

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 8 AUGUST 2016



GLENORCHY CITY COUNCIL

- * *The General Manager certifies that the reports contained in this Agenda have been written by qualified persons under Section 65 of the Local Government Act 1993.*
- * Aldermen with an interest or concern in relation to a particular item on this Agenda, are invited to attend the meeting.
- * All application information is available to Aldermen for inspection upon request to the relevant Planning Officer.

Chairperson: Alderman K. Johnston

Hour: 3.00 p.m.

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1. PLANNING AUTHORITY DECLARATION

The Chairperson stated that the Glenorchy Planning Authority intended to act as a Planning Authority under the Land Use Planning and Approvals Act 1993.

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 25 July 2016 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - FIVE MULTIPLE DWELLINGS (RESIDENTIAL) RELYING ON PERFORMANCE CRITERIA - 12 FOSBROOK COURT, MONTROSE

Author: Planning Officer (Vanessa Tomlin)

Qualified Person: Planning Officer (Vanessa Tomlin)

Property ID: 3251075

REPORT SUMMARY:

<i>Application No.:</i>	PLN-16-119
<i>Applicant:</i>	Michael Cooper & Associates
<i>Owner:</i>	RHPAM Pty Ltd
<i>Zone:</i>	General Residential
<i>Use Class</i>	Residential
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	P3 of 10.4.2; P1 and P2 of 10.4.3; and P1 and P2 of E14.7.2 (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	20 Aug 2016
<i>Existing Land Use:</i>	Vacant land
<i>Proposal In Brief:</i>	Five multiple dwellings (Residential) relying on performance criteria
<i>Representations:</i>	8
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal involves the construction of five dwellings. Proposed dwellings 1, 2 and 4 each will consist of two parking spaces, an undercroft (with both internal and external access), a laundry (with toilet), entry and stairwell on the ground floor and an open-plan kitchen, dining and lounge area, two bedrooms and a bathroom on the first floor. The proposed dining area is to have direct access to a 12.3m² deck enclosed with privacy screening to a height of 1.7m above floor level and a 12.3m² deck is proposed to be directly accessed from the lounge area. For dwellings 2 and 4, this deck is to include privacy screening to a height of 1.7m above floor level, at either end of the deck. Proposed dwelling 3 is to be slightly larger than the other proposed dwellings and consists of two parking spaces, an undercroft, a laundry (with toilet), entry and stair well on the ground floor and an open-plan kitchen, dining and lounge area, three bedrooms and a bathroom on the first floor. Two 12.3m² decks are proposed and will be directly accessed from either the lounge or the dining areas of the first floor. The deck to the lounge is to be enclosed with privacy screening to a height of 1.7m and the deck to the dining area is to be screened on either end. Proposed dwelling 5 consists of two parking spaces on the ground floor with a laundry, entry foyer, study, bathroom and two bedrooms. The first floor is to include an open-plan kitchen and dining area, lounge and bedroom with bathroom. A 12.3m² deck is to be directly accessed from the dining and lounge, with privacy screening at either end and another deck, 18.6m² in area is to extend along the length of the building on the north-eastern elevation.

The ground floor of each dwelling is to be clad in colourbond sheeting, while the first floor is to be clad in ecoshadow wall cladding, both in a dark grey colour. A low-pitch skillion roof is proposed and enclosed by a parapet wall. The colourbond roofing is to be in pale beige to white colour (surfmist®). The proposal involves excavation and retaining walls to the private outdoor space, given the slope of the land.

The private outdoor spaces for proposed dwellings 1 and 2 are predominately positioned to the southern side and cover approximately 79m² per dwelling; with 12.3m² provided as north-facing decks. Provision of 48m² of private outdoor space is made for each of proposed dwellings 3 and 4 on the southern side, with 12.3m² provided per dwelling as north-facing decks. Proposed dwelling 5 is to have approximately 127m² of north-east-facing private outdoor space at ground level. Landscaping is proposed throughout the site, as well as a communal waste storage area and two visitor parking spaces.

The proposal relies on performance criteria P3 of 10.4.2 Setbacks and building envelopes for all dwellings; P1 and P2 of 10.4.3 Site coverage and private open space for all dwellings; and P1 and P2 of E14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas.

SITE and LOCALITY

The site is an internal lot, accessed via a battle-axe handle on the southern side of Fosbrook Court, approximately 86m south-east of Montrose Road, Montrose.

The site is 2,016m², with 389m² of the area as the access strip. The site is surrounded by single dwelling development except for the south-western and the southern boundaries, which border Council land (see Figure 1 below).



Figure 1. An aerial snapshot of the site and surrounds, Council record, Exponare.

The vacant site is visible from Nielson Drive, Montrose and slopes down from the south-east to the north-west, with a gradient of approximately 1 in 4.5 (see Figure 2 below).



Figure 2. A view of the site from Nielson Drive, Montrose

ZONE

The site is located within the General Residential Zone (red), with the Environmental Living Zone (khaki) and Low Density Residential Zone (pink) in close proximity (see Figure 3 below).

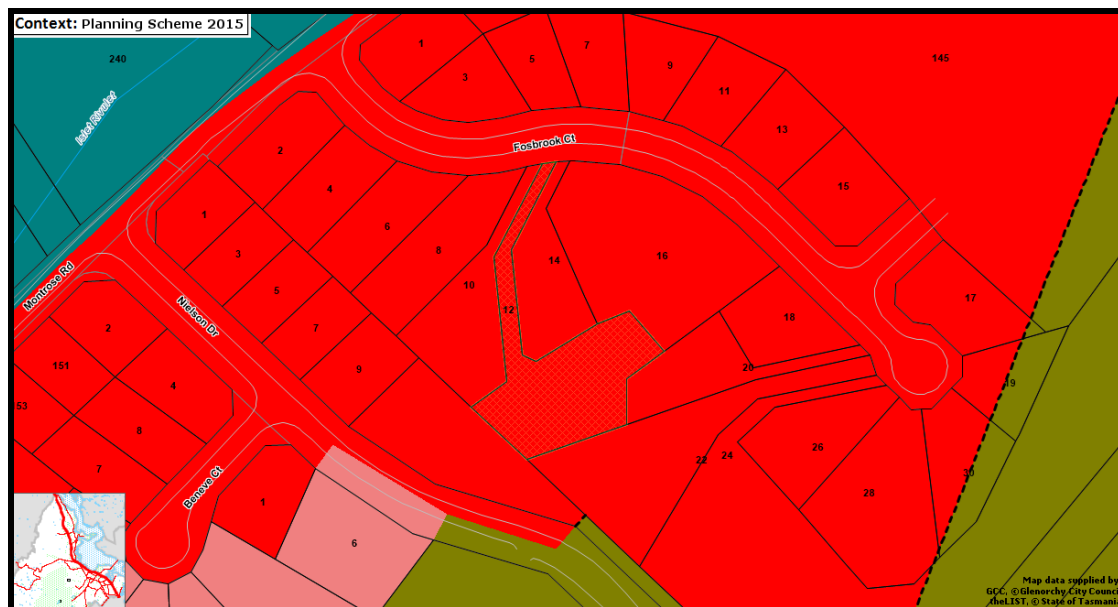


Figure 3. A snapshot of the zoning showing the General Residential Zone (red), with the Environmental Living Zone (khaki) and Low Density Residential Zone (pink).

BACKGROUND

PLN-07-4881 Subdivision creating fifty-three (53) lots (including road lots and public open space) and boundary adjustment with Nielson Drive Reserve (CT46375/101) including emergency vehicular access (Public Utility) approved 10 March 2011 via consent agreement, Appeal Tribunal. The subdivision is to be constructed over 6 stages, with the subject lot in stage one. The fifty-three lots range in size from 607m² to 3,130m², with a balance lot of 1.235 ha.

Amended plans – P3 plans and P4 plans

Amended plans were received on 28 July and 29 July 2016. The amendment to the plans was isolated to proposed dwelling 5, where the layout of the dwelling was changed to enable the dwelling to satisfy performance criteria P3 of 10.4.2 Setbacks and building envelope for all dwellings. No change was made to the rest of the proposal from what was advertised 13 July to 26 July 2016.

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

6.4 Fences

Clause 6.4.2 makes provision to exempt the construction or demolition of:

- (a) side and rear boundary fences not adjoining a road or public reserve or not within 4.5m of the site's primary frontage, and not more than a total height of 2.1m above natural ground level;
- (b) boundary fences adjoining a road or public reserve or within 4.5m of the site's primary frontage, and not more than a total height of 1.2m above natural ground level;
- (c) retaining walls, set back more than 1.5m from a boundary, and which retain a difference in ground level of less than 1m;

The proposal includes fences adjoining a public reserve more than 1.2m in height and retaining walls retaining more than a difference in ground level of a 1m and within 1.5m of a boundary. These elements of the proposal are not exempt from assessment under Clause 6.4.2.

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

No SAP or Code provision overrides Zone provisions in the assessment of this application.

Use Class Description (Table 8.2):

Residential means 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):

Applicable standard means as defined in subclause 7.5.2, which is a standard in a zone, specific area plan or code, is an applicable standard if:

- (a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and

- (b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

Standard means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.

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.

Habitable room means any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, hallway, lobby, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.

Site area per dwelling means the area of the site (excluding any access strip) divided by the number of dwellings.

Site coverage means the proportion of a site (excluding any access strip) covered by roofed buildings.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

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 is 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; and to provide for the efficient utilisation of services.

The proposal is assessed as being consistent with the purpose of the zone in that the proposal contributes to the provision of a range of dwelling types at suburban densities within the zoned area, with efficient utilisation of existing services.

Use Table

Residential multiple dwelling use and development is a permitted use class within the General Residential Zone. However, the proposal is discretionary owing to the proposal relying on performance criteria to comply with certain standards.

Use Standards

The use standards relate to non-residential uses within the zone, visitor accommodation and a local shop. These standards are not applicable to the assessment of the proposal.

Development Standards for Residential Buildings & Works

The proposed development complies with all relevant Acceptable Solutions as can be seen in Appendix 1 except for the following:

10.4.2 Setbacks and building envelopes for all dwellings

Performance criteria P3

The rear decks of proposed dwellings 2, 3 and 4 are to be within 4m of the rear boundary and do not comply with the acceptable solution A3 and a section of these dwellings extends outside of the vertical building envelope (see Figure 4 below). In addition, proposed dwelling 5 extends outside the building envelope to varying degrees (see Figure 5 next page). Accordingly, the proposal relies on the performance criteria to comply with the standard.

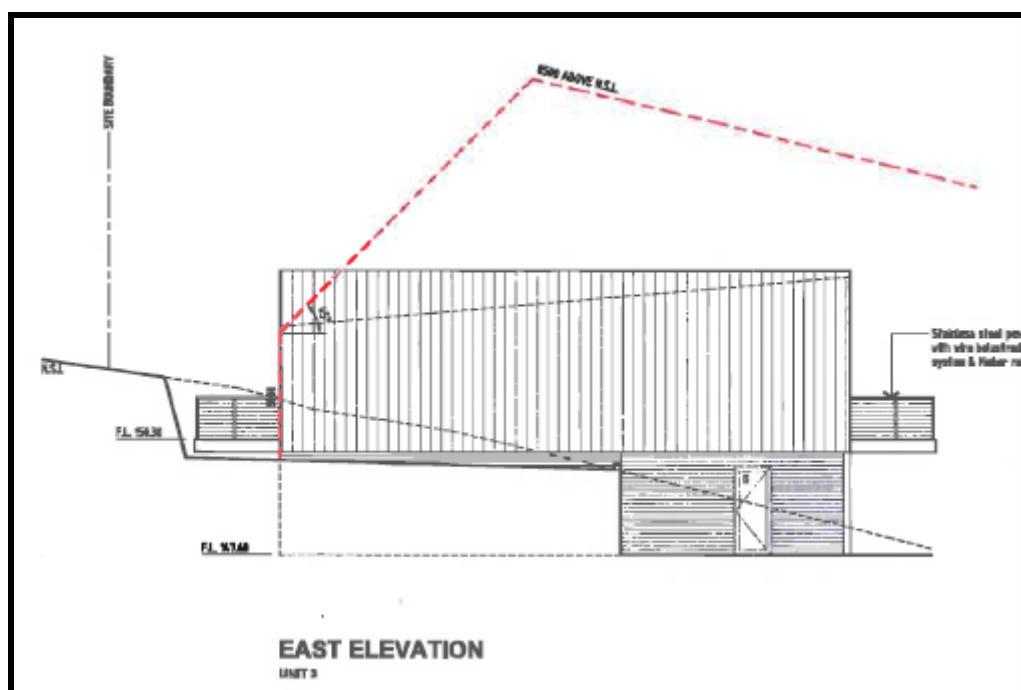


Figure 4. A snapshot of proposed dwelling 3, showing the rear deck and part of the dwelling extending outside the building envelope (marked in red) as prescribed in acceptable solution A3.

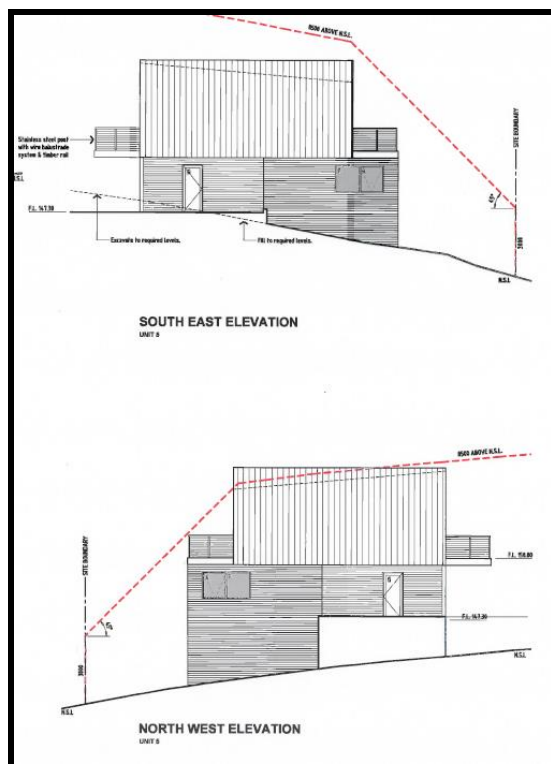


Figure 5. A snapshot of proposed dwelling 5, showing the dwelling extending outside the building envelope (marked in red) as prescribed in acceptable solution A3.

The objective of the standard is to control the siting and scale of dwellings to provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

To achieve this objective the performance criteria requires the siting and scale of a dwelling to not cause unreasonable loss of amenity by reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or overshadowing the private open space of a dwelling on an adjoining lot; or overshadowing of an adjoining vacant lot; or visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and to provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Shadow diagrams were submitted to demonstrate the extent of potential overshadowing of dwellings, private outdoor spaces and vacant land on adjoining lots (see Figure 6 next page).



Figure 6. A snapshot of the shadow diagrams, showing the potential shadow cast on 21 June, onto adjoining properties and private outdoors spaces.

Given that the site is positioned to the south of neighbouring properties, 10, 14 and 16 Fosbrook Court and to the north-west of 20 Fosbrook Court, the proposal is not expected to unreasonably overshadow the dwellings, private outdoor spaces and vacant land on adjoining lots. In terms of visual impact when viewed from adjoining lots, the rear boundary adjacent to proposed dwellings 2, 3 and 4 borders a public reserve and the maximum height of the dwellings facing the public reserve is 4.84m above natural ground level, with a setback of 4m to the rear boundary. The finished floor levels of the decks proposed for dwellings 2 and 3 are to be below natural ground level and the finished floor level of proposed dwelling 4 is to be equal to the natural ground level. All decks are to be screened for privacy. Considering that the buildings are separated from the rear boundary by 4m and the proposed decks are to be on or below natural ground level and screened for privacy, the view of the proposal from the public reserve is not expected to unreasonably impact the amenity of the locality, in terms of bulk and scale.

Proposed dwelling 5 is to have a maximum height of 9.93m and is to be setback a minimum of 4.47 from the north-eastern side boundary. The acceptable solution requires a building 8.5m in height to be setback 5.5m from the side boundary.

However, it is assessed that the proposed dwelling 5 would not cause an unreasonable loss of amenity through visual impact from an adjoining lot, given the siting of the proposed dwelling involves the setback is no less than 5m from the north-western side boundary, a minimum of 4.47m (and maximum of 5.18m) from the north-eastern side boundary and 4m from the south-eastern boundary. With regard to the scale or proportions of the dwelling, it is largely the parapet wall enclosing the low-pitch skillion roof that extends outside the vertical building envelope. It is recommended that landscaping in the form of screening vegetation be planted along the north-eastern side boundary to minimise the visual impact, when viewed from the adjacent lot.

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

10.4.3 Site coverage and private open space for all dwellings

The objective of the standard is to provide for outdoor recreation and the operational needs of the residents; and opportunities for the planting of gardens and landscaping; and private open space that is integrated with the living areas of the dwelling; and private open space that has access to sunlight.

Performance criteria P1

A total area of 60m² is to be provided as private open space per dwelling in accordance with acceptable solution A1. Provision of 48m² of private outdoor space is made for proposed dwellings 3 and 4 on the southern side, with an additional 12.3m² provided per dwelling, as north-facing decks. It is noted that the finished floor level of the dwelling is not entirely more than 1.8m above finished ground level, owing to the laundry being located on the ground floor. The proposal relies on the performance criteria to comply with the standard. The performance criteria require dwellings to have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and
 - (ii) operational needs, such as clothes drying and storage; and
- (b) reasonable space for the planting of gardens and landscaping.

It is assessed that the private outdoor space provided at ground level and as elevated decks, would be of an appropriate size to facilitate outdoor recreational and functional spaces throughout the year, given the north-facing deck and minimal potential for overshadowing in the summer months. Therefore, the proposal is assessed as satisfying the performance criteria and complies with the standard.

Performance criteria P2

Private outdoor space in one area, measuring 24m² is proposed at ground level. However, the ground level private outdoor space would not be directly accessible from a habitable room other than a bedroom and would receive less than three hours of sunlight on 21 June. The proposal relies on the performance criteria to comply with the standard. The performance criteria requires a dwelling to have private open space that 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 conveniently located in relation to a living area of the dwelling; and orientated to take advantage of sunlight.

Owing to the convenient location of the north-facing decks to dwellings 3 and 4, it is assessed that the proposal satisfies the performance criteria and complies with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Road and Railway Assets code.

Council's Development Engineer, in conjunction with Council's Traffic Engineer, has assessed the proposal against the provisions of the Road and Railway Assets code. Council's Development Engineer is satisfied that the proposal complies with the standards. Refer to Development Engineer's referral comments and Appendix 2.

Parking and Access Code

Council's Development Engineer has assessed the proposal against the provisions of the Parking and Access code. It is recommended as conditions of approval that the driveway access be widened to accommodate a passing bay and comply with the Road Authority's requirements and that lighting be installed in parking areas. Refer to Development Engineer's referral comments and Appendix 3.

Stormwater Management Code

Council's Development Engineer, in conjunction with Council's Hydraulic Engineer, has assessed the proposal against the provisions of the Stormwater Management code. Council's Development Engineer is satisfied that the proposal complies with the standards, subject to conditions of approval. Refer to Development Engineer's referral comments and Appendix 4.

Scenic Landscapes Code

The purpose of the code is to recognise and protect landscapes that are important for their scenic values. The site is partially situated within the scenic landscape area, identified on the planning scheme maps (see Figure 7 next page).

E14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas

Considering the proposal can be seen from a public place, the proposal relies on performance criteria P1 and P2 to comply with the standards.

Performance criteria P1

Performance criteria P1 requires buildings visible from public spaces to maintain scenic landscape value by having either external finishes that are non-reflective and coloured to blend with the landscape; or be designed to incorporate low roof lines that follow the natural form of the land; minimise visual impact in height and bulk; or minimise cut and fill; or be located below skylines; or be located to take advantage of any existing native vegetation or exotic vegetation for visual screening purposes.

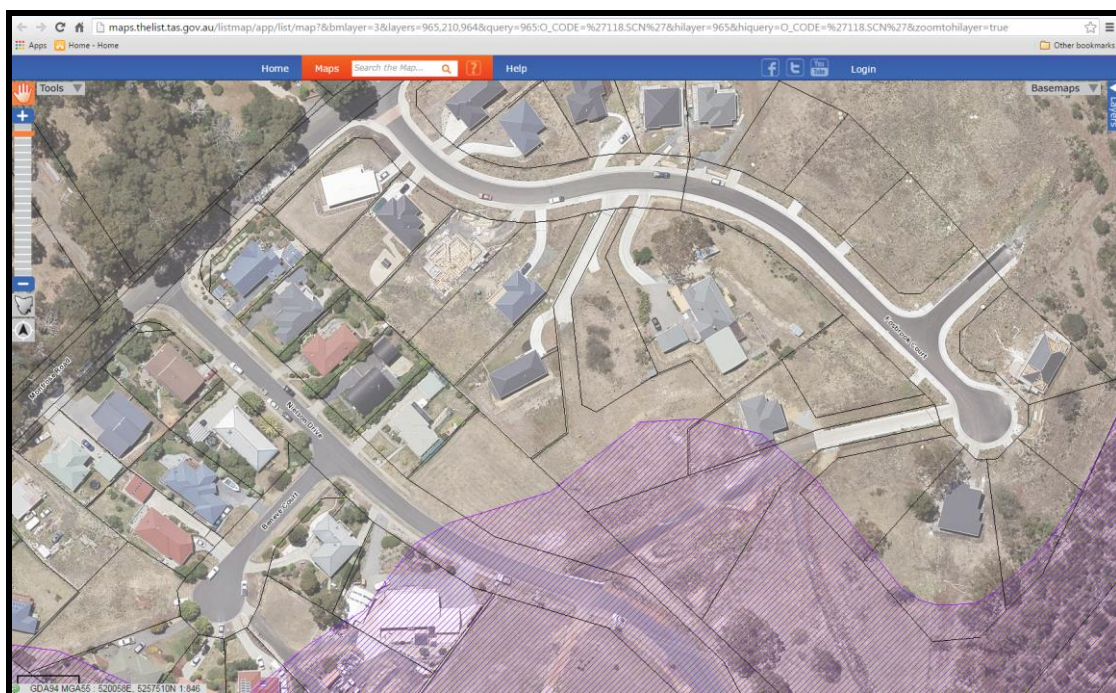


Figure 7. A snapshot of the site as shown on Map E14 Scenic Landscapes – LISTmap.

Owing to the site being an internal lot, the site is seen predominately from the public reserve to the south and south-west of the site. The public reserve is generally upslope from the site and proposed dwellings, 1, 2, 3 and 4 would be in view. The proposed dwellings are to be clad in colourbond sheeting and ecoshadow wall cladding, in a dark grey colour. It is noted that the parapet wall conceals the low pitch skillion roof from view. As such, the proposal is assessed as satisfying the performance criteria and complies with the standard.

Performance criteria P2

Performance criteria P2 requires works visible from public spaces to maintain scenic landscape value by either having driveways and access tracks as close as practical to running parallel with contours and are surfaced with dark materials; or by minimising cut and fill; or by finishing surfaces of retaining walls and batters with a natural appearance; or fences may be post-and-wire or another designed of a similarly transparent appearance.

The proposal satisfies the performance criteria by sealing the driveway and manoeuvring area in a dark grey bitumen. However, to further minimise impacts to the scenic landscape value, it is recommended as a condition of approval that the retaining walls are finished in a natural appearance.

The proposal is assessed as complying with the standard.

PART F: Specific Area Plans

No Specific Area Plan is applicable to this application.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has made the following comments:

There are 8 representations which raised various concerns and objections against the proposed development including increased traffic, internal (shared driveway) access, inadequate reticulated services, safety and amenity. The closest fire hydrant is off Fosbrook Court and is able to service the site as the distance from the hydrant to the subject site is less than 120 metres.

The development application can be supported for approval in principle, subject to conditions and advice below.

Traffic, Access & Parking

The proposed access is via the existing shared access off Fosbrook Court. The 4m wide access is shared among 10, 12 and 14 Fosbrook Court. Representations raise concerns regarding the increase in traffic to the road network, narrowness of the shared access and sections of Montrose Road, no footpath provided and driveway and sight distance.

Council's Transport Engineer has provided comments responding to the increase in traffic and the width of the road for the additional traffic flow; please refer to that officer's response.

The proposed on-site turning within the subject site is considered sufficient. However, it is noted that 10 Fosbrook Court does not have an on-site turning area and must reverse out over the shared right of way. The width of the right-of-carriageway (r.o.w.) at the access point to 10 Fosbrook Court is 5.5 metres which is able to act as a passing bay at this conflict point. Additionally, the existing access apron must be widened to provide adequate passing bay at the access point in order to comply with Code E6.7.3 of GIPS.

There is no requirement under the GIPS for pedestrian path or footpath within and/or over the r.o.w. and within the residential property boundary.

The site is steep with the slope at approximately 1 in 4 or 25%; the internal driveway is proposed to have maximum gradient of 22.3% as per drawing HB 16271-P3 received by Council on 12 July 2016. 12 parking spaces are proposed, 2 spaces for each dwelling plus 2 visitor parking spaces with sufficient on-site turning areas provided.

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

GCC Services (Stormwater)

The run-off from roofed and hardstand areas are proposed to discharge to the existing Council's approved stormwater connection point. The on-site detention and water sensitive urban design must be provided to the satisfaction of Council's Development Engineer and Hydraulic Engineer.

The installation of minimum 10,000 litre rainwater tanks will be required and conditioned in order to comply with Council's stormwater policy for multiple dwelling units

Other

Geoscience issues

The appropriate retaining structure, if required, must be design and certified by a suitably qualified Engineer. The form and certificate must form part of the building application.

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

Flooding/Inundation issues

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

Traffic Engineer

Council's Traffic Engineer has made the following comments:

In relation to traffic related matters, the following dot points are noted:

- The results of a traffic survey in Upper Montrose Road (undertaken between 18 February and 10 March 2009) show that the average daily traffic is approximately 300 vehicles per day. With the assumption of 1% traffic growth per year, the traffic volume along of Montrose Road in 2016 would be in the order of 322 vehicles per day.
- Based on the NSW RTA Guide to Traffic Generating Developments, 2002, the proposed additional four dwellings (the Traffic Impact Assessment for the subdivision accounted for one dwelling on the site) at 12 Fosbrook Court, Montrose, will generate additional traffic in the order of 4×5 vehicles per day = 20 vehicles per day. This additional traffic is equal to approximately 6.2% of the existing traffic volume on Upper Montrose Road and will not create traffic congestion or road safety issues on Upper Montrose Road.
- The planning permit for subdivision of 53 lots (PLN-07-4881) including 12 Fosbrook Court, Montrose, contains conditions for road widening for Montrose Road (i.e. 6.8 metres pavement + 1.5 metre wide concrete footpath) to be constructed by the developer as part of the stage 4 of the subdivision. This will provide a better traffic flow along Upper Montrose Road.

In conclusion, based on the above dot points, the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety.

Waste Management Officer

Council's Waste Management Officer has made the following comments.

Waste management services to the proposed dwelling development at 12 Fosbrook Court Montrose would be Council's shared bin service, collected weekly. The wheelie bins should be stored in a bin enclosure within the property boundary and are not to be taken to individual dwellings. All wheelie bins should be placed on the existing kerbside for collection.

In response to the representations, the shared bin service consists of a total of four bins (two waste and two recycling), collected from the kerbside. The shared bins are issued to the site based on the limited kerb space provided. It should be noted that the owners, or property managers of 12 Fosbrook Court, will be responsible to ensure the transfer of kerbside bins to and from the site on the scheduled collection days.

EXTERNAL REFERRALS

TasWater

TasWater is in support of the proposal and has recommended conditions and advice.

REPRESENTATIONS

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

1. Zone

The representors state that proposal is not in keeping with the semi-rural setting, in terms of residential density and that approving the proposal will set a precedent for multiple dwellings in the area.

Planner's Comment:

Fosbrook Court is situated in the General Residential zone, where the purpose of the zone is to provide residential use or development with a range of dwelling types at suburban densities. Multiple dwellings are a permitted use within the General Residential zone. The 'residential density for multiple dwelling' standard, Clause 10.4.1 sets out the suburban density. The proposal is assessed as complying with this standard. Please refer to Appendix 1 of the report.

2. Shared access

The representors state that the increased traffic using the shared access would increase the safety risk and that the access is not wide enough to support such a traffic increase generated by the development.

Planner's Comment:

Council's Development Engineer has reviewed the proposal and recommends as a condition of approval that a passing bay be constructed at a potential conflict point, where the driveway of 10 Fosbrook adjoins the shared driveway. In addition, a passing bay is to be provided at the road alignment. These measures are proposed to ensure the safe use of the driveway, given a right-of-way over the access strip permits the sharing of the driveway.

3. Amenity

The representors state that the proposal would create noise and privacy issues adversely impacting the residential amenity.

Planner's Comment:

Noise generated from residential use is regulated by the Environmental Pollution Control Act 1993. The Environment Protection Authority (EPA) website provides details relating to residential noise nuisances. The proposal is assessed as complying with the 'privacy for all dwellings' standard, Clause 10.4.6. Please refer to Appendix 1.

4. Original subdivision

The representors state that the subdivision was approved with 53 lots and the proposal will increase the lots to 57.

Planner's Comment:

Planning permit PLN-07-4881 issued for the subdivision approved 53 lots. However, the lots approved under PLN-07-4881 are subdivision lots where the purchaser owns all the land and buildings contained in that lot. This is compared to a strata lot/property, which allows individual ownership of part of the land and/or buildings within the subdivision lot and shared ownership of the common property within the subdivision lot, such as driveways. A body corporate manages the site as a whole. This scenario is otherwise known as strata subdivision.

Any subdivision lot with an area of 650m² or more, that accommodates multiple dwellings and is located in the General Residential zone, may be part of a strata subdivision.

5. Montrose Road

The representors state that Montrose Road is too narrow and would not have the capacity to support an increase in traffic. In addition, it is claimed that widening of Montrose Road formed a condition of approval on the subdivision approval.

Planner's Comment:

Council's Traffic Engineer has reviewed the capacity of Montrose Road and noted that road widening for Montrose Road (i.e. 6.8 metres pavement + 1.5 metre wide concrete footpath) is to be constructed by the developer as part of the stage 4 of the subdivision. Stages 1, 2 and 3 have been sealed (titles issued) and stage four has not yet commenced.

6. Stability

The representors state that the significant earthworks required for the retaining walls would cause stability issues and potentially undermine adjoining property. The representors states that the proposal would increase the likelihood of damage to existing structures.

Planner's Comment:

Council's Development Engineer has noted that an appropriate retaining structure must be designed and certified by a suitably qualified engineer. The form and certificate must form part of the building application. The certainty is that once approved, the stability of these structures is certified. The construction works must not affect the adjoining land. These measures are considered at the building permit stage.

7. Footpath

The representors raise concerns about the lack of footpaths on the shared access.

Planner's Comment:

Council's Development Engineer has reviewed the proposal and notes that there is no requirement under GIPS for a pedestrian path or footpath along the length of the driveway. Pedestrian path or footpaths are provided along Fosbrook Court.

8. Waste management

The representors raise concern about other properties' wheelie bins placed in front of their property and the nuisance this would cause.

Planner's Comment:

Council's Waste Management section has reviewed the proposal and recommended the shared bin service collected weekly, given the limited kerbside. This will result in four bins instead of ten. It is the responsibility of the property owners (body corporate) to ensure bins are taken out to the kerb and returned on collection days.

9. Services

The representor states that the proposal would have a negative impact on the water pressure and increase the load on electricity and telecommunication provisions.

Planner's Comment:

The proposal was referred to TasWater. Taswater supports the proposal subject to conditions of approval. Electricity and telecommunication provisions will be provided by the relevant service providers at the developer's/owner's cost.

10. Bushfire hazard

The representor states that more dwellings in close proximity to the bush would increase the bushfire risk and potentially jeopardise existing fire safety provisions and plans.

Planner's Comment:

The provision of fire hydrants was assessed and supplied at the subdivision stage. Council's Development Engineer has reviewed this and concludes that the fire hydrant in proximity to the access would have the capacity to fight fire, in conjunction with TasFire.

The bushfire attack level (BAL) of dwellings is rated at the construction stage and is regulated by the Building Code of Australia and associated provisions.

11. Threatened fauna

Masked lapwing are an endangered species and they frequent the site and nest there. The proposal would affect the habitat of this threatened species.

Planner's Comment:

Council's Environmental Planner has noted that while this species is protected under State legislation. There are no standards under the Scheme to enable Council to assess this issue as the property is not within the Biodiversity Protection Area and is not within a zone which has standards relating to natural values. Therefore, the developer must consider its obligations under the State legislation.

A permit condition is recommended to enable the developer to be aware of and meet these obligations, while ensuring there is no impact on this native species.

CONCLUSION

The proposal is relying on the performance criteria to comply with the setbacks and building envelopes for all dwellings standard; the site coverage and private open space for all dwellings standard; and the appearance of buildings and works within scenic landscape areas standard. The proposal is assessed as satisfying the performance criteria and complies with those standards. The proposal is assessed as complying with all other use and development standards in the General Residential Zone, as well as the relevant standards of the Parking and Access Code, Stormwater Management Code and Scenic Landscapes Code. The application was publicly advertised for the statutory 14-day period and eight representations were received, raising numerous concerns. These issues have been addressed through the assessment of the proposal. It is concluded that the proposal is consistent with the Scheme's zone purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of five multiple dwellings (Residential) relying on performance criteria at 12 Fosbrook Court Montrose subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-119 and Drawing No. P3 submitted on 28 July 2016 and Drawing No. P4 submitted on 29 July 2016, except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. The rear decks to dwellings 1, 2, 3 and 4 must be fitted with a permanently fixed screen to a height of at least 1.7 m above the finished floor level, with a uniform transparency of no more than 25%, along the sides of the decks facing the side and rear boundaries, as shown on endorsed plans. The privacy screening must be in place prior to occupation of the dwellings and remain insitu until the residential use ceases.
4. Landscaping, in the form of screening vegetation must be planted along the north-eastern side boundary of the site prior to occupation of the dwellings, to minimise the visual impact, when viewed from the adjacent lot. The landscaping must be maintained until the use the residential ceases.
5. The driveway and manoeuvring areas must be sealed in a dark grey impervious surface, to minimise impacts to the scenic landscape value. The driveway and manoeuvring areas must be a dark grey colour prior to occupation of the dwellings and maintained accordingly, until the residential use ceases.
6. Surfaces of all retaining walls and batters must be finished with a natural appearance, to ensure no unreasonable adverse impact on the scenic landscape value. All surface treatments must be completed within 6 months of the occupation of the first dwelling and maintained until the residential use ceases.
7. Any fence adjoining the public reserve must be 1.5m in height. This fencing must be constructed prior to occupation of the dwellings and maintained until the residential use ceases.

Engineering

8. Prior to the issuing of a Building Permit Approval or the commencement of works on site, submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of to be approved by the 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. For further information please refer to the Soil and Water Management Fact Sheets published by the Department of Environment, Parks, Heritage and the Arts. These are available from Council or online at www.derwentestuary.com.au

9. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
10. Any damage to Council's assets, including services, footpaths, driveway crossings and nature strips must be promptly reported to and then repaired to the requirements of Council's Development Engineer, at the developer's cost
11. Widening to the existing vehicle crossing to provide a passing bay at the access point must be constructed in accordance with standard drawing SD-1003 between the kerb and the property boundary and completed to the satisfaction of Council's Development Engineer prior to occupancy of any new dwelling. The detail design must be submitted and approved prior to the issuing of a Building Permit Approval.
12. Any driveway crossover work within Council's road reservation must be carried out by a Council-registered contractor. A road-opening permit from Council's Planning Services Program is required. An inspection fee is payable upon application. Any modifications to vehicular kerb crossing must include reinstatement of the footpath/nature strip and kerbing to match the existing environment.
13. 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. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to service mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted with the Building Application for approval by Council's Development Engineer.
14. The proposed driveway, access and parking must comply with the following:-
 - Be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 22.3% as provided in drawing HB 16271-P3 received by Council on 12 July 2016;
 - All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - 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%;
 - The gradient of any parking areas must not exceed 5%;
 - Minimum carriageway width is to be 4.0 metres;
 - The sight distance at an access or junction must comply with the Safe Intersection Sight Distance; and

- Passing bays in accordance to GIPS, E6.7.3 must be provided. One at the access point and another at the access point to no. 10 Fosbrook Court.
15. Barrier compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit. All works required by this condition must be installed prior to the occupancy of any new dwelling.
 16. Twelve (12) clearly marked car parking spaces must be provided as shown on the Site Plan submitted with the development application and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and must be provided prior to the occupancy of any new dwelling.
 17. Of the total required number of car parking spaces of the completed development, two (2) car parking spaces shall be provided for the use of visitor parking. The parking space to be provided must be marked, with clearly painted markings, as “Visitor Parking”.
 18. The turning bay(s) to be provided must be marked, with clearly painted markings, as “No Parking”.
 19. 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. Any alterations or works to Council mains shall be undertaken by Council at the developer’s cost. Advice: Council does not have any record of the stormwater connection to the site. The applicant is required to accurately locate, size and accurately plot the location on the submitted site plans if a connection does exist. The applicant can contact Council and complete a Storm Water Line Location Request form at a cost of \$182.00 inc GST, if required to enable Council’s Asset Survey Officer to assist with locating and determining the size of the drainage line on site. If no stormwater connection exists the developer is required to contact Council’s Development Technical Officer on (03) 62166426 to organise for Council to provide a quote to perform the stormwater connection works.
 20. The development must comply with Council’s Stormwater Runoff Management Policy, the Stormwater detention for a 1 in 20 year ARI storm event must be provided on site. Any system proposed to retain the required runoff storage volume must be detailed in an engineering design lodged and approved as part of the plumbing application, and to be designed, constructed prior to occupancy of any new dwelling and maintained to the satisfaction of Council’s Plumbing Surveyor.

21. A bio retention basin for the treatment of stormwater discharging from the development must be incorporated into the development, in accordance with the Glenorchy Interim Planning Scheme Stormwater Management Code and be approved by Council's Development Engineer prior to the issuing of a Building Permit Approval. The stormwater treatment system has been constructed in accordance with the approved plans prior to the occupancy of any new dwelling. Prior to the issue of a Building Permit Approval, the bio-retention detail designed certified by a suitably qualified Engineer must be submitted to and approved by Council.
22. The appropriate retaining structure, if required, must be design and certified by a suitably qualified Engineer. The form and certification must be submitted to and approved by Council prior to the issue of a Building Permit.
23. All dwellings and structures are to be constructed in accordance with the recommendations contained in the Geotechnical Report, Geotech 07-024 – Subdivision of 145 Upper Montrose Road, Montrose by Rock Solid Geotechnics Pty Ltd.

Waste Management

24. The design for the bin enclosure must:
 - (a) be built on a flat surface with a concrete base/pad and surround of a brick or painted block enclosure or other suitable material to Council's approval,
 - (b) must have concrete at the entrance to the bin enclosure;
 - (c) must suit 4 X 240L wheelie bins of size 1100 height x 600mm wide x 800mm deep and must allow for 300mm space in between each bin;
 - (d) The recommended minimum height of the enclosure is 1200mm and minimum recommended depth is 930mm;
 - (e) the front of the enclosure must face the internal access driveway, and be left open throughout the length of the bin enclosure to enable the bins to be removed, and returned in a safe and efficient manner;
 - (f) there must be no lip on the concrete slab of the bin enclosure;
25. Prior to occupancy of the dwellings the bin enclosure must be constructed to the satisfaction of Council's Waste Services Co-ordinator.

Environment

26. Within one calendar month prior to scheduled commencement of works, a qualified ecologist must inspect the entire site at the developer's cost and determine whether there is any evidence of current nesting or breeding of the masked lapwing. The outcome of this inspection must be reported to Council in writing prior to commencement of works.

If evidence is observed, the developer must consult with the Department of Primary Industries, Parks, Water and Environment to determine their obligations under State legislation and ensure breeding of the masked lapwing is not disturbed. This may require a delay in the commencement of works.

Advice to Applicant

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

Other Permits or approvals

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the Building Act 2000 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

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.

Water Sensitive Urban Design

All development applications that result in an increase in the impervious area of the site, and therefore the peak stormwater discharge rate must incorporate an On-Site Detention System (OSD) in accordance with Council Policy No 28-4. The proposed OSD must provide a runoff storage volume equivalent to the difference between the allowable site discharge and the anticipated maximum discharge over the period of the design storm. An OSD proposal must be submitted with the Plumbing Permit Application and detailed in a hydraulic design for assessment and approval by Council's Plumbing Permit Authority. Water Sensitive Urban Design (WSUD) elements are encouraged. If the developer has any enquiries relating to acceptable methods of providing On-site detention, they should contact Council's Plumbing Surveyor on (03) 6216 6800.

Lighting of car parks

Appropriate 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. Parking must be provided for vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours.

Waste Management

Five (5) dwellings would be eligible for a maximum of two (2) x 240L waste wheelie bins and two (2) x 240L recycling bins collected weekly to be shared by all the five (5) dwellings. Collection of bins would be from the kerbside. The bins would be stored in a bin enclosure. The bin enclosure should be built within the property boundary allowing a 4.5 metre distance from the entrance to prevent impacting on sight distances for vehicles leaving the site. It is recommended that no bin enclosure be built closer than a minimum of 5.5 metres to any residence to avoid odour and nuisance issues arising. Council's Waste Management Contractor would not enter the property to collect and empty bins. All wheelie bins should be placed on the existing kerbside for collection.

APPENDIX 1**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.	The site area, excluding the access handle is 1627m ² . The site area per dwelling is 325.4m 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 (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.	The site is an internal lot. The proposed dwellings are to be setback more than 4.5m from the primary frontage.	Yes

	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.	No garage or carport is proposed within 5.5m of the frontage.	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 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).	The proposal sits outside the vertical dimensions of the building envelope show in Diagram 10.4.2D.	No

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) The proposed site coverage is 508m², which is 31.28%. b) All dwellings except dwellings 3 and 4 provide more than 60m² of private open space. Does not comply. c) 33.9% of the site is to be clear of impervious surfaces.	No
	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 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	(a) Each dwelling has access to 24m² of private open space (POS) in one location; with (b) a minimum horizontal dimension of 4m; but (c) not directly accessible from a habitable room other than a bedroom; and (d) the POS is situated to the south, south-east or south-west of dwellings 2, 3 and 4 and the areas would receive less than 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June. (e) The POS is not located between the dwelling and the frontage. (f) The gradient is not to be steeper than 1 in 10 owing to retaining walls; and (g) Is not to be used for access or parking.	No

	(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 overshadowing of dwellings and all	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).	All dwellings 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	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 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.	No dwelling is to be directly north of another dwelling on the same site.	Yes

	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. (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.	Private outdoor space of the dwellings are not north of the private outdoor space of another dwelling.	Yes
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).	No garage is proposed within 12m of the frontage.	NA
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:	The proposal includes decks with a finished surface or floor level more than 1 m above natural ground level that 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 the side and rear boundaries. The rear decks of proposed dwellings 2, 3 and 4	Yes

	(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 (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.	are separated by less than 6m, but provide screening to a height of 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%. A condition of approval is recommended accordingly.	
	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	The window or glazed door, to a habitable room, of dwellings 1 and 5, with a floor level more than 1m above the natural ground level is to be within 3m of the side boundary. However, a privacy screen on the respective decks acts as a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m. The proposal does not include a window or glazed door within 6m of another dwelling on the site that isn't suitably screened. Windows or glazed doors of the dwellings within 6m of the POS of another dwelling are to be offset or suitably screened .	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 (iii) 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.	No habitable rooms on the are proposed on the ground floor, within 2.5m of the shared driveway or parking space.	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 which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	A fence within 4.5m of the frontage is not proposed.	NA

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.	A communal waste storage area is proposed and is to be screened to a height of 1.2m and is to be separated from the dwellings by at least 5.5m	Yes
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Appendix 2

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.	N/A	
	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.	N/A	
	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.	“6.2% or 20 vehicles per day” Council’s Transport Engineer	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.	N/A	
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.	N/A	
	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.	N/A	
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	N/A	

Standard	Acceptable Solution	Proposed	Complies?
	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.	One existing access must be widen	Yes and will condition
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	N/A	
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.	Provided and to be widen	Yes

Appendix 3

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.	12	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.	N/A	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.	No change	
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 Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	Need to be widen to 5.5 m to provide vehicle passing bay at the access point	Condition
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.	Need to be provided – 2 passing bays. This will be condition.	Condition

Standard	Acceptable Solution	Proposed	Complies?
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.	Provided	Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	Provided	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.	Provided	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.	To advise	Advice
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.	Provided	Yes

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.	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	
	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.	N/A	
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	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.	Provided	Yes
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:	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.	Will condition	To be conditioned

Appendix 4

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.	Provided and to be located by applicant	To condition
	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.	Provided	Yes and to condition
	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.	Provided OSD	Yes
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Stormwater discharged to existing approved system	N/A

APPENDIX 5**E14 Scenic Landscapes Code**

Standard	Acceptable Solution	Proposed	Complies?
E14.7 Development Standards			
E14.7.1 Removal of Bushland within Scenic Landscape Areas.	A1 Removal or disturbance of bushland must comply with both of the following: (a) be on land no less than 50 m (in elevation) from a skyline; (b) be no more than 500 m ² in extent.	No removal or disturbance of bushland is proposed.	NA
E14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas	A1 Buildings must comply with one of the following: (a) not be visible from public spaces; (b) be an addition or alteration to an existing building that; (i) increases the gross floor area by no more than 25%; (ii) does not increase the building height; (iii) provides external finishes the same or similar to existing.	The proposal is to be visible from Nielson Drive and a public reserve.	No
	A2 Works must not be visible from public spaces.	The proposal is to be visible from Nielson Drive and a public reserve	No

Attachments/Annexures

- 1** Attachments - 12 Fosbrook Court, Montrose

6. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO OFFICE (BUSINESS AND PROFESSIONAL SERVICES) AND SINGLE DWELLING (RESIDENTIAL) WITH SIGNAGE RELYING ON PERFORMANCE CRITERIA - 16 ALBERT ROAD, MOONAH

Author: Planning Officer (Vanessa Tomlin)

Qualified Person: Planning Officer (Vanessa Tomlin)

Property ID: 5403706

REPORT SUMMARY:

<i>Application No.:</i>	PLN-16-139
<i>Applicant:</i>	Dallas Wilson Design Drafting
<i>Owner:</i>	Ladder Associates
<i>Zone:</i>	General Business
<i>Use Class</i>	Business and Professional Services, Residential
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	P1 E17.7.1 and P1 E6.6.1 (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	12 Aug 2016
<i>Existing Land Use:</i>	Consulting Rooms (GPS 1992)
<i>Representations:</i>	0
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposed change of use involves 104m² of office space that is to be accessed from Albert Road and Charles Street, staff amenities and a 64m² dwelling with parking. The dwelling is to consist of a kitchen, bathroom, living room, and a bedroom with access to a deck. The deck provides a transition space connecting the dwelling to the parking area. Six parking spaces are proposed.

Five window signs are proposed and will be displayed on the south-western, south-eastern and north-eastern facades of the existing building. The proposed window signage design details involve a red band with text and images relating to a member of the Legislative Council, with a frosted film to the top and bottom of the red band.

The proposal relies on performance criteria for E17.7.1 Standards for Signs and P1 E6.6.1 Number of Car Parking Spaces.

SITE and LOCALITY

The site is situated on the corner of Albert Road and Charles Street, Moonah (Fig. 1.).

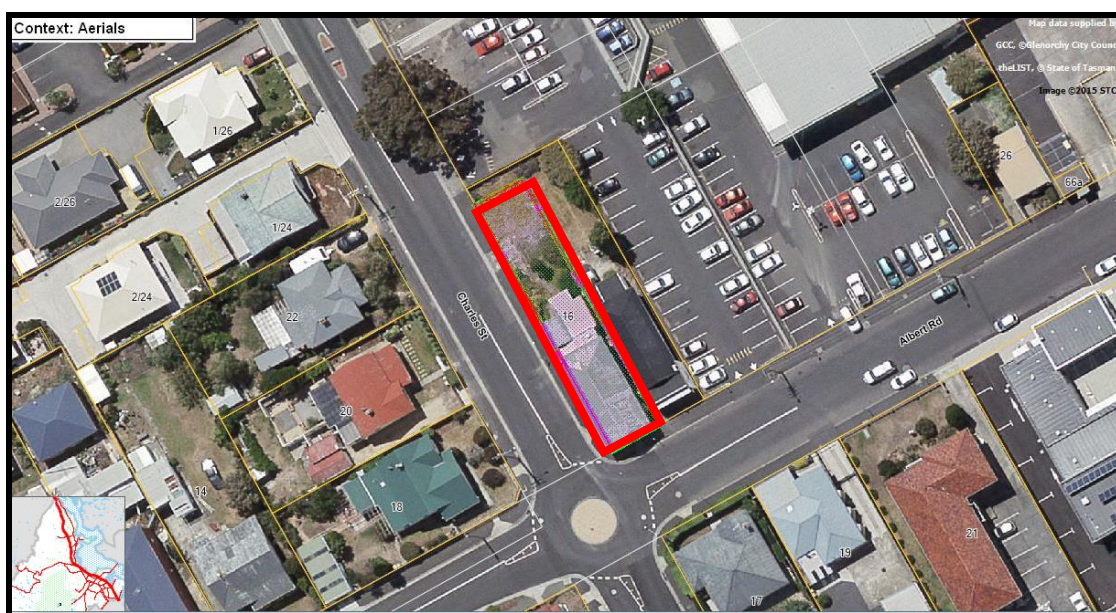


Figure 1. A snapshot of the site and surrounds, Council record Exponare

The site is occupied by a commercial premise with parking to the rear. The existing building abuts the street frontage on both Albert Road and Charles Street (Fig. 2.).



Figure 2. A snapshot from Street view, showing the existing building with direct access to Albert Road and Charles Street.

The predominately grassed area to the rear of the existing building contains a parking area for one or two vehicles (Fig. 3).



Figure 3. A snapshot from Street view, showing the parking area to the rear of the existing building and boundary fence.

The site is located on a bus route with a bus stop approximately 50m to the east of the site, on Albert Road.

ZONE

The site is situated in the General Business Zone and the Inner Residential Zone is in close proximity to the site (Fig. 4.).

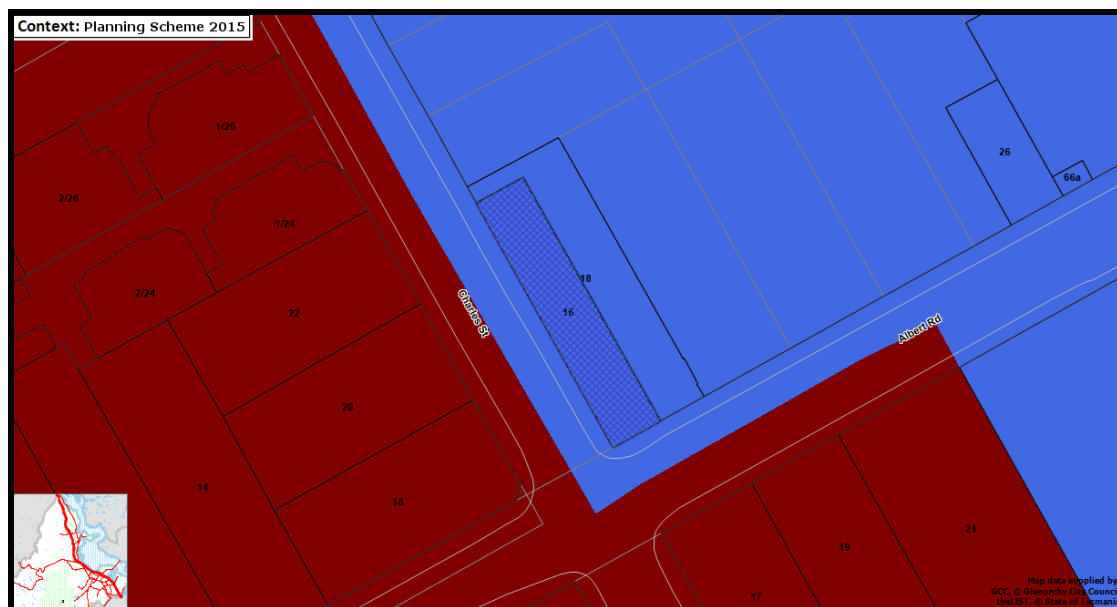


Figure 4. The site is wholly located within the General Business Zone (blue) and the adjoining zone is the Inner Residential Zone (burgundy), Council record, Exponare.

BACKGROUND

- PLN-04-02454 Showroom (Heat Pumps), approved 19/04/04.
- PLN-08-0140 Change of use to consulting room (Chinese Medical Centre) with variation to parking and signage in excess of 4m², approved 30/06/08. The whole building was approved as consulting rooms. Four parking spaces were improved with minimum cash in lieu payment for 4. Two signs measuring 5.6m x 0.5m and 1.04m x 0.73m. It appears that this approval was not acted on.
- PLN-08-0205 Change of use to Consulting Room (Chinese Medical Centre), approved 04/08/08. Consulting rooms were limited to 100m² and the dwelling was converted to a staff room and meeting room. The hours of operation were 9am to 6.30pm and six parking spaces were approved. Three signs measuring 4.7m x 0.6m, 0.78m x 0.42m and 1.04m x 0.73m were approved.

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

Clause 5.10 Signs makes provision to exempt certain signs. The proposed signage is not exempt from assessment.

Limited Exemptions

Nil

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

No SAP provision overrides Code or Zone provisions in the assessment of this application.

Use Class Description (Table 8.2):

The two proposed uses are Business and Professional Services and Residential.

Business and professional services means the use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.

Residential means the 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):

Applicable standard means as defined in subclause 7.5.2, which is a standard in a zone, specific area plan or code, is an applicable standard if:

- (a) the proposed use or development will be on a site within a zone or the area to which a specific plan relates, or is a use or development to which the code applies; and
- (b) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

Standard means, in any zone, code or specific area plan, the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or performance criterion presented as the tests to meet the objective.

Single Dwelling means a dwelling on a lot on which no other dwelling is situated, or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.

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.

Office means use of land for administration, or clerical, technical, professional or other similar business activities.

Sign means a device that is intended to give information, advertise or attract attention to a place, product, service or event.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

The land is within the General Business 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 zone is to provide for business, community, food, professional and retail facilities serving a town or group of suburbs; to ensure the major centres provide for a range of convenience and goods and services as well as some community services and facilities for the municipal area and surrounds; to provide a focus for employment at the municipal level primarily in retailing, but complemented by a range of office based employment mainly in professional and personal services; to facilitate residential use above ground floor level; to ensure development is highly accessible by public transport, walking and cycling; and to provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.

The proposal is compatible with the purpose of the zone owing to the proposed office and residential development that is highly accessible by public transport.

Use Table

The proposal involves multiple uses. A proposal may consist of more than one use or development, provided each use is not directly associated with and subservient to another use on the same site and each use must be individually categorised into a use class, in accordance with Clause 8.2.5. The multiple uses are Business and Professional Services, which is a permitted in table 21.2 and Residential, which is a discretionary use in table 21.2.

A Residential use class may be 'no permit required' in the General Business Zone if for a home-based business or permitted if above ground floor level, (except for access). Considering that the proposal is not a home-based business or above ground level, the use class of Residential is discretionary.

Use Standards

The proposal is assessed as compliant with the use standards. Conditions of approval are recommended where relevant to ensure continued compliance with the standards (refer appendix 1).

Development Standards for Buildings or Works

The proposal is assessed as compliant with the development standards. Conditions of approval are recommended, where relevant, to ensure continued compliance with the standards (refer appendix 1).

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

Table E6.1 requires 1 parking space per 30m² for an office (Business and Professional Services) and 1 parking space for a single dwelling with 1 bedroom. Given a proposed office space of 104m², four spaces are required for the office and one space for the dwelling, with a total for five spaces for the proposal. Six parking spaces are proposed. The proposal does not comply with the acceptable solution as 10% more the required amount of parking is proposed. The performance criteria require the number of on-site car parking spaces to be sufficient to meet the reasonable needs of users, having regard to the following:

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

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

It is assessed that six parking spaces would accommodate the parking demand and the proposal would not need to rely on on-street or public parking; and the proposal is in close proximity to public transport and other modes of transport, such as cycling. It is assessed that the surplus of parking would not cause a detrimental impact to the site in terms of heritage value or significant trees and the proposal would not rely on a relevant parking plan for the area, adopted by Council. A cash-in-lieu contribution is not required. The proposal is assessed as satisfying the performance criteria and complies with the standard. A condition of approval is recommended for six parking spaces, as proposed.

Stormwater Management Code

Council's Development Engineer has assessed the proposal against the provisions of the Stormwater Management code and has recommended a condition of approval requiring the stormwater from the site to be gravity fed to the public stormwater infrastructure.

Signs Code

Table E17.1 makes provision to exempt certain signs from assessment. The proposal includes five window signs. Window signs may be exempt if there are not more than two signs proposed. Accordingly, the proposed signs are not exempt from assessment under this code.

E17.7.1 Standards for Signs

The typical design details for the proposed window signs are a red band with text and images relating to a member of the Legislative Council, with a frosted film to the top and bottom of the red band and is to cover the entire window to which the sign is fixed (Fig. 5 and Fig. 6).

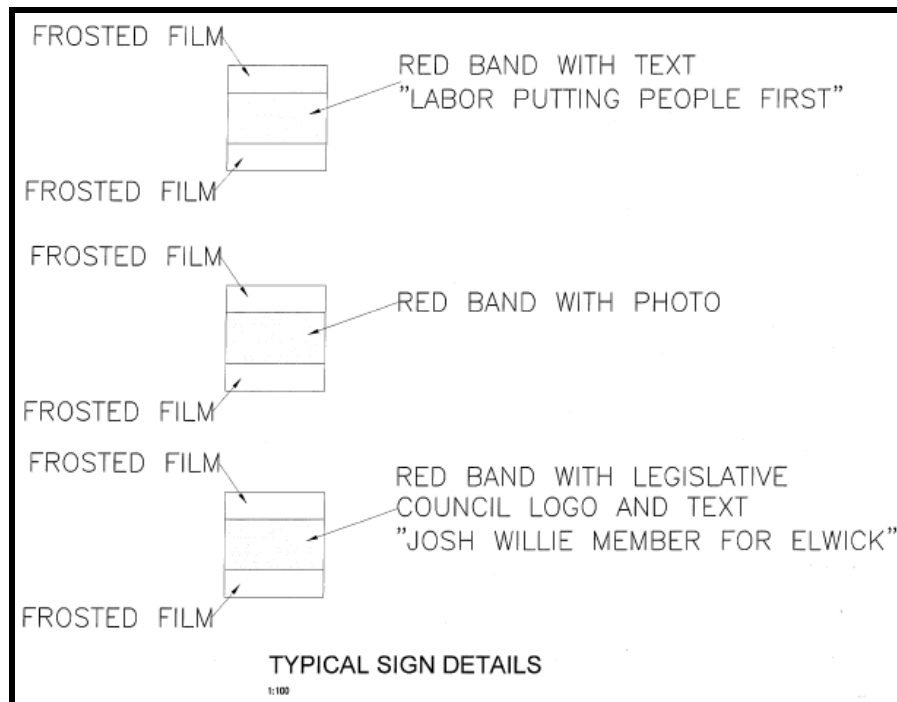


Figure 5. The typical design detail showing the red band with text and frosted film to the top and bottom of the red band.

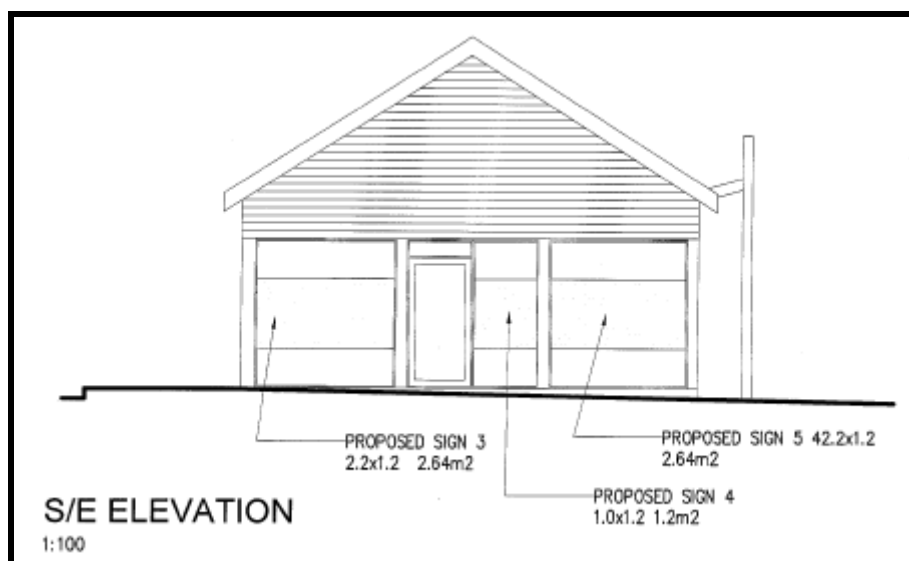


Figure 6. A snapshot of the south-eastern façade to Albert Road, showing the design and siting of the proposed window signage.

The proposed dimensions of the windows signs are:

- Sign 1 (south-western elevation) 2.4m x 1.2m
- Sign 3 (south-eastern elevation) 2.2m x 1.2m
- Sign 4 (south-eastern elevation) 1m x 1.2m
- Sign 5 (south-eastern elevation) 2.21m x 1.2m
- Sign 6 (North-eastern elevation) 2m x 1.2m

The proposed window signage will obscure more than 10% of the window surface. The proposal relies on performance criteria P1. The objective of the standard is to ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located. The performance criteria require the signage to:

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;
- (d) not result in loss of amenity to neighbouring properties;
- (e) not involve the repetition of messages or information on the same street frontage;
- (f) not contribute to or exacerbate visual clutter;
- (g) not cause a safety hazard.

The proposed window signage is considered to be designed in such a way as to not dominate the building or streetscape; to not provide repetition of messages on the same street frontage and to not contribute to or exacerbate visual clutter. In view of the proposed signage being adhered to the window surface, the signs would be able to be maintained in a satisfactory manner, with minimal safety risk and would not cause a loss in amenity to neighbouring properties.

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

PART F: Specific Area Plans

A Specific Area Plan does not apply to the assessment of this application.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has made the following comments and recommended conditions.

Traffic, Access & Parking

Access to the site and proposed car parking is available from an existing crossover in Charles Street. The existing crossover and associated access is proposed to be widened to comply with clause E6.7.3 of the Glenorchy Interim Planning Scheme. It is noted the proposed internal car park will need to be raised to drain towards Charles Street as there is no stormwater infrastructure on the lower side of the property.

The applicant is proposing six car parking spaces. Table E6.1 of the scheme requires five car parking spaces. The proposed six spaces are over the 10% required under acceptable solution of Clause E6.6.1 of the Glenorchy Interim Planning Scheme 2015.

One (1) car parking space is for use of people with disabilities based on the required number of car parking spaces under Clause E6.6.2 of the Glenorchy Interim Planning Scheme 2015 and the relevant provisions of the Building Code of Australia.

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

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other

Geoscience issues

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

Flooding/Inundation issues

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

EXTERNAL REFERRALS

TasWater

TasWater is in support of the proposal and has recommended conditions and advice.

REPRESENTATIONS

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

CONCLUSION

The proposal is relying on the performance criteria to comply with the Standards for Signs, Clause E17.7.1. The proposal is assessed as satisfying the performance criteria and complies with the standard. The proposal is assessed as complying with all other use and development standards in the General Business Zone, as well as the relevant standards of the Parking and Access Code and Stormwater Management Code. The application was publicly advertised for the statutory 14-day period and no representations were received. It is concluded that the proposal is consistent with the Scheme's zone purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Change of use to Office (Business and Professional Services) and Single Dwelling (Residential) with signage relying on performance criteria at 16 Albert Road Moonah, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-139 and Drawing No. P2 submitted on 1 July 2016, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be within the hours of 6.00am to 6.00pm Mondays to Saturdays inclusive.
4. The colour of the facades facing Charles Street and Albert Road must have a light reflectance value not greater than 40 percent.
5. External lighting to illuminate the car parking areas, pathways and access to the ground floor must be provided prior to occupation and maintained until the use approved under this permit ceases.
6. External lighting must be turned off between 11:00 pm and 6:00 am, except for security lighting; and security lighting must be baffled to ensure no emission of light outside the zone.
7. Frontage fencing must be no greater height than 1.5m and a minimum transparency of 50% to a height of 1.2m.
8. No third party signage is to be displayed on the property.

Engineering

9. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
10. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
11. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment, prior to commencement of the use. All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements. The driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle paths are not restricted.
12. Prior to the commencement of the use, six clearly marked car parking spaces must be provided and kept available for these purposes at all times. One of the six spaces must be an accessible parking space for persons with a disability. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking.

In areas set aside for car parking, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas. Note that minor amendments are required to the parking layout as shown on the proposal plan submitted with the application prior to building approval.

13. Detailed engineering drawings showing the driveway, carparks and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition and finished levels, must be submitted with the Building Application for approval by Council's Development Engineer.
14. The access must be widened to minimum width 5.5m, generally as shown on the proposal plan, prior to use and constructed in accordance with standard drawing SD-1003 between the kerb and the property boundary. Any driveway / crossover work within Council's road reservation must be carried out by a Council approved contractor and all work must be reinstated to match the existing adjacent footpath/nature strip profile. A Property Access Works Application must be completed prior to any work being undertaken. The application is available from Council's planning department or available from Council's website at:
<http://gcc.tas.gov.au/content/Driveways.GCC?ActiveID=1304>
15. The development must comply with Council's Stormwater Runoff Management Policy. Any system proposed to retain the required runoff storage volume shall be detailed in an engineering design lodged and approved as part of the plumbing application, and to be designed, constructed and maintained to the satisfaction of Council's Plumbing Surveyor.
16. All internal hydraulic service works required for the development is at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.

Advice to Applicant

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

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 2000 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

APPENDIX 1

21.0 General Business

Standard	Acceptable Solution	Proposed	Complies?
21.3 Use Standards			
21.3.1 Hours of Operation	A1 Hours of operation of a use within 50 m of a residential zone must be within: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and Public Holidays. except for office and administrative tasks.	Proposed hours of operation are 9am to 6pm weekdays for the Office. However, the acceptable solution for hours of operation does not apply to an office. It is expected that these uses will not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	Yes
21.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 5dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	The boundary of the Inner residential Zone is approximately 7.5m from the site. Given that an office and residence are not expected to generate unreasonable noise levels, the proposal is assessed as complying with the acceptable solution.	Yes
21.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following:	No external lighting is shown on the plans and the signs are not to be illuminated. A condition of approval is recommended.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(a) be turned off between 11:00 pm and 6:00 am, except for security lighting; (b) Security lighting must be baffled to ensure they do not cause emission of light outside the zone.		
21.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive; (b) 7.00 am to 9.00 pm Sundays and public holidays.	No commercial vehicle movements are proposed. However, a condition of approval is recommended to ensure any commercial vehicle movements associated with the proposal are limited to 6am to 6pm weekdays. A commercial vehicle means a small rigid vehicle, medium rigid vehicle, heavy rigid vehicle or articulated vehicle described in section 2 "Design Vehicles" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	Yes
21.4 Development Standards for Buildings and Works			
21.4.1 Building Height	A1 Building height must be no more than: 12m.	No change to the existing height of the building is proposed	Yes
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	The existing building is 5.6m in height.	Yes
21.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no more than: (a) nil m, if fronting Main Road: or (b) the alignment of adjoining buildings, if fronting a street other than Main Road.	No change to the existing frontage setback is proposed. The existing frontage is nil to Albert Road and Charles Street. The adjoining property fronting Albert Road has a frontage setback of approximately 1.9m	Yes
	A2 Building setback from a residential zone must be no less than: (a) 5m; or (b) half the height of the wall, whichever is the greater.	The site does not adjoin a residential zone.	Yes

Standard	Acceptable Solution	Proposed	Complies?
21.4.3 Design	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level façade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) 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.	a) The main pedestrian entrance to the building is from Albert Road. b) existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area. The proposed change to the façade is an external door to service the dwelling replacing a window, shown on the south-western elevation. c) Any single expanse of blank wall to the proposed office façade is not greater than 30%. d) No mechanical plant and miscellaneous equipment is proposed. e) roof-top service infrastructure is not proposed. f) No change is proposed to the main façade. g) No security shutters over windows or doors with a frontage to a street or public place is proposed.	Yes
	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	A condition of approval is recommended to ensure that if any change to the building colour that faces the Inner Residential zone has a light reflectance value not greater than 40 percent	Yes
21.4.4 Passive Surveillance	Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;	a. The main pedestrian entrance to the building is from Albert Road.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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 40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.	b. existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area. The proposed change to the façade is an external door to service the dwelling replacing a window, shown on the south-western elevation. c. The façade of any wall that faces a public space or a car park has no less than 30 % of the surface area of the façade consisting of windows and door openings. d. entrapment spaces around the building site, such as concealed alcoves near public spaces is avoided. e. A condition of approval is recommended to ensure external lighting illuminates car parking areas and pathways f. A condition of approval is recommended to ensure that the public access is well lit.	
21.4.5 Landscaping	A1 Landscaping is not required along the frontage in this zone.	Landscaping is not proposed along the frontage.	Yes
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2m.	The proposal does not share a boundary with a residential zone.	Yes
21.4.6 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;	An outdoor storage area is not proposed.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(c) not encroach upon car parking areas, driveways or landscaped areas.		
21.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (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.	A frontage fence is not proposed. However, a condition of approval is recommended to ensure that the frontage fence is no greater height than 1.5m and a minimum transparency of 50% to a height of 1.2m.	Yes

APPENDIX 2

E6.0 Parking and Access Code

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (c) 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.	6 proposed, however 4 required under scheme	Yes - conditioned
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.		Yes - conditioned
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).	Not an applicable standard	N/A

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
	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.		
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; (d) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		Yes - conditioned
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:		Yes

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
	(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.		
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.		Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.		Yes - conditioned
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.		Yes - conditioned

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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.	Not an applicable standard	
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.	Not an applicable standard	
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard	
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard (<250m2)	

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

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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 3**E7.0 Stormwater management Code**

Standard	Acceptable Solution	Proposed	Complies?
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes - conditioned
	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: (d) the size of new impervious area is more than 600 m ² ; (e) new car parking is provided for more than 6 cars; (f) a subdivision is for more than 5 lots.	Not an applicable standard	
	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.	Not an applicable standard	
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not an applicable standard	

APPENDIX 4**E17.0 Signs Code**

Standard	Acceptable Solution	Proposed	Complies?
E17.6 Use Standards			
E17.6.1 Use of Signs	A1 A sign must be a permitted sign in Table E17.3	Window signs are permitted in the General Business zone.	Yes
	A2 A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.	The intention of the signage is for the sale of services that relate directly to the use of the building. A condition of approval is recommended to ensure that no third party signage is displayed on the building.	Yes
	A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign	No flashing lights, moving parts or changing messages or graphics are proposed	Yes
	A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.	The window signs are not to be illuminated.	Yes
E17.7 Development Standards			
E17.7.1 Standards for Signs	A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	Standards listed in Table E.17.2 require window signs to not obscure more than 10% of the window surface and the window signs must be at ground level. The ground level window signs are proposed to obscure more than 10% of the window surface. Window signs are permitted in Table E17.3.	No
	A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3;	a) One type of sign is proposed, window signs. b) One sign per window is proposed. c) Not more than three signs per frontage are proposed. d) Not more than three signs per frontage are proposed.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.		
	A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	The signs are to be wholly located on the windows and are not expected to obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	Yes
	A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	The proposed signs are assessed as not resembling Statutory Signs	Yes
	A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary.	No common boundary with Brooker Avenue	Yes
E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts	A1 No acceptable solution	Signs are not on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts	NA

Attachments/Annexures

- 1** Attachment - 16 Albert Road, Moonah

7. AMENDMENT PLS43A-16/01 - S.39 AND 43F(6) REPORT ON REPRESENTATIONS - PROPOSAL: TO REZONE PORTION OF 32 GILLIES ROAD, CLAREMONT (CT167222/1) AND PART CT156864/100 (CASEMENT) FROM AN OPEN SPACE ZONE TO A LOW DENSITY RESIDENTIAL ZONE AND DELETE THE BIODIVERSITY CODE OVERLAY FROM THE REZONED LAND COMBINED WITH A PERMIT APPLICATION FOR A 2 LOT SUBDIVISION AND BALANCE AT 32 GILLIES ROAD, CLAREMONT (CT167222/1) (PLAM-16/01)

Author: Strategic Planner (Lyndal Byrne)

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 3299626

REPORT SUMMARY:

To consider the merits of representations received during the public exhibition period for a combined draft amendment and planning permit application (PLS43A-16/01 to the Glenorchy Interim Planning Scheme 2015), and their effect on the proposal. Council's assessment must be provided to the Tasmanian Planning Commission (TPC) under ss. 39 & 43F (6), former provisions, of the *Land Use Planning and Approvals Act 1993* (the Act).

REPORT IN DETAIL:

INTRODUCTION:

The draft amendment, planning permit application and permit for PLS43A-16/01 to the Glenorchy Interim Planning Scheme 2015, were publicly notified from 15 June 2016 until 13 July 2016.

The public notification involved advertisements in the Mercury on Wednesday 15 June 2016 and Saturday 18 June 2016 and a mail out of letters to all owners and occupiers of land adjacent to or opposite the site.

One representation was received during the exhibition period. This report examines the merits of that representation.

BACKGROUND:

The proposal seeks a combined planning scheme amendment and planning permit for portion of 32 Gillies Road, Granton. The amendment also affects part of Presnell Street (the road casement) adjacent to the site. Figures 1 and 2 identify 32 Gillies Road and the portion site which is the subject of the request.

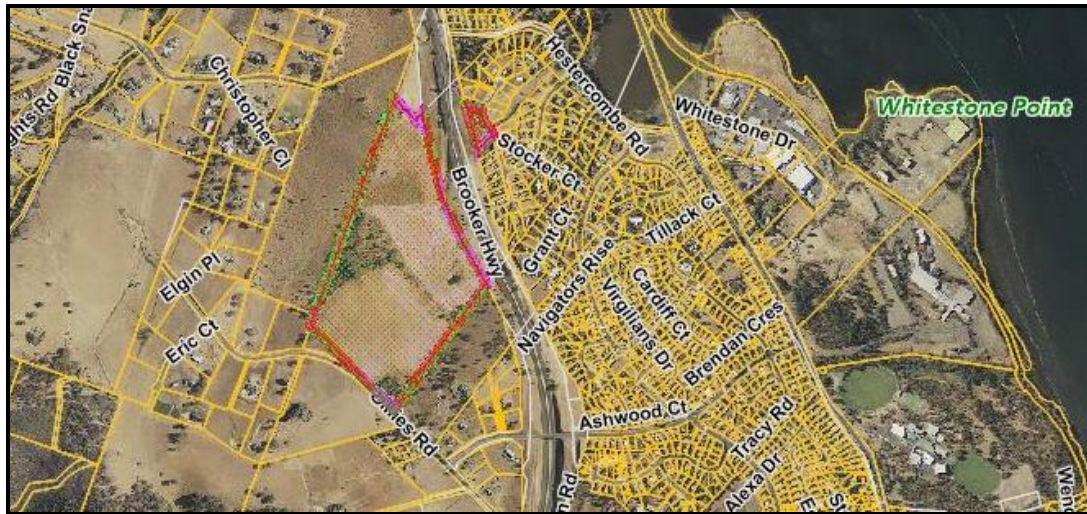


Figure 1 – Subject Site: 32 Gillies Road, Granton. The site is separated by the Brooker Highway.



Figure 2 – Portion of 32 Gillies Road subject to the rezoning and planning permit request.

The draft amendment seeks to rezone part of 32 Gillies Road and part CT 156864/100 (Casement/Road) from an Open Space Zone to a Low Density Residential Zone and to delete the Biodiversity Overlay from the rezoned land. (Refer to Figures 3 and 4)

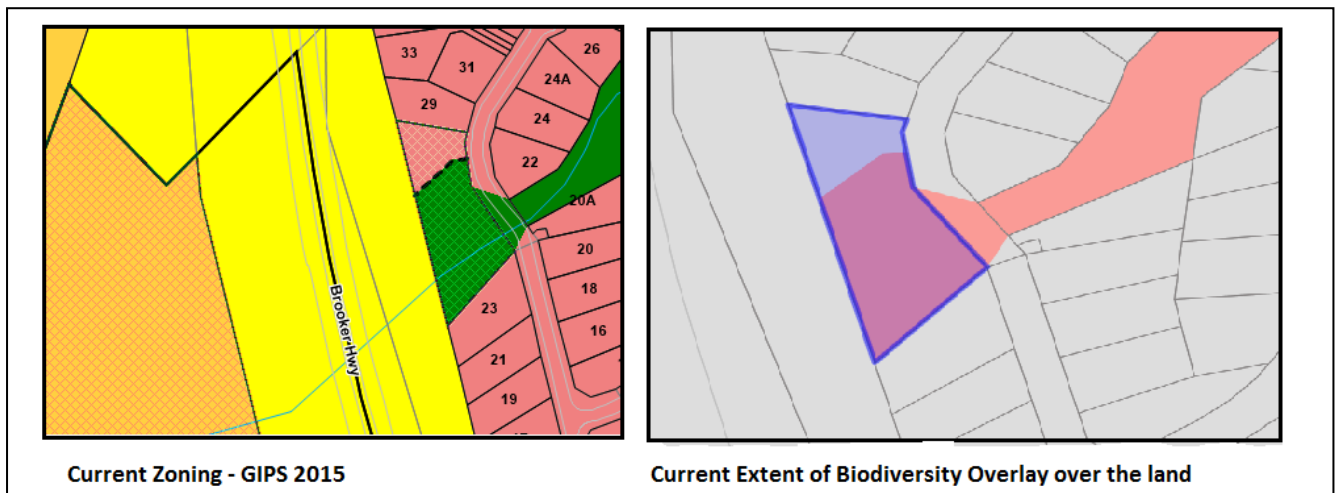


Figure 3 Current planning controls

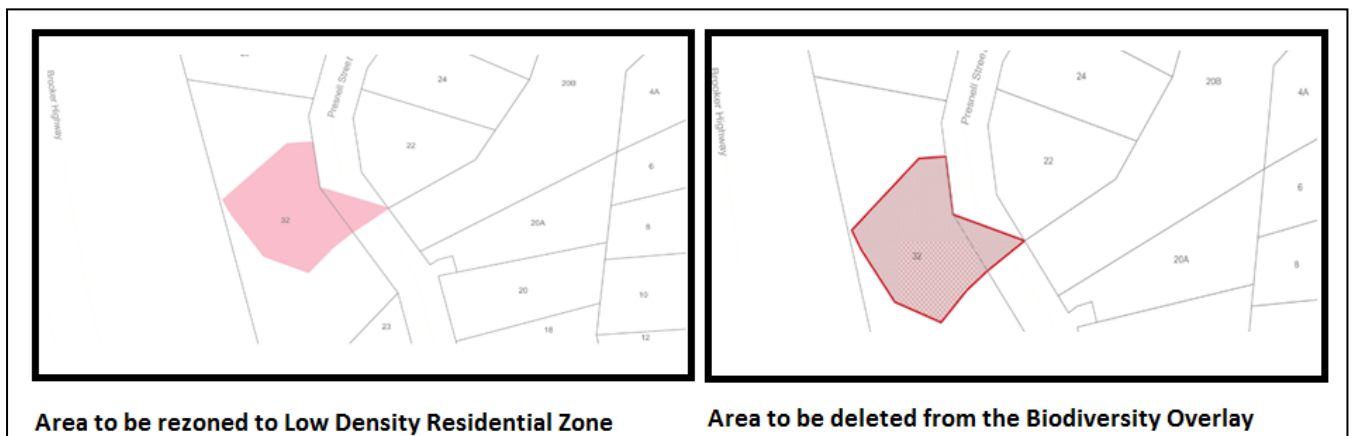


Figure 4 Proposed changes to the planning scheme

The planning permit seeks to subdivide the area consisting of the existing land in the Low Density Residential Zone and the rezoned part of 32 Gillies Road, into two residential lots leaving the balance of the land in the Public Open Space and Particular Purpose Zone 1 – Urban Growth. (Refer to Figure 5)

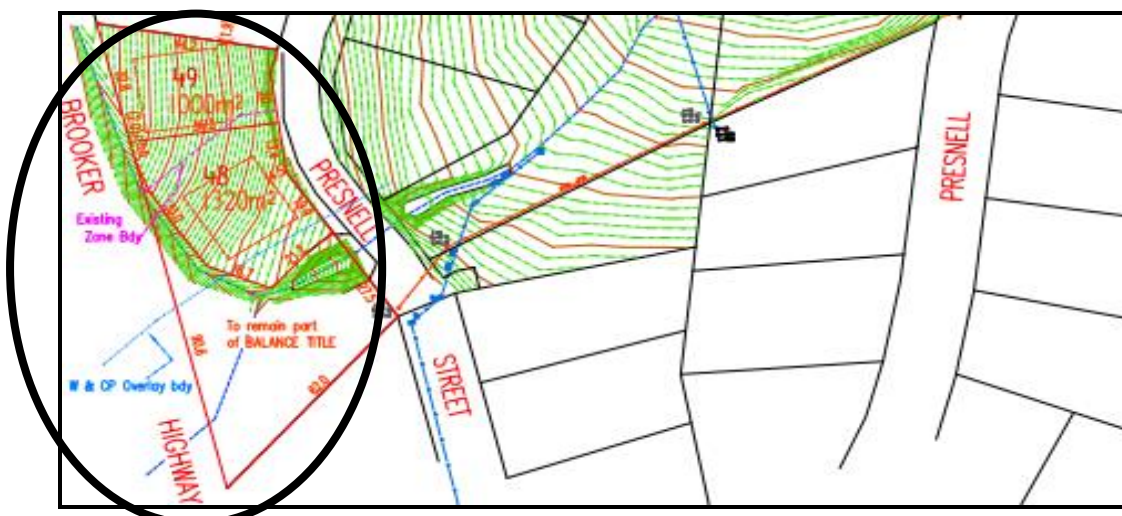


Figure 5 - Proposed subdivision plan

Council, at its Glenorchy Planning Authority meeting on 30 May 2016, determined to initiate and certify the draft amendment, grant a planning permit for the planning permit application and place the proposal on public exhibition for 28 days.

STATUTORY REQUIREMENTS:

In respect to the draft amendment, section 39(2) of the former provisions of the Act provides that a planning authority must, not later than 35 days after the exhibition period of a draft amendment or such further period as the Commission allows, forward to the Commission a report comprising:

- (a) *a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each such representation, including, in particular, its views as to –*
 - (i) *the need for modification of the draft amendment in the light of that representation; and*
 - (ii) *the impact of that representation on the draft amendment as a whole; and*
- (c) *such recommendations in relation to the draft amendment as the authority considers necessary.*

In respect to the planning permit application and decision on that application, section 43F (6), former provisions, of the Act requires that:

When the planning authority forwards to the Commission a report in accordance with section 39(2), it must forward to the Commission –

- (a) *a copy of each representation received by the planning authority in relation to the application for the permit or the planning authority's decision under sub-section 1(b), or where it has received no such representation, a statement to that effect; and*
- (b) *a statement of its opinion as to the merit of each representation including, in particular, its views as to the need for modification of the planning authority's decision in the light of that representation; and*
- (c) *such recommendations in relation to the planning authority's decision as the planning authority considers necessary.*

REPRESENTATIONS:

One representation was received during the public notification period.

The grounds of representation are summarised below, with officer comment provided as to the merits of each ground and the need for modification.

▪ **Ground 1: Deletion of Public Open Space contribution**

The representation (made on behalf of the applicant) seeks the deletion of Condition 4 of the planning permit which requires a public open space contribution resulting from the subdivision of the land.

The applicant has provided a Deed of Agreement (refer to Attachment 1) indicating that in 1976, the Corporation (Council) made a covenant with the owners of land identified in Indenture Number 34/3528 not to require any further contribution of land (or money equivalent) when the balance or any part of the land contained in the Indenture was subdivided.

Opinion on Merit & Need for Modification

Council's legal services team advised that while an agreement is binding on all parties to that agreement, it only becomes binding on successors in title if it is registered on the title.

A preliminary investigation through the Land Titles Office has identified that the Deed it is not registered on the subject Title. A Deeds Office search is required to confirm whether the agreement was registered separately as a covenant and would therefore be enforceable. The search may take some time and may not be concluded prior to the close of the 35 days permitted under the Act to report on representations to the TPC. As the Deed affects a number of sites around Gould's Lagoon, Council officers will continue to investigate this matter.

Review of Condition 4 and the Public Open Space Requirement

In considering the representation, Council officers have reviewed Condition 4 in line with the *Public Open Space Acquisitions and Contributions Policy 18-4* (the Policy). While the Policy provides that a contribution for cash in lieu will be required where there is opportunity to improve open space within 500m walking distance of the subject lot, it also provides:

1. *Council will not require provision of public open space or a contribution of cash in lieu where:*
 - a) *one (1) lot is being subdivided from an existing residential lot for a purpose other than multiple dwelling unit development; or*
 - b) *fully developed public open space exists within 500 metres walking distance of any lot, unless the acquisition of land will provide more convenient access to that open space.*

In this instance, while the planning permit application provides for 2 lots plus balance, the result is that only one new residential lot will be created (one lot is currently within the Low Density Residential Zone and it will be adjusted in size as a result of the subdivision). To achieve consistency with the Policy it is recommended that Condition 4 of the Planning Permit PLS43A-16/01 be deleted. (Refer to Attachment 2)

In conclusion, while it does not appear that the Deed submitted by the representor removes the need to provide a public open space contribution, a review of the Policy indicates that, in this instance, a contribution is not required.

PLANNING AUTHORITY'S RECOMMENDATIONS ON DRAFT AMENDMENT AND PLANNING APPLICATION DECISION

That the draft amendment and planning permit be submitted to the Tasmanian Planning Commission with the following recommended changes:

Change	Reason
Condition 4 is deleted from the Planning Permit and subsequent conditions renumbered accordingly	The change improves compliance with Council's <i>Public Open Space Acquisitions and Contributions Policy 18-4</i>

Recommendation:

That Council report in the above terms to the Tasmanian Planning Commission about combined draft amendment and planning permit application PLS43A-16/01 to the Glenorchy Interim Planning Scheme 2015, under ss. 39 & 43F(6), former provisions, of the *Land Use Planning and Approvals Act 1993*.

Attachments/Annexures

- 1** Attachment 1 - 32 Gillies Road, Claremont
- 2** Attachment 2 - 32 Gillies Road, Claremont

CLOSED TO MEMBERS OF THE PUBLIC

8. APPEALS REPORT

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2005 Section 15(4).