prone Areas Code

Standard	Acceptable Solution	Proposed	Complies?
E15.6 Use Standards			
E15.6 Use Standards	A1 Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following: (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding.		NA

E15.7 Development Standards for Buildings and Works			
E15.7.1 Coastal Inundation High Hazard Areas	A1 For a habitable building, including extensions to existing habitable buildings, there is no Acceptable Solution.		NA
	A2 For a non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, there is no Acceptable Solution.		NA
E15.7.2 Coastal Inundation Medium Hazard Areas	A1 For a new habitable building there is no acceptable solution.		NA
	A2 Except for new rooms associated with habitable buildings other than dwellings, for which there is no acceptable solution, an extension to an existing habitable building must comply with one of the following: (a) new habitable rooms must comply with both of the following: (i) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, (ii) floor area of the extension no more than 40 m ² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor.		NA

	A3 A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40 m ² .		NA
E15.7.3 Coastal Inundation Low Hazard Areas	A1 A new habitable building must comply with the following: (a) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1.		NA
	A2 An extension to a habitable building must comply with either of the following: (a) floor level of habitable rooms is no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor area is no more than 60 m ² .		NA
	A3 A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 60 m ² .		NA
E15.7.4 Riverine Inundation Hazard Areas	A1 A new habitable building must have a floor level no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.		Yes

	A2 An extension to an existing habitable building must comply with one of the following: (a) floor level of habitable rooms is no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm; (b) floor area of the extension no more than 60 m ² as at the date of commencement of this planning scheme.		NA
	A3 The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m ² .		NA
15.7.5 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas	A1 For landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution.		NA
	A2 No acceptable solution.		NA
	A3 A land application area for onsite wastewater management must comply with all of the following: (a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must be no less than 100 m; (b) vertical separation distance from the water table must be no less than 1.5 m.		NA

E15.7.6 Development Dependent on a Coastal Location	A1 An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.		NA
	A2 No acceptable solution		NA
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.		NA

6. PROPOSED USE AND DEVELOPMENT - ADDITION TO MILK FACTORY (RESOURCE PROCESSING) - 54-56 GORMANSTON ROAD MOONAH

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5428567

REPORT SUMMARY

Application No.:	PLN-19-379
Applicant:	Hobart Milk Factory
Owner:	Ramarosi Investments Pty Ltd
Zone:	Light Industry
Use Class	Resource Processing
Application Status:	Discretionary
Discretions:	24.2 Use Table 24.3.1 P1 Hours of Operation 24.3.2 P1 Noise 24.4.3 P1 Design 24.4.4 P1 Passive Surveillance (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	07 Sep 2020
Existing Land Use:	Milk Factory
Representations:	3
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for a fridge container with a compressor in association with an existing milk factory that operates on a large site with various buildings. The milk factory is located along the northern boundary at the Gormanston Road frontage. The proposed container would be located on the southern side of the milk factory and would have an area of 14.5m². The container would be 9.35m from the Gormanston Road frontage and would have the following dimensions: 2.4m wide, by 6.04m long and 2.4m high. The application is discretionary for use, operating hours, noise levels, design and natural surveillance. The location of the container is shown in Figure1.

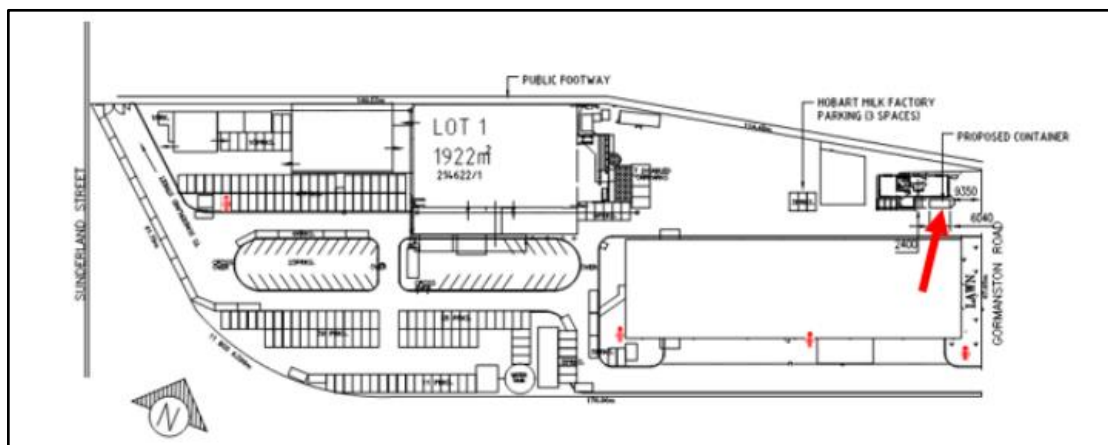


Figure 1: Location of proposed fridge container

SITE and LOCALITY

The subject property is located between Sunderland Street and Gormanston Road. The property is rectangular with an area of 1.932ha and contains various buildings, including Island Markets and Fantastic Furniture. The milk factory is a small building on the Gormanston Road frontage. The property to the south contains a large warehouse and the property to the north a car yard. Properties opposite in Gormanston Road contain residential properties.

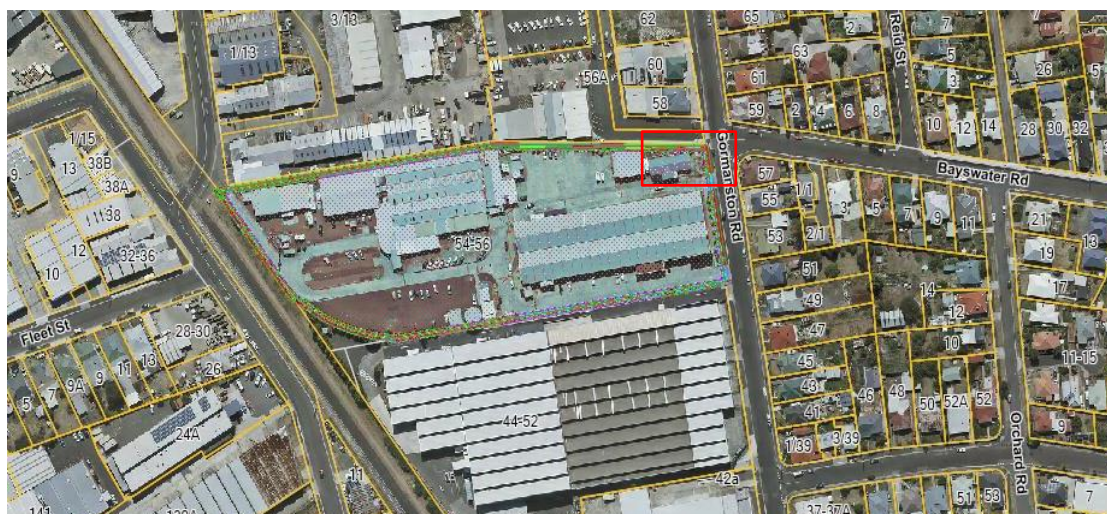


Figure 2: Subject Property - Council Database 2019

ZONE

The subject property is located within the Light Industrial Zone in fuchsia and adjoins the Inner Residential Zone in maroon, as shown in Figure 3.



Figure 3: Zoning Map - GIPS 2015

BACKGROUND

Application

The following supporting document was submitted:

- Noise Assessment by Noise and Vibration Consulting dated 10/07/2020

Permits

- PLN-06-04190 – Change of use to Limited Impact Industry (cheese processing)
– Approved 02/10/06

The current operations of the site rely on the above permit for Level 1 milk processing. The applicant could not be persuaded to provide more details about the whole of the operations on site to ascertain whether the application should have been expanded to cover potential changes in the overall operations of the business, including reference to milk processing, rather than cheese processing. Since the application is only for the addition of a fridge container, which would not increase milk processing capacity or represent a Level 2 Activity on its own, it was decided to process the application as applied for with the appropriate use classification. In any event, it is noted that the definition of milk processing works in Schedule 2 of the *Environmental Management and Pollution Control Act 1994* includes manufacture of various milk products including cheese making so that it is considered that the original permit would have been appropriately conditioned, unless milk processing volumes have increased above the threshold of a Level 1 Activity.

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).

GLENORCHY INTERIM PLANNING SCHEME 2015**Part B: Administration****General Exemptions**

Nil.

Limited Exemptions

Nil

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

No Specific Area Plan applies. The following codes apply and prevail over the relevant Zone provisions if there is any conflict.

- E5.0 Road and Railway Assets Code
- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code

Use Class Description (Table 8.2):

The application is in connection an existing milk factory. The use is defined in Table 8.2 Use Classes as follows:

Resource processing

use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

Other relevant definitions (Clause 4.1):

There are no definitions of special relevance to this application in 4.1 Planning Terms and Definitions.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

The planning authority has discretion to refuse or permit a use or development if:

- the use is within a use class specified in the applicable Use Table as being a use which is discretionary;*
- the use or development complies with each applicable standard but relies upon a performance criterion to do so; or*
- it is discretionary under any other provision of the planning scheme,*
- and the use or development is not prohibited under any other provision of the planning scheme.*

The proposal is discretionary under (a) for a discretionary use and (b) above as it relies on Performance Criteria as follows:

- 24.2 Use Table
- 24.3.1 P1 Hours of Operation

- 24.3.2 P1 Noise
- 24.4.3 P1 Design
- 24.4.4 P1 Passive Surveillance

Part C: Special Provisions

No Special Provisions apply.

Part D: Zones

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

Zone Purpose Statements

The purpose of the Light Industrial Zone in 24.1 is as follows:

- *To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.*
- *To promote efficient use of existing industrial land stock.*
- *To minimise land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones.*
- *To provide industrial activity with good access to strategic transport networks.*

Comment

The proposed fridge container is considered to accord with the zone purpose of the Light Industrial Zone. The container is in connection with an existing processing business which makes efficient use of industrial land. Whilst representations query the compatibility with nearby residential uses, the issue relates to the compressor of the fridge container that is currently running too loud. Nevertheless, the noise of the compressor can be mitigated to reasonable levels, which then would not result in a land use conflict. Therefore, it is considered that the proposal satisfies the zone purpose as above.

Desired Future Character Statement

The Desired Future Character Statements in 24.1.3 do not apply to the subject location as the statements only apply within the Prince of Wales Bay Maritime Industrial Precinct.

Use Table

The use class of Resource Processing is discretionary within the Light Industrial Zone in 24.2 Use Table.

Use Standards

The application accords with all relevant Acceptable Solutions as demonstrated in the attached appendix, except as follows:

24.3.1 A1 Hours of Operation

The proposal does not accord with the Acceptable Solution in 24.3.1 A1 with respect to operating hours. Therefore, the application relies on the related Performance Criteria as follows:

24.3.1 P1 Hours of Operation

Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

Comment

The existing business is not operating twenty-four hours a day / seven days a week. However, the compressor of the fridge container would be operating continuously. The application is supported by a noise report that recommends noise mitigation measures that will ensure that noise emissions would not result in environmental harm within the residential zone. A condition is recommended for the implementation of the noise mitigation measures. For further comments, please refer to the assessment of Council's Environmental Health Officer under the header Referrals later in this report.

Therefore, the proposal complies with the standard through the Performance Criteria.

24.3.2 A1 Noise

The proposal does not accord with the Acceptable Solution in 24.3.2 A1 with regards to noise limits. Therefore, the application relies on the related Performance Criteria as follows:

24.3.2 P1 Noise

Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

Comment

The compressor of the fridge container would be within noise limits without modification during the daytime, but not at night-time. The noise mitigation measures recommended in the noise report would ensure that the compressor would run within the noise limits of the Acceptable Solution, which would then comply. A condition is recommended for the implementation of the noise mitigation measures. For further comments, please refer to the assessment of Council's Environmental Health Officer under the header Referrals later in this report.

Therefore, the proposal complies with the standard through the Performance Criteria.

Development Standards for Buildings or Works

The application accords with all relevant Acceptable Solutions as demonstrated in the attached appendix, except as follows:

24.4.3 A1 Design

The proposal does not accord with the Acceptable Solution in 24.4.3 A1 with respect to design. Therefore, the application relies on the related Performance Criteria as follows:

24.4.3 P1 Design

Building design must enhance the streetscape by satisfying all of the following:

- (a) provide the main access to the building in a way that is visible from the street or other public space boundary;*
- (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;*
- (c) treat very large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;*
- (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;*
- (e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;*
- (f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;*
- (g) be consistent with any Desired Future Character Statements provided for the area.*

Comment

The proposal is for fridge container which would not have openings such as entrances and windows facing the street. Also, there would be no awnings or security shutters. These design features are normally ensuring that buildings contribute positively to the streetscape and ensure safety. Given that the application is for a container that cannot have openings, it is considered that the existing building already satisfies these objectives and that the discretion is a technicality. The compressor will be screened, which means that there would be limited visual impact which satisfies (d) above.

Therefore, the proposal complies with the standard through the Performance Criteria.

24.4.4 A1 Passive Surveillance

The proposal does not accord with the Acceptable Solution in 24.4.4 A1 with respect to passive surveillance. Therefore, the application relies on the related Performance Criteria as follows:

24.4.4 P1 Passive Surveillance

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

- (a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;*
- (b) locate windows to adequately overlook the street and adjoining public spaces;*
- (c) incorporate windows and doors for ground floor offices to look upon public access to the building;*

- (d) *locate external lighting to illuminate any entrapment spaces around the building site;*
- (e) *design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;*
- (f) *provide for sight lines to other buildings and public spaces.*

Comment

The proposal is for fridge container which would not have openings such as entrances and windows facing the street, which would increase public safety by enabling natural surveillance. Given that the application is for a container that cannot have openings, it is considered that the existing building already satisfies these objectives and that the discretion is a technicality. Any lighting would be as existing as the fridge container would not have outdoor lighting of its own.

Therefore, the proposal complies with the standard through the Performance Criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal accords with 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.

E6.0 Access and Parking Code

The proposal accords with 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.

E7.0 Stormwater Management Code

The proposal accords with 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.

PART F: Specific Area Plans

No Specific Areas Plan applies.

INTERNAL REFERRALS

Development Engineer

Comments

The development application seeks an approval for a new container as an addition to the milk factory on the subject site.

E5.0 Road and Railway Assets Code

The development complies with Code E5 Road and Railway Assets Code.

The proposed development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day and therefore complies with the

Acceptable solution A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with A2 of the E5.6.2.

E6.0 Parking and Access Code

The development complies with Code E6 Parking and Access Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected. And that no change to the parking arrangement is required.

E7.0 Stormwater Management Code

There are no GCC stormwater mains affected by this application; and the stormwater connection is available within the site. There is no new connection proposed. Any addition runoff from the new impervious surface can be discharged to the internal drainage system. Therefore, the SW arrangement is considered able to comply with the acceptable solution, A1. The development also considered comply with the acceptable solution A2 and a stormwater system does not require to incorporate water sensitive urban design for treatment, as the size of the new impervious area is less than 600m², there is no new car parking space proposed and the application is not for a subdivision. A3 and A4 also satisfy given the size and scope of the development. Therefore, the development considers meet the requirements in Stormwater Management Code.

Other

E3.0 Landslide Code

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

E11.0 Waterway and Coastal Protection Code (E11.7.1 A4 and P4)

Not applicable.

E15.0 Inundation Prone Areas Code

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

Environmental Health Officer

This application is for an outdoor refrigeration unit located at 54-56 Gormanston Road, Moonah. The site is zoned Light Industrial and adjoins the Inner Residential Zone.

In response to a further information request, Noise Vibration Consulting undertook a noise assessment; this was provided to Council on 24/04/2020. This report was later updated, with the revised report submitted on 10/07/2020.

The noise assessment, dated 10 July 2020, concludes:

The container noise is low frequency (50 and 200 Hz) and sourced from the compressor at the eastern end of the container. Presently noise control has entailed cladding the area with insulation and installing a 50mm lightweight barrier. To achieve appropriate attenuation the following should be implemented in the stated order:

- *Fully enclosing a large portion of the container as per the sketch below.*

- *Remove the existing barrier.*
- *The enclosure external material should be a single layer of 18mm plywood plus a single layer of 9mm cement sheet, or other material of equivalent surface mass.*
- *Line the internal side of the enclosure with Bradford Anticon 130 Thermofoil LD.*
- *There should be nominally 500mm clearance between the enclosure and the container.*
- *There should be no gaps in the enclosure construction or between it and the ground.*
- *Provided the enclosure is constructed as detailed above, the noise level at the residential boundary is predicted to be 32 dBA with both the compressor and fan operating.*

The container meets the daytime Acceptable solution at 24.3.2 in its current configuration but fails the night-time Acceptable solution. If the enclosure described above is installed, the container will meet the Acceptable solution for both day and night-time.

It is recommended that the Noise Vibration Consulting requirements, as listed above, required to achieve appropriate attenuation are to be completed within 1 month of the permit taking effect.

A noise verification report is also recommended to confirm the reports findings and compliance with acceptable solution A1.

The acceptable solution for 24.3.2 Noise under the *Glenorchy Interim Planning Scheme 2015* is recommended as a condition for the permit.

The application does not include any amplified external music, therefore 24.3.2 A2 and P2 are not applicable.

Comments:

The application has received multiple representations. The concerns highlighted in the representations focus on noise generated from the refrigeration unit and the time frame allowed for the implementation of the noise mitigation measure stated in the noise report, date 10 July 2020.

It is recommended as part of the approval for the permit that conditions are place regarding the acceptable ongoing noise levels and a time frame for implementation of the recommended noise mitigation measures. The conditions are recommended to ensure noise emission do not have unreasonable impact on residential amenity and to ensure the works recommended are carried out within 1 month of approval taking effect.

It is recommended as a condition of approval; a suitably qualified acoustic engineer is to prepare a verification report to ensure the mitigation measure produced an acceptable reduction in noise levels and meet the noise levels stated.

If the conditions of the permit are not met, enforcement action can by undertaken.

EXTERNAL REFERRALS

TasWater

The application was referred to TasWater, which has nominated a number of conditions should the application be approved. The *Water and Sewerage Industry Act 2008* requires the Planning Authority to include conditions from TasWater, if a permit is granted.

REPRESENTATIONS

The application was advertised for the statutory 14-day period from 29/07/2020 to 11/08/2020 with three representation(s) being received. The issues raised are as follows:

Zone Purpose

The representor states that this development conflicts with the purpose of the Light Industrial Zone as the proposal affects the amenity of the adjacent residential zone, because of the invasive and persistent noise and hopes that the residents would be no longer affected by the noise as a result of permit conditions.

Planner's Comment:

This issue has been previously addressed under the heading Zone Purpose. Conditions are recommended for noise mitigation measures, to ensure that there would not be any unreasonable amenity impacts on the adjacent residential zone.

Hours of Operations

The representor states that the operation of the refrigeration unit outside the operating hours of the Acceptable Solution would be unreasonable in the timing, duration and extent. The noise from the compressor should not be permitted at night-time or on the weekend.

Planner's Comment:

This issue has been previously addressed under the heading Operating Hours and the assessment by the Environmental Health Officer. Conditions are recommended for noise mitigation measures to ensure that noise emissions do not cause environmental harm within the adjacent residential zone.

Noise

The representor states that the operations of the refrigeration unit which began in mid-October 2019, was emitting persistent noise 24 hours a day 7 days a week. Furthermore, that the unit was causing intrusive vibrations to the front bedroom of a property at the corner of Baywater Road, so that it was impossible to sleep past 7am on any day, whilst the fridge was being turned off temporarily between 7pm and 7am. The representation laments the fact that the operations were happening for so long without a planning permit.

The representor states that the refrigeration unit is very invasive as it constantly hums and is audible inside homes. In addition, the representor wanted to know when the noise mitigation of the noise report would be implemented.

Planner's Comment:

This issue has been previously addressed under the heading Noise and the assessment by the Environmental Health Officer. The compressor accords with noise limits during the day but requires modification to comply with night-time limits. Conditions are recommended for noise mitigation measures to ensure that noise emissions comply with the Acceptable Solution for both.

Noise Report

The representor queries the length of time that was taken to submit a noise report and wanted to know if there are any other noise reports with different conclusions. The representor is concerned that any action will be slow. Furthermore, the representor states that noise levels should be reduced well below 55 dBA so as not continue impacting on the lives of the residents in the vicinity.

Planner's Comment

The application is a result of noise complaints and Council's Officers were in regular contact with the applicant. Whilst it has taken some time to get the noise report commissioned by the applicant, it is noted that in the meantime the compressor was turned off during the night-time. The advertised noise report is the only noise report for consideration as part of this application. There are clear conditions with timeframes recommended to ensure that noise levels comply with the acceptable solution of the Scheme. There will be follow-up inspections to ensure timeframes are being complied with.

CONCLUSION

The application is for an addition of a fridge container to an existing milk factory. The use is classed Resource Processing, which is a discretionary use within the Light Industrial Zone. The application is also discretionary for hours of operations, noise, design and passive surveillance. The discretions in terms of design and passive surveillance relate to the fact that the container would not have windows and doors. Nevertheless, it is considered that the design aspects and natural surveillance are addressed in terms of the site. In terms of the other discretions, it is the noise levels that are the issue, which was also the issue raised by three representations. The compressor of the fridge container would run continuously and does not satisfy the Acceptable Solution of the noise limits without modifications. The application was supported by a noise report with recommendations for noise control to ensure the compressor can comply with the noise limits of the Acceptable Solution of the noise standard. Conditions are recommended with timeframes to ensure the recommendations are implemented. In the meantime, the compressor must be turned off during night-time hours to ensure compliance. The noise control measures would also then ensure the discretions with respect to use and operating hours comply with the relevant considerations, as well as addressing representors concerns.

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

RECOMMENDATION:

That a permit be granted for the proposed use and development of Addition to Milk Factory (Resource Processing) at 54-56 Gormanston Road Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-19-379 and Drawings submitted on 30/07/20, 30/12/20 and 30/01/20, 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 2020/00137-GCC, dated 06/02/2020, form part of this permit.

Engineering

3. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
4. 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. All recommended noise mitigation measures contained in the acoustic report prepared by Noise Vibration Consulting, dated 10 July 2020 must be implemented within 1 month of the date the permit comes into effect. Such noise mitigation measures include the following:
 - Remove the existing barrier.
 - Fully enclosing a large portion of the container as per the sketch depicted on page 2 in the noise report dated 10 July 2020.
 - The enclosure external material must be a single layer of 18mm plywood plus a single layer of 9mm cement sheet, or other material of equivalent surface mass.
 - Line the internal side of the enclosure with Bradford Anticon 130 Thermofoil LD.
 - There must be a nominally 500mm clearance between the enclosure and the container.
 - There must be no gaps in the enclosure construction or between it and the ground.
6. Within 1 month of the works required by Condition 5 being completed a noise verification assessment must be undertaken to assess the validity of the noise modelling undertaken in the acoustic report prepared by Noise Vibration Consulting, dated 10 July 2020. The report must be prepared by a suitably qualified acoustic engineer. The report must also include recommendations in

the event that noise levels stated in 24.3.2 A1 of The Scheme are exceeded at the boundary of the surrounding residential zone. These recommendations are to be implemented with a subsequent noise report to be completed until predicted noise levels are reached.

7. 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) (LAmix) at any time.

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

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

8. The compressor for the fridge container must be turned off between the hours of 7.00pm and 7.00am until all noise mitigation measures are installed to the satisfaction of Council's Senior Environmental Health Officer.

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.

Other 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 Attachments - 54-56 Gormanston Road, Moonah



APPENDIX

24.0 Light Industrial Zone

Standard	Acceptable Solution	Proposed	Complies?
24.3 Use of Standards			
24.3.1 Hours of Operation	A1 Hours of operation of a use within 100 m of a residential zone must be within: (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5.00 pm Saturdays; (c) nil Sundays and Public Holidays. except for office and administrative tasks.	The compressor of the fridge container would run 24/7	No – Discretion
24.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including	Please see report by Environment Health Officer	No – Discretion

Standard	Acceptable Solution	Proposed	Complies?
	adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15-minute time interval.		
	A2 External amplified loudspeakers or music must not be used within 50 m of a residential zone.	Not proposed	NA
24.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 10:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.	There would not be external lighting for the fridge container.	NA
24.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive; (b) 9 am to 5.00 pm Sundays and public holidays.	The fridge container would not change commercial vehicle movements to the site	NA
24.3.5 Outdoor Work Areas	A1 Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans must not be located within 50 m of a residential zone.	Not proposed	NA

Standard	Acceptable Solution	Proposed	Complies?
24.4 Development Standards for Buildings and Works			
24.4.1 Building Height	A1 Building height must be no more than: 9m.	Building height: 2.4m	Yes
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not within 10m	NA
24.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no more than: (a) 10 m; or (b) the alignment of the adjoining buildings whichever is the lesser.	Front setback: 9.35m	Yes
	A2 Building setback from a residential zone must be no less than: (a) 10m; or (b) half the height of the wall, whichever is the greater.	More than 10m	Yes
24.4.3 Design	A1 Building design must comply with all of the following:		No – Discretion

Standard	Acceptable Solution	Proposed	Complies?
	(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level façade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place.	The application is for a fridge container, which cannot comply with the acceptable solution.	
	A2 Walls of a building facing a residential zone must comply with all of the following:	The front of the fridge container would face a residential zone on the opposite side on Gormanston Road.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(a) be coloured using colours with a light reflectance value not greater than 40 percent; (b) if within 50m of a residential zone, must not have openings in walls facing the residential zone, unless the line of sight to the building is blocked by another building.	The container will have to be clad in plywood, which would have a light reflectance value of less than 40 percent. There will be no openings facing the residential zone.	
24.4.4 Passive Surveillance	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 20 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 10% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways;	The application is for a fridge container, which cannot comply with the acceptable solution.	No – Discretion

Standard	Acceptable Solution	Proposed	Complies?
	(f) provide well-lit public access at the ground floor level from any external car park.		
24.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has a nil setback to frontage.	There would be no change to existing landscaping.	NA
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 10m.	Not sharing a boundary with any residential property.	NA
24.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.		
24.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 2.1 m must not be erected within 10 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;		

Standard	Acceptable Solution	Proposed	Complies?
	(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.		

APPENDIX

E5 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA

Standard	Acceptable Solution	Proposed	Complies?
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		Yes
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.		NA
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		NA

Standard	Acceptable Solution	Proposed	Complies?
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		NA
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.		Yes
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA

Standard	Acceptable Solution	Proposed	Complies?
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes – no change

APPENDIX

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which		Yes

Standard	Acceptable Solution	Proposed	Complies?
	case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.		
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.		N/A
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation		N/A

Standard	Acceptable Solution	Proposed	Complies?
	Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		N/A
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.		NA
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		NA
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		N/A
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		N/A

Standard	Acceptable Solution	Proposed	Complies?
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		N/A
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.		NA
E6.7.1.13 Facilities for E7 s	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		NA – no new access

APPENDIX

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:		Yes – not required

Standard	Acceptable Solution	Proposed	Complies?
	(a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.		
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		Yes
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		Yes