

GLENORCHY PLANNING AUTHORITY
AGENDA
TUESDAY, 9 FEBRUARY 2016



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman K. Johnston

Hour: 3.00 p.m.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	3
2.	APOLOGIES/LEAVE OF ABSENCE	3
3.	PECUNIARY INTERESTS.....	3
4.	CONFIRMATION OF MINUTES	3
5.	PROPOSED USE AND DEVELOPMENT - THREE MULTIPLE DWELLING UNITS RELYING ON PERFORMANCE CRITERIA - 9 LEIGHLAND ROAD, CLAREMONT.....	4
6.	PROPOSED USE AND DEVELOPMENT - ADDITIONS (INDUSTRIAL MARINA AND BOAT LIFT) TO EXISTING MANUFACTURING AND PROCESSING - SURVEYORS DRIVE - 5 SURVEYORS DRIVE, DERWENT PARK AND CROWN LAND, DERWENT PARK.....	35

7.	PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO FOOD SERVICES, SIGNAGE AND BUILDING ADDITION WITH VARIATION TO PARKING - 110 MAIN ROAD, MOONAH	64
8.	AUTHORISATIONS UNDER SECTION 82 LUPAA.....	86
CLOSED TO MEMBERS OF THE PUBLIC		88
9.	COMPLIANCE REPORT	88
10.	APPEALS REPORT	88

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 18 January 2016 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - THREE MULTIPLE DWELLING UNITS RELYING ON PERFORMANCE CRITERIA - 9 LEIGHLAND ROAD, CLAREMONT

Author: Planning Officer (Vanessa Tomlin)

Qualified Person: Planning Officer (Vanessa Tomlin)

Property ID: 3254698

REPORT SUMMARY:

<i>Application No.:</i>	PLN-15-198
<i>Applicant:</i>	Wilson Homes Tasmania Pty Ltd
<i>Owner:</i>	W E Galea
<i>Zone:</i>	General Residential
<i>Use Class</i>	Multiple Dwelling Units
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	Sunlight and Overshadowing for all dwellings Standard and Development Standard in the Waterway and Coastal Protection Code (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	9 February 2016
<i>Existing Land Use:</i>	Vacant land
<i>Representations:</i>	1
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal involves the construction of three dwelling units on vacant land, at 9 Leighland Road, Claremont. Proposed dwelling unit 1 is to be setback 9m from the frontage and is to consist of an open-plan kitchen and living area, two bedrooms, a bathroom and single garage with laundry facilities. A parking space is proposed to be adjacent to the garage and within the frontage setback. Proposed unit 1 is to have 66m² of private outdoor space, with 24m² in one location, on land with a gradient not steeper than 1 in 10. A 1.5m² bin storage area is provided.

Proposed dwelling unit 2 is to be to the south of proposed dwelling unit 1 and is to be separated from that unit by 7.19m. Proposed dwelling unit 2 is to have the same floor plan as dwelling unit 1 and parking for two vehicles is provided. A 1.7m high retaining wall is to border the parking space, marked on the plan as P3. The private outdoor space provided is 67m² and 24m² is to be provided in one location. To enable a slope gradient not steeper than 1 in 10 for the private outdoor space, a dry stack retaining wall, no greater than 1m in height, is proposed adjacent to the western side boundary. A 1.5m² bin storage area is provided.

Proposed dwelling unit 3 is separated from dwelling unit 2 by 4m and is positioned to the south of that dwelling unit. The floor plan is to be the same as the other two dwelling units. Parking is provided in the attached garage and in a parking space, identified on the plan as P6. A visitor parking space is adjacent to this parking space. A total of 80m² of private outdoor space is provided, with 24m² in one location and with the capacity to receive more than a minimum of 3 hours of sunlight on the 21 June. The private outdoor space is proposed to be no steeper than a gradient of 1 in 10. A 1.5m² bin storage area is provided.

A passing bay is proposed at the frontage and another passing bay is to be provided within the site. Pedestrian pathways with stairs, is proposed within the site. The proposal includes a bio-retention basin to facilitate a new stormwater point discharge into Hilton Creek. The bio-retention basin is to filter the stormwater collected in the basin and is to manage and minimise sedimentation runoff into Hilton Creek.

Proposed dwelling unit 1 does not have a window to a habitable room that faces between 30 degrees west of north and 30 degrees east of north. The proposal relies on the performance criteria P1 to comply with the 'sunlight and overshadowing for all dwellings' standard. The proposal relies on performance criteria P1 and P4 of the Waterway and Coastal Protection Code.

SITE and LOCALITY

The site is located on the southern side of Leighland Road, Claremont, approximately 80m south-west of Hilton Road. The site is currently vacant and slopes down from Leighland Road to Hilton Creek, which flows within the site and adjacent to the rear boundary (Fig. 1 next page).



Figure 1. An excerpt of the aerial view of the site and surrounds.

The site has approximately 16m of frontage to Leighland Road, is approximately 62m in length and has an area of 1366m².

ZONE

The land is zoned General Residential (see Fig. 2 below).

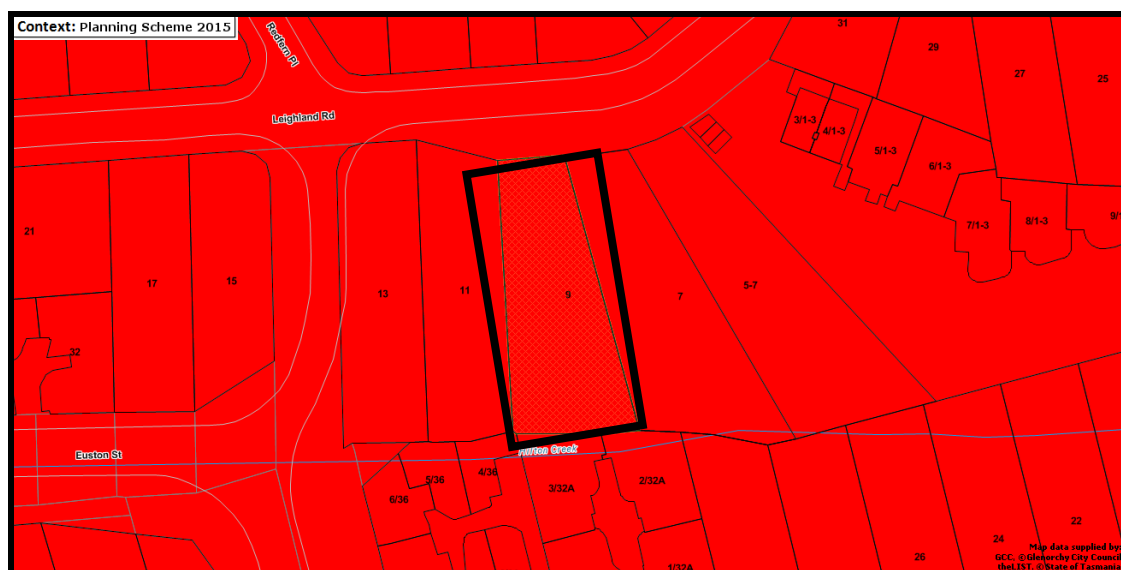


Figure 2. An excerpt of the GIPS 2015 zoning overlay.

BACKGROUND

PLN-14-244 Staged Multiple Dwelling Units (3) seeking side boundary setback discretion (Unit 3) on slope greater than 1 in 4, approved 08/04/2015

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No

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.

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.

Multiple dwellings mean 2 or more dwellings on a site.

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

Habitable rooms 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.

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 Statement

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.

Use Table

Residential (multiple dwellings) is a permitted use in the General Residential Zone. However, the proposal is discretionary owing to the proposal's reliance on the performance criteria to comply with the relevant standards.

Use Standards

The use standards relate to non-residential, visitor accommodation and local shop uses and are not applicable to this proposal.

Development Standards for Residential Buildings & Works

The proposal relies on performance criteria P1 of the Sunlight and Overshadowing for all Dwellings standard, Clause 10.4.4, which states a dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

While proposed dwelling unit 1 does not have a window that faces between 30 degrees west of north and 30 degrees east of north, this dwelling unit does have windows to habitable rooms that face directly east and west. As such, it is assessed that proposed dwelling unit 1 is designed to allow sunlight to enter a habitable room other than a bedroom. Accordingly, the proposal satisfies the performance criteria and complies with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

The Parking and Access Code applies to the proposal. The proposal is assessed as complying with the standards of the Code.

Stormwater Management Code

The Stormwater Management Code applies to the proposal. The proposal is assessed as complying with the standards of the Code.

Waterway and Coastal Protection Code

The proposed development is situated within a waterway and coastal protection area (see Fig. 3 below).

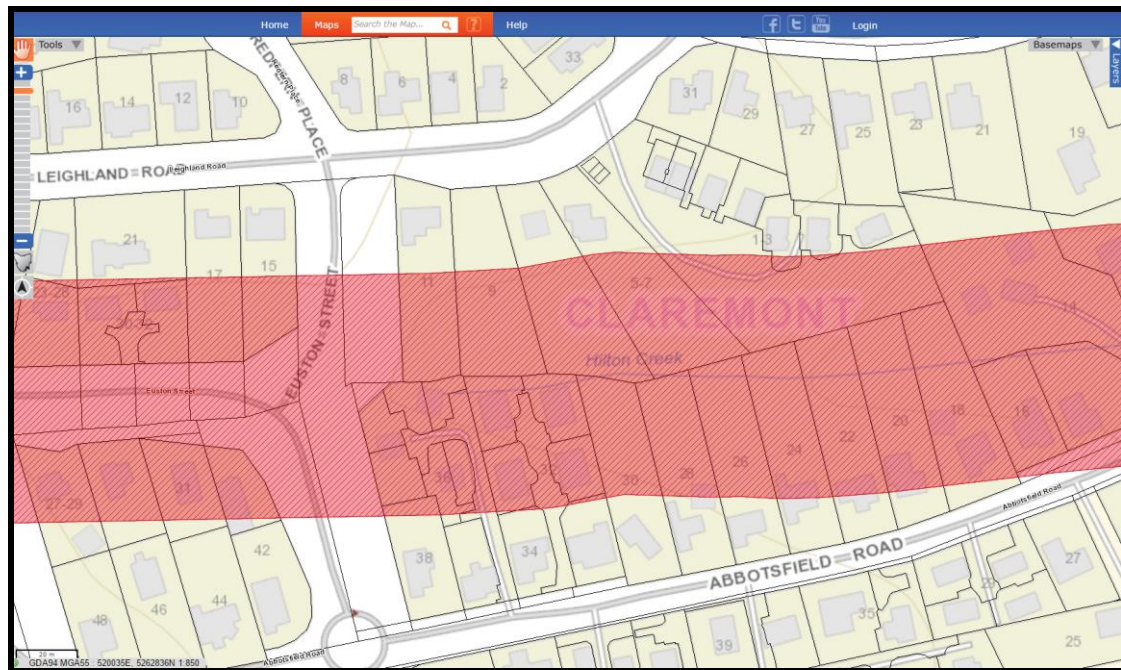


Figure 3. A snapshot from The List mapping of the site and the waterway and coastal protection area that overlays the development.

The proposal relies on performance criteria P1 of E11.7.1. The performance criteria states that building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) avoid or mitigate impact on natural values;
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;
- (c) avoid or mitigate impacts on riparian or littoral vegetation;
- (d) maintain natural streambank and streambed condition, (where it exists);
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
- (f) avoid significantly impeding natural flow and drainage;
- (g) maintain fish passage (where applicable);
- (h) avoid landfilling of wetlands;

- (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

The site includes an unpiped section of Hilton Creek. It is proposed that Hilton Creek be fenced off from the development. Proposed dwelling unit 3 is to be setback a minimum of 5m from the proposed fence and a further 8.66m from the centreline of Hilton Creek. It is assessed that the proposal will avoid impacts to the natural values of Hilton Creek. In addition, potential erosion, sedimentation and runoff impacts will be mitigated and managed by the proposed bio retention basin and the natural flow and drainage of Hilton Creek will not be impeded. The proposal is not expected to impact the streambank or streambed and no landfilling is proposed. The proposal is assessed as satisfying the performance criteria and the proposal complies with the standard.

The proposal relies on the performance criteria P4 of E11.7.1. The performance criteria requires development involving a new stormwater point discharge into a watercourse, to minimise the risk of erosion and sedimentation; any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed; and potential for significant adverse impact on natural values is avoided.

A bio-retention basin is proposed and designed to minimise the risk of erosion and sedimentation into the water course. This measure is expected to mitigate any adverse impact to natural values. The proposal is assessed as satisfying the performance criteria and complies with the standard.

PART F: Specific Area Plans

No specific area plan applies to this application.

INTERNAL REFERRALS

Development Engineer

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

A representation has been received with concerns regarding a number of engineering and building related issues. This representation also raises the issue with flooding/overflow of Hilton Creek.

The majority of the representation refers to concerns to damage to property as a result of construction of the proposed development. This is a civil matter and is not required to be addressed as part of the planning process with any damage caused as a result of the development to be dealt with between the affected owner and the party liable for the damage.

The proposed development is constructed outside the easement associated with Hilton Creek.

No development is proposed within the area that could be affected by the potential overflow/flooding of Hilton Creek, with the proposed habitable area of proposed unit 3 located significantly higher than the water level in Hilton Creek under major storm events. The proposed development is considered suitable with no significant flooding issues identified that affect this development and will not alter stormwater flows in Hilton Creek.

Traffic, Access & Parking

Access to the development is from Leighland Road. Council's Traffic Engineer indicated any additional traffic movements generated by the development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety

Passing areas proposed along the access comply with the Glenorchy Interim Planning Scheme 2015 including a passing bay at the frontage of the development to Leighland Road. Adequate on-site turning is provided so that vehicles can exit the site in a forward direction.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application but a new stormwater connection is proposed to discharge to Hilton Creek. The applicant has demonstrated that the new stormwater discharge point will meet the Glenorchy Interim Planning Scheme 2015 Clause E11.7.1 A4 performance criteria and has demonstrated the quality of the stormwater will meet the Acceptable Solutions stormwater quality and quality targets (Table E7.1) via a proposed bio-retention basin.

Other

Geoscience issues

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

Flooding/Inundation issues

The proposed development site backs onto Hilton Creek. The proposed dwellings are located significantly higher and upslope from the creek and there are no flooding issues identified that affect this development.

Traffic Engineer

Council's Traffic Engineer has made the following comments:

The subject site is located at 9 Leighland Road, Claremont and a Metro bus stop is located adjacent to the frontage of site. The location of the bus stop may restrict access to the site during construction. As a result, the bus stop should be relocated to a suitable location by Metro prior to the completion of construction works. In addition, the bus stop needs to be available for buses at all times during the construction period (that is, the bus stop should not be occupied by construction equipment during the construction period).

Overall, 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. As a result, I have no objection to the development of the proposed three multiple dwelling units at 9 Leighland Road, Claremont, on traffic engineering or road safety grounds.

Waste Management Officer

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

Waste Services to the proposed unit development at 9 Leighland Road Claremont would be Council's standard bin service collected fortnightly.

The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling units, collected fortnightly.

Please note that this property would have a total of six (6) bins.

This property has an existing kerbside/nature strip area for placement of the bins therefore the units would have their own individual bins.

All bins are to be placed on the kerbside for collection.

Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

EXTERNAL REFERRALS

TasWater

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

METRO

Metro has made the following comments.

...I advise Metro has a bus stop at number 11 Leighland, which is a required bus stop and Metro would request it be advised if the construction phase of the units would affect this stop.

Metro would be prepared to close the stop and place a temporary stop nearby should this be required, and would be happy to discuss if the stop needs to be relocated after the completion of the units, all cost would be expected to be the responsibility of the builder.

REPRESENTATIONS

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

1. Reflectivity of roof

The representor states that there is mention of the reflectivity properties of the proposed dwelling units' roofs. The representor suggests that a low-reflective roof colour be installed to prevent sun dazzle to habitable rooms of the adjoining property.

Planner's Comment:

Reflectivity value of roofing material is not a consideration within the standards of the General Residential zone. However, a condition of approval is recommended to ensure the installation of a low-reflective material for the proposed roofing of the dwelling units.

2. Insurances against damages

The representor requests insurances against damages and ongoing assessment of underground services given the fragility of the existing underground services.

Planner's Comment:

Owing to the proximity of proposed retaining walls to the boundaries of the site, the neighbouring property will be notified of the works required as part of building permit process. The structural integrity of the retaining walls will be assessed during the assessment for the building permit. Insurances and ongoing assessments are to be handled by the developer and landowners.

3. Undermining of neighbouring property

The representor raises concern about the proposed development undermining the strength of the neighbouring land and structures.

Planner's Comment:

Engineering design for retaining walls is to be assessed as part of the building permit process and is not a planning issue that can be considered as part of this application.

4. Privacy

The representor is grateful of the consideration given to privacy, with respect to the proposed height of the dwelling units and the provision of new fencing.

5. Flooding

The representor is concerned about whether or not consideration has been given to the drainage of the development site, should Hilton Creek overflow.

Planner's comment:

An easement extends along the section of the site, where Hilton Creek flows. The purpose of the easement is to ensure no development occurs within the easement. Council's Development Engineer has confirmed that the habitable building is well clear of the flood zone and no significant flooding issues are identified that would affect this proposal.

CONCLUSION

The proposal is relying on the performance criteria to comply with the 'Sunlight and Overshadowing for all dwellings' standard and standards of the Waterway and Coastal Protection Code. The proposal is assessed as complying with all the applicable General Residential zone development standards and satisfies the relevant standards of the Access and Parking Code, Stormwater Management Code and the Waterway and Coastal Protection Code.

The application was publicly advertised for the statutory 14-day period and one representation was received. Issues raised concerned building and engineering matters, most of which would be dealt with at the time of assessment for a building permit. However, engineering concerns have been addressed as part of the assessment and involve conditions of approval.

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 three multiple dwelling units requiring a variation to the private open space standards at 9 Leighland Road Claremont subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-198 and Drawing No. P2 submitted on 11 December 2015, except as otherwise required by this permit.
1. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
2. The entrance door and window to unit 1 must be fitted with fixed obscure glazing to minimise detrimental impacts vehicle light intrusion to habitable rooms of the dwelling.
3. Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.

Engineering

4. 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.
5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition, finished levels and bio-retention details, generally as shown on the proposal plans (C200, C400, C500 and C700) must be submitted with the Building Application for approval by Council's Development Engineer.

7. Certification from a registered professional engineer must be provided prior to occupancy, that the stormwater treatment system is constructed in accordance with plans approved by Council's Development Engineer submitted with the building application.
8. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy of the second dwelling unit. 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.
9. Seven (7) clearly marked car parking spaces must be provided and kept available for these purposes at all times prior to occupancy of any of the additional dwelling units. 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.
10. The minimum width of the internal driveway must be 3.0m generally as shown on the proposal plan. 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.
11. A passing bay of minimum width 5.5m and minimum length 6.0m must be provided at the road frontage of the driveway, generally as shown on the proposal plan P1 prior to occupancy of any of the additional dwelling units. A new vehicle crossing must be constructed to accommodate the 5.5m wide passing bay to Leighland Road 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>

12. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.

Advice for Applicant

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

On-site Stormwater Detention

All development applications that result in an increase in the impervious area of the site, and therefore the peak stormwater discharge rate may require 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 assessment must be submitted with the Plumbing Permit Application and detailed in a hydraulic design for 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

Metro Bus Stop

A Metro Bus Stop is located adjacent to the access to the site. Metro recommend a temporary bus stop during the construction phase and advise the developer to contact Metro on this matter. Please note that all cost would be expected to be the responsibility of the developer.

Waste and Recycling Services

The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling units, collected fortnightly.

Please note that this property would have a total of six (6) bins.

This property has an existing kerbside/nature strip area for placement of the bins therefore the units would have their own individual bins.

All bins are to be placed on the kerbside for collection.

Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

Appendix 1

10.0 General Residential

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.	Proposed site area per dwelling is 455m 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,	The proposed frontage setback is more than 4.5m	Yes

	or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	The garage proposed is setback more than 5.5m from 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	The proposal is to be within the building envelope, described in the acceptable solution.	Yes

	(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).		
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.	The proposal has less than 50% site coverage and the proposal provides no less than 60m ² of private outdoor space per dwelling	Yes

	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and	The proposal is assessed as complying with the acceptable solution	Yes
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	(f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Proposed dwelling unit 1 is not designed with one habitable room (other than a bedroom) with a window facing between 30 degrees west of north and 30 degrees east of north	No, refer report.
	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	he proposed dwelling units are separated by more than 3m.	Yes

	(iii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	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.	One proposed dwelling unit does not overshadow the private outdoor space of another dwelling unit.	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).	The garage openings are less than 6m or half the width of the frontage	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (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	Dwelling unit 3 has a deck more than 1m above natural ground level that is setback 3m from the side boundary and more than 6m from a dwelling on the same site.	Yes

	(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.		
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (h) 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	Dwelling unit 3 has a glazed door to a habitable room, more than 1m above natural ground level that is setback 4m from the side boundary and more than 6m from a dwelling and the private outdoor space on the same site.	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 (iv) 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.	Proposed unit 1 is to have an entrance door and window within 1m of the shared driveway. The glazing is to be obscured to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling. A condition of approval is recommended	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	A 1.2m frontage fence is proposed.	Yes

	(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).		
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 (v) 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.	Each dwelling unit is to have a 1.5m ² bin storage area.	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: (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.	7 Proposed (6 required - 2 for each dwelling unit)	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.	Not applicable to dwelling	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.	Not an applicable standard	N/A

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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.	1	Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation 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: (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;	Please refer to Development Engineers comments in referral section of report	Yes

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
	(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.	Not an applicable standard	N/A
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
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	

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	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	
	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.		

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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.	Parking space 1 is proposed to be located between the frontage and dwelling unit 1. Although the proposal is in the General Residential Zone	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: (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	
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Please refer to Development Engineers comments in referral section of report	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: (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.		Yes - conditioned
	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

E11.0 Waterway and Coastal Protection Code

Standard	Acceptable Solution	Proposed	Complies?
E11.7 Development Standards			
E11.7.1 Buildings and Works	A1 Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	No 'building area' on plan of survey	No
	A2 Building and works within a Future Coastal Refugia Area must be within a building area on a plan of subdivision approved under this planning scheme.	Not applicable standard	NA
	A3 Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme.	Not applicable standard	NA
	A4 Development must involve no new stormwater point discharge into a watercourse, wetland or lake.	Discharge into Hilton Creek	No
E11.7.2 Building and Works Dependent on a Coastal Location	A1 An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	Not applicable standard	NA
	A2 No Acceptable Solution for dredging and reclamation.	Not applicable standard	NA
	A3 No Acceptable Solution for coastal protection works initiated by the private sector.	Not applicable standard	NA

Attachments/Annexures

- 1** Attachment - 9 Leighland Road, Claremont

6. PROPOSED USE AND DEVELOPMENT - ADDITIONS (INDUSTRIAL MARINA AND BOAT LIFT) TO EXISTING MANUFACTURING AND PROCESSING - SURVEYORS DRIVE - 5 SURVEYORS DRIVE, DERWENT PARK AND CROWN LAND, DERWENT PARK

Author: Planning Officer (Vanessa Tomlin)

Qualified Person: Planning Officer (Vanessa Tomlin)

Property ID: 1542864

REPORT SUMMARY:

Application No.:	PLN-15-233
Applicant:	E3 Planning Pty Ltd
Owner:	Taylor Bros Marine Pty Ltd
Zone:	General Industrial
Use Class	Manufacturing and Processing
Application Status:	Discretionary
Discretions:	Relies on performance criteria in the Waterway and Coastal Protection Code (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	18 February 2016
Existing Land Use:	Marine Industry (GPS 1992) and Crown land
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

An industrial wharf/marina and boatlift is proposed at land adjacent to 5 Surveyor Drive, Derwent Park. The purpose of the proposal is to provide a connection to existing Marine Industry (marine engineering company), where a mooring platform for vessels waiting repair and maintenance and a travel boatlift is to be provided. The 3.5m wide concrete mooring platform is to be 42m in length and is to be supported by PVC-coated concrete pylons, 200mm in diameter that will be driven into the riverbed. The pylons are to be connected by concrete beams and a total of twenty pylons are proposed. Adjacent to the mooring platform, a second industrial wharf, measuring 20m in length, is to be constructed to support the western arm of the boatlift. The boatlift is to have a 75-tonne capacity and is designed to lift boats from the water and transport them to the hardstand or to the existing Marine Industry for maintenance and repair.

The proposed hours of operation are from 7am to 7pm seven days a week.

SITE and LOCALITY

The subject site is situated on the northern side of Surveyors Drive, Derwent Park, approximately 80 north of Bender Drive (see Fig. 1 below).

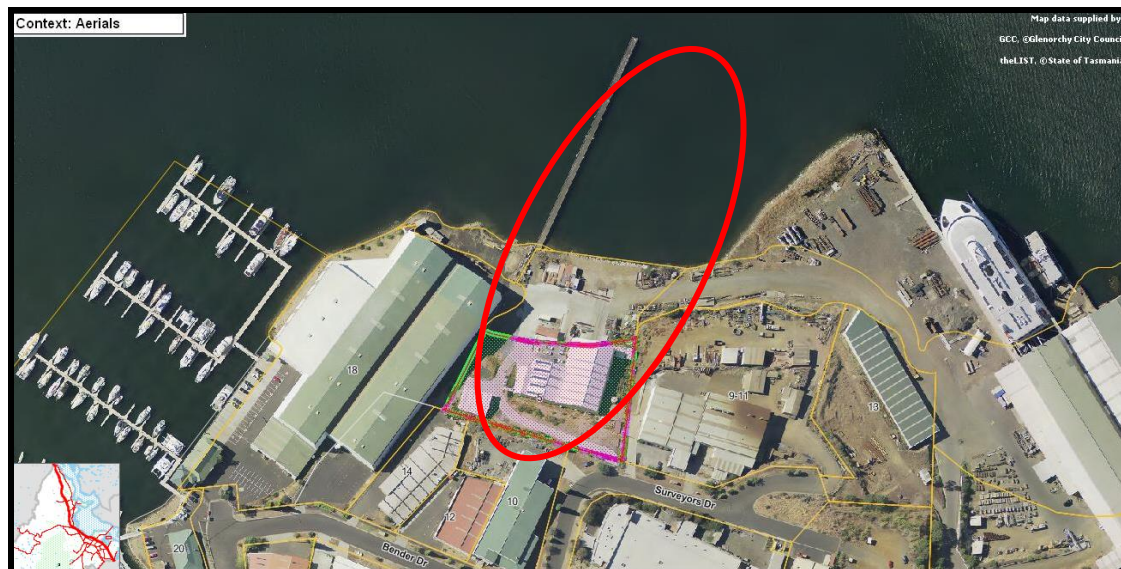


Figure 1. Aerial view of the site and surrounds. Council records, Exponare.

The site comprises CT34138/5 and CT160711/1. The site of CT34138/5 has approximately 32m of frontage to Surveyors Drive and an area of 5401m². The site of CT160711/1 has an area of 4035m² and 87.68m of frontage to the Prince Of Wales Bay and the Derwent River. The land identified as folio 2 on CT160711/1 is the subject of an adhesion order (Council reference PLADH-11/001, approved 19 January 2011), where the land is to be adhered to CT160711/1.

The site is situated within the General Industrial Zone and the Port and Marine Zone and is occupied by an existing Marine Industry (Glenorchy Planning Scheme 1992). The proposal site extends over the low water.

This area of the proposal site, at the time of writing, is not subject to a Crown lease or licence. Land to the east and west of the site are subject to Crown licence and lease (see Fig. 2 below).

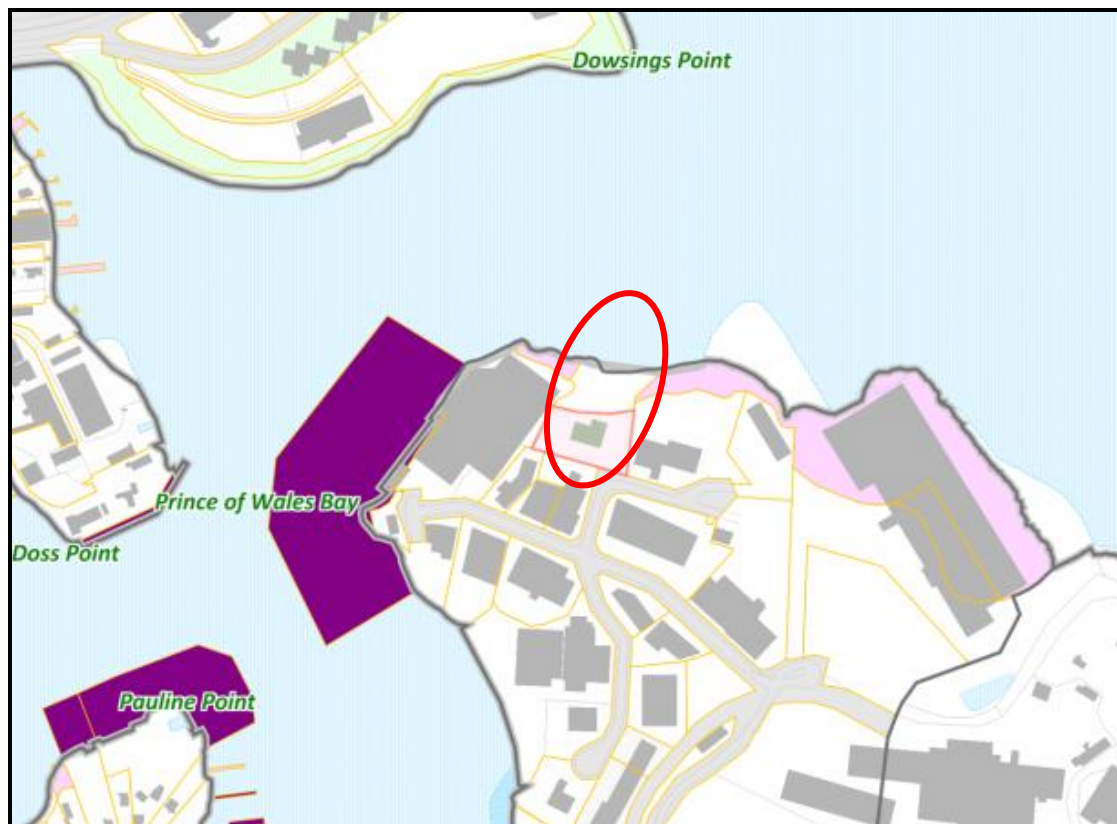


Figure 2. The location of the proposal site is indicated in the red and areas under Crown Licence are highlighted in light purple and areas under Crown Lease are highlighted in dark purple. Council record, Exponare.

The locality has been subject to several accretions from the sea and the high water mark has migrated over time, as land has been reclaimed. The foreshore of the site (prior to current land reclamation) is identified as having the potential to be partially inundated in a 1 in 100 year flood event. The Prince of Wales Bay is recognised as a highly modified bay with known environmental pollutants. There is no significant flora or fauna identified on the proposal site.

ZONE

The site is zoned General Industrial Zone and Port and Marine Zone (see Fig. 3 next page).

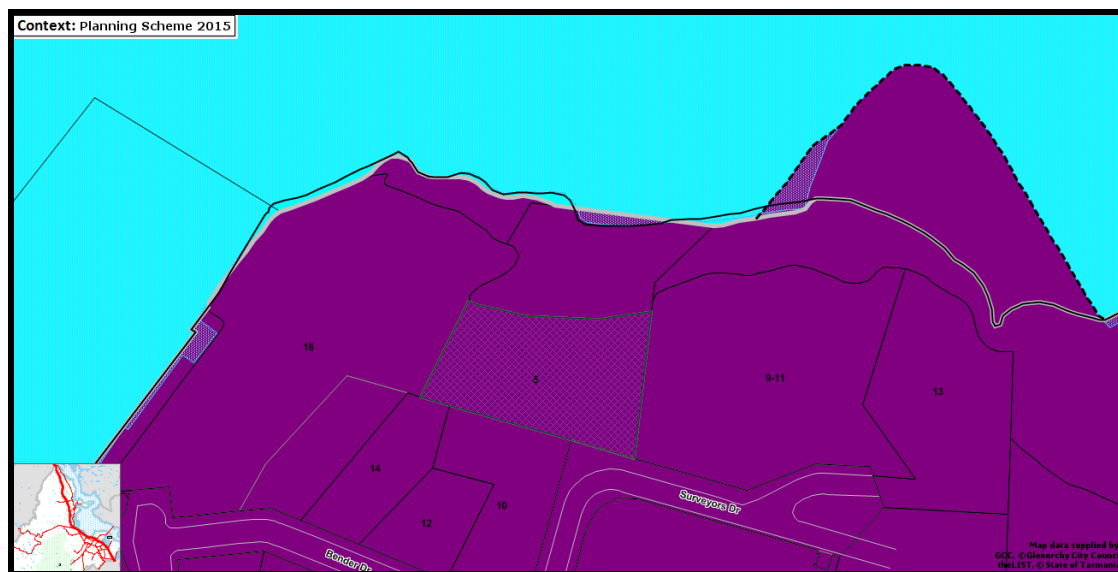


Figure 3. An excerpt of the zoning of the area, where the General Industrial Zone is shown in purple and the Port and Marine Zone is shown in light blue. Council records, Exponare.

BACKGROUND

- PLN-04-02584 Garage, approved 28/05/04
- PLN-08-0220 Additions to Marine Industry, approved 25/08/08
- PLN-08-0353 Addition to Marine Industry, approved, 22/12/08
- PLN-14-220 Marine Development – 12-berth floating marina, parking area and foreshore land reclamation within 30m of a listed watercourse, approved 15/07/15
- PLN-14-220.01 Marine Development – 12-berth floating marina, parking area and foreshore land reclamation within 30m of a listed watercourse, approved 20/08/15

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.

State Coastal Policy

The relevant clauses of the *Tasmanian State Coastal Policy 1996* are as follows:

- 1.1.1 *The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.*

Conditions of approval, in accordance with the objectives of the *Environmental Management and Pollution Control Act 1994* (and associated *Regulations*), are recommended to ensure the sustainable management, in perpetuity, of major ecosystems and natural processes within the immediate locality of the proposal.

Refer to Council's Environmental Health Officer's referral and recommended conditions later in the report.

- 1.1.2 The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.*

The Policy and Conservation Assessment Branch (PCAB) of Department of Primary Industries, Parks, Water and Environment (DPIPWE) concluded that it is highly unlikely that the proposal would impact on any terrestrial, inter-tidal or marine-listed threatened species or natural values of the immediate locality.

- 1.1.5 Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.*

A sewerage holding tank, oily water tank and skip bins are proposed for the management of wastes. As a result, the proposal is not expected to adversely affect the water quality of the coastal zone.

- 2.1.1 The coastal zone shall be used and developed in a sustainable manner subject to the objectives of this policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.*

It is considered that the proposal is generally consistent with the objectives of the *State Coastal Policy 1993* and would ensure that the coastal zone would be used and developed in a sustainable manner.

- 2.1.2 Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.*

An environmental impact assessment does not form part of the submission. However, an 'Environmental Supplement Form' is part of the submission. The 'Environmental Supplement Form' is a Council document designed for the applicant to provide information about potential environmental effects of the proposal, so that an environmental assessment of the proposal can be made. As previously stated, the proposal was referred to PCAB. PCAB is in support of the proposal.

It is considered that a formal Environmental Impact Assessment, to review the possible positive and negative impacts the proposal may have on the environment, is unnecessary. However, conditions are recommended to clarify legislative obligations, including the *Environmental Management and Pollution Control Act 1994*.

- 2.5.4 Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.*

Numerous recommended conditions would ensure the proposal would be constructed and managed in accordance with best practice environmental management.

- 2.8.1 Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.*

The proposal is industrial in nature and is to be situated amongst other industrial uses in the coastal zone. Recreational uses situated elsewhere in the coastal zone are not expected to be impacted by the proposal.

2.8.2 Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.

It is considered that the proposed location the proposal is appropriate and would not adversely affect sensitive areas. Any potentially adverse effects on the ecosystem could be remedied or mitigated.

There is no inconsistency with the *State Policy on the Protection of Agricultural Land 2009* and *State Policy on Water Quality Management 1997* or with the objectives of the *Land Use Planning and Approvals Act 1993*, as the proposal is considered to be orderly and environmentally responsible.

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No, the provisions of a Specific Area Plan or of a Code do not override the provisions of the relevant zones.

Use Class Description (Table 8.2):

Manufacturing and Processing means the use of land for manufacturing, assembling or processing products other than Resource processing. Examples include boat building, brick making, cement works, furniture making, glass manufacturing, metal and wood fabrication, mineral processing and textile manufacturing.

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.

Marina means use of land to moor boats, or store boats above or adjacent to the water. It includes boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.

Development means as defined in the Act. The *Land Use Planning and Approvals Act 1993* defines development as the construction, exterior alteration or exterior decoration of a building; and the demolition or removal of a building or works; and the construction or carrying out of works; and the subdivision or consolidation of land, including buildings or airspace; and the placing or relocation of a building or works on land; and the construction or putting up for display of signs or hoardings; but does not include any development of a class or description, including a class or description mentioned in paragraphs (a) to (f), prescribed by the regulations for the purposes of this definition.

Development area means the area of land occupied by development including its yard, outbuildings, car parking, driveways, storage areas, landscaping and wastewater disposal areas.

Building means as defined in the Act. The *Land Use Planning and Approvals Act 1993* interprets building to include a structure and part of a building or structure; and fences, walls, out-buildings, service installations and other appurtenances of a building; and a boat or a pontoon which is permanently moored or fixed to land.

Works means as defined in the Act. The *Land Use Planning and Approvals Act 1993* interprets works to include any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985, carried out in State forests.

Land means as defined in the Act. The *Land Use Planning and Approvals Act 1993* interprets land to include buildings and other structures permanently fixed to land; and land covered with water; and water covering land; and any estate, interest, easement, servitude, privilege or right in or over land.

Use means as defined in the Act. The *Land Use Planning and Approvals Act 1993* interprets use, in relation to land, to include the manner of utilising land, but do not include the undertaking of development.

Traffic impact assessment means a study prepared by a suitably qualified person that shows the likely effects of traffic generated by use or development on the local environment and on the road or railway networks or both in terms of safety, efficiency and amenity, having regard to present and assumed future conditions. It includes recommendations on measures to be taken to maintain the safety and efficiency of the road or railway networks.

Gross floor area means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

Part C: Special Provisions

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

9.9 Accretions

Clause 9.9.1 - unless excluded by s.20 of the Act (concerns what a planning scheme can provide for), use or development of an existing or proposed accretion of land from the sea, whether natural or unnatural, located either partially or wholly outside the planning scheme area and including structures and use and development of the type referred to in s.7 (c) and s.7 (d) of the Act may be approved at the discretion of the planning authority having regard to all of the following:

- (a) the provisions of the Environmental Management Zone;
- (b) the purpose and any relevant standards of all Codes;
- (c) the compliance with the planning scheme standards of any related use or development wholly contained within the planning scheme area.

Section 7 of the Act is as follows:

Municipalities may exercise powers in respect of accretions from sea, &c.

A municipality may exercise its powers under this Act in respect of –

- (a) any accretion from the sea, whether natural or unnatural, adjoining its municipal district; and
- (b) any part of the sea-shore to the low-water mark adjoining its municipal district; and
- (c) all bridges, jetties, wharves, boat-houses and other structures partly within its municipal district and partly in or over the sea adjacent to its municipal district; and
- (d) any area of the sea directly adjoining its municipal district in, on, over or under which any use or development is related to, or affects, the use of any adjacent land, subject to section 20(7)(c) and (d).

Part D: Zones

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

Zone Purpose Statement

The purpose of the General Industrial Zone is to provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on neighbouring uses; to provide industrial activity with good access to strategic transport networks; to promote efficient use of existing industrial land stock; to restrict intensification of existing non-conforming uses; and to provide industrial activity with good access to strategic transport networks.

The purpose of the Port and Marine Zone is to provide for port and marine activity related to shipping and other associated transport facilities and supply and storage; and to provide for major ports and associated marine activities of regional strategic importance that are reliant on a waterfront location, and to allow for other uses that support the port and marine purpose.

Comment:

The proposal is assessed as consistent with the General Industrial and Port and Marine Zone purpose statements, owing to the proposal being in association to a Manufacturing and Processing use for maritime purposes, reliant on a waterfront location.

Desired Future Character Statement

The Desired Future Character Statement for the Prince of Wales Bay Maritime Industrial Precinct applies to uses within the General Industrial Zone and the Port and Marine Zone, when the use is located in proximity to Prince of Wales Bay, but only insofar as the desired future character statement is relevant to the particular discretion being exercised. The proposal is discretionary by relying on the performance criteria of the Waterway and Coastal Protection.

The Desired Future Character Statement for the Prince of Wales Bay Maritime Industrial Precinct is as follows:

DD02 Prince of Wales Bay Maritime Industrial Precinct	
Desired Future Character Statements	Implementation Strategy
These desired future character statements apply to the area of land designated as "DD02" on the planning scheme maps.	
(a) The Prince of Wales Bay Maritime Industrial Precinct's role as a regional multi-user marine and industrial precinct and sheltered anchorage is strengthened by promoting appropriate scale development opportunities and sustainable management of the Precinct's land and waters, including any future land reclamation processes.	Determination of applications under cl. 8.10.2 and performance criteria in standards.
(b) All development in the Precinct considers the amenity and safety of residents abutting and near the waterfront area and implement mitigation measures as required.	Determination of applications under cl. 8.10.2 and performance criteria in standards.

(c) The Precinct is developed using a sustainable approach that supports the integrity of natural and physical resources, ecological processes and genetic diversity.	Determination of applications under cl. 8.10.2 and performance criteria in standards.
(d) Use and development is assessed for its impact on the Precinct in terms of traffic flow, access and management of car parking.	Determination of applications under cl. 8.10.2 and performance criteria in standards.
(e) Significant landscape and maritime outlooks are protected.	Determination of applications under cl. 8.10.2 and performance criteria in standards.
(f) Assessment processes consider the implications of climate change, especially sea level rise, storm surge and coastal erosion.	Determination of applications under cl. 8.10.2 and performance criteria in standards.
(g) Public amenity within the Precinct is improved by consideration of: (i) walking and cycling linkages; (ii) consideration of the potential to redevelop Pauline Point as a maintenance and berthing depot; (iii) establishment of a marina for recreational vessels; (iv) construction of a foreshore boardwalk; (v) potential for new visitor uses at an Incat Museum.	Determination of applications under cl. 8.10.2 and performance criteria in standards.

Comment:

The proposal is assessed as furthering the Desired Future Character Statements of the Prince of Wales Bay Maritime Industrial Precinct by being of an appropriate scale and by adopting sustainable management of the Precinct's land and waters through best practice construction techniques.

Use Table

Manufacturing and Processing is a permitted use in the General Industrial Zone and the Port and Marine Zone, pursuant to Clauses 25.2 and 31.2.

Use Standards

There are no use standards in the General Industrial Zone and the Port and Marine Zone.

Development Standards for Buildings or Works

The proposal is assessed as complying with the acceptable solutions of the development standards of the General Industrial Zone and the Port and Marine Zone.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Potentially Contaminated Land Code

The Potentially Contaminated Land Code applies to development on potentially contaminated land. The Prince of Wales Bay is recognised as a highly modified bay with known environmental pollutants. However, the proposal is exempt from assessment under the code, in accordance with Clause E2.4.4, as the applicant asserts that the proposed development would not involve disturbance of more than 1m² of land. This minimal level of disturbance is attributed to the method of construction, where less than 20 pylons, with a diameter of 200mm will be screwed into the riverbed, using a barge mounted screw piling system.

Parking and Access Code

The parking requirement for Manufacturing and Processing use is one space per 50m² of floor area. For the purposes of this Code, floor area means the gross floor area (means the total floor area of the building measured from the outside of the external walls or the centre of a common wall), excluding the area of stairs, loading bays, access ways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts. Considering that the proposal does not have walls and provides adequate parking for the existing Manufacturing and Processing use on the site, no additional parking is required.

Waterway and Coastal Protection Code

The site is located within an area identified in the Waterway and Coastal Protection Code. The Waterway and Coastal Protection Code applies to the proposal because the proposed development is within the Waterway and Coastal Protection Area, owing to the protection area including the waterway itself, being between the top of the banks on either side (table E11.1(b)) (Fig.4).

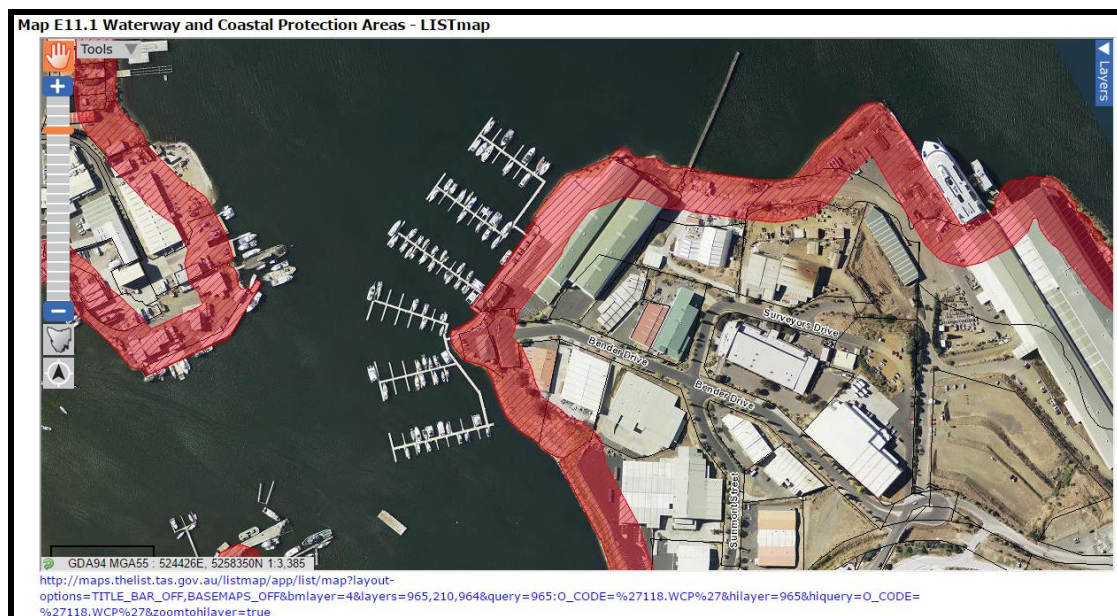


Figure 4. Excerpt from TheList maps of the Waterway and Coastal Protection Code area.

The proposal relies on performance criteria P1 Buildings and works, Clause E11.7.1. The performance criteria P1 requires buildings and works within a Waterway and Coastal Protection Area to demonstrate impact on natural values is avoided or mitigated; adverse erosion, sedimentation and runoff impacts on natural values is mitigated and managed; impacts on riparian or littoral vegetation is avoided or mitigated; the natural streambank and streambed condition, (where it exists) is maintain; in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation is maintained; to avoid significantly impeding natural flow and drainage; maintaining fish passage (where applicable); avoid landfilling of wetlands; and works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

In view of the fact that the site is highly modified, the proposal is not expected to adversely impact the natural values or compromise the condition of the littoral vegetation, the streambank or streambed and instream habitat. In addition, the proposal is assessed as having the capacity to maintain the passage of fish and other marine life and to not impede the natural flow or drainage of the waterway. This is primarily due to the pylon design and construction method, with no unnecessary use of machinery within the waterway. To ensure works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), a condition of approval is recommended. The proposal satisfies the performance criteria and complies with the standard.

Inundation Prone Areas Code

The Inundation Prone Areas Code applies to development of buildings and works dependent on a coastal location, Clause E15.2.1 (d) (Fig.5).

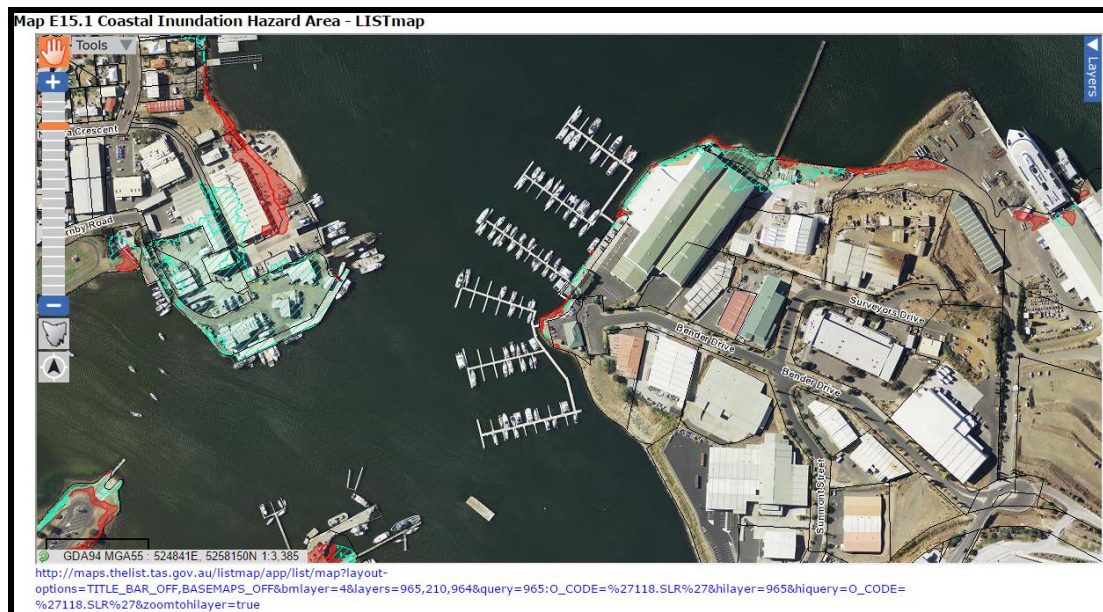


Figure 5. Excerpt from TheList maps of the Inundation Prone Areas Code area.

The development standards for Development Dependent on a Coastal Location, Clause E15.7.6 refers to an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway, dredging or reclamation and coastal protection works. Considering not one of these facilities currently exists on the site, this standard is not applicable.

Coastal Erosion Hazard Code

The Coastal Erosion Hazard Code applies to development of buildings and works dependent on a coastal location, on land in the Coastal Erosion Hazard Area., Clause E16.2.1 (c) (Fig. 6).

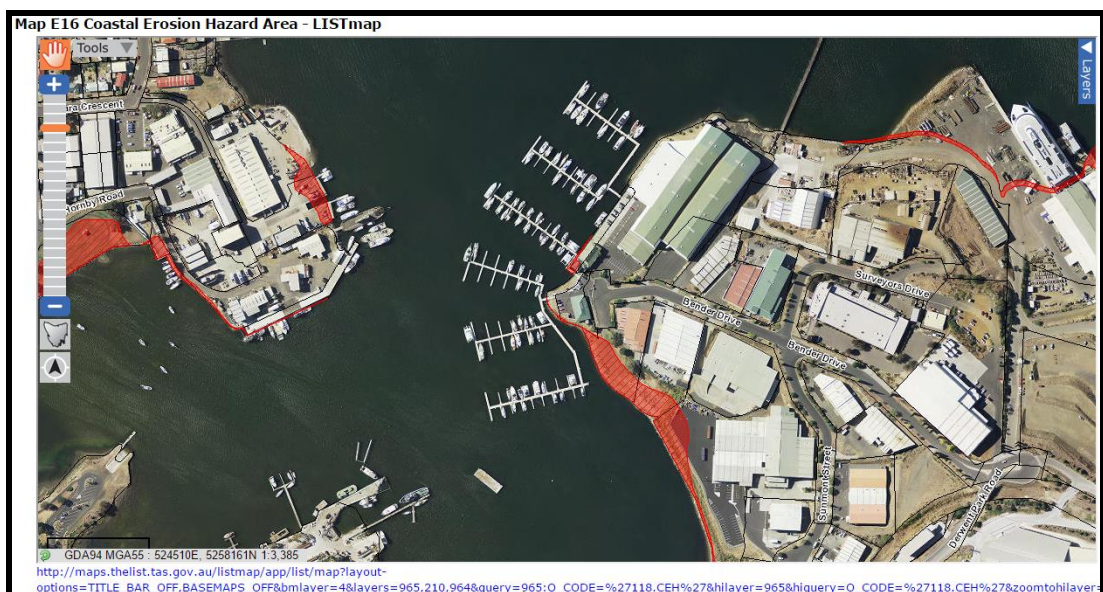


Figure 6. Excerpt from TheList maps of the Coastal Erosion Hazard Code area.

The development standards for Development Dependent on a Coastal Location, Clause E16.7.2 refers to an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway, dredging or reclamation and coastal protection works. Considering not one of these facilities currently exists on the site, this standard is not applicable. It is noted that the proposed marina is not within the Coastal Erosion Hazard Area, although the parking area is. The potential for coastal erosion is mitigated by the seawall, approved under PLN-14-220.

PART F: Specific Area Plans

No specific area plan applies to 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 is from Surveyors Drive. The site was the subject of a previous application for a 27-berth marina (PLN 14-220). A detailed Traffic Impact Assessment was submitted with this application. It was determined that 20 dedicated car parking spaces were sufficient for this application. Part of the marina for this application was removed under an appeal and was reduced from a 27-berth to a 12-berth marina.

This application is for an addition in the form of a boat lift and jetty. The additional jetty is for mooring of boats waiting to be removed from the water with the boat lift for maintenance purposes. The site has separate approved parking area for the marine industry aspect of the site and additional parking is not required as there is no increase in terms of floor area of the marine industry.

The submitted plans indicate a total of 18 parking spaces to be provided on the site specifically for the marina. This is an excess of 10 spaces required for a 12-berth marina in accordance with the Glenorchy Interim Planning Scheme 2015.

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 development.

Flooding/Inundation issues

The site is located on the River Derwent and areas directly adjacent to the river may be subject to future sea level rise. As a result the parts of the site are identified as Low and Medium hazard under the Inundation Prone Area Code E15 of the GIPS 2015.

Environmental Health Officer

Council's Environmental Health Officer has made the following comments and recommended conditions.

The report by e3 Planning, October 2015 was considered when assessing this application for an industrial wharf. The development of a Construction Management Plan and Maintenance Plan has been requested in order to ensure best practice environmental management of the wharf.

EXTERNAL REFERRALS

TasWater

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

Other

Marine and Safety Tasmania (MAST)

MAST is the statutory authority established to ensure the safe operation of vessels, both recreational and commercial, provide and manage marine facilities and manage environmental issues relating to vessels.

The proposal was referred to MAST has commented that there is no objection to this application.

Crown Land Services

Crown Land Services have provided written consent to the making of the application, dated 4 November 2015 and has made the following comments.

Should a Planning Permit (PP) be issued for this proposal Crown Land Services requires a complete copy. Please note, this consent to lodge the Development Application is not approval to undertake any works on Crown Land. Approval is subject to assessment including the Planning Permit. To re-iterate the 3rd paragraph of the consent letter dated 4 November 2015, at this stage Crown Land Services has not assessed this proposal in any detail.

Policy and Conservation Advice Branch (PCAB)

The Policy and Conservation Advice Branch (PCAB) has the following comments.

- It is considered unlikely that the proposal will directly impact on terrestrial or aquatic threatened flora or fauna. Therefore, PCAB would recommend that no further surveying or mitigation measures are required in relation to these issues.
- It is relatively well understood that this section of the Derwent estuary is likely to be highly contaminated with a range of environmental toxicants (particularly a suite of heavy metals including zinc, copper, mercury, lead, cadmium and arsenic). PCAB recommends that the sediments in the area be treated as contaminated, and that measures be implemented to manage the risk of significant re-suspension of sediments as a result of construction activities. A sediment survey may be of use if the proponent wants to demonstrate that the strata of sediment likely to be remobilised during the upgrade should not be treated as contaminated and that reduced mitigation measures may be acceptable.

- While the area is mapped as having a 'low' probability of containing Potential Acid Sulfate Soils (PASS) large-scale sediment disturbance could result in oxidation of such soils. In this case it appears that there will be minimal disturbance and PASS should not be an issue.
- To mitigate potential acoustic disturbance to fauna (particularly cetaceans), PCAB would recommend the following:
 - Prior to each day of pylon installation activities, the immediate area should be scanned for the presence of cetaceans, pinnipeds, turtles, and/or penguins.
 - Construction activities must not occur or must cease if any listed cetacean and pinniped/turtle/penguin species are known to be present within 500 m of construction activities.
 - A 'soft start' technique should also be used at the beginning of each pile installation day to allow any cetaceans, pinniped, turtle, and/or penguin that may be in the immediate area to avoid the area prior to before impact piling reaching full capacity. Employing a 'soft start' technique would also benefit other mobile animals (e.g. birds, fish, sharks) which have the ability to move away before impact piling reaches full strength.
 - Occurrences of cetaceans, pinnipeds, turtles, and/or penguins must be reported to DPIPWE within 90 days of completion of works. Reference data should include species name, location-GPS (grid reference GDA94), observer name, date, number of individuals and area occupied.

REPRESENTATIONS

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

CONCLUSION

The proposal to construct an industrial marina in association to the existing Marine Industry relies on performance criteria to comply with the standards of the Waterway and Coastal Protection Code. The proposal is assessed as complying with all the applicable development standards of the Glenorchy Interim Planning Scheme 2015. 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, additions (industrial marina & boat lift) to existing manufacturing and processing at Surveyors Drive Derwent Park, 5 Surveyors Drive Derwent Park and Crown Land Derwent Park, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-233 and Drawing No. P2 submitted on 4 December 2015, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. The hours of operation are to be 7am to 7pm seven days week.
4. The development and works must be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is to be avoided.

Engineering

5. 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.
6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
7. A minimum of 18 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.
8. The marina carpark is to be separated from traffic flow across the site as indicated on the submitted drawings and the recommendations of the Traffic Impact Assessment. Line-marking and Signage to control the traffic flow through the site must be incorporated into the carpark design and installed to the satisfaction of Council's Traffic Engineer.
9. In areas set aside for car parking and turning bays, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.

10. Lighting must be provided for the proposed carpark in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces.
11. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment. All runoff from paved and driveway areas must be retained within site boundaries, collected into a grated drain and silt pit and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements.
12. 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.
13. Buildings must not be constructed within drainage easements and all building works must be maintained at a minimum horizontal clearance of one (1.0) metre from any Council services. It shall be the developer's responsibility to accurately determine the location of easements and existing services.
14. A comprehensive soil and water management plan is to be submitted for approval to the satisfaction of Council's Development Engineer prior to commencement of construction. This plan is to cover all aspects of construction for all of the proposed works.
15. All works for the jetty pylon construction are to be undertaken with a crane mounted on a marine barge and with the use of river bed disturbance prevention skirts.
16. Detailed engineering drawings showing all proposed works including carpark and manoeuvring areas, building foundation details near Council's main(s), internal service lines and connections to service mains, surface drainage collection including grated drains and silt collection pits, pavement composition and levels must be submitted for approval by Council's Development Engineer prior to the commencement of construction.

Environmental Health

17. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or water courses is strictly prohibited.

Any area where liquid wastes (including spills) are generated must be suitably graded and bunded to direct the liquid waste to sewer.

18. All solid wastes must be managed in accordance with the hierarchy of waste management summarised below, unless otherwise approved in writing by the Glenorchy Planning Authority:
 - a) waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;

- b) waste must be re-used or recycled to the maximum extent that is reasonable and practicable; and
 - c) any residual waste must be disposed of only at a site and in a manner approved by the Glenorchy Planning Authority.
19. The applicant must prepare a Construction Management Plan for the jetty that meets the objectives and requirements of the Environmental Management and Pollution Control Act 1994 in respect of “best practice environmental management”. The plan is to address all aspects of the construction of the jetty including, but not limited to, the extent and management of:
- i. soil/sediment disturbance above and below the high water mark
 - ii. water turbidity; and
 - iii. sediment dispersion of heavy metals in the riverbed.
- The Plan must be developed prior to the commencement of the development and must be to the satisfaction of the Glenorchy Planning Authority.
20. Prior to construction, a cleaning and maintenance program to control the accumulation of bio-fouling on installed marine infrastructure, must be developed to the satisfaction of the Glenorchy Planning Authority.
21. The jetty must not be available to the general public for berthing/mooring.
22. To mitigate potential acoustic disturbance to fauna (particularly cetaceans), the following measures must be implemented:
- a) Prior to each day of pylon installation activities, the immediate area should be scanned for the presence of cetaceans, pinnipeds, turtles, and/or penguins.
 - b) Construction activities must not occur or must cease if any listed cetacean and pinniped/turtle/penguin species are known to be present within 500 m of construction activities.
 - c) A ‘soft start’ technique should also be used at the beginning of each pile installation day to allow any cetaceans, pinniped, turtle, and/or penguin that may be in the immediate area to avoid the area prior to before impact piling reaching full capacity. Employing a ‘soft start’ technique would also benefit other mobile animals (e.g. birds, fish, sharks) which have the ability to move away before impact piling reaches full strength.
 - d) Occurrences of cetaceans, pinnipeds, turtles, and/or penguins must be reported to DPIPWE within 90 days of completion of works. Reference data should include species name, location-GPS (grid reference GDA94), observer name, date, number of individuals and area occupied.

Advice to Applicant:

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

Nil.

Appendix 1.**25.0 General Industrial**

Standard	Acceptable Solution	Proposed	Complies
25.4 Development Standards for Buildings and Works			
25.4.1 Building Height	A1 Building height must be no more than: 20m.	The proposal is to be less than 20m in height	Yes
25.4.2 Setback	A1 Building setback from frontage must be no less than: 10m.	Not applicable standard	NA
25.4.3 Design	A1 Building design must address the street by complying with all of the following: (a) provide the main pedestrian entrance to the building at the frontage; (b) screen mechanical plant from view from the street and other public spaces; (c) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof.	Not applicable standard	NA
24.4.4 Fencing	A1 Fencing must comply with all of the following:	Not applicable standard	NA

Standard	Acceptable Solution	Proposed	Complies
	(a) fences, walls and gates of greater height than 2.4 m must not be erected within 10 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m.		

Appendix 2**31.0 Port and Marine Zone**

Standard	Acceptable Solution	Proposed	Complies?
31.4 Development Standards for Buildings and Works			
31.4.1 Building Height	A1 Building height must be no more than: 20 m.	The proposal is to be less than 20m in height	Yes
30.4.2 Setback	A1 Building setback from frontage must be no less than: 10m.	Not applicable standard	NA
31.4.3 Design	A1 Building design must address the street by complying with all of the following: (a) provide the main pedestrian entrance to the building at the frontage;	Not applicable standard	NA

Standard	Acceptable Solution	Proposed	Complies?
	(b) screen mechanical plant from view from the street and other public spaces; (c) (incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof.		
31.4.4 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 2.4 m must not be erected within 10 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m.	Not applicable standard	NA

Appendix 3.

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;	8 parking spaces required for 12 berth marina in accordance with GIPS. Design includes 18 parking spaces. No additional spaces required for marine industry due to no increase in floor area of business.	Yes.

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
	(ii) this provision was not used in this planning scheme.		
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	None.	Yes.
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	None.	Yes.
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	None	Yes
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.	Existing access not changed.	Yes

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
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.	Existing access points not changed.	Yes.
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.	Access road allows vehicular passing.	Yes

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.	On-site turning included in design.	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.	Layout complies with AS/NZS 2890.1	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.	Design includes concrete or asphalt parking areas.	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.	Lighting of carpark and access road to be designed and installed in accordance with AS 1158.3.1 – Lighting for roads and public spaces.	Yes

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Parking areas and constructed car parking areas to include landscaping areas.	Yes
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not applicable.	
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Not applicable.	
	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.		

STANDARD	ACCEPTABLE SOLUTION	PROPOSED	COMPLIES
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not applicable.	
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not applicable.	
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not applicable.	
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Existing vehicle access points.	Yes

Attachments/Annexures

- 1** Attachment - 5 Surveyors Drive, Derwent Park

7. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO FOOD SERVICES, SIGNAGE AND BUILDING ADDITION WITH VARIATION TO PARKING - 110 MAIN ROAD, MOONAH

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 2892428

REPORT SUMMARY:

Application No.:	PLN-15-253
Applicant:	J Wu
Owner:	Asmh Investments Pty Ltd
Zone:	General Business
Use Class	Food Services
Application Status:	Discretionary
Discretions:	21.2 Use Table (Discretionary Use) E6.6.1 – A1 Number of Car Parking Spaces (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	15 Feb 2016
Existing Land Use:	Sports and Recreation – Fitness Centre
Proposal In Brief:	Change of use to food services, signage, and building addition with variation to parking.
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The application proposes a change of use from a fitness centre to a restaurant, at a building on the same property as Moonah Central shopping centre. The subject building has a single large room, with the exception of amenities, which requires alterations to suit the proposed use. The alterations would divide the room into a dining room, a kitchen, a store room and an office. It is also proposed to construct a preparation room in a rear courtyard. The floor area of the proposed use would be 240m² and there would be 48 seats. The application includes two fascia signs, advertising the restaurant. The application is discretionary because the use is discretionary and there is a parking shortfall.

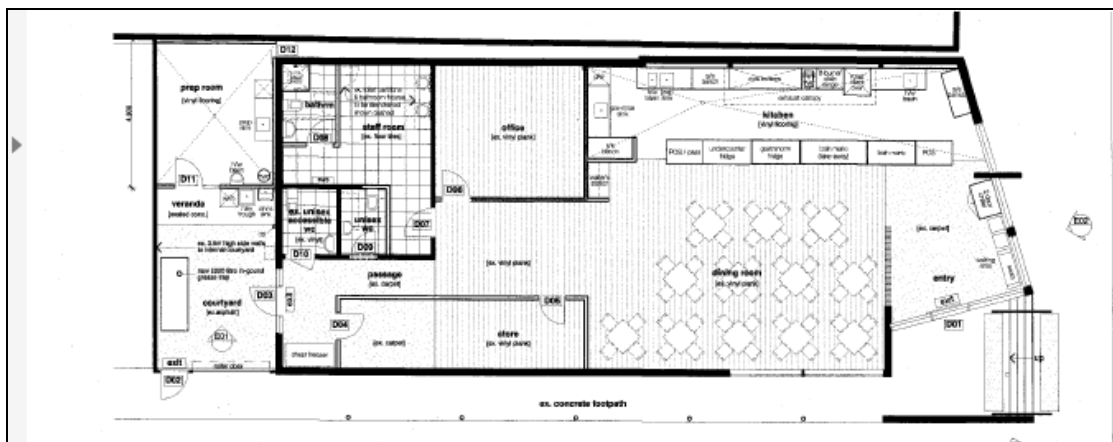


Figure 1: Proposal Plan

SITE and LOCALITY

The subject property is known as 110 Main Road, Moonah and is described in title CT151011/1. The relevant building is shown as Shop 9 on the title. The site is occupied by a major supermarket and ten shops, as well as a large carparking area.



Figure 2: Site Location - Council Data Base 2013

The site of the subject shop has an access strip from Main Road beside it to get to a car parking area and a storage area at the rear.



Figure 3: Subject Building – Council Database 2013

ZONE

The subject property is located within the **General Business Zone** shown in 'royal blue' below. The nearest residential zone is in Charles Street where the zoning is Inner Residential in 'maroon'.

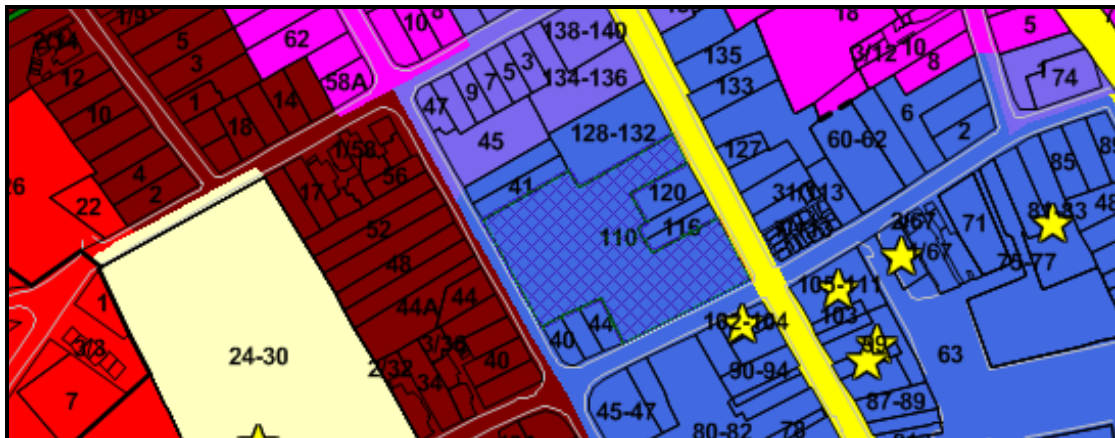


Figure 4: Zoning Map - GIPS 2015

BACKGROUND

The following permit was granted for the relevant building:

- PLN-05-03661.01 Demolition and Redevelopment of Major Shopping Centre including new supermarket, specialty shops, reconfigured car parking with discretion to car parking requirements, awning over road reserve and associated signage (s.43A)

This permit allowed for the shopping complex, which was classed Major Shop/Shopping Centre and included the subject building. The permit required the provision of 172 carparking spaces.

- PLN-13-151 - Change of Use to Indoor Sports facility (fitness studio) with signage greater than 4m² and access and parking variation - Approved 04/12/13

There were six spaces attributed to the fitness centre of which 5 were credits from the original application for the shopping centre and 1 space was varied for the fitness centre permit. Two spaces were lost as a result of this permit.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

There is no Special Area Plan applicable. However, the following code applies:

- E6.0 Parking and Access Code

Use Class Description (Table 8.2):

The use is classified **Food Services – Restaurant** which is defined in Table 8.2 Use Classes as use of land for preparing or selling food or drink for consumption on or off the premises. Examples include a cafe, restaurant and take-away food premises.

Other relevant definitions (Clause 4.1):

Nil.

Part C: Special Provisions

Nil.

Part D: Zones

The land lies 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 Statement

The zone purpose statement of the General Business Zone is in 2.1.1 as follows:

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

Comment

It is considered that the proposal accords with the above intent. The use for a restaurant at this location is considered to complement the range of retailing, professional and personal services operating in the commercial centre of Moonah. Operating hours would not conflict with residential areas at some distance in Charles Street.

Use Table

The use is classed Food Services – Restaurant which is a ‘discretionary’ use within the General Business Zone and invokes a parking discretion. Therefore the application is discretionary pursuant to subclause 8.8.1 (a) and (b), owing to the discretionary use and reliance of the proposal on the performance criteria of an applicable standard.

Discretions

21.2 Use Table (Discretionary Use)

E6.6.1 – A1 Number of Carparking Spaces

Use Standards

There are standards in regards to Hours of Operations, Noise, External Lighting and Commercial Vehicle Movements. The proposal can either comply or be conditioned to comply where applicable. Please refer to attached Appendix.

The proposed operating hours are as follows:

- Monday to Saturday 10am to 9.30pm
- Sundays and Public Holidays 11am to 9pm.

Development Standards for Buildings or Works

There are standards in regards to building height, setback, design, passive surveillance, landscaping, outdoor storage areas and fencing.

The proposal includes a minor addition at the rear of the building which complies with all relevant development standards as demonstrated in the attached appendix, but in particular:

- Outdoor storage behind the building line, screened from public view and not encroaching on parking. A condition is recommended.
- Building height maximum of 12m. The proposed addition would have a maximum height of 3.17m.
- There are no side and rear setbacks applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 - Parking and Access Code

The application does not provide for any parking as there is no room on site and therefore does not meet the Acceptable Solution in E.6.6.1 – A1 Number of Car Parking Spaces.

The requirements for previous uses and the proposed use are as follows:

E6.1 Number of Car parking Spaces Required

Use Class: Food Services

Restaurant	15	for each 100m ² of floor area or 1 space for each 3 seats, whichever is the greater.
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Use Class: Sports and Recreation

Fitness centre	4.5	for each 100m ² of floor area
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The proposed use of a restaurant would require 36 spaces based on an area of 240m², compared with a fitness centre that would require 11 spaces for the same area, so that the additional demand would be for 25 spaces.

The Performance Criteria is in E6.6 – P1 and is as follows:

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

- car parking demand;*
- the availability of on-street and public car parking in the locality;*
- the availability and frequency of public transport within a 400m walking distance of the site;*
- the availability and likely use of other modes of transport;*
- the availability and suitability of alternative arrangements for car parking provision;*

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

The applicant submitted a Traffic Impact Statement (TIS) addressing the Performance Criteria. The TIS was found satisfactory by Council's Transport Engineer. For further comments please refer to the engineering assessment later in this report.

E17.0 Signs Code

The application includes two fascia signs, each 2.1m long and 0.5m high with a clearance of 2.45m and 3.66m respectively. One of the signs faces Main Road and the other the adjacent driveway. The design of the proposed signage is shown in Figure 5.



Figure 5: Proposed Sign

The awning fascia signs comply with all standards and are exempt from requiring a permit pursuant to clause 17.4 Use Development Exempt of the Sign Code.

PART F: Specific Area Plans

No Specific Area Plan is applicable.

INTERNAL REFERRALS

Traffic Engineer

I have reviewed the proposed change of use to food services relying on performance criteria at 110 Main Road, Moonah. The application documentation included a Traffic Impact Statement (TIS) prepared by Midson Traffic (dated January 2016).

The TIS states that the subject site is located at 124 Main Road, Moonah (former address). The site was previously used as a Barrecode gymnasium and forms part of a larger shopping centre that is located between Main Road and Charles Street (known as 'Moonah Central', containing Priceline, Woolworths, and other specialty shops). The proposed development involves a new restaurant within the existing building at 110 Main Road, Moonah. The restaurant consists of a total floor area of approximately 240m². It will provide seating for 48 people (12 tables of four seats). The proposed development also includes a staff room, an office and a take-away waiting area.

The TIS also notes that the site is located within the land occupied by Moonah Central and the overall site provides approximately 180 parking spaces, with the majority of these spaces accessed via Charles Street. The report also states that immediately adjacent to the site are eight parking spaces, which are arranged in 'jockey' style, with four rows of two jockey spaces. The report indicates that these spaces are not suitable for customers, but are ideally suited for staff.

In terms of parking requirement, the TIS states that based on the requirements of the Glenorchy Interim Planning Scheme 2015 – Parking and Access Code, the proposed development is classified as use class 'Restaurant' which requires a total provision of 15 spaces per 100m² of floor area or one space for each three seats, whichever is greater. As a result, based on the assessment undertaken by the TIS, this is a requirement for 36 parking spaces (based on total floor area of 240m²). The report also indicates that the previous use of the site was a gymnasium a requirement of 4.5 car parking spaces for each 100m² of floor area which is equal to 11 parking spaces. Consequently, the total parking shortfall for the proposed development equates to 25 spaces.

The TIS, then, argues that the principles of shared parking apply to the proposed development as it is situated in a busy retail strip shopping area of Moonah. In this regard, the report states that in the busy commercial areas, it is common for trips to be undertaken that result in several destinations within the area requiring only one parking manoeuvre. That is, patrons visit more than one destination within the area whilst only utilising one parking space. The report also indicates that the actual parking demand is, therefore, likely to be lower than the aggregated parking demands of each of the components of the surrounding area. In addition, the TIS note that peaks for each land use are unlikely to coincide for each component of the strip shopping centre, hence, effectively sharing the demands for these spaces across different times of the day.

The TIS also states that the nature of the development will result in peak parking demands occurring during evenings (dinner), well after peak shopping parking demands.

The report also indicates that lunch time peaks are likely to result in customers originating from the nearby area (staff, shoppers, residents, etc.) rather than specific trips to the site for a single trip (i.e. the principles of shared parking).

In terms of parking supply, the TIS states that a large pool of publically accessible parking is available in the nearby vicinity (i.e. the Moonah Central car park is accessed from Charles Street and the car park is connected to site via a pedestrian walkway). The report also notes that the total parking supply within a reasonable walking distance of the subject site is broken down as follows:

- 34 spaces on-street in Main Road between Fleet Street to Hopkins Street.
- 12 spaces on-street in Hopkins Street between Main Road and Charles Street.
- 172 spaces off-street in Moonah Central car park (forming part of the subject site).
- 8 spaces adjacent to the site (as four rows of 2 jockey spaces).
- 226 spaces total.

The TIS, then, adds that:

“There is a large pool of parking located in central core of Moonah, between Hopkins Street and Albert Road. This parking (in excess of 500 spaces) is within a convenient walking distance to the site.

These spaces are generally accessible spaces that are available for customers of businesses in the surrounding area. All available spaces are controlled by time restrictions to ensure that parking turnover is appropriate to the needs of the businesses in the area.”

Consequently, the report concludes that there is sufficient spare parking capacity to cater for any shortfall that may result from the proposed development.

It should be noted that according to Council’s Parking Occupancy Survey Report – Moonah Inner Commercial Precinct (December 2014), the available off-street parking spaces in the Moonah Commercial Centre is in the order of 223 spaces in the hour commencing 12pm and 174 spaces in the hour commencing 1pm while there were 424 parking spaces available in the hour commencing 5pm. This means that the car parks in the vicinity of the proposed development can be used for any unexpected increase in the parking demand. As a result, I concur that the parking shortfall from the proposed development can be accommodated in the available car parking supply within the Moonah Commercial Centre without any serious impact on the road network.

Overall, 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. As a result, I have no objection to the development of the proposed change of use to food services relying on performance criteria at 110 Main Road, Moonah on traffic engineering or road safety grounds.

Development Engineer***Traffic, Access & Parking***

The proposal is a change of use to Food Services (restaurant) from the previously approved indoor sports facility. The proposed change of use generates 25 additional car space under the Glenorchy Interim Planning Scheme 2015 (Scheme). The applicant submitted a Traffic Impact Statement (TIS) with the application to justify a reduction from that required by the scheme, and this has been referred to Council Traffic Engineer for review and comments.

The TIS concluded and Council's Traffic Engineer agreed, that the shortfall in parking associated with the proposed change of use can be accommodated in the available car parking supply within the Moonah Commercial Centre without any serious impact on the road network and the availability of alternative transport options in close proximity.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Other**Geoscience issues**

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

Flooding/Inundation issues

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

Environmental Health Officer

This application meets the Acceptable Solutions for Environmental Health matters and standard conditions have been recommended.

EXTERNAL REFERRALS**TasWater**

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

REPRESENTATIONS

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

CONCLUSION

The application proposes a change of use from a fitness centre to a restaurant at a premise which is part of the Moonah Central shopping centre.

The proposal includes internal changes of the building layout to accommodate the new use, as well as a minor addition to the rear of the building. The application is discretionary because of the use classification of Food Services – Restaurant and because of a parking shortfall.

It is considered that the proposed use would be appropriately located and would not result in any amenity impacts on residential uses. The property lies within the General business Zone which seeks to provide for food facilities.

The change of use would generate a higher parking demand under the Scheme compared with the previous use or the original use. There would be a shortfall of 25 spaces. The original use of the shopping centre required 172 spaces. The applicant provided a traffic impact statement which took the shopping centre carpark into consideration as well as other nearby parking and concluded that there would be sufficient parking available for the proposed restaurant. Council's Transport Engineer evaluated the consultant's report and was satisfied that the parking shortfall can be accommodated at this location.

The application does not raise any other issue and no representations were received.

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

Recommendation:

That a permit be granted for the proposed use and development of 'change of use to food services, signage, and building addition with variation to parking'. at 110 Main Road Moonah subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-15-253 and Drawing No. P1 submitted on 13/11/15, 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. Any mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards or hot water units must be screened from view from the street and other public spaces.
4. Any outdoor storage areas must comply with all of the following:
 - (a) be located behind the building line;
 - (b) all goods and materials stored must be screened from public view;
 - (c) not encroach upon car parking areas, driveways or landscaped areas.
5. The use must operate only between the hours

Monday to Saturday	10:00am to 9:30pm
Sundays and Public Holidays	11:00am to 9:00pm

Engineering

6. 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.
7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.

Environmental Health

8. All solid wastes must be managed in accordance with the hierarchy of waste management summarised below, unless otherwise approved in writing by the Senior Environmental Health officer:
 - (d) waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - (e) waste must be re-used or recycled to the maximum extent that is reasonable and practicable; and
 - (f) any residual waste must be disposed of only at a site and in a manner approved by the Senior Environmental Health Officer.
9. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or water courses is strictly prohibited.
10. Any area where liquid wastes (including spills) are generated must be suitably graded and bunded to direct the liquid waste to sewer.
11. The loading and unloading of vehicles on the land and the transportation of any materials to or from the land must only take place between the following hours:

Monday through to Saturday 0700 to 1800

Sunday and Public Holidays 0900 to 1800

Advice o Applicant

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

- The proponent's Building Surveyor must forward copies of the following documents to the Senior Environmental Health Officer prior to any works being undertaken on site (including the installation of fixtures and fittings) that relate to the proposed food premises:
 - (g) request in an approved form (Form 42) for an Environmental Health Officer report;
 - (h) any relevant drawings, specifications or other documents submitted with the application; and

- (i) details provided by the owner of the nature of the foods to be prepared, handled, stored or sold and the types of manufacturing processes to be undertaken on the premise
 - (j) Council's Senior Environmental Health Officer may require the premises to meet equipment and fit out specifications which exceed those required by the National Construction Code 2014, before the premises can be registered and the food business licensed pursuant to the Food Act 2003.
- If asbestos is identified during demolition/renovation then removal must be undertaken in accordance with the Building Regulations 2014. The regulations outline a number of mandatory requirements covering the removal of asbestos, this includes ensuring that all practicable steps are taken before a demolition occurs to identify the presence of asbestos and only permits waste asbestos to be disposed of at an approved waste management facility.

21.0 General Business.

Standard	Acceptable Solution	Proposed	Complies?
Use Standards 21.3			
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.	Monday to Saturday 10am to 930pm; Sundays and Public holidays 11am to 9pm. More than 50m away.	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) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.	Restaurant use.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	Noise levels are to be averaged over a 15 minute time interval.		
21.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 11:00 pm and 6:00 am, except for security lighting; (b) Security lighting must be baffled to ensure they do not cause emission of light outside the zone.	Greater than 50m to a residential zone.	Yes
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.	Monday to Saturday 10am to 930pm; Sundays and Public holidays 11am to 9pm.	Yes
21.4 Development Standards for Buildings and Works			
21.4.1 Building Height	A1 Building height must be no more than: 12m.	Maximum height 3.17m	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	NA	NA
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.	The proposed addition would be at the rear.	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.	NA - not near residential zone.	NA
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;	The proposal plans do not show any mechanical plant, but a condition is recommended to ensure screening in the vent that later installation would occur.	YES

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	NA	NA
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;	Existing	NA

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.		
21.4.5 Landscaping	A1 Landscaping is not required along the frontage in this zone.	NA	NA
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2m.	NA	NA
21.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following:	Condition	YES

Standard	Acceptable Solution	Proposed	Complies?
	(a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.		
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.	NA	NA

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	Yes – General Business Zone	YES

Standard	Acceptable Solution	Proposed	Complies?
	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.	Advertising Restaurant	YES
	A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign	No lights	YES
	A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.	Not 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.	Attached to awning, not protruding, letters less than 450mm	YES
	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; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6.	1 sign per street frontage	YES

Standard	Acceptable Solution	Proposed	Complies?
	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.		YES
	A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.		YES
	A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary.	NA	NA
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	Not heritage listed	YES

Attachments/Annexures

- 1** Attachment 1 - Location - 110 Main Road, Moonah
- 2** Attachment 2 - Plans - 110 Main Road, Moonah
- 3** Attachment 3 - TasWater Response- 110 Main Road, Moonah

8. AUTHORISATIONS UNDER SECTION 82 LUPAA

Author: Manager - Environment & Development (Paul Garnsey)
Qualified Person: Director City Services and Infrastructure (Emilio Reale)
Property ID: GPA Delegations

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference

Annual Plan Reference 4.2.4

Maintain fair systems and processes that result in high levels of regulatory compliance in Council and the Community.

REPORT SUMMARY:

To seek written authorisation to the Council’s Environment and Development Staff pursuant to section 82 of the *Land Use Planning and Approvals Act 1993* to certify copies of the Glenorchy Planning Scheme 1992; the Glenorchy Interim Planning Scheme 2015; or any other planning scheme or interim planning scheme in force in the Glenorchy local government area for the purposes of satisfying evidentiary requirements relation to planning enforcement matters.

REPORT IN DETAIL:

A recent decision by Magistrate Daly in relation to Council’s planning enforcement matter 640 Main Road Glenorchy determined that in order to satisfy evidentiary and procedural requirements when establishing a criminal burden of proof included the tendering of hard copy certified versions of Council’s Glenorchy Planning Scheme 2015, signed in original form by the Minister Peter Gutwein.

On further investigation, it has been found that Council staff, including the General Manager, do not hold the relevant delegations to certify the Glenorchy Planning Scheme 2015 under section 82 of the Land Use Planning and Approvals Act 1993 (“LUPAA”). Section 82 provides:

Evidence of a planning scheme, a special planning order, a permit or a special permit may be given in any court or tribunal or before any person acting judicially by the production of a document purporting to be a copy of the planning scheme, special planning order, permit or special permit and purporting to be certified as a true copy by a person authorised, in writing, by the Commission or Planning Authority, as the case may require.

By Council decision on 27 November 2000 the Council established the Land Use Planning Committee, and delegated power to determine statutory land use planning matters “listed on the Land Use Planning Committee Agenda” pursuant to section 22 of the Local Government Act 1993 (Tas). This resolution did not expressly delegate powers under section 82 of LUPAA to allow a person to certify copies of the Planning Scheme for the purposes of admitting that Planning Scheme into evidence before a court of competent jurisdiction.

By Council decision on 23 November 2015 the Council in its capacity as the Glenorchy Planning Authority provided the requisite authorisation to the General Manager in the first instance. In order to ensure the efficiency of being able to certify documents as and when a complaint is lodged with the Magistrates’ Court or the Planning Tribunal, this authorisation now needs to be provided by the Glenorchy Planning Authority to Council employees in the Environment and Development department. A list of Council positions to which it is proposed that the delegated power be granted to, are attached to this report (**Attachment A**).

Consultations:

Council officers completed the following internal consultation:

Manager Legal & Property

Coordinator Planning Services

Manager Environment and Development

Director Corporate Governance & General Counsel

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

Risk Management

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If the required written authorisation is not provided, then Council will not be in a position to satisfy the evidentiary requirements of the Magistrates Court in relation to planning compliance matters	Minor	Almost Certain	Medium	Council adopts the recommendation to provide written authorisation to the council staff listed in Annexure A to certify the requisite documents

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That the Glenorchy Planning Authority, pursuant to section 82 of the *Land Use Planning and Approvals Act 1993*:

1. PROVIDES written authorisation to Council's Environment and Development Staff identified in Attachment A to certify copies of the Glenorchy Planning Scheme 1992; the Glenorchy Interim Planning Scheme 2015; or any other planning scheme or interim planning scheme in force in the Glenorchy local government area for the purposes of satisfying evidentiary requirements relation to planning enforcement matters.

Attachments/Annexures

- 1 Attachment - s82 Delegations

CLOSED TO MEMBERS OF THE PUBLIC

9. COMPLIANCE REPORT

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Section 15(4).

10. APPEALS REPORT

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Section 15(4).