

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 9 AUGUST 2021



GLENORCHY CITY COUNCIL

- * Aldermen with an interest or concern in relation to a particular item on this Agenda, are invited to attend the meeting.
- * All application information is available to Aldermen for inspection upon request to the relevant Planning Officer.

Chairperson: Alderman Bec Thomas

Hour: 5.00 p.m.

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1. PLANNING AUTHORITY DECLARATION
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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 12 July 2021 be confirmed.

5. PROPOSED S.43A COMBINED AMENDMENT REQUEST AND PLANNING PERMIT APPLICATION –PARTIAL REZONING OF BOURNVILLE CRESCENT AND 1 BOURNVILLE CRESCENT TO GENERAL RESIDENTIAL ZONE AND OPEN SPACE AND FOUR LOT SUBDIVISION PLUS BALANCE – BOURNVILLE CRESCENT CLAREMONT 109 CADBURY ROAD CLAREMONT 1 BOURNVILLE CRESCENT CLAREMONT PLS43A-20/01

Author: Senior Strategic Planner (Lyndal Byrne)
Planning Officer (Angela Dionysopoulos)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: 2910401

REPORT SUMMARY

To seek the Planning Authority's decision on a Section 43A combined planning permit application and amendment request number PLS43A-20/01. The request seeks to create two residential lots and an open space lot, plus balance and a road lot.

Application No	PLS43A-20/01
Applicant	All Urban Planning
Owner	Claremont Bowls Club Inc, Glenorchy City Council, Claremont Golf Club Inc
Existing Zoning	Recreation Zone & Open Space Zone
Existing Land Use	Open space and undeveloped land
Proposal in Brief	Planning scheme amendment to create two residential lots
Representations	Not applicable – proposal advertised if initiated
Recommendation	Initiate amendment, grant permit and advertise for 28 days

REPORT IN DETAIL

PROPOSAL:

The draft planning scheme amendment seeks to:

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

The details of the rezoning and the SAP realignment are shown in Figures 1, 2 & 3 below, with the draft amendment documentation in **Attachment 1**.



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

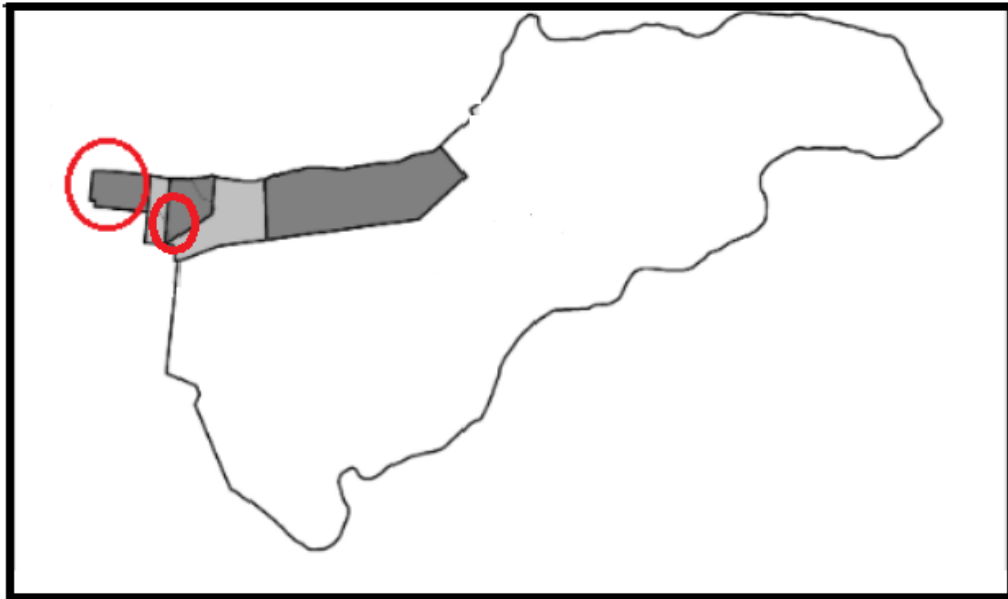


Figure 2 – outline of current SAP boundaries – with circled areas to be modified as shown in Figure 3

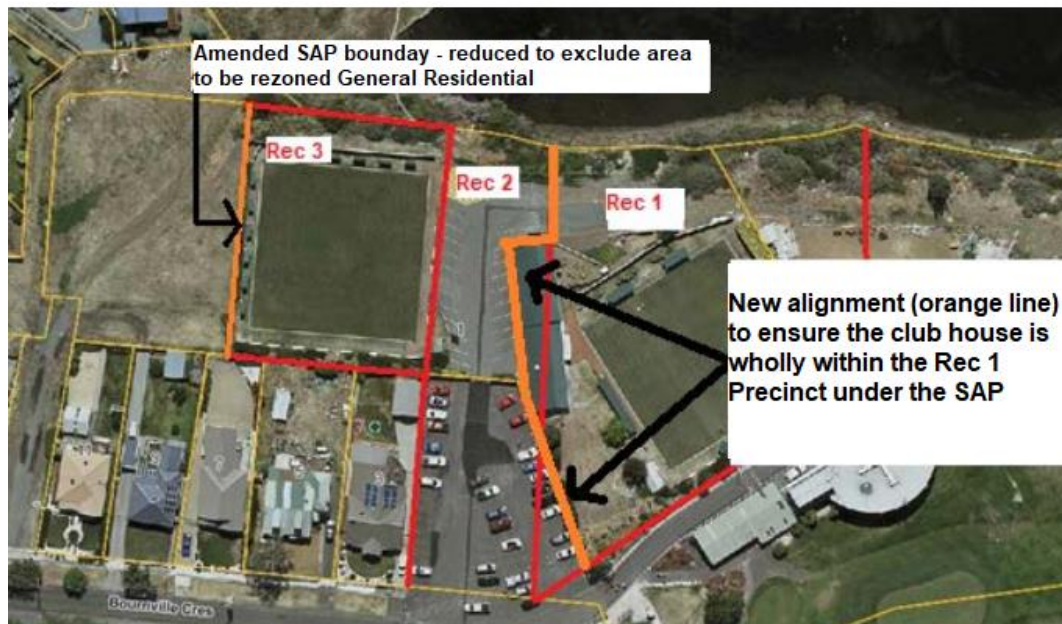


Figure 3 - extract from Consultant Report showing proposed realignment of SAP precinct boundaries over annotated cadastre from the LIST

The amendment request is combined with a planning permit application that seeks subdivision approval to create:

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

Lot 1 is to contain 7,763 m² of balance land.

See Figure 4 for proposed title layout.



Figure 4 – Extract from Consultant Report - resultant titles

Details and assessment of the planning permit application are included in Part 2 of this report.

SITE AND LOCALITY:

The subject land consists of two titles: CT 134788/1, about 1.01 ha, owned by the Claremont Bowls Club Inc and CT 134788/2, about 1,650 m² owned by Glenorchy City Council. The subdivision application also involves land owned by the Claremont Golf club for access (CT 167845/1 – 1A Bournville Crescent).

The site is located on the northern side of the Claremont Peninsular and is undeveloped cleared grassland (see Figure 5).



Figure 5 – Photographs of the site, showing proposed Lots 4 (left, facing west) and 2 (right, facing north)

The land to the north, west and south of the site is developed with detached single dwellings, while the land to the east contains bowls club greens, clubhouse and carparking. Land further to the south contains the Cadbury Mondelez Chocolate Factory and to the east the Claremont Golf Course.

Planning Scheme controls:

The land is zoned Recreation (Bowls Club land) and Open Space (Council land) under the *Glenorchy Interim Planning Scheme 2015* – see Figure 6. The zoning will convert to similar zoning under the *Tasmanian Planning Scheme – Glenorchy* (TPS – Glenorchy), which will come into operation shortly.



Figure 6 – Extract from Consultant Report – Zoning of subject land (within white border) under the *Glenorchy Interim Planning Scheme 2015* (GIPS 2015)

The site is subject to the Claremont Peninsular Specific Area Plan (refer to Figure 2) which seeks to protect the landscape character of the peninsular and encourage the retention of recreational facilities.

Portion of the subject land is subject to the E11.0 Waterway and Coastal Protection Overlay – see Figure 7, E15.0 Inundation Prone Areas Overlay – see Figure 8, and E16.0 Coastal Erosion Hazard Code - see Figure 9. Council information also indicates that the site may be subject to a 1% AEP flooding risk under E15.0 Inundation Prone Areas Code – see Figure 10. Note that other codes are relevant in assessment of the subdivision application and will be considered in Part 2 of this report.



Figure 7 – Area within the Waterway and Coastal Protection Overlay



Figure 8 – Area within the Inundation Prone Areas Overlay



Figure 9 – Area within the Coastal Erosion Hazard Code Area



Figure 10 – Area potentially subject to flooding

BACKGROUND:

Introduction of the Tasmanian Planning Scheme – Glenorchy

The Draft Glenorchy Local Provisions Schedule (Draft Glenorchy LPS), which is the local part of the *Tasmanian Planning Scheme - Glenorchy*, effectively converts the current zoning of the land into similar zones available under the State Planning Provisions (SPPs) i.e. the land in a Recreation Zone and an Open Space Zone under the GIPS 2015 will be included in a Recreation Zone and Open Space Zone respectively under the new scheme.

The provisions of the Claremont Peninsular SAP directly transition into the new scheme and the Waterway and Coastal Protection Area, Coastal Erosion Hazard Areas and Inundation Prone Areas apply to the same area as under the GIPS 2015 (noting that under the new scheme the overlays are considered under C7.0 Natural Assets Code, C10.0 Coastal Erosion Hazard Code and the C12.0 Flood Prone Areas Code, respectively).

The Draft Glenorchy LPS has been fully exhibited and considered by the Tasmanian Planning Commission (TPC). On 16 June 2021 the TPC directed that the Draft LPS be modified – primarily mapping changes – and resubmitted for approval. It is anticipated that the new scheme, the *Tasmanian Planning Scheme – Glenorchy*, will come into operation in late August 2021.

Process for assessment due to legislative changes

The savings and transitional provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (LUPAA) allow for draft amendments that relate to zoning changes [Schedule 6, Clause 4(1)(a)] and changes to Specific Area Plans [Schedule 6, Clause 5(1)(a)(i)], that have been initiated by a planning authority but not approved, to be considered as draft amendments to the Local Provisions Schedule.

The planning permit application combined with the amendment request, was made valid on 17 December 2020. Under the recent (14 July 2021) changes to LUPAA, as the application was valid prior to the 23 June 2021, it is assessed under the *Glenorchy Interim Planning Scheme 2015* provisions.

Disposal of council land

The disposal of 1 Bournville Crescent, Claremont has been considered through the process under S178 of the *Local Government Act 1993* and Council resolved to dispose of the land at its meeting of 27 April 2020.

STATUTORY REQUIREMENTS:

Matters for consideration under the Land Use Planning and Approvals Act 1993 (LUPAA)

Section 20(1), former provisions, of LUPAA is relevant in that a planning scheme amendment is also considered to be the making of a planning scheme. Under this provision, the amendment must, in the opinion of the planning authority:

- Seek to further the objectives set out in Schedule 1 of LUPAA.
- Be prepared in accordance with State Policies made under [section 11](#) of the [State Policies and Projects Act 1993](#).
- Have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the [Local Government Act 1993](#) as adopted by the council at the time the planning scheme is prepared.
- Have regard to the safety requirements set out in the standards prescribed under the [Gas Pipelines Act 2000](#).

Section 33(2B), former provisions, of LUPAA requires that before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider: -

- whether the requested amendment is consistent with the requirements of section 32, former provisions; i.e.
 - Must as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
 - Must not conflict with the requirements of section 30O, former provisions, (i.e., be to a local provision of the scheme, not conflict with a planning directive, and be, as far as practicable, consistent with the regional strategy).
 - Must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms.
- Any representation made under [section 30I](#), former provisions, and any statements in any report under [section 30J](#) former provisions, as to the merit of a representation, that may be relevant to the amendment.
- The advice of a person with the necessary qualifications and experience (section 65 of the Local Government Act 1993).

Section 43A, former provisions, of LUPAA provides:

- A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- Where a planning authority has decided to initiate an amendment under [section 33\(3\)](#), former provisions, it may consider the application for a permit under [section 43A\(1\)](#), former provisions, concurrently with the preparation of the requested amendment to the planning scheme.
- An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.

Under section 43C(1)(a), former provisions, of LUPAA a planning authority, in determining an application under section 43A, former provisions, must seek to further the objectives of Schedule 1 of LUPAA.

PART 1 - ASSESSMENT OF AMENDMENT REQUEST

PLANNING ASSESSMENT:

Merits of the amendment

Rezoning

With respect to both the Council land and the Bowls Club land, the owners have determined that the land is surplus to their needs.

The Council land – currently in an Open Space Zone – is surrounded by residential properties on three sides. The land is undeveloped and does not possess any landscape amenity values. It also has limited opportunity for passive surveillance and is underutilised. Use of the land for open space purposes is limited.

The Bowls club land – currently in a Recreation Zone – is also undeveloped. The Bowls club currently operates two bowling greens, which along with the Golf Club to the east, provide valuable recreation activities in the area. The disposal of the surplus land will enable the Bowls Club to rationalise its operations and stay on site. Loss of portion of the recreation zoned land in this area will have minimal impacts on the recreational needs of the local and broader community.

Both sites are underutilised and, particularly with respect to the Council land, have physical constraints that limit its use in line with purpose of the current zoning. It is considered that the current zoning does not reflect the best use of the land.

Given the need to increase residential infill in line with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS), discussed in more detail below, and the surrounding land uses, the most appropriate use of the land is considered to be for residential purposes.

It is also noted that the proposal will enable an increase to the width of the open space access strip (being retained – see Figure 1) that connects to the foreshore, increasing sight lines and providing improved passive surveillance for the area. This will enhance the open space network of the area.

The amendment request was referred to the Derwent Estuary Program, who indicated no objections to the proposal particularly given that public access to the foreshore was being retained.

The inclusion of part of the land within the Claremont Peninsular SAP in a General Residential Zone would be inconsistent with the purpose of Recreation Precinct – 3 under the SAP which is to:

- (a) accommodate the outdoor bowling greens or compatible development that will not impact on the amenity of neighbouring residential areas.
- (b) protect the foreshore area from use or development which would impact upon its character or prevent pedestrian access and enhancement of the amenity for users.

The SAP also prevents subdivision if it is not in accordance with the precinct boundaries. As identified above, the potential for a wider pedestrian path is in line with the objectives of the SAP, however given the other restrictions, it is appropriate to remove the SAP from this portion of the land.

Modifications to the Claremont Peninsular SAP

The amendment also presents the opportunity to correct an anomaly to the precinct boundaries within the SAP. This will ensure that the club house and car park are within the relevant precincts.

Conclusion

It is considered that the draft amendment has merit. An assessment of the draft amendment against the statutory requirements is provided below.

Consistency with the Objectives of Schedule 1 of LUPAA

The “Part 1” objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

There are no natural values on the land so the draft amendment will have limited impacts on ecological process. However, rezoning the land to enable residential land use within an existing urban area promotes efficient use of resources and is consistent with sustainable development principles.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

The draft amendment will provide more land for residential use within an established urban area. It will also improve public open space connections and therefore furthers this objective.

(c) to encourage public involvement in resource management and planning;

The statutory process for a section 43A, former provisions, combined planning permit application and amendment request involves a public notification period of 28 days. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.

(d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\), \(b\) and \(c\)](#);

The draft amendment will achieve urban consolidation with limited environmental impacts. Disposing of surplus land will assist the Bowls Club to operate more efficiently. It is therefore considered that the draft amendment is consistent with this objective.

- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State;***

The impacts of the draft amendment will primarily be local; however, the proposal is not considered to be inconsistent with the objective.

The “Part 2” objectives of the resource management and planning system of Tasmania are:

- (a) to require sound strategic planning and co-ordinated action by State and local government;***

The proposal is considered to be consistent with the STRLUS and relevant State Policies, which is discussed in more detail later in this report. The site is within the Urban Growth Boundary and the proposed amendment will facilitate development in an area with existing services and public infrastructure.

- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;***

The draft amendment utilises zones available under the GIPS 2015 and the SPPs. Changes to the SAP relate to its spatial application. The changes are consistent with the application of planning controls under the S8A Guidelines for SPP provisions, and practice notes and guidelines issued by the TPC.

- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;***

The land is cleared grassland and does not have any significant environmental values. Redevelopment of the site will need to comply with relevant planning scheme provisions and the requirements of other Acts in respect to other development requirements such as stormwater management.

- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;***

The draft amendment is consistent with State Policies and municipal policy (see discussion below), noting that the impacts will be localised. The draft amendment will not conflict with neighbouring planning schemes.

- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;***

The draft amendment request is combined with a planning permit application under Section 43A, former provisions, of LUPAA. The draft amendment and permit have been referred to relevant agencies.

- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;***

The proposal will assist in the provision of a diversity of housing stock within close proximity to surrounding services including the commercial and public services in the vicinity of Claremont Plaza Shopping Centre less than 1.5km to the west. The proposal will improve open space connections to the foreshore and is conveniently located to the No. 715 Metro bus route on Bournville Crescent and Cadbury Road.

In these respects, the proposal will further this objective for a pleasant, efficient and safe living and recreational environment.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

There are no listed historic or cultural values on the site or affected by the proposal. Aboriginal Heritage Tasmanian advised that there were no Aboriginal heritage sites recorded on or close to the site.

The proposed rezoning and subdivision are well clear of the heritage listed Claremont Golf Club and will not affect the historic cultural heritage of that place or the broader Cadbury Estate.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

The proposal will make efficient use of existing reticulated water, sewer, electrical and communications infrastructure. The proposed rezoning boundary has been chosen by the Bowls Club to avoid any impact on the operation of the bowling greens and club facilities that will continue to provide an ongoing benefit of the community.

The proposal also facilitates the widening of the walkway to the foreshore, increasing sites lines and opportunities for passive surveillance; this subsequently improves the value of this open space link to the community.

(i) to provide a planning framework which fully considers land capability.

The Bowls Club and Council land is suitable for future multiple dwelling use and development and the Council land has been through a land disposal process.

Consistency with State Policies

State Policy on Water Quality Management 1997

The proposed amendment *per se* would not result in an increase in sediment transport to surface waters.

Redevelopment of the land will require appropriate water quality management measures are put in place at the time of subdivision works via relevant legislation.

State Policy on the Protection of Agricultural Land 2000.

The proposal does not involve the conversion of prime agricultural land to non-agricultural use.

State Coastal Policy 1996.

The subject land is about 40 m from the highwater mark and is therefore within the coastal zone. An assessment of the draft amendment against the three main principles which guide Tasmania's State Coastal Policy is provided in the table below.

Principles	Amendment response
Natural and Cultural values of the coast will be protected	<i>Natural Resources and Ecosystems – Section 1.1</i> While the site is undeveloped, it is managed grassland, clear of any significant vegetation communities and located within an existing urban area. The development site is located away from any threatened species, coastal recreational land and any potentially unstable coastal land or dune systems. <i>Cultural and Historic Recourses – Section 1.2 & Cultural Heritage – Section 1.3</i> While the site is undeveloped, there are no known Aboriginal sites or relics on the land. <i>Coastal Hazards – Section 1.4</i> The site is located well away from any coastal cliff areas and mobile landforms and is not subject to significant risk of natural coastal processes and hazards.
The coast shall be used and developed in a sustainable manner	<i>Coastal Uses and Development – Section 2.1</i> While currently undeveloped, the land is within an urban area and is surrounded by residential development and recreational activities. Facilitating the redevelopment of the land for residential activities is not expected to have a detrimental impact on the natural and aesthetic qualities of the coastal environment. Stormwater will be required to be drained to existing public infrastructure and will not conflict with the provisions of the <i>Environmental Management and Pollution Act 1994</i> (EPMCA). <i>Marine Farming – Section 2.2</i> The proposal does not involve any Marine Farming. <i>Tourism – Section 2.3</i> The proposal does not seek approval for any tourism related land uses.

	<i>Urban and Residential Development – Section 2.4</i> The proposed development is located within an existing urban area, and will not impact on environmentally sensitive coastal areas, consistent with the Policy.
Integrated management and protection of the coastal zone is a shared responsibility	It is considered that management and protection of the coastal zone will continue to be a shared responsibility by local and State governments.

National Environmental Protection Measures

The National Environmental Protection Measures relate to:

- Ambient air quality
- Ambient marine, estuarine and fresh water quality
- The protection of amenity in relation to noise
- General guidelines for assessment of site contamination
- Environmental impacts associated with hazardous wastes
- The re-use and recycling of used materials.

The subject land has no known history of contaminating activities or land fill.

The land is primarily included in General Residential Zone under the draft amendment so there will be limited impacts on existing residential amenity or the potential to impact air quality.

Redevelopment of the land will need to be consistent with the relevant planning scheme provisions and any legislation relating to stormwater management.

Consistency with the Glenorchy City Council Strategic Plan 2016-25

The amendment is consistent with the following objectives of Council's strategic plan:

2.1 Stimulate a prosperous economy: The proposal will create additional residential land and support opportunities for infill residential development. The creation of additional residential land will support affordable housing outcomes and jobs in the construction sector. In these respects, the proposal will further the objective to support a prosperous economy.

3.1 Create a liveable and desirable City: The proposed rezoning of underutilised land for infill residential development and an improved open space link with enhanced opportunities for passive surveillance and preservation of sight lines will further this objective.

4.2 Prioritise resources to achieve our communities' goals: The existing Council land is not the right size, shape or location for useable open space and the proposal to rezone underutilised land for residential use will support the efficient use of Council's resources, consistent with this objective.

Gas Pipelines Act 2000

The site is not located in the vicinity of the gas secondary distributor pipeline.

Potential for Land Use Conflict with Adjacent Planning Scheme Areas

The subject site is not on the boundary of the planning scheme area so direct land use conflicts with adjacent municipalities are unlikely to occur.

Consistency with the requirements of Section 300 of the Act

The amendment is considered to be consistent with the requirements of Section 300, former provisions, of the Act as it:

- Involves a change to the local content of the planning scheme as it seeks to rezone the land and amend an existing SAP.
- Is consistent with *the Southern Tasmanian Regional Land Use Strategy, 2010-2035* (STRLUS)

The change in zoning and modification to the SAP boundary are consistent with the surrounding land use and are appropriate at a local level. The proposal is also highly consistent with the STRLUS as it will promote urban consolidation and residential growth by increasing the availability of serviced land for residential development within the Urban Growth Boundary. In particular, the draft amendment promotes the following strategies of the STRLUS:

Part 10 Recreation and Open Space

ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes.

The land is underutilised and considered surplus by both the Council and the Bowls Club. It does not provide a benefit to the community. However, a portion of the land will be used to improve existing public open space link to the foreshore.

The land is well located, and if the draft amendment is approved, the resultant residential land is well located to connect with existing and planned pedestrian paths and the cycle path network including the Cadbury cycle path and proposed foreshore track from Cadbury through to Prince of Wales Bay under Council's *Paths, Tracks and Trails Report, May 2020*. The proposal is therefore considered to further the STRLUS policies.

Part 12 Physical infrastructure

PI 1 Maximise the efficiency of existing physical infrastructure

The draft amendment provides opportunity to redevelop an infill site and utilise existing infrastructure, in line with this policy.

Part 19 Settlement and Residential Development

SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.

SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.

The proposal to rezone underutilised land for infill residential development within the Urban Growth Boundary will support the objectives for consolidation of existing settlements with 50% infill development and will further these policies.

Impact of Permissible Use and Development on the Region

The draft amendment changes are considered to be localised. Noting the draft amendment is consistent with the STRLUS (see above), it is unlikely to have a significant impact on permissible use and development in the region.

Consideration of any representation under section 30I and statements under section 30J, former provisions, of the Act

No representations were made regarding the subject land, and no statements as to the operation of the proposed zone, relevant to the site, were made during the exhibition and assessment of the *Glenorchy Interim Planning Scheme 2015*.

Consistency with the Glenorchy Interim Planning Scheme 2015

- Is the draft amendment clear and concise and will it achieve its intended purpose?

The amendment seeks to rezone land and modify the spatial application of an existing SAP. It is clear and will achieve its intended purpose.

- Is the draft amendment consistent with the strategy, intent and all relevant objectives and provisions of the planning scheme?

The key objectives in Part 3.0 of the GIPS 2015 relevant to the draft amendment are:

3.0.2 To manage residential growth holistically (regional)

3.0.2 To provide for the residential growth of the City in a way that it is consistent with the regional settlement strategy (local)

The draft amendment seeks to include underutilised land in a General Residential Zone. This will provide opportunities for infill housing development consistent with the STRLUS.

3.0.10 To create liveable communities (regional)

3.0.10 To improve the City's quality of life for all residents and visitors (local)

The draft amendment enables an existing public walkway to be widened which will improve its functionality. The outcome is consistent with these scheme objectives.

- What is the effect of the proposed amendment on the status of use and development?

The key difference in land use potential resulting from the draft amendment is allowing residential development to occur. The surrounding land to the north, west and south is currently used for residential purposes, so there will be no amenity impacts on that land. A bowling green is already established to the east of the subject land, so operational impacts on that land due to the change in zoning are also likely to be minimal.

Given the change in zoning reflects the existing zoning pattern, the change is considered to be generally consistent with the objectives of the GIPS 2015.

- What is the effect of the proposed amendment on any specific land and adjacent land?

The rezoning of the land to a General Resident Zone reflects the existing land use pattern in the area. The change in land use focus is unlikely to have a significant impact on development potential of adjoining land.

The removal of the Claremont Peninsular SAP from the land enables it to be fully utilised in accordance with the zone provisions, and the modifications to the precinct boundaries of the SAP correct a spatial error.

CONCLUDING COMMENTS ON THE DRAFT AMENDMENT

The proposed amendment will facilitate opportunities for new residential development and create a more effective open space link. It also ensures the SAP controls are appropriately applied to the relevant land parcels.

For the above reasons, it is assessed that the proposed amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*, the tenor of the *Glenorchy Interim Planning Scheme 2015*, and is not contrary to any State Policies.

PART 2 – ASSESSMENT OF PLANNING PERMIT APPLICATION

APPRAISAL:

Consistency with State Policies, Objectives of the Act:

The proposed use and development are consistent with the objectives of the Act and the relevant State Policies.

(See detailed discussion within the amendment section of the report – above).

Zone Intent:

See discussion under Consistency with *Glenorchy Interim Planning Scheme 2015* (above).

ASSESSMENT:

The application became valid on 17/12/2020. Version No 33 of the *Glenorchy Interim Planning Scheme 2015* applies.

Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3)	
Zone	
The site is zoned	The General Residential, Open Space and Recreation zoning of the land would also apply under the Glenorchy LPS.
Is the use applied for prohibited?	No
Would any applicable standard make the use or development prohibited - ie height limit or subdivision lot size	No
Applicable Codes	
Is the use or development prohibited under any applicable standard?	No
The provisions of GPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d).	

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.

Part B: Administration

The following administrative provisions are relevant to this proposal.

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

In accordance with the clause 43(3) of the former provisions, the proposal is assessed as if no Specific Area Plan applies. The Parking and Access Code, Stormwater Management Code, Inundation Prone Areas Code and Coastal Erosion Hazard Code apply, and therefore prevail over the Zone provisions, where there is any conflict.

Use Class Description (Table 8.2):

The proposed uses are:

- **Passive recreation**, which means use of land for informal leisure and recreation activities principally conducted in the open. Examples include public parks, gardens and playgrounds, and foreshore and riparian reserves.
- **Residential**, which 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.
- **Sports and recreation**, which means use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.
- **Utilities**, which means use of land for utilities and infrastructure including:
 - (a) telecommunications;
 - (b) electricity generation;
 - (c) transmitting or distributing gas, oil, or power;
 - (d) transport networks;
 - (e) collecting, treating, transmitting, storing or distributing water; or
 - (f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.

Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.

Other relevant definitions (Clause 4.1):

Development means as defined in the Act. The Act defines development to include: the construction, exterior alteration or exterior decoration of a building; the demolition or removal of a building or works; the construction or carrying out of works; the subdivision or consolidation of land, including buildings or airspace; the placing or relocation of a building or works on land; and the construction or putting up for display of signs or hoardings.

Subdivide means to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:

- (a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;

- (b) a lease of airspace around or above a building;
- (c) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;
- (d) the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998; or
- (e) an order adhering existing parcels of land.

Subdivision means the act of subdividing or the lot subject to an act of subdividing.

For the purposes of the Inundation Prone Areas Code:

AEP means annual exceedance probability.

Riverine Inundation Hazard Area means land determined to be at risk from riverine, watercourse or inland flooding that has a 1% AEP or more. This includes: land within the Riverine Inundation Hazard Area on the planning scheme maps; and land not within the Riverine Inundation Hazard Area on the planning scheme maps but nevertheless subject to risk of flooding of 1% AEP or more.

Part C: Special Provisions

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

9.10 Subdivision

Provision 9.10.1 specifies that a permit is required for development involving a plan of subdivision. The proposed development is for subdivision, and therefore requires a permit.

Provision 9.10.2 specifies that a permit for development involving a plan of subdivision is discretionary unless:

- (a) for adjustment of a boundary in accordance with clause 9.3.1;
- (b) the subdivision is prohibited in accordance with clause 8.9; or
- (c) the plan of subdivision must not be approved under section 84 *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The specified exceptions do not apply, and the application is discretionary.

Part D: Zones

The land, subject to approval of the associated rezoning approval, will be within the General Residential, Open Space and Recreation Zones, as follows:

- Proposed Lots 2, 4 and 100 – General Residential Zone
- Proposed Lot 3 – Open Space Zone

- Proposed Balance Lot 1 – Recreation Zone

The following Scheme Zone purpose statements, use table, use standards and development standards apply to this proposal.

Zone Purpose Statement

10.0 General Residential Zone

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.
- To provide for the efficient utilisation of services.

The proposed subdivision of Lots 2, 4 and 100 will result in parcels of land that are capable of being developed for residential use, in an area that is fully serviced by existing mains infrastructure, and with provision of a connecting road lot to service the residential lots.

18.0 Recreation Zone

The purpose of the Recreation Zone is:

- To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land.
- To encourage open space networks that are linked through the provision of walking and cycle trails.

The proposed subdivision of Balance Lot 1 will retain the existing organised recreational use for a bowls club within a single parcel of land, while excising land that does not form part of the recreational use. The proposed arrangement of lots will result in a partially shared boundary between the land in the Recreation Zone, and an adjoining, public open space lot in proximity to the foreshore, allowing for potential future walking or cycling trail connectivity.

19.0 Open Space Zone

The purpose of the Open Space Zone is:

- To provide land for open space purposes including for passive recreation and natural or landscape amenity.
- To encourage open space networks that are linked through the provision of walking and cycle trails.

The proposed subdivision of Lot 3 will result in a public open space lot providing public connectivity to the Derwent River foreshore, as well as a shared boundary with land in the Recreation Zone, enabling potential future connectivity with the bowls club.

In summary, the proposed subdivision accords with the purpose of each of the Zones for the subject land.

Use Table

10.0 General Residential Zone

Proposed Lots 2, 4 and 100 will be within the General Residential Zone. Lot 2 is to be designated for Residential use for multiple dwellings, which has Permitted status in the Zone. Lot 100 is for Utilities use for a road, which has Discretionary status in the Zone. No use is proposed for Lot 4.

18.0 Recreation Zone

The proposed balance lot is located in the Recreation Zone. No change is proposed to the existing Sports and recreation use for a bowls club, which has Permitted status in the Zone (unless provided by the Council or an agency).

19.0 Open Space Zone

Proposed Lot 3 will be in the Open Space Zone. No change is proposed for the existing Passive recreation use of the land for public open space, which has No Permit Required status in the Zone.

Use Standards

10.0 General Residential Zone

The Zone use standards relate to non-residential use, visitor accommodation and local shops, and do not pertain to the proposal.

18.0 Recreation Zone

No change to the existing Sports and recreation use for a bowls club is proposed, and the Zone use standards do not apply.

19.0 Open Space Zone

No change to the existing Passive recreation for public open space is proposed, and the Zone use standards do not apply.

Development Standards for Subdivisions

10.0 General Residential Zone

10.6.1 Lot Design (A1)

Acceptable Solution A1 requires that the size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open

space, a riparian or littoral reserve or utilities. Table 10.1 has a maximum lot size of 1,000 m² for ordinary lots, not including, amongst others, lots designated for multiple dwellings.

Proposed Lot 2, which is an ordinary lot that is not for public open space, utilities or a reserve, exceeds the maximum lot size specified in Table 10.1, but is proposed to be designated for multiple dwelling development, and therefore complies with Acceptable Solution A1. A condition is recommended to require a covenant on the title to restrict development on the lot accordingly.

10.6.1 Lot Design (A2)

Acceptable Solution A2 includes a requirement for each lot to provide a minimum building area that is clear of the frontage setback, as well as being clear of title restrictions such as easements and restrictive covenants. Although the Planning Report provided in support of the application states that the acceptable solution is met, both proposed building areas are subject to the Inundation Prone Areas Code. In addition, the entirety of proposed Lot 2 is to be subject to a covenant of title restricting development to multiple dwellings. The proposal does not meet the acceptable solution and relies on Performance Criterion P2 for compliance with the standard.

Performance Criterion P2 requires that the design of each lot must contain a building area able to satisfy all of the following:

(a) be reasonably capable of accommodating residential use and development;

The proposed building areas for the residential lots have suitable area, dimensions, orientation and gradients, free of encumbrances such as infrastructure and easements, to accommodate standard residential development.

The proposed road lot will provide for access to the residential lots, enabling their use and development.

(b) meets any applicable standards in codes in this planning scheme;

The proposed lots will be appropriately serviced by road access and stormwater services, enabling future development to comply with the standards of the Road and Railway Assets Code and the Stormwater Management Code, as applicable.

None of the other codes of the scheme apply in the location of the proposed building areas.

(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;

The proposed building areas have the long axis with a north to north/north-east orientation, with north-easterly gradients of less than 1 in 10, and are not unreasonably shaded by existing structures.

- (d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;*

The moderate gradients of the proposed building areas are not expected to require substantial modification to facilitate potential future development.

- (e) provides for sufficient useable area on the lot for both of the following:*

- (i) on-site parking and manoeuvring;*

The smaller of the two proposed residential lots has a minimum width of 16 m and an area of 742 m², providing ample useable area for on-site parking and manoeuvring. Council's Development Engineer has reviewed the proposal and does not object on this basis.

- (ii) adequate private open space.*

There is ample space on the proposed residential lots for generous areas of private open space with adequate sunlight, privacy from the frontage, and a suitable gradient for outdoor living activities.

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

10.6.2 Roads (A1)

Acceptable Solution A1 requires that the subdivision includes no new road. A new road lot is proposed within the General Residential Zone, and the proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that the arrangement and construction of roads within a subdivision must satisfy all of the following:

- (a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;*

There is no applicable road network plan.

- (b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;*

The proposed balance lot is not within the General Residential Zone, and the proposed road does not adjoin or compromise the proposed balance lot.

- (c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;*

Access to the proposed balance lot is to be retained via an existing right of way that extends from the proposed new road, as well as via a separate, existing right of way over the land at 1A Bournville Crescent.

(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;

Council's Traffic Engineer has reviewed the proposal and does not object on this basis (refer to the Internal Referrals section of this report).

(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;

Although a terminated road is proposed, there is limited opportunity for potential road connectivity, as the site adjoins the Derwent River and is otherwise surrounded by fully developed land.

(f) connectivity with the neighbourhood road network is maximised;

The proposed road lot will better facilitate access to proposed Lots 2 and 4, as well as to the proposed public open space Lot 3.

(g) the travel distance between key destinations such as shops and services is minimised;

The proposed turning head will not increase distance or travel times to shops and services.

(h) walking, cycling and the efficient movement of public transport is facilitated;

The proposal includes walking and cycling connections between Bournville Crescent, MacRobertsons Terrace and the foreshore, and will facilitate access to Bournville Crescent bus services.

(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;

There is no new arterial or collector road proposed.

(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.

There is no existing grid pattern in the immediate vicinity of the proposed road, noting that Derwent River adjoins the site to the north-east.

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

10.6.3 Ways and Public Open Space (A1)

There is no acceptable solution for the standard. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that the arrangement of ways and public open space within a subdivision must satisfy all of the following:

- (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;*

The proposed turning head will facilitate connectivity to the proposed public open space Lot 3, and thereby to MacRobertsons Terrace.

- (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;*

The proposal includes a road extension to provide access to the proposed residential lots.

- (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;*

The proposed turning head will enable better connection from the proposed residential lots to the existing neighbourhood road network.

- (d) convenient access to local shops, community facilities, public open space and public transport routes is provided;*

The proposed road will facilitate access from the proposed residential lots to nearby facilities and public transport.

- (e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;*

The proposed turning head will provide ample visibility to and from the proposed residential lots, allowing for mutual passive surveillance.

- (f) provides for a legible movement network;*

The provision of a formalised public road will enhance the legibility of the existing network, which currently terminates in an informal track.

- (g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*

There is no applicable plan adopted by the Planning Authority.

- (h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.*

Council's 'Subdivisions – Public Open Space Acquisitions and Contributions Policy' requires land or cash in lieu for a subdivision creating more than one residential lot, or a lot designated for multiple dwellings, where fully developed public open space does not exist within 500m walking distance of any of the lots. Public open space is also required if it is necessary to provide access to a significant natural feature. The existing Council-owned foreshore reserve is unimproved, and primarily provides access to the Derwent River foreshore.

The application proposes transferral of a 53m² area of land to Council, for addition to the existing public reserve.

The Public Open Space Policy provides that areas proposed to be set aside for public open space will be assessed in terms of:

- (a) whether they are conveniently located for use by surrounding residents*
- (b) whether they are of a size, shape and gradient suited to their proposed use*
- (c) whether they allow for a reasonable level of safety and security for users and adjoining residents*
- (d) whether they can be developed and maintained within Council's resources*
- (e) whether they complement existing open space facilities*
- (f) their ability to support a diversity of recreational activities*
- (g) protection of environmental and/or visual values, and*
- (h) potential connection to other open spaces and contribution to the recreational trails system throughout the City.*

The proposed land contribution will increase the width of the existing reserve's access strip, improving sight lines and supporting convenient access to the foreshore, and from the proposed road addition through to MacRobertsons Terrace. The area will not increase the existing maintenance requirements of the reserve. The proposed land contribution is considered to be in accordance with Council's policy.

- (i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:*
 - a. the width of the way;*
 - b. the length of the way;*
 - c. landscaping within the way;*
 - d. lighting;*
 - e. provision of opportunities for 'loitering';*
 - f. the shape of the way (avoiding bends, corners or other opportunities for concealment).*

The proposed formalisation of the road termination, including provision of lighting in accordance with the requirements of the Road and Railway Networks Code, will reduce the opportunities for entrapment or criminal behaviour.

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

10.6.4 Services (A4)

Acceptable Solution A4 requires that there is no new road. A new road is proposed. The proposal relies on Performance Criterion P4 for compliance with the standard.

Performance Criterion P4 requires that the subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.

Supporting information for the application states that the proposed turning head can provide for the installation of fibre ready facilities and underground power. The proposal is assessed as meeting the performance criteria and complies with the standard on this basis. A condition is recommended to facilitate compliance.

The proposal complies with the acceptable solutions for all the remaining applicable subdivision standards for the General Residential Zone, as detailed at **Attachment 3** - Appendix A.

18.0 Recreation Zone

18.5.1 Subdivision

Acceptable Solution A1 requires that subdivision must be for the purpose of providing lots for public open space, a riparian or littoral reserve or utilities. The proposed balance Lot 1 in the Recreation Zone is to contain the ongoing use of the existing bowls club. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that subdivision is for the purpose of providing a lot for an allowable use. Private use for Sports and recreation has Permitted status in the zone and is therefore an allowable use. The proposal is assessed as meeting the performance criteria and complies with the standard.

The proposal complies with the acceptable solutions for all the remaining applicable subdivision standards for the Recreation Zone, as detailed at **Attachment 3** - Appendix B.

19.0 Open Space Zone

19.5.1 Subdivision (A1)

Acceptable Solution A2 requires a minimum frontage of 15m. A 7.1m frontage is proposed for Lot 3, in the Open Space Zone. The proposal relies on Performance Criterion P2 for compliance with the standard.

Performance Criterion P2 requires that the frontage of each lot must be capable of adequately serving the intended purpose. The intended purpose of proposed Lot 3 is to continue providing public access to the foreshore, with a widened access strip. The proposal is assessed as meeting the performance criteria and complies with the standard.

19.5.1 Subdivision (A3)

There is no acceptable solution for the standard. The proposal relies on Performance Criterion P3 for compliance with the standard.

Performance Criterion P3 requires that the arrangement of ways and public open space within a subdivision must satisfy all of the following:

- (a) *connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;*

A 53m² portion of land is proposed to be transferred to Council to form part of the public open space lot, providing improved ways through to the foreshore and MacRobertsons Terrace.

- (b) *connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;*

Proposed Lot 3 has frontage to the proposed road lot servicing the adjoining residential lots.

- (c) *connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;*

Access from Bournville Crescent through to MacRobertsons terrace is facilitated through provision of a wider access strip for the public open space lot.

- (d) *convenient access to local shops, community facilities, public open space and public transport routes is provided;*

Proposed Lot 3 is to continue providing public open space for the convenience of nearby uses.

- (e) *new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;*

The widening of the access strip for the public open space Lot 3 will improve passive surveillance opportunities.

- (f) *provides for a legible movement network;*

The proposed widening of the public open space access strip will improve its legibility.

- (g) *the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*

There is no applicable plan adopted by the Planning Authority.

- (h) *Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.*

The proposed land contribution is considered to be in accordance with Council's policy, as detailed in relation to standard 10.6.3 above.

- (i) *new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:*
- a. the width of the way;*
 - b. the length of the way;*
 - c. landscaping within the way;*
 - d. lighting;*
 - e. provision of opportunities for 'loitering';*
 - f. the shape of the way (avoiding bends, corners or other opportunities for concealment).*

The widened way through the public open space lot will reduce opportunities for entrapment or criminal behaviour.

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

The proposal complies with the acceptable solutions for all the remaining applicable zone development standards, as detailed at **Attachment 3** - Appendix C.

Part E: Codes

The following codes of the Scheme apply to this proposal.

E5.0 Road and Railway Assets Code

The Road and Railway Assets Code applies to use or development that intensifies the use of an existing access; requires a new crossing or junction; or that involves a sensitive use or development within 50m of certain road or railway assets.

The proposal includes a new road turning head. Council's Development Engineer and Traffic Engineer have assessed the proposal (refer to the Internal Referrals section of this report) and determined that the code applies.

E5.6.4 Sight distance at accesses, junctions and level crossings

Acceptable Solution A1 requires that an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1. The planning report in support of the application proposes reliance on Performance Criterion P1.

Performance Criterion P1 requires that the design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;*
- (b) the frequency of use of the road or rail network;*

- (c) any alternative access;
- (d) the need for the access, junction or level crossing;
- (e) any traffic impact assessment;
- (f) any measures to improve or maintain sight distance; and
- (g) any written advice received from the road or rail authority.

Council's Development Engineer has reviewed the proposal and concluded that the performance criteria are met, as detailed in the Internal Referrals section of this report.

The proposal complies with the acceptable solutions for all the remaining applicable standards of the code, as detailed at **Attachment 3** - Appendix D.

E6.0 Parking and Access Code

The Parking and Access Code applies to all use and development.

The proposal complies with the acceptable solutions for all the applicable standards of the code, as detailed at **Attachment 3** -Appendix E.

E7.0 Stormwater Management Code

The Stormwater Management Code applies to all development requiring management of stormwater. New impervious surfaces are proposed, and the code applies.

The proposal complies with the acceptable solutions for all the applicable standards of the code, as detailed at **Attachment 3** -Appendix F.

E11.0 Waterway and Coastal Protection Code

The Waterway and Coastal Protection Code applies to development within Waterway and Coastal Protection Areas. The site is partly within a Waterway and Coastal Protection Area (Figure 11).



Figure 11 - The site is partly within a Waterway and Coastal Protection Area – Glenorchy Interim Planning Scheme 2015

However, development that does not involve the clearing of vegetation or soil disturbance is exempt from the code in accordance with clause E11.4.2(b). No vegetation clearing or soil disturbance is proposed within the protected area, and the proposal is therefore exempt from the code.

E15.0 Inundation Prone Areas Code

The Inundation Prone Areas Code applies to development on land subject to risk of riverine flooding of 1% AEP or more, and to a new use with a habitable room on land that is in the Riverine Inundation Hazard Area. It is noted that Council's database currently indicates that part of the land is also within the Riverine Inundation Hazard Area. Council's Development Engineer advises that this information is in the process of being updated, and the site is not impacted by the Riverine Inundation Hazard Area.

In any case, the proposed development is partly located on land in the Coastal Inundation Hazard Area (Figure 12), and the code applies.

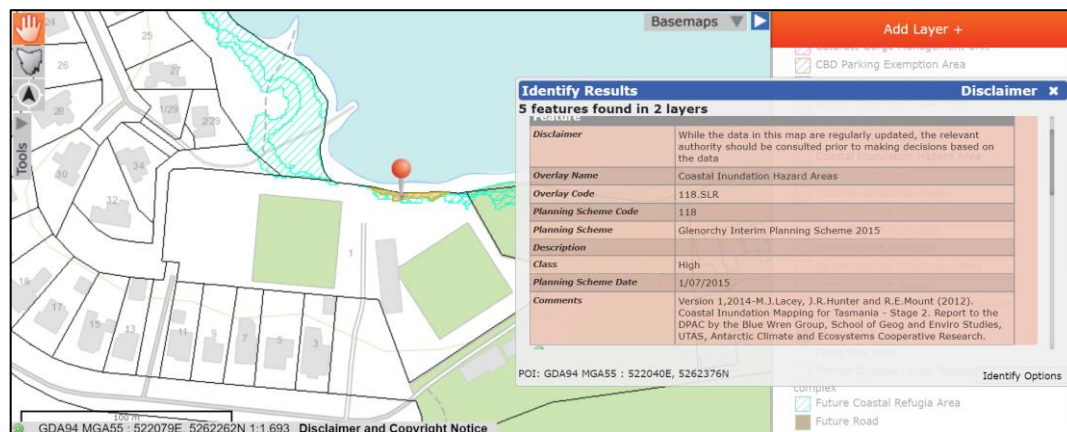


Figure 12 - The site is partly within a Coastal Inundation Hazard Area (green hatch), including Low, Medium and High (highlighted) – Glenorchy Interim Planning Scheme 2015

E15.8.1 Medium and High Inundation Hazard Areas (A1)

There is no acceptable solution for the standard. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that subdivision of a lot, all or part of which is within a Medium or High Inundation Hazard Area must be for the purpose of one or more of the following:

(a) *separation of existing dwellings;*

Not applicable.

(b) *creation of a lot for the purposes of public open space, public reserve or utilities;*

Proposed Lot 3 is for the purpose of providing public open space.

- (c) *creation of a lot in which the building area, access and services are outside the hazard area, with the exception of stormwater.*

The proposed building areas, access and all services are located wholly outside the hazard area.

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

The proposal complies with the acceptable solutions for all the remaining applicable standards of the code, as detailed at **Attachment 3** - Appendix G.

E16.0 Coastal Erosion Hazard Code

The Coastal Erosion Hazard Code applies to development on land in the Coastal Erosion Hazard Area; change of use from a non-habitable building to a habitable building or to a new use with a habitable room on land that is in the Coastal Erosion Hazard Area; and development of buildings and works dependent on a coastal location, on land in the Coastal Erosion Hazard Area.

A small portion of the proposed balance Lot 1 and public open space Lot 2 are within a Coastal Erosion Hazard Area (Figure 13), and there are no relevant exemptions. The code applies.

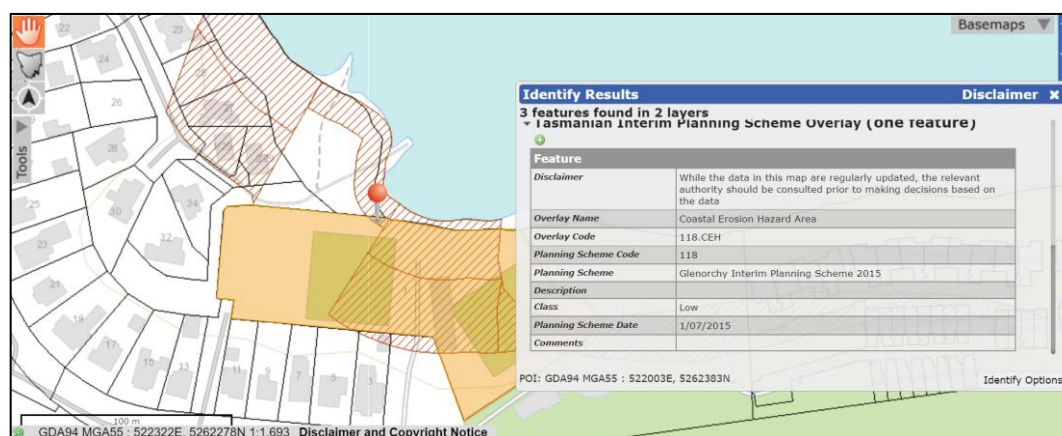


Figure 13 - The site is partly within a Coastal Erosion Hazard Area (brown hatch) – Glenorchy Interim Planning Scheme 2015

E16.8.1 Subdivision in Coastal Erosion Hazard Areas (A1)

There is no acceptable solution. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that subdivision of a lot, all or part of which is within a Coastal Erosion Hazard Area must be for the purpose of one or more of the following:

- (a) *separation of existing dwellings;*

Not applicable.

- (b) *creation of a lot for the purposes of public open space, public reserve or utilities;*

Proposed Lot 3 is for public open space.

- (c) *creation of a lot in which the building area, access and services are outside the Coastal Erosion Hazard Area.*

The proposed residential Lots 2 and 4 and their services, and the proposed road Lot 100 are entirely outside the Coastal Erosion Hazard Area.

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

E16.8.1 Subdivision in Coastal Erosion Hazard Areas (A2)

There is no acceptable solution for the standard. The proposal relies on Performance Criterion P2 for compliance with the standard.

Performance Criterion P2 requires that subdivision must satisfy all of the following:

- (a) *not increase risk to adjoining or nearby property;*

The proposed subdivision will not entail any physical development within the Coastal Erosion Hazard Area, and will therefore not increase the risk to property.

- (b) *any increased reliance on public infrastructure must not result in a unacceptable level of risk;*

Council's Development Engineer has reviewed the proposal and does not object on this basis.

- (c) *need for future remediation works is minimised;*

Council's Development Engineer has reviewed the proposal and does not object on this basis.

- (d) *access to the lot will not be lost or substantially compromised by coastal hazards on or off-site;*

The proposed access to the lots is entirely outside the Coastal Erosion Hazard Area.

- (e) *no building area is located within the Coastal Erosion Hazard Area;*

No building area is proposed within the Coastal Erosion Hazard Area.

- (f) *provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;*

There is no requirement for a developer contribution.

- (g) *not be prohibited by the relevant zone standards.*

The proposed subdivision is not prohibited by the applicable zone standards, as demonstrated in this report.

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

The proposal complies with the acceptable solutions for all the remaining applicable standards of the code, as detailed at **Attachment 3** - Appendix H.

PART F: Specific Area Plans

F1 Claremont Peninsula Specific Area Plan

In accordance with Section 43(3) of the former provisions, the proposal is assessed as if no Specific Area Plan applies.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has reviewed the proposal and made the following comments.

The lots proposed for residential use (Lots 2 and 4) can be fully serviced by utilising the existing infrastructure.

E5.0 Road and Railway Assets Code

Proposed Lot 2 is proposed to be designated for multiple dwelling use. The future developer of Lot 4 may also decide to apply for multiple dwellings. Any potential multiple dwelling application would be assessed for compliance with the Road and Railway Assets Code as part of that planning application. It is likely that two dwellings could be undertaken on Lot 4 and eight dwellings on Lot 2. The traffic generated from 10 dwellings onto the proposed new road would be 74 vehicles per day and 7.4 vehicles in peak hour, based on the dwellings being low density as per the *Road and Traffic Authority NSW Guide to Traffic Generation Development*.

Bournville Crescent is a local residential street that in 2012 carried on average 273 vehicles per day. Local residential streets can carry up to 3,000 vehicles per day which, accounting for the existing development at the Claremont Peninsular at the end of Bournville Crescent, would not be exceeded by the potential future development of the proposed lots. Cadbury Road is a minor collector road and is able to absorb the potential increase in traffic from this development. In the last five years there have been no crashes in Bournville Crescent reported to the Police, which indicates that there are no underlying safety issues.

The design of the road lot should be in accordance with the Tasmanian Standard Drawings including a road, footpath, turning area and lighting. The only proposed item not to this standard is the road reservation width being 11.5 m below the 15 m required. This is acceptable due to only serving two lots. The new road will also need to extend to the seal of Bournville Crescent with a road

junction formed. Sight lines at this junction will need to meet the 'Safe Intersection Sight Distance' which may involve the trimming or removal of some trees.

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

The proposed subdivision does not create a new junction. Given that the lot is sited at the termination of the road, access to the proposed lot will have direct sightlines back down the road towards Bournville Crescent and will provide sufficient sight distance between vehicles to enable safe movement of traffic. The Objective and Performance Criteria of E5.6.4 are met.

E6.0 Parking and Access Code

The proposed subdivision does not generate a car parking requirement. The Use Standards of E6.6 therefore does not apply.

E7.0 Stormwater Management Code

The accompanying engineering concept has been prepared to address the requirements of the Stormwater Management Plan. The proposal will connect to the existing stormwater main in the north western corner of the land. The proposal does not involve new impervious surfaces greater than 600 m², parking for more than six vehicles or subdivision of more than five lots.

E3.0 Landslide Code

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

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

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

E15.0 Inundation Prone Areas Code

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

Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and made the comments included in the Development Engineer referral.

Waste Management Officer

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

If the proposed planning scheme amendment and subdivision development application is approved, Waste Services would need to be advised when a proposed subdivision for general residential lots is applied for by a developer.

Waste Services would assess the application for subdivision at the time of the application.

Property Officer

The proposal was referred to Council's Property Officer. No comment was deemed necessary.

EXTERNAL REFERRALS

TasWater

TasWater has reviewed the proposal and does not object, subject to conditions.

Aboriginal Heritage Tasmania

Aboriginal Heritage Tasmania reviewed the proposal and advised that there are no Aboriginal heritage sites recorded within or close to the property. Advice is recommended.

Derwent Estuary Program

The proposal was referred to the Derwent Estuary Program, and the following comments were received:

Our main concern in this area was to retain public access to the foreshore, as the empty lot had provided such access over the years. But I can see that Glenorchy City Council has a strip of land along the western side of the empty block, so general access will be retained going forward.

Crown Land Services

The proposal was referred to Crown Land Services. No response was received.

RECOMMENDATION

That a permit be granted for the proposed use and development of four-lot subdivision plus balance at 1 Bournville Crescent, Claremont, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLS43A-20/01 and Plans submitted on 16/06/2021 (three pages), except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2020/01724-GCC, dated 21/06/2021, form part of this permit.
3. A covenant, to which Council is to be made a party, must be placed on the title of Lot 2 to the effect that the lot must only be developed for multiple dwellings.
4. An original and two copies of each of the Plan of Subdivision and Schedule of Easements must be submitted to Council for sealing.

Engineering

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

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

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

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

7. The design of the access road must be in accordance with the Tasmanian Standard Drawings including a road, footpath, turning area and lighting.
8. The construction details of specific components of the works must comply with LGAT Standard Drawings and accord with *Tasmanian Subdivision Guidelines 2013*. The developer must appoint a qualified and experienced engineer who will be required to certify practical completion of subdivision construction works. The appointed supervising engineer must be the primary contact person on matters concerning the subdivision.
9. The access road must extend to abut with the sealed edge of Bournville Crescent with an upgraded road junction formed.

Sight lines at this junction must meet Safe Intersection Sight Distance.

Advice: trimming or removal of some trees may be required.

10. Driveway construction must accord with Standard Drawing TSD-RO9. Designs for the driveway must include the full extent of the formation to achieve a maximum gradient of 20% (or 1 in 5) as well as an area for on-site turning.
11. The stormwater drainage arrangements must comply with the following:
 - (a) Each lot must be serviced with a one hundred and fifty diameter (150 mm) house connection at the lowest point to adequately drain the entire lot
 - (b) All house connections must be discharged into a piped system (no connections to the kerb and gutter), and
 - (c) Side entry pits for road drainage must be type four (4).

To satisfy the above requirements, submit details demonstrating the above prior to the issuing of Council's engineering approval of the subdivision design drawing. All works required by this condition must be completed prior to the sealing of the Final Plan.

12. Prior to the start of work, the developer is required to provide Council with a detailed engineering services plan indicating the location of all proposed easements and services, and how they connect to public infrastructure including:
 - (a) Lot connections, size and location. Each connection must service the lowest point of the lot.
 - (b) Long sections along with invert levels and depths of all proposed new mains.
 - (c) Any proposed manholes and inspection openings must be sized appropriately.
 - (d) The servicing plan must clearly indicate how all stormwater from the site, will be discharged to Council infrastructure with sufficient receiving capacity.

To satisfy the above requirements, submit details demonstrating the above prior to the issuing of Council's approved drawing. All works required by this condition

must be completed prior to the sealing of the Final Plan for each applicable stage.

13. Private sewer, stormwater and water services/connections must be entirely separate to each lot in order to ensure that they are contained entirely within the lots served. Power and telephone connections must also be contained within their respective lots. A detailed services plan showing both the existing and the proposed (or as built) private services, Council mains and access to all lots on the site must be prepared by a civil engineer or a qualified designer and submitted to the Council for approval prior to the sealing of the Final Plan. In particular, the developer must confirm the position of any services that may be affected by the subdivision.
14. In order to satisfy the above condition on the separation of services, the developer must verify compliance by supplying the Council with a services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots) and also a covering letter, where the Council is advised in writing that all the relevant engineering work required in these planning permit conditions have been satisfactorily completed, prior to the sealing of the final plan. Any final plan submitted for sealing cannot be fully processed unless it is accompanied by documentation by a qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A “qualified person” shall be a professional engineer or professional surveyor or other persons acceptable to Council. Applicants or their agents should take notice that unless this condition is satisfactorily complied with, then documents submitted for sealing of the Final Plan will not be processed.
15. A minimum of 2.50 m wide easements must be created in favour of Council over all public stormwater infrastructure systems located in private property.
16. The applicant must pay Council the amount of \$231.00 per lot on the diagram to complete the measure up and record ‘as constructed’ data for all assets to be taken over by council prior to the sealing of a Final Plan. This amount is subject to annual adjustment with the Council Fees and Charges Register.
17. Upon the completion of the works the road and drainage infrastructure must be subject to a twelve-month defects liability period. At the time of issue of the Certificate of Practical Completion the applicant must lodge security with Council to the value of 5% of the works.
18. The developer must provide underground electrical reticulation for power and street lighting. Underground TasNetwork cables must be used subject to any underground cables in joint use trenches complying with Council’s Development Engineer and TasNetwork codes.
19. The developer must liaise with the relevant agency and to make provision for the installation of communication cabling to service each lot of the development.

20. Any proposed changes to the approved drawings are to be properly documented; the approved engineering drawings affected by any proposed change must be resubmitted for approval prior to the start of the works.
21. A detailed estimate for the works must be provided and payment of the engineering assessment fee must be made prior to the issuing of Council's approved engineering drawings. Under Glenorchy City Council Fees and Charges, the engineering assessment fee is 2% of the value of the civil works including GST or minimum of \$902.00. This amount is subject to annual adjustment in accordance with the Council Fees and Charges Register. Construction must not commence until the approved engineering plans have been issued.
22. Prior to the sealing of a Final Plan, evidence must be provided to Council's Development Engineer that the development meets the requirements of TasWater.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Aboriginal Heritage

Aboriginal Heritage Tasmania (AHT) have no objection to the project proceeding provided that it is guided by the attached Unanticipated Discovery Plan. If at any time during works you suspect Aboriginal heritage, cease works immediately and contact AHT for advice. The Unanticipated Discovery Plan should be kept on site during ground disturbing works, to aid you in meeting your requirements under the *Aboriginal Heritage Act 1975* (the Act). Please be aware that all Aboriginal heritage is protected under the Act. Please also be aware that there are requirements under the Act to report Aboriginal heritage and not to impact Aboriginal heritage without a permit granted by the Minister.

Inundation risk

The site is partly within an area identified on Council maps as being subject to inundation risk. Council's maps are available at <https://maps.gcc.tas.gov.au/>.

CONCLUSION ON THE PLANNING APPLICATION:

The proposed use and development is assessed to be consistent with the requirements of the *Glenorchy Interim Planning Scheme 2015*, the objectives of the *Land Use Planning and Approvals Act 1993*, the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and relevant State Policies.

It is recommended that, if PLS43A-20/01 is initiated, the planning permit be granted, subject to the conditions outlined above.

THE PROCESS IF THE AMENDMENT IS INITIATED AND THE PERMIT GRANTED:

Draft amendments to the Glenorchy Interim Planning Scheme 2015, once initiated by the Planning Authority, require public notification in accordance with the requirements of LUPAA which includes advertising in *The Mercury* on two occasions, one of which is to be on a Saturday and letters to adjoining owners and occupiers of land – where the proposed amendment is site specific.

With a section 43A proposal, the planning permit and application documents are also required to be exhibited during the public notification period.

Any representations received would be reported to a future meeting of the Glenorchy Planning Authority for consideration, as the Planning Authority is required to report to the Tasmanian Planning Commission as to the public notification outcomes and any recommendations leading out of them.

If no representations are received, the senior planning staff have delegation to forward a report to that effect to the Commission.

The Commission would then assess and decide upon the draft amendment and planning permit application, after taking into account the outcomes of any hearings it may hold.

Recommendation:

- A. That pursuant to Section 34 (1)(a), former provisions, of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agree to initiate Amendment PLS43A-20/01 to the Glenorchy Interim Planning Scheme 2015, for partial rezoning of Bournville Crescent and 1 Bournville Crescent to a General Residential Zone and partial rezoning of 1 A Bournville Crescent to an Open Space Zone and modification to the Claremont Peninsular Specific Area Plan to reduce the extent of the SAP and realign precinct boundaries as shown in **Attachment 1**.
- B. That having decided to initiate an amendment, and having prepared that amendment, the Planning Authority certifies pursuant to Section 35, former provisions, of the *Land Use Planning and Approvals Act 1993* (LUPAA) that the draft amendment meets the requirements specified in Section 32, former provisions, of the LUPAA.
- C. That pursuant to Section 43C, former provisions, of the *Land Use Planning and Approvals Act 1993*, a permit be granted for a four lot subdivision plus balance at 1 Bournville Crescent Claremont subject to the conditions identified in this report.
- D. That the Planning Authority, having certified the draft amendment and granted a planning permit determines pursuant to Sections 38 and 43F, former provisions, of the *Land Use Planning and Approvals Act 1993*, place the draft amendment, application documents and planning permit on public exhibition for a period of 28 days.

Attachments/Annexures

- 1** Amendment PLS43A-20/01 documents



- 2** Aerial photographs



- 3** Statutory Assessment Tables



- 4** TasWater submission



- 5** Aboriginal Heritage Tasmania



6. PLANNING SCHEME AMENDMENT REQUEST -TO REZONE 5A TAREE STREET, CHIGWELL AND 3 EDGAR STREET, CLAREMONT TO A GENERAL RESIDENTIAL ZONE AND 345 MAIN ROAD, GLENORCHY TO A CENTRAL BUSINESS ZONE, AND APPLY THE GLENORCHY URBAN DESIGN SPECIFIC AREA PLAN TO 345 MAIN ROAD, GLENORCHY

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: 3003164

REPORT SUMMARY

Application No.:	PLAM-21/01
Applicant:	Ireneinc Planning & Urban Design
Owner:	Glenorchy City Council
Existing Zoning:	5A Taree Street, Chigwell and 3 Edgar Street Claremont are in an Open Space Zone 345 Main Road, Glenorchy is in a Utilities Zone
Existing Land Use:	5A Taree Street, Chigwell and 3 Edgar Street Claremont are vacant; 345 Main Road, Glenorchy is a car park
Proposal in Brief:	To rezone 5A Taree Street, Chigwell and 3 Edgar Street, Claremont to a General Residential Zone To rezone 345 Main Road, Glenorchy to a Central Business Zone and apply the Glenorchy Urban Design Specific Area Plan
Representations:	Advertising occurs after amendment is initiated
Recommendation:	Initiate and certify amendment, and exhibit for 28 days

REPORT IN DETAIL

PROPOSAL:

The amendment request seeks to:

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

The amendment documents are included in **Attachment 1**.

SITE AND LOCALITY:

Site and locality description for each site is provided below:

5A Taree Street, Chigwell

This site (CT 43591/1) is an internal lot off Taree Street with 6.1m wide frontage and is 4,798m² in area. The site is vacant. The site is in an Open Space Zone (see Figures 1, 2 and 3)

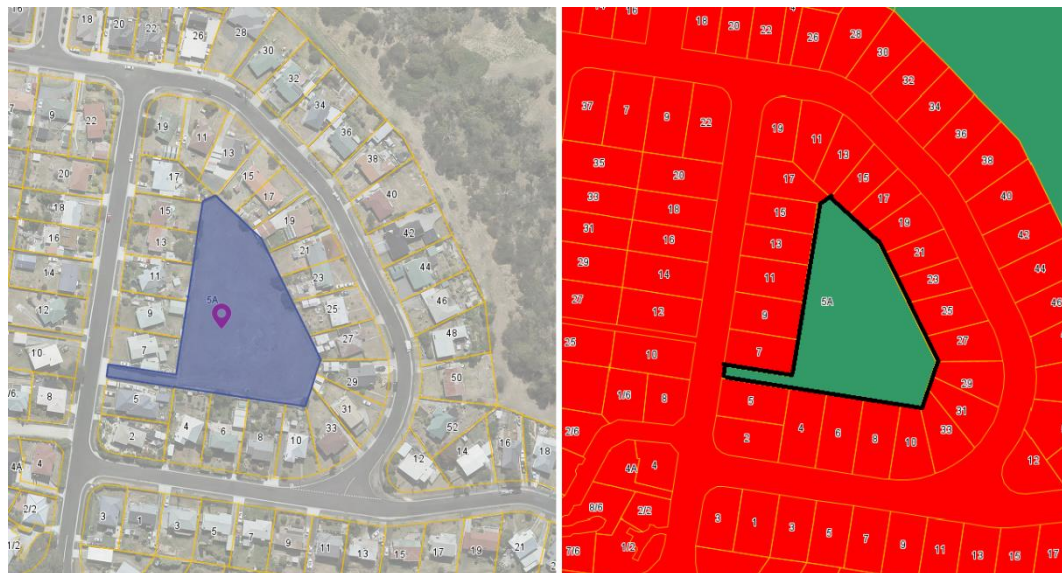


Figure 1 – 5A Taree Street, aerial image and zoning from Council's GIS System. Zoning is General Residential Zone - red; Open Space Zone – green



Figure 2 – entrance to 5A Taree Street showing 6.1m wide frontage



Figure 3 View to the east across the site

The land surrounding the site is generally developed with detached dwellings and included in a General Residential Zone. Kilander Crescent Reserve is to the north of the subject land.

No codes identifying hazards or values apply to the site. The site is fully serviced.

3 Edgar Street, Claremont

This site (CT 9041/2) is located on the corner of Edgar Street and Hilton Road, Claremont and is 508.5m² in area. The site is vacant, primarily grassland with two small trees. The land is in an Open Space Zone. (See Figure 4 and 5)



Figure 4: Aerial image of the site and zoning information from Council's GIS System. Zoning is General Residential Zone - red; Open Space Zone – green



Figure 5 – Edgar Street looking north west

The surrounding land consists of detached single dwellings all within a General Residential Zone. Poimena Reserve is located about 400m to the north of the site.

No codes identifying hazards or values apply to the site. The site is fully serviced.

A small strip of land of 90m² is adjacent to the site (CT 9041/1). This title is not shown as road – see Figure 6 – although it does form part of the road reserve. This lot, also owned by Council, is also proposed to be rezoned to a General Residential Zone.

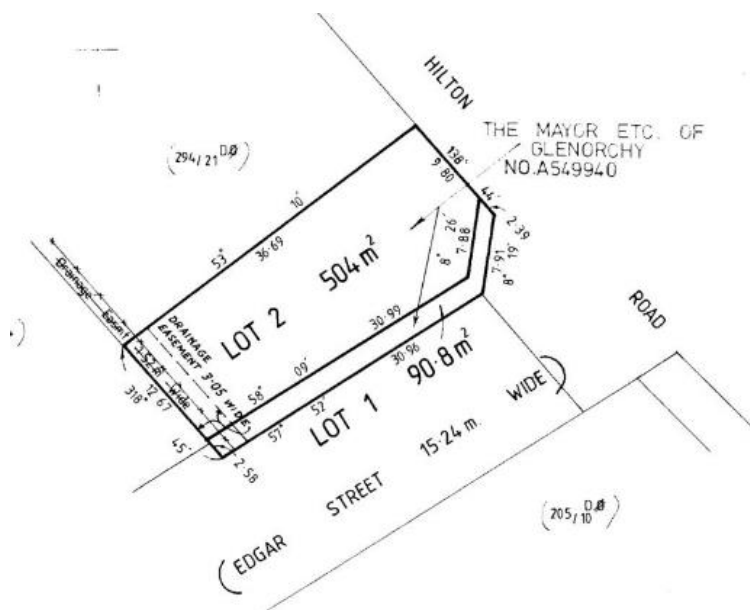


Figure 6 – title showing Lot 1 which is not part of the road reserve

345 Main Road, Glenorchy

This site is comprised of 3 titles (CT 77918/2, CT 64613/7 and CT 64613/9) and is 1,180m² in area. It is located at the intersection of Main Road, Elwick Road and King George V Avenue and included in a Utilities Zone under the Glenorchy Interim Planning Scheme 2015 (GIPS 2015) – refer to Figure 7.

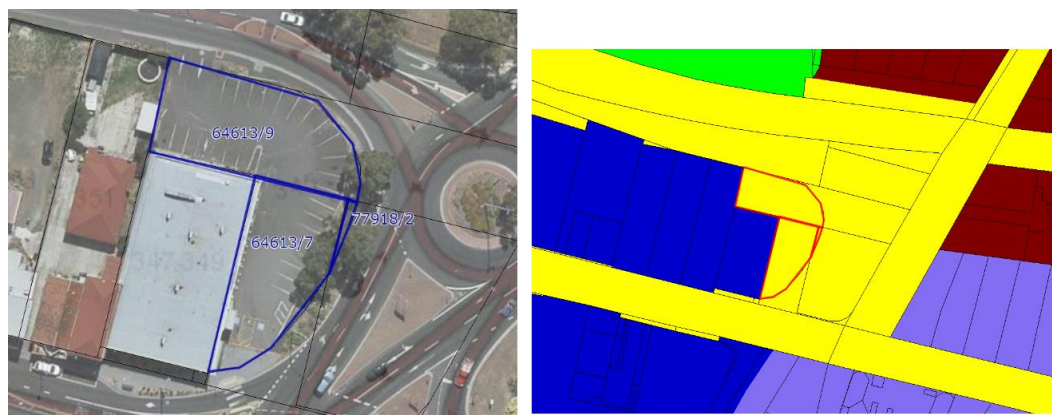


Figure 7 – Extract from Consultants report showing the site with aerial image, cadastre and titles and zoning (the LIST). Zoning: Central Business Zone – blue; Utilities Zone – yellow; Commercial Zone – purple; Inner Residential Zone – maroon; Recreation Zone – green.

The site is vacant and is currently used as a carpark (see Figure 8). While the site is owned by Glenorchy City Council it is currently leased to Highgrove Bathrooms at 347-349 Main Road to the west of the site. There are some native trees along the eastern boundary – however the trees are not listed as significant or as priority vegetation under the Draft Glenorchy Local Provisions Schedule (Draft Glenorchy LPS).



Figure 8 – 345 Main Road, Glenorchy looking south.

The site sits on the north-east edge of the Glenorchy activity centre. The site and land directly adjoining it to the north, east and south, is included in a Utilities Zone. Land to the west is used for a range of business uses and included in a Central Business Zone; land to the east contains a mix of offices and sports and recreational uses and is included in a Commercial Zone; the King George V (KGV) sports ground is located to the north of the site and included in a Recreation Zone.

The site is subject to flooding and affected by E15.0 Inundation Prone Areas Code under the GIPS 2015 and C12.0 Flood Prone Areas Hazard Code under the Draft Glenorchy LPS – refer to Figure 9

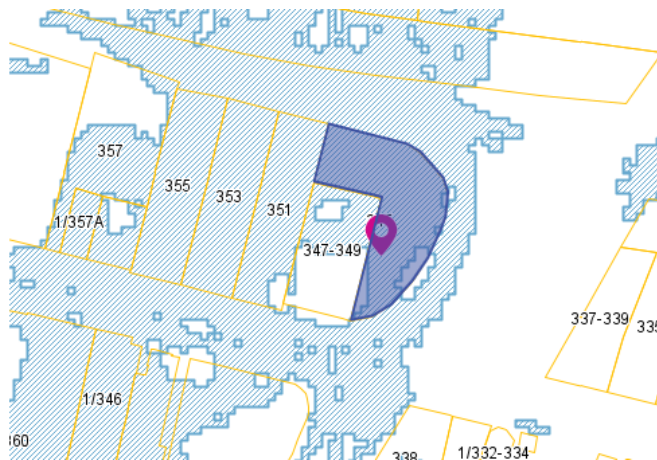


Figure 9 - Extract from the Draft Glenorchy LPS showing the extent of the Flood Prone Areas Overlay affecting the site.

The site is subject to a Waterway and Coastal Protection Overlay under the natural Assets Code as a result of the location of Barossa Creek. However as the creek is piped, the Natural Assets Code will not apply to the site.

The site is also located on the north eastern edge of the Glenorchy Activity Centre Urban Design Specific Area Plan (Glenorchy Urban Design SAP) – refer to Figure 10.

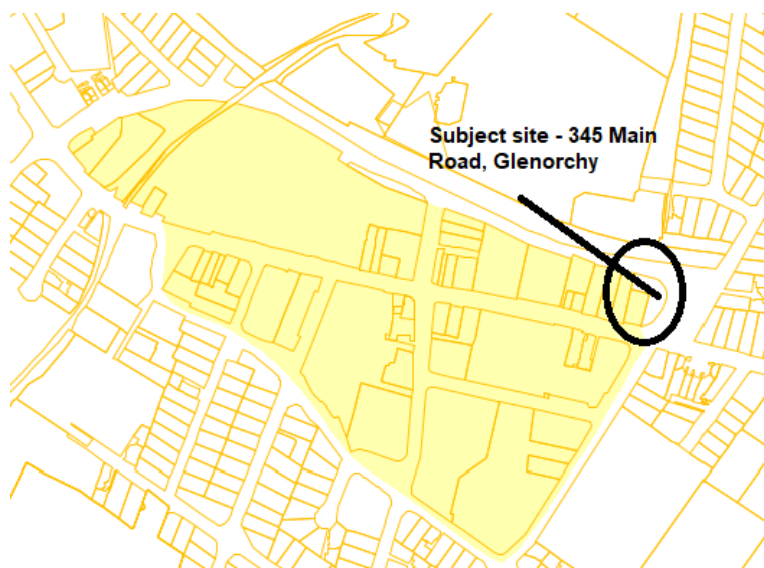


Figure 10 – Extent of the Glenorchy Urban Design SAP shown in yellow and the location of the subject site.

BACKGROUND:

At its meeting of 27 April 2020, Council resolved to dispose of the three sites.

It is noted that at the time of seeking initiation to prepare the amendment, the Tasmanian Planning Commission has issued a direction on the Draft Glenorchy Local Provisions Schedule. It is likely that the Tasmanian Planning Scheme – Glenorchy will be ‘made’ by the Minister for Planning and come into effect, before a decision is made on whether to approve the amendment. In accordance with the savings and transitional provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (LUPAA), planning scheme amendments that alter the designation of a zone [Schedule 6, clause 4(1)(a)] or the requirements of an existing specific area plan [Schedule 6, clause 5(1)(a)(i)] and have been initiated before the new scheme comes into effect, are ‘saved’ and considered as amendments to the new scheme.

Due to the imminent approval of the new scheme, consideration of the zoning and code application of these sites has also been made under the State Planning Provisions (SPPs).

Legislative changes made under the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) Bill 2021* were passed on 14 July 2021. These changes affect the assessment of planning applications. The changes do not affect the assessment of planning scheme amendments that do not include a planning application.

STATUTORY REQUIREMENTS:

Matters for consideration under the Land Use Planning and Approvals Act 1993 (LUPAA)

Section 20(1), former provisions, of LUPAA is relevant in that a planning scheme amendment is also considered to be the making of a planning scheme. Under this provision, the amendment must, in the opinion of the planning authority:

- Seek to further the objectives set out in Schedule 1 of LUPAA.
- Be prepared in accordance with State Policies made under [section 11](#) of the [State Policies and Projects Act 1993](#).
- Have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the [Local Government Act 1993](#) as adopted by the council at the time the planning scheme is prepared.
- Have regard to the safety requirements set out in the standards prescribed under the [Gas Pipelines Act 2000](#).

Section 33(2B), former provisions, of LUPAA requires that before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider: -

- whether the requested amendment is consistent with the requirements of section 32, former provisions; i.e.
 - Must as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
 - Must not conflict with the requirements of section 30O, former provisions, (i.e., be to a local provision of the scheme, not conflict with a planning directive, and be, as far as practicable, consistent with the regional strategy).
 - Must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms.
- Any representation made under [section 30I](#), former provisions, and any statements in any report under [section 30J](#), former provisions, as to the merit of a representation, that may be relevant to the amendment.
- The advice of a person with the necessary qualifications and experience (section 65 of the Local Government Act 1993).

ASSESSMENT OF AMENDMENT REQUEST

Merits of the amendment:

5A Taree Street and 3 Edgar Street

Council determined that both 5A Taree Street and 3 Edgar Street are surplus to its open space needs and it resolved to dispose of these properties at its 27 April 2020 meeting. Retaining the properties within the Open Space Zone is therefore no longer the best use of the land.

Both properties are surrounded by residential development which is included within a General Residential Zone. The land at 3 Edgar Street is a corner site and is of adequate size to enable it to be developed for residential purposes. While 5A Taree Street is a comparatively large site (4,798m²) there will be some development constraints due to its limited frontage (6.1m). It is noted however that there is also the potential for the site to be 'broken' up and portions sold to adjoining property owners. Given the site is surrounded by residential uses and no longer considered fit for purpose for open space activities, rezoning to the surrounding General Residential Zone has merit.

The provision of serviced land within the Urban Growth Boundary for residential development is consistent with the regional land use strategy and it is considered that a General Residential Zone would facilitate the best use of both 5A Taree and 3 Edgar Streets.

345 Main Road, Glenorchy

At its meeting of 27 April 2020, Council resolved to dispose of 345 Main Road, Glenorchy. If the land is no longer in public ownership, the continued application of a Utilities Zone needs to be considered.

Council's Traffic Engineer has indicated there are no plans to utilise the land for future road or transit corridor upgrades.

Uses permissible in a Utilities Zone that may also be appropriate for a central activity centre location would be Emergency Services, Vehicle Parking, Sports and Recreation and Tourist Operation. These uses are also permissible in a Central Business Zone. Less desirable activities permissible in a Utilities Zone are Recycling and Waste Disposal, Transport Depot and Distribution and Storage, however only Recycling and Waste Disposal is prohibited under a Central Business Zone. However, there are a significantly greater range of business uses available under a Central Business Zone.

Further, the Greater Glenorchy Plan (GGP), endorsed by Council on 21 February 2021, identifies the subject site and land to the west should be investigated for gateway building or further development opportunities.

Including the site in a Central Business Zone presents greater opportunities to further the objectives of the GGP and the rezoning request is considered to have merit. If the land is rezoned, it should also be included in the Glenorchy Urban Design SAP to ensure consistent urban design objectives are applied.

CONCLUSION

As the amendment requests are considered to have merit, an assessment against the statutory requirements is provided below.

Consistency with the Objectives of Schedule 1 of LUPAA

The “Part 1” objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

The amendment seeks to rezone three sites that are no longer required for Council purposes. 5A Taree Street and 3 Edgar Street are grassed undeveloped sites containing some trees. 345 Main Road is a car park, with some native trees along the perimeter of the site. None of the trees have been identified as priority vegetation under the Draft Glenorchy LPS, and none of the sites are identified as having natural values. Each site will be included in the same zoning as adjacent land. The change in zoning is not considered to impact natural resources, ecological processes or genetic diversity of the area.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

The sites are no longer required for the purposes for which they were zoned, that is for open space or for a public car park area. The inclusion of two of the parcels in a General Residential Zone and 345 Main Road in a Central Business Zone will enable already serviced land, located within the Urban Growth Boundary, to be used for residential and commercial uses. The rezoning choice reflects the surrounding zoning of the land. The rezoning will facilitate an orderly and sustainable use of the land.

(c) to encourage public involvement in resource management and planning;

The statutory process for a s. 33, former provisions, amendment request involves a public notification period. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission (TPC), which in turn may hold public hearings into representations.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);

The inclusion of the two sites in a General Residential Zone and 345 Main Road in a Central Business Zone, given they are considered surplus and not appropriate for open space or utilities-type activities is the best use of the land and facilitates economic development consistent with the objective.

- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State;***

The amendment will be assessed at the local level and determined by the State government (TPC). TasWater did not raise any concerns with the rezoning of the sites. Community participation will occur during the exhibition and panel process should the amendment be initiated. The amendment is consistent with the objective.

The “Part 2” objectives of the resource management and planning system of Tasmania are –

- (a) to require sound strategic planning and co-ordinated action by State and local government;***

All three sites are within the Urban Growth Boundary and are serviced. In this regard, the amendment request is considered to be consistent with the *Southern Tasmania Regional Land Use Strategy - 2010-2035* (STRLUS) and relevant State policies (see discussion below) and is considered to be consistent with sound strategic planning, in line with the objective.

- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;***

The sites are to be included in zones that are available in the suite of zones for planning schemes. The choice of zoning is also consistent with the S8A Guidelines which sets out the application of zones available under the State Planning Provisions.

The inclusion of 345 Main Road, within the existing Glenorchy Urban Design SAP, is consistent with the application of that control to land within a Central Business Zone and which forms part of the Glenorchy activity centre.

- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;***

The sites are serviced by reticulated water and sewerage infrastructure. The sites are not considered to have any environmental values, as none of the trees on any of the sites have not been identified as priority vegetation under the Draft Glenorchy LPS or under the GIPS 2015. The opportunity to redevelop two of the sites for residential uses presents an opportunity to increase housing supply which is a positive social and economic outcome. The opportunity to use 345 Main Road for a wider range of commercial uses is also considered a positive economic outcome.

The draft amendment is considered to generate positive economic and social outcomes without causing negative environmental impacts.

- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;***

The change in zoning of the sites is consistent with State Policies and municipal policy (see further discussion below) and the impacts are localised. The draft amendment will not conflict with neighbouring planning schemes.

- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;***

This objective is not directly applicable to the subject amendment.

- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;***

While the amendment seeks to rezone two parcels that are currently included in an Open Space Zone, the parcels are not being effectively used as open space and have been determined surplus to Council's needs. The other site is also not being effectively used for utilities uses (noting that Council considers the car park at 345 Main Road as surplus to its public parking needs). The change in zoning is considered to have a positive impact on the living needs of Tasmanians by providing additional land for residential development.

- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;***

The sites do not contain any special cultural or heritage values.

- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;***

The sites are within an urban area and infrastructure is currently available to these sites. TasWater has indicated no objections to the change in zoning. The rezoning is unlikely to have a negative impact on the orderly provision of infrastructure.

- (i) to provide a planning framework which fully considers land capability.***

The sites are within an existing urban area and all have access to a road and infrastructure services. They are not being effectively used for the key purposes for which they are zoned (open space and utilities uses). The opportunity for redevelopment of these sites, in line with the proposed zoning, is considered to be the best use of the land.

Consistency with State Policies***State Policy on Water Quality Management 1997***

The proposed amendment *per se* would not result in an increase in sediment transport to surface waters.

Any development proposals will need to be assessed against the relevant legislative water quality management requirements.

State Policy on the Protection of Agricultural Land 2000.

The proposal does not involve the conversion of prime agricultural land to non-agricultural use.

State Coastal Policy 1996.

Each site is within one kilometre of the high-water mark and are therefore within the coastal zone. An assessment against the three main principles that guide Tasmania's State Coastal Policy is provided below:

Principles	Amendment response
Natural and Cultural values of the coast shall be protected.	The sites are in an existing urban area and contain no natural values. The sites are located away from any threatened species, coastal recreational land and any potentially unstable coastal land or dune systems. The sites contain no known Aboriginal site or relics.
The coast shall be used and developed in a sustainable manner.	The sites are within existing residential / commercial areas and will not impact on the natural and aesthetic qualities of the coastal environment. Any future development of the sites will require stormwater to be drained to existing public infrastructure and not conflict with the provisions of the <i>Environmental Management and Pollution Act 1994</i> (EPMCA). The amendment will not result in any marine farming activity.
Integrated management and protection of the coastal zone is a shared responsibility.	It is considered that management and protection of the coastal zone will continue to be a shared responsibility by local and State governments.

National Environmental Protection Measures

National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the *State Policies and Projects Act 1993* and are administered by the Environment Protection Authority.

Principle 5 of the NEPM states that planning authorities *'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.*

There are no known contamination issues associated with any of the sites. Should a future sensitive use be proposed, any excavation work on a site would be subject to C14.0 Potentially Contaminated Land Code.

Consistency with the Glenorchy City Council Strategic Plan 2013-18

The amendment is consistent with the following objectives of Council's strategic plan:

Open for Business

Objective 2.1 Stimulate a prosperous economy:

- *Strategy 2.1.1: Foster an environment that encourages investment and jobs.*

Gas Pipelines Act 2000

None of the sites are in the vicinity of the gas secondary distributor pipeline.

Potential for Land Use Conflict with Adjacent Planning Scheme Areas

The subject site is not on the boundary of the planning scheme area so direct land use conflicts with adjacent municipalities are unlikely to occur.

Consistency with the requirements of Section 300 of the Act

The amendment is considered to be consistent with the requirements of Section 300 of the Act as it:

- Involves a change to the local content of the planning scheme as it seeks to rezone three individual parcels of land and apply an existing SAP over one of the sites.
- Is consistent with the Southern Tasmanian Regional Land Use Strategy, 2010-2035 (STRLUS), as the proposed zoning reflects the zoning of the surrounding land and the sites are within the Urban Growth Boundary. While the amendment relates to three individual parcels, it is still consistent with the following strategies of STRLUS:
 - *Part 12 Physical infrastructure*

PI 1 Maximise the efficiency of existing physical infrastructure

The draft amendment provides opportunity to redevelop well serviced land.

- *Part 18 Activity Centres*

AC 1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas

AC 2 Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania

The inclusion of 345 Main Road in a Central Business Zone and within the Glenorchy Urban Design Specific Area Plan will ensure the site is used and developed consistently with the rest of the activity centre.

- *Part 19 Settlement and Residential Development*

SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.

Inclusion of additional, well-serviced land within the Urban Growth Boundary in a General Residential Zone provides increased opportunities for housing development.

Impact of Permissible Use and Development on the Region

The request seeks to rezone three individual and small land parcels and any impact can only be considered to be localised. Noting the draft amendment is considered to be consistent with the STRLUS, it is unlikely to have a significant impact on permissible use and development in the region.

Consideration of any representation under section 30I and statements under section 30J of the Act

No representations were made regarding the subject land, and no statements as to the operation of the proposed zone, relevant to the site, were made during the exhibition and assessment of the Glenorchy Interim Planning Scheme 2015.

Consistency with the Glenorchy Interim Planning Scheme 2015

- Is the draft amendment clear and concise and will it achieve its intended purpose?

The draft amendment seeks to include three sites in different zones (two in a General Residential Zone and 345 Main Road in a Central Business Zone) and extend the Glenorchy Urban Design SAP over 345 Main Road.

The amendment uses zones from the suite of zones available and applies an existing SAP for consistency within the Glenorchy Activity Centre.

The controls are clear and effective in achieving the intended purpose.

- Is the draft amendment consistent with the strategy, intent and all relevant objectives and provisions of the planning scheme?

The key objectives of the GIPS 2015 are:

- *3.0.2 – L Residential Growth: To provide for the residential growth of the City in a way that is consistent with the regional settlement strategy.*

The rezoning of 5 Taree and 3 Edgar, both located within the Urban Growth Boundary, to a General Residential zone is consistent with this objective.

- *3.0.3 – L Activity Centres: To support a network of vibrant, accessible, liveable and well-designed activity centres that create prosperity and bring services within easy reach of the Glenorchy community.*

The rezoning of 345 Main Road to a Central Business Zone and inclusion within the Glenorchy Urban Design SAP is consistent with this objective as it increases the opportunity for commercial activity on the site and ensures any development will be consistent with design objectives for the activity centre.

- What is the effect of the proposed amendment on the status of use and development?

The Zone Comparison Table (see **Attachment 2**) provides a comparison of the Use Tables for the land before and after the amendment (derived from Clauses 10.2, 19.2, and 28.2 of the GIPS 2015 and Causes 8.2 and 16.2 of the SPPs).

The differences in permissible uses between an Open Space and General Residential Zone and a Utilities and Central Business Zone are significant, as might be expected. However, the new zones align with that of surrounding and adjacent land and, given these sites are not be effectively used under their current zoning, the changes in use status is considered acceptable.

- What is the effect of the proposed amendment on any specific land and adjacent land.

The rezoning includes each site in the surrounding / adjacent zone (i.e. General Residential and Central Business), so the land use impacts on the surrounding land are likely to be minimal.

THE PROCESS FROM HERE IF THE AMENDMENT IS INITIATED:

Draft amendments to the Glenorchy Interim Planning Scheme 2015, once initiated by the Planning Authority, require public notification in accordance with the requirements of the Land Use Planning and Approvals Act 1993 – which includes advertising in *The Mercury* on two occasions, one of which is to be on a Saturday and letters to adjoining owners and occupiers of land – where the proposed amendment is site specific.

Any representations received would be reported to a future meeting of the Glenorchy Planning Authority for consideration, as the Planning Authority is required to report to the Tasmanian Planning Commission as to the public notification outcomes and any recommendations leading out of them.

If no representations are received, the senior planning staff have delegation to forward a report to that effect to the Commission.

The Commission would then assess and decide upon the draft amendment and planning permit application, after taking into account the outcomes of any hearings it may hold.

CONCLUSION

The amendment request seeks to include each of the land parcels in a more suitable zone given the sites are no longer required for the primary purpose of the current zone (i.e. open space or utilities uses). The proposed zoning is consistent with that of the adjacent land and will therefore have minimal impacts on surrounding properties. The proposed zoning is considered the best use of the land.

For the above reasons, it is assessed that the proposed amendment is consistent with the objectives and other requirements of the Land Use Planning and Approvals Act 1993, the tenor of the Glenorchy Interim Planning Scheme 2015 and is not contrary to any State Policies.

Recommendation:

- A. That pursuant to Section 34 (1) (a), former provisions, of the *Land Use Planning and Approvals Act 1993*, the Planning Authority initiate Amendment PLAM-21/01 to the Glenorchy Interim Planning Scheme to rezone 5A Taree Street, Chigwell and 3 Edgar Street, Claremont to a General Residential Zone and 345 Main Road, Glenorchy to a Central Business Zone, and include 345 Main Road, Glenorchy in the Glenorchy Activity Centre Urban Design Specific Area Plan as shown in **Attachment 1**.
- B. That having decided to initiate an amendment, and having prepared that amendment, the Planning Authority certifies pursuant to Section 35, former provisions, of the *Land Use Planning and Approvals Act 1993* that the draft amendment meets the requirements specified in Section 32, former provisions, of LUPAA.

- C. That, in accordance with Section 38, former provisions, of the Land Use Planning and Approvals Act 1993, the Planning Authority places the amendment on public exhibition for a period of 28 days.

Attachments/Annexures

- 1** Glenorchy Interim Planning Scheme 2015 Amendment PLAM-21/01



- 2** Zone Comparison Table



**7. PROPOSED USE AND DEVELOPMENT - SINGLE DWELLING -
16 LAONA CRESCENT GRANTON**

Author: Planning Officer (Grace Paisley)

Qualified Person: Planning Officer (Grace Paisley)

Property ID: 3009079

REPORT SUMMARY

Application No.:	PLN-21-307
Applicant:	Wilson Homes Tasmania Pty Ltd
Owner:	S S Dhillon and A K Dhillon
Zone:	General Residential Zone
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 Setbacks and building envelopes for all dwellings (P3) (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	10 August 2021
Existing Land Use:	Vacant
Representations:	One
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes the construction of a single dwelling at 16 Laona Crescent, Granton.

The dwelling would be located central to the site, setback 9.03m from the frontage, 1.5m from the northern boundary, 12.15m from the rear boundary and 1.61m from the southern boundary (figure 1). The dwelling would have an area of 284.77sqm and would be double storey with a maximum height above existing ground level of 7.69m.

The lower level would contain three (3) bedrooms, laundry, children's activity room and a double garage. The upper level would contain the master suite consisting of a bedroom, walk in robe and ensuite, an open plan living, dining and kitchen, second toilet, and a prayer room.

The dwelling would be constructed with brickwork and 'James Hardie Scyon stratia 325mm cladding' (figure 2).

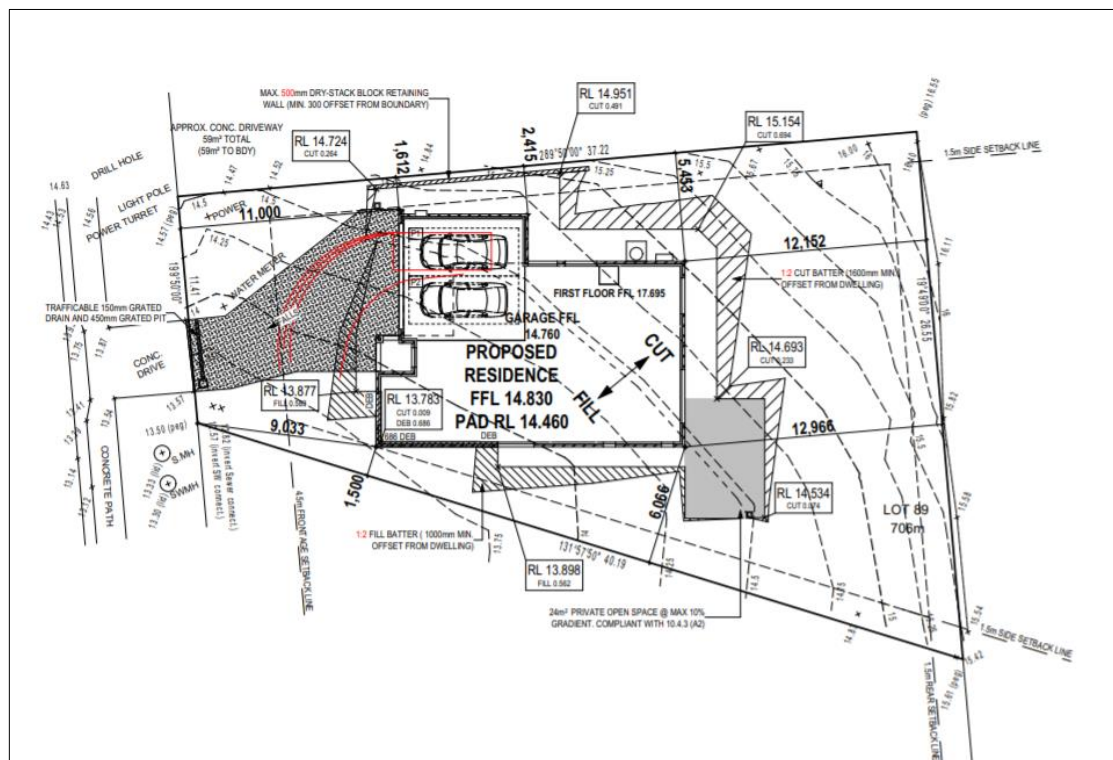


Figure 1: Proposed site plan

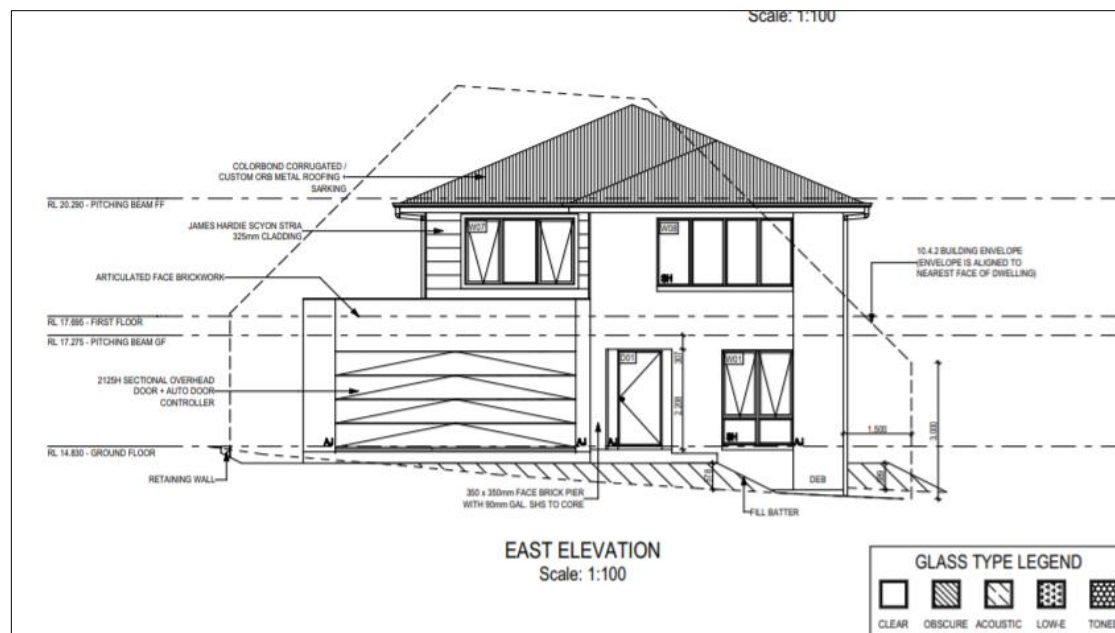


Figure 2: *Proposed street elevation*

SITE and LOCALITY

The site is located on the western side of Laona Crescent, is irregular in shape and has an area of 706sqm. The site has a frontage of 11.41m to Laona Crescent and a depth of 40.19m. The site is vacant and cleared of all vegetation. The site contains an existing crossover which was constructed during the subdivision of the lot. The site forms part of a recently released stage of a 118-lot staged subdivision approved 2005 (PLN-04-02501.05). The surrounding lots are in various stages of development with some dwellings completed, some being constructed and some lots vacant but with valid planning permits. The lot to the south is currently vacant, however, has planning approval for the construction of a single dwelling and the lot to the north is currently being developed with a single dwelling (Figure 3).



Figure 3: Aerial image of the subject site and surrounds. Image taken prior to construction of road frontage and crossover.

ZONE

The site is located in the General Residential Zone (Figure 4).



Figure 4: Zoning map of the subject site and surrounds

BACKGROUND

The application was made valid in accordance with Section 51 (1AC) of the *Land Use Planning and Approvals Act 1993* on 21 June 2021. As the application was made valid before the 23rd of June, the application must be assessed against the Glenorchy Interim Planning Scheme 2015 with consideration of the Glenorchy Draft LPS. An assessment of the application against the Glenorchy Draft LPS is included in the table below.

Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3)	
Zone	
The site is zoned	General Residential Zone
Is the use applied for prohibited?	No
Would any applicable standard make the use or development prohibited - i.e. height limit or subdivision lot size	No
Applicable codes	
Is the use or development prohibited under any applicable standard?	No
The provisions of GIPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d).	

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.

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

A SAP or Code provision does not override Zone provisions in this assessment.

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):

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

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.

Existing ground level when used in respect of a development, means the level of a site at any point before the development occurs.

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

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.

Part C: Special Provisions

No Special Provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

- 10.1.1.1 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.*
- 10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.*
- 10.1.1.3 To provide for the efficient utilisation of services.*

Comment:

The proposal is considered to be in keeping with the purpose statements of the General Residential Zone as it is for residential use and development on a site where full infrastructure services are available.

Use Table

Residential for a single dwelling is a 'no permit required' use in the General Residential Zone. However, the application is discretionary as the proposal relies on performance criteria to comply with Clause 10.4.2 Setbacks and building envelopes for all dwellings (P3).

Use Standards

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

Development Standards for Residential Buildings & Works

10.4.2 Setbacks and building envelopes for all dwellings (P3)

The proposed dwelling would exceed the building envelope outlined in the acceptable solution and therefore must be assessed against the performance criteria which states the siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;**

- (ii) overshadowing the private open space of a dwelling on an adjoining property;*
 - (iii) overshadowing of an adjoining vacant property; or*
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;*
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and*
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:*
 - (i) an adjoining property; or*
 - (ii) another dwelling on the same site.*

Comment:

Shadow diagrams were submitted with the application as supporting documentation. The diagrams show the extent of shadow cast from the proposed development on adjoining properties at 9.00am, 12.00pm and 3.00pm on 21 June (figure 5). The diagrams show the proposed dwelling would result in some overshadowing of the adjoining lot to the south, No. 18 Laona Crescent. This lot is currently vacant.

As the only lot impacted by the shadow is vacant, points (a)(i) and (a)(ii) are not applicable to this assessment. It is noted a planning permit has been issued for the construction of a single dwelling at 18 Laona Crescent, however, the dwelling has not been constructed nor has development commenced therefore the lot must be considered as a vacant lot for the purposes of this assessment.

The shadow diagrams show the adjoining lot would be most affected at 9.00am on 21 June. The shadow would be cast over approximately a quarter of the lot, however, by 12.00pm the shadow would move to only affect a small portion of the site. This would be similar to the shadow cast from a typical 1.8m high boundary fence. At 3.00pm the proposed dwelling would cast a shadow over a small portion of the front of the lot, again similar to the extent of shadow cast by a typical 1.8m high boundary fence. The portion of the land affected by shadow at 9.00am would not be affected at 12.00pm and the portion of the land affected by shadow at 12.00pm would largely not be affected at 3.00pm.

It is considered that the adjoining lot could be developed whilst still achieving a reasonable amount of sunlight to habitable room windows and private open space, considering the majority of the site would not be affected by shadow cast by the proposed dwelling and the extent of the portion affected would reduce between 9.00am and 3.00pm on 21 June.

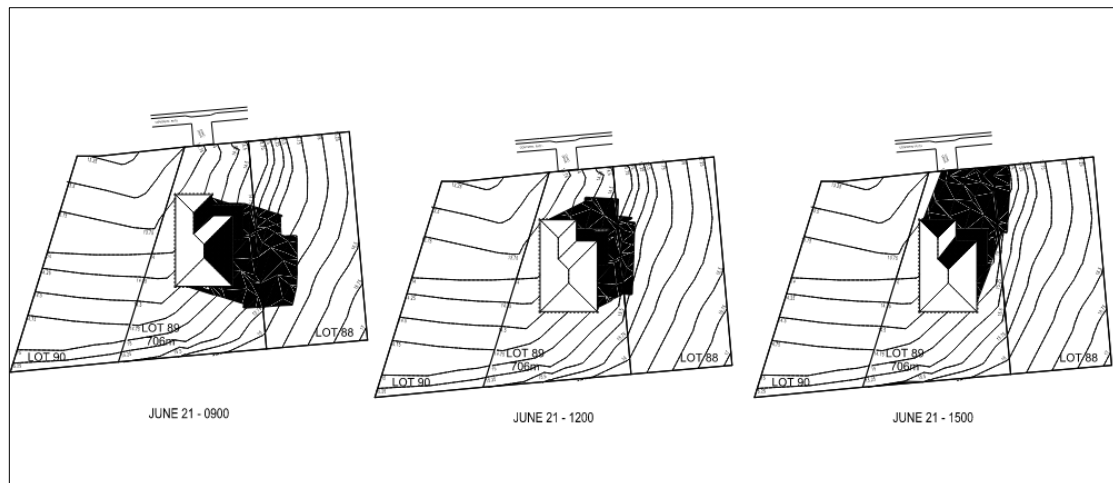


Figure 5: Shadow diagrams showing the extent of shadow cast on 21 June

The proposed dwelling has been designed to have the bulk or mass of the dwelling on the northern side of the lot with the single storey garage located on the southern side (figure 6). This would minimise the amount of shadow cast over 18 Laona Crescent to ensure there is no unreasonable impact through overshadowing, as well as ensuring the proposal does not result in an unreasonable loss of amenity through visual impacts. The dwelling would have a solid double storey wall on the northern side of the lot where there is a lower ground level. This would reduce the overall height of the dwelling which in turn reduces the visual bulk when viewed from adjoining properties. The southern side would have a single storey garage wall with the second storey setback an additional 2.6m. By setting the second storey back a further 2.6m, the perceived bulk of the dwelling would be reduced. The scale of the dwelling is in keeping with the scale of existing dwellings within the street.

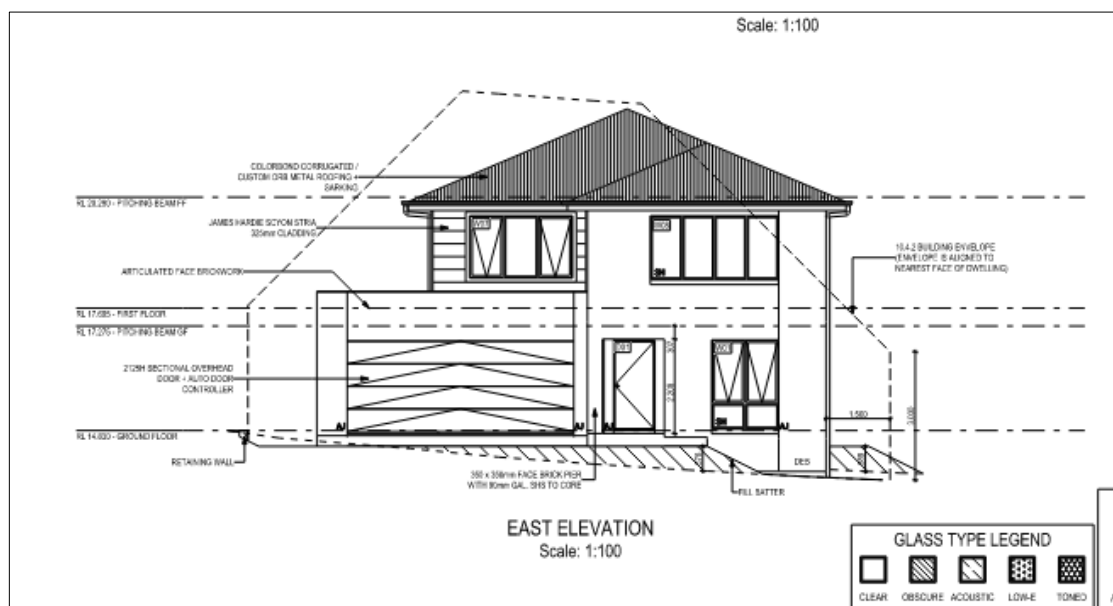


Figure 6: Streetscape elevation

In terms of dwelling separation, the dwelling is proposed to have a minimum setback of 1.5m from the side boundaries. This is consistent with dwelling setbacks within the surrounding streets with dwellings generally setback 1.5m from the side boundary as to comply with the acceptable solution of the General Residential Zone.

The dwelling would not cause an unreasonable reduction in sunlight to an existing solar energy installation on an adjoining lot as there are no existing solar energy installations on adjoining lots.

Based on the above, the proposal has been assessed as complying with the performance criteria as the proposed would not cause an unreasonable loss of amenity to adjoining properties.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Rail Asset Code

As part of the subdivision of the land, a vehicle crossover was constructed on the site. The dwelling proposes to utilise this existing crossover. Council's Development Engineer has assessed the proposal against the applicable standards of the Road and Rail Asset Code and is satisfied the proposal complies with the acceptable solutions of the applicable standards. More detailed comments are included in the Internal referrals section of this report.

E6.0 Parking and Access Code

The Parking and Access Code requires a single dwelling with two (2) or more bedrooms to be provided with two (2) car parking spaces. The dwelling has been provided with a double garage. Council's Development Engineer has assessed the proposal against the applicable standards of the Parking and Access Code and is satisfied the proposal complies with the acceptable solutions of the applicable standards. More detailed comments are included in the Internal referrals section of this report.

E7.0 Stormwater Management Code

Council's Development Engineer has assessed the application against the applicable standards of the Stormwater Management Code. The stormwater from the dwelling would be drained into the public stormwater system in accordance with the requirements of the Stormwater Management Code. Council's Development Engineer has assessed the proposal against the applicable standards of the Stormwater Management Code and is satisfied the proposal complies with the acceptable solutions of the applicable standards. More detailed comments are included in the Internal referrals section of this report.

PART F: Specific Area Plans

The site is not located in an area affected by a Specific Area Plan.

INTERNAL REFERRALS

Development Engineer

The development application seeks an approval for a single dwelling on a vacant site.

E5.0 Road and Railway Assets Code

The development complies with the Code. The proposed development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day and therefore complies with the acceptable solution A3 of Clause E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with acceptable solution A2 of Clause E5.6.2. Sight distance also complies with the acceptable solution A1 of Clause E5.6.4.

E6.0 Parking and Access Code

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

The site can be accessed off the existing vehicular access onto the driveway and parking area. The requirement under Clause E6.6.1, A1 requires the total of two (2) car parking spaces for a residential dwelling. The applicant proposes to comply with the requirements providing two parking spaces in the garage. There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle.

The layout of parking area complies with the standard AS2890.1:2004. The surface treatment of the driveway is proposed to be concrete. These comply with the acceptable solutions. There are no requirements for passing bays, on-site turning, landscaping and lighting applicable to the development application.

E7.0 Stormwater Management Code

There are no GCC stormwater mains affected by this application. A 150mm stormwater connection is available to connect located via the road frontage of the subject site. There is no new connection proposed. Stormwater runoff is proposed to discharge to the connection. Therefore, the SW arrangement is considered comply with the acceptable solution A1. The development is also considered to comply with acceptable solution A2. A stormwater system is not required to incorporate water sensitive urban design for treatment, as the size of the new impervious area is less than 600 sq.m, there is no new car parking space proposed and the application is not for a subdivision. Acceptable solutions A3 and A4 are satisfactory given the size and scope of the development, the location of the subject site to the downstream and the new stormwater infrastructure at the subdivision stage. Therefore, the development is considered meet the requirements in Stormwater Management Code.

*Other**E3.0 Landslide Code*

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

EXTERNAL REFERRALS

No external referrals were deemed necessary.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with one (1) representation being received. The issues raised are as follows:

Overshadowing

The representor states that the proposal would overshadow their property and block out sunlight. The proposal would block direct sunlight of their outdoor area and valuable light into their home.

Planner's Comment:

This issue has been previously addressed under the heading "Development Standards for Residential Buildings & Works". Overshadowing is considered by Clause 10.4.2 Setbacks and building envelopes for all dwellings (P3). A detailed assessment against this standard has been included earlier in this report. The assessment determined the complies with the performance criteria for Clause 10.4.2 Setbacks and building envelopes for all dwellings (P3).

Privacy

The representor states that they have privacy concerns with a two-storey house overlooking their single storey home.

Planner's Comment:

Privacy is considered by Clause 10.4.6 Privacy for all dwellings. The proposal has been assessed as complying with the acceptable solutions for this standard. In addition to complying with the acceptable solutions for the privacy standard of the Scheme, the dwelling has been designed to minimise overlooking of the property to the south with no windows proposed on the upper level and only a sliding door and one window proposed on the lower level.

Property devaluation

The representor states that the development would result in their property value decreasing.

Planner's Comment:

Property value is not a planning issue that can be considered as part of this application.

CONCLUSION

The proposal is relying on the performance criteria to comply with Clause 10.4.2 Setbacks and building envelopes for all dwellings (P3). The proposal is assessed as satisfying the performance criteria and complies with the standard. The proposal is assessed as complying with all other use and development standards in the General Residential Zone, as well as the applicable standards of the Road and Railway Assets code, Parking and Access code and Stormwater Management code. The application was publicly advertised for the statutory 14-day period and one representation was received. The representation has been addressed earlier in this report. 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 Single Dwelling at 16 Laona Crescent Granton subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-307 and Plans submitted on 18 June 2021 (9 pages), except as otherwise required by this permit.

Engineering

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

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

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

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

5. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:
- a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 20%
 - b) Vertical alignment must include transition curves (or straight sections) to the Australian Standard, Parking facilities - Part 1: Off-Street Carparking AS 2890.1 - 2004, Clause 2.5.3 (d) at all grade changes greater than 12.5%
 - c) All runoff from paved and driveway areas must be discharged into Council's stormwater system.
 - d) The gradient of any parking areas must not exceed 5%; and
 - e) Minimum carriageway width is to be no less than 3.0 metres.

All works required by this condition must be installed prior to the occupancy of the dwelling.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Engineering

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit www.dialbeforeyoudig.com.au

for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

Attachments/Annexures

- 1** GPA Attachment – 16 Laona Crescent, Granton



APPENDIX A**10.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.		N/A
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.		N/A
	A3		N/A

	External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.		
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.		N/A
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .		N/A
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .		N/A
10.4 Development Standards for Residential Buildings and Works			
10.4.1	A1	The application is for a single dwelling.	N/A

Residential density for multiple dwellings	Multiple dwellings must have a site area per dwelling of not less than 325m ² .		
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	The dwelling would be setback 9.03m from the frontage.	Yes
	A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:	The garage would be setback 11m from the frontage.	Yes

	(a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).	The dwelling would be located outside of the building envelope on the northern side of the lot. The proposal does not comply with the acceptable solution.	No

10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).	(a) The dwelling would have a site coverage of 22%. (b) Not applicable as the proposal is for a single dwelling.	Yes
	A2 A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and	The dwelling has been provided with a 24sqm (4m x 6m) area of private open space at the rear of the dwelling. The private open space would have a maximum gradient of 1 in 10.	Yes

	(d) has a gradient not steeper than 1 in 10.		
10.4.4 Sunlight and overshadowing of all dwellings	A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 10.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal; (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	The application is for a single dwelling.	N/A
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	The frontage width is 11.41m therefore the garage opening width must not exceed 5.7m. The garage opening would be 5.3m wide.	Yes

10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.	The proposal does not include a balcony, deck, roof terrace, parking space or carport with a finished surface or floor level more than 1m above existing ground level.	N/A
	A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b): (a) the window or glazed door: (i) is to have a setback of not less than 3m from a side boundary;	No habitable room windows are proposed on the upper level facing the southern boundary. The habitable room windows facing the northern boundary are all setback over 3m from the side boundary except for W09. W09 has a sill height of 1.7m above floor level in accordance with (b). The habitable room windows facing the rear boundary are all located further than 4m from the boundary.	Yes

	(ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. (b) the window or glazed door: (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of not less than 1.7m in height; or	No shared driveways proposed.	N/A

	(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.		
10.4.7 Frontage Fences for all dwellings	A1 No Acceptable Solution ¹ . <i>(¹ An exemption applies for fences in this zone – see Table 5.6 in Exemptions)</i>	No frontage fence proposed.	N/A
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m ² per dwelling and is within one of the following locations: (a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.	The application is for a single dwelling.	N/A
10.5 Development Standards for Non-dwelling Buildings and Works			
10.5.1 Non-dwelling Development	A1		N/A

	Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling: (a) 10.4.2 A1 and A3; (b) 10.4.3 A1 (a) and (c); (c) 10.4.7 A1.		
10.5.2 Non-residential Garages and Carports	A1 Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to the dwelling: (a) 10.4.2 A2; (b) 10.4.5 A1.		N/A
10.5.3 Outdoor Storage Areas	A1 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.		N/A
10.6 Development Standards for Subdivision			
10.6.1 Lot Design	A1 The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.		N/A

	A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north; (f) is 10 m x 15 m in size.		N/A
	A3 The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.		N/A
	A4 No lot is an internal lot.		N/A
	A5 Subdivision is for no more than 3 lots.		N/A
10.6.2 Roads	A1 The subdivision includes no new road.		N/A

10.6.3 Ways and Public Open Space	A1 No Acceptable Solution.		N/A
10.6.4 Services	A1 Each lot must be connected to a reticulated potable water supply.		N/A
	A2 Each lot must be connected to a reticulated sewerage system.		N/A
	A3 Each lot must be connected to a stormwater system able to service the building area by gravity.		N/A
	A4 The subdivision includes no new road.		N/A

APPENDIX B

E5.0 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			

Standard	Acceptable Solution	Proposed	Complies?
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		Yes
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.		NA
5.6 Development Standards			

Standard	Acceptable Solution	Proposed	Complies?
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA
E5.6.2	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		NA

Standard	Acceptable Solution	Proposed	Complies?
Road accesses and junctions	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.		Yes
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes

APPENDIX C

E6.0 Parking and Access Code

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

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

Standard	Acceptable Solution	Proposed	Complies?
	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.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		NA
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		N/A
E6.7.5	A1		

Standard	Acceptable Solution	Proposed	Complies?
Layout of Parking Areas	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
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
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		N/A
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		N/A

Standard	Acceptable Solution	Proposed	Complies?
	car park, except in the Central Business Zone where no landscaping is required.		
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		N/A
E6.7.11 Bicycle End of Trip Facilities	A1		N/A

Standard	Acceptable Solution	Proposed	Complies?
	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.		
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.		Yes
E6.7.1.13 Facilities for E7 S	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (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.		N/A
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		Yes

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

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

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

**8. PROPOSED USE AND DEVELOPMENT - TWO MULTIPLE DWELLINGS (ONE EXISTING AND ONE NEW)
2 ELTHAM PLACE CLAREMONT**

Author: Planning Officer (Roy Adam)

Qualified Person: Planning Officer (Roy Adam)

Property ID: 3002783

REPORT SUMMARY

Application No.:	PLN-20-570
Applicant:	Chan Investments Funds Pty Ltd
Owner:	Chan Investments Funds Pty Ltd
Zone:	Inner Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	11.4.2 setbacks and building envelope for all dwellings, E5.6.2 Road accesses and junctions, E6.7.12 Siting of Car Parking (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	11 Aug 2021
Existing Land Use:	Single Dwelling
Representations:	Two
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes an additional dwelling at the rear of an existing dwelling at 2 Eltham Place, Claremont. An existing dwelling is located to the front of the site. The proposal involves the change of use of two rear buildings to form the second multiple dwelling.

Proposed Unit 2 comprises one existing outbuilding of 76.5 m² located on the rear boundary and a second building (existing garage) of 44.5 m² located on the east side boundary. The existing 76.5 m² outbuilding on the rear boundary has a length of 10.1 m, is set back 2.0 m from the west side boundary and 6.6 m from the east side boundary. It has a maximum height of 3.7 m above natural ground level, and constructed of brick with a corrugated iron roof.

The existing 44.5 m² garage has a length of 9.0 m and located on on the eastern side boundary, setback 10.6 m from the rear boundary and 14.1 m from the west side boundary. It has a maximum height of 3.4 m above natural ground level, and constructed of brick with a corrugated iron roof. The proposal includes the addition of a window to the west wall and a sliding door to replace the existing roller door on the south elevation (front).

The proposed Unit 2 is comprised of one bedroom, one bathroom and an open plan living, kitchen and dining room, at the rearmost building. The second building (existing garage) comprises one rumpus room, kitchen and bathroom. Overall, the proposed Unit 2 would be provided with an area of private open space to the west, and accessed via an existing driveway along the eastern side of the site. Two car parking spaces would be provided in a tandem arrangement on this driveway.

Access to the existing dwelling (unit 1) would be provided via an existing crossover with two car parking spaces provided. The existing dwelling is provided with a separate driveway on the west side, two car parking spaces are provided with a single carport and external car parking space (Figure 1).

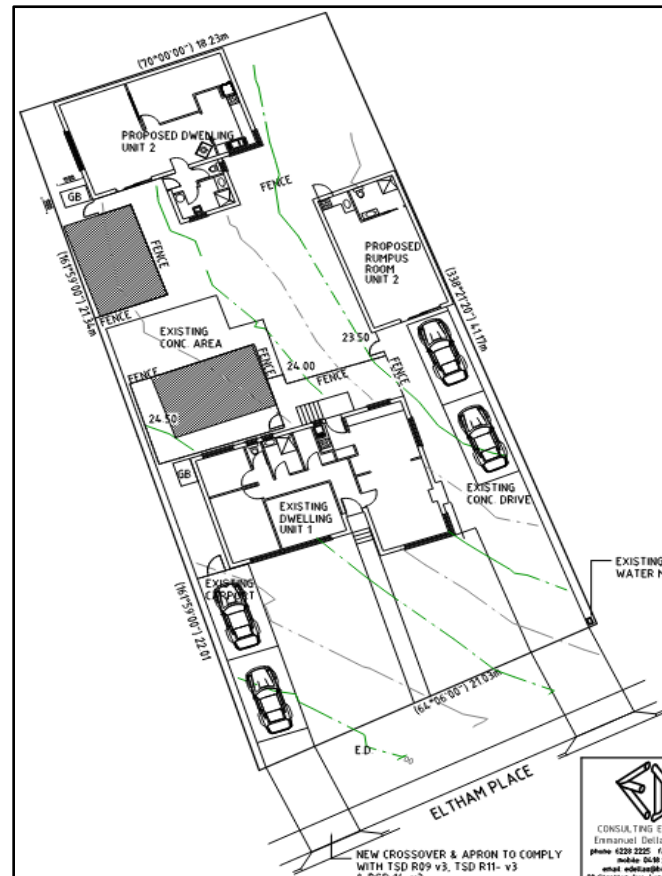


Figure 1: Proposed site plan

SITE and LOCALITY

The subject site is located on the the north-west side of Eltham Place approximately 33 m to the north-east of Rosbar Street, Claremont. The site is rectangular in shape with a frontage of 21.0 m, a minimum depth of 41.2 m, and a total area of 840 m².

The site has a gentle gradient of 1 in 23 falling toward the north-east.

The site is located in an Inner Residential area with a mix of single dwellings and multiple dwellings. Westfield Street Reserve is 84m to the south west (Figure 2).



Figure 2: Aerial photograph of 2 Eltham Place, Claremont.

ZONE

The site is located in the Inner Residential Zone (Figure 3).



Figure 3: Zoning map of the subject site and surrounds

BACKGROUND

PLN-19-299 for a boundary adjustment was approved 5/12/2019; this adjusted the common boundary between 1 Delange Place and 2 Eltham Place (at the rear) and recognised the existing location of the rear outbuilding.

A search of Council's records shows the existing dwelling and the rear outbuilding on the rear boundary on a drainage plan from 1965.

No indication of the existing garage was found in a search of Council records.

Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3)	
Zone	
The site is zoned	Inner Residential
Is the use applied for prohibited?	No
Would any applicable standard make the use or development prohibited - ie height limit or subdivision lot size	No
Applicable codes	
Is the use or development prohibited under any applicable standard?	No
The provisions of GIPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d). This is required because the application was made valid for assessment prior to 23 June 2021 and is assessed against GIPS 2015 with regard given the LPS.	

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

The submitted plans show annotations to the proposed Unit 2 roof and cladding. Clause 5.0.1 of the Glenorchy Interim Planning Scheme 2015 provides that:

use of development described in Table 5.1-5.6 is exempt from requiring a permit under this planning scheme provided it meets the corresponding requirements.

In reference to 'Table 5.3 Exempt building and works' it is further noted that:

maintenance and repair of buildings including:

- (a) *repainting, re-cladding and re-roofing whether using similar or different materials provided this does not contravene a condition of an existing permit which applies to a site; and*
- (b) *re-cladding and re-roofing using different materials or painting of previously unpainted surfaces provided this does not involve a place or precinct listed in a heritage code that is part of this planning scheme.*

In regards to the above it is therefore considered that the re-cladding and re-roofing repair works as shown on the submitted plans to proposed Unit 2 are exempt from this assessment.

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):

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 means 2 or more dwellings on a site.

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.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

- 11.1.1.1 To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*
- 11.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.*
- 11.1.1.3 To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- 11.1.1.4 To provide for a change in character from single dwellings on larger lots to alternative forms of housing such as terrace housing and apartments at greater density and with improved public open space amenity, whilst protecting amenity for existing nearby development.*

Comment:

The proposal is for the development of the land for two multiple dwellings on a lot which is fully serviced. The proposal would result in residential development at a higher density on a site that is within walking distance to public transport and services on Main Road, in accordance with the purpose statements of the Inner Residential Zone.

Use Table

Residential (multiple dwellings) is a permitted use in the Inner Residential Zone. The application is discretionary due to relying on performance criteria to comply with applicable standards.

Use Standards

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

Development Standards for Residential Buildings & Works

The proposed development does not meet the requirements of Clause 11.4.2 A3. As such the proposed development has been assessed against the corresponding performance criteria.

11.4.2 Setbacks and building envelopes for all dwellings P3

The proposed development at the rear boundary does not comply with the acceptable solution at 11.4.2 A3 as:

- (i) The proposed Unit 2 on the rear boundary extends beyond the existing, adjoining building to the rear at 1 Delange Place by 2.5 m. The adjoining building at 1 Delange Place is 7.6 m in length and the proposed Unit 2 is 10.1 m, (therefore extending by 2.5m); and
- (ii) is more than 9m in length (10.1m).

The proposal must therefore be considered against the performance criteria which states that:

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity to adjoining properties, having regard to:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; or*
 - (ii) *overshadowing the private open space of a dwelling on an adjoining property;*
 - (iii) *overshadowing of an adjoining vacant property; or*
 - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; and*
- (b) *Provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.*

Regarding the criteria described above, it is noted that overshadowing currently affects the adjoining properties at the side and rear boundaries, given the existing buildings.

It is noted that the subject site adjoins single dwellings at six adjoining properties. These are located at 7, 9 and 11 Rosbar Street to the south-west, 1 and 3 Delange Place to the rear (north), and 4 Eltham Place to the east. All adjoining properties are zoned Inner Residential Zone.

The applicant has supplied shadow diagrams which demonstrate the existing overshadowing on the adjoining properties (see figures 4 & 5).

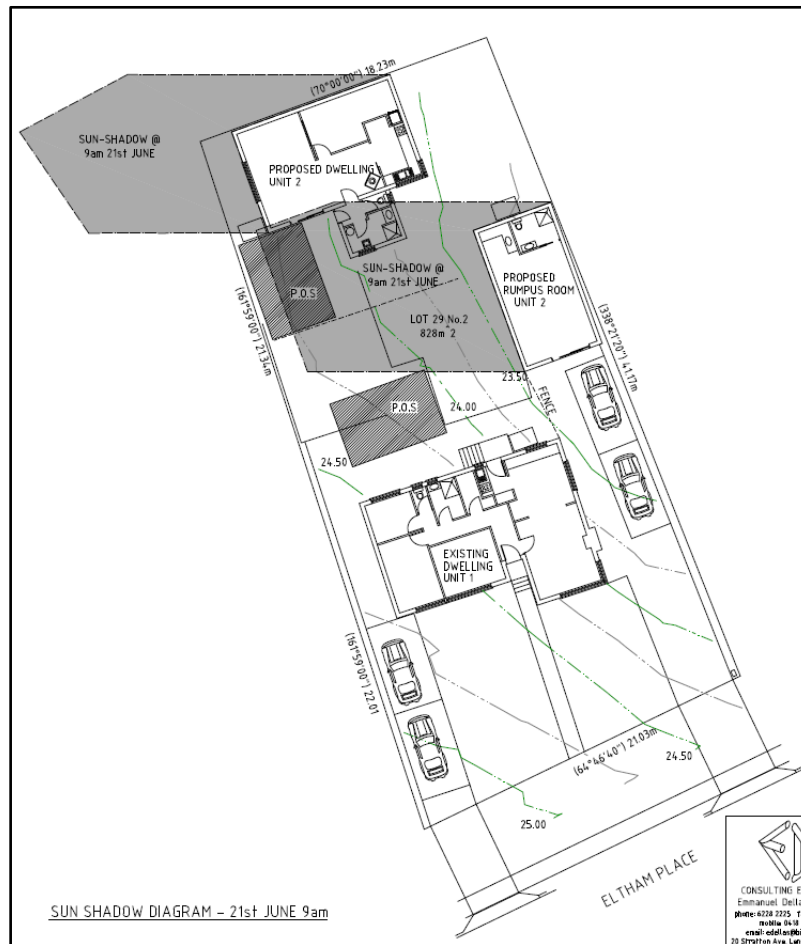


Figure 4: Sun shadow diagram 9am

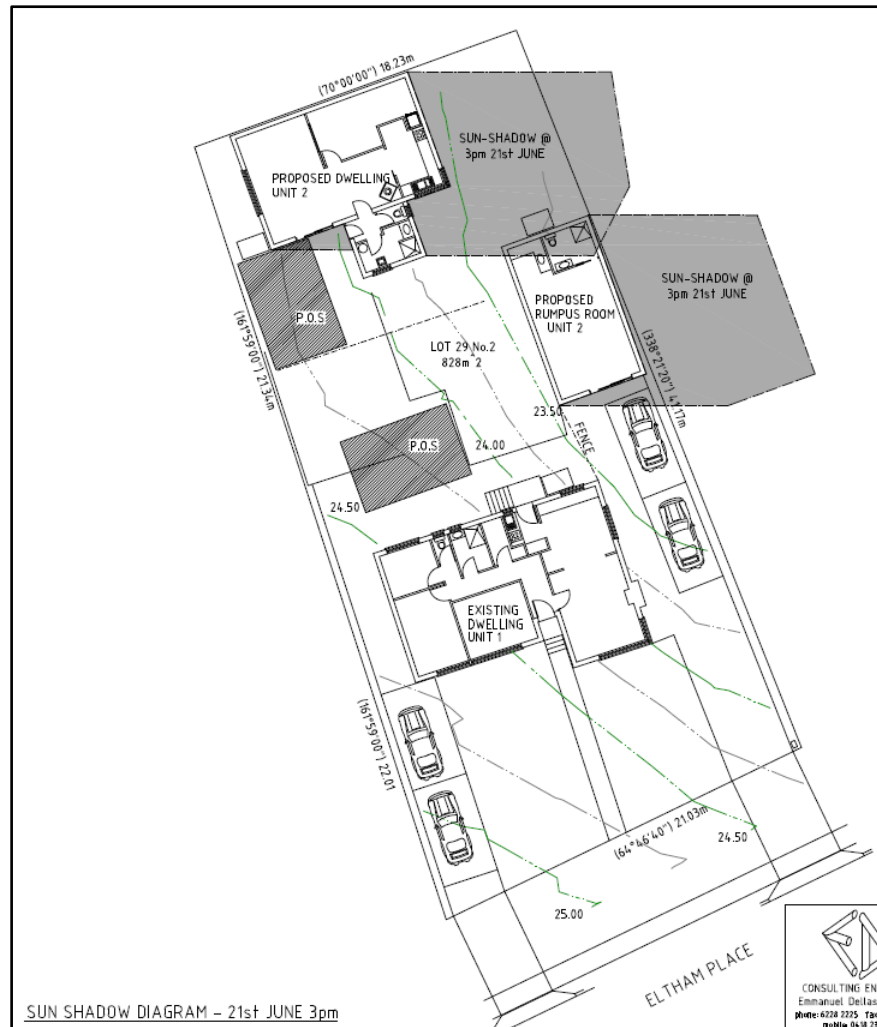


Figure 5: Sun shadow diagram 3pm

In reference to the above shadow diagrams and in consideration of the north-south orientation of the subject site at 2 Eltham Place, it is evident that the adjoining sites to the west, north-west (rear) and east are affected, at various times of the day. The adjoining sites to the west and north-west would be affected in the morning time period of 9am-12 noon. The adjoining site to the east would be impacted in the afternoon period of 12 noon-3pm. Outside of those times, it is shown that the adjoining sites would receive more than three hours of solar access throughout the day.

Regarding habitable rooms being overshadowed, as shown in the shadow diagrams supplied, it is not shown that the habitable rooms at any of the adjoining sites receive overshadowing affects.

Regarding private open space being overshadowed, as shown in the shadow diagrams supplied, the adjoining sites to the west and rear do receive a moderate amount of overshadowing. The adjoining site to the east similarly is affected to a moderate extent. However, it is also evident that these sites noted above do receive more than 3 hours of sunlight per day to private open space areas of at least 24m², which is considered to be adequate and reasonable.

Regarding to the visual impacts of the proposal it is considered that as the proposed development is using existing buildings, the effective impacts caused by the change of use are minimal.

In regards to the wider vicinity, it is noted that the surrounding area contains a mix of single and multiple dwellings. In this area, it is noted that several buildings are located on the boundary, including the adjoining sites at 1 Delange Place and 4 Eltham Place. Similarly, development at 7 and 11 Rosbar Street, and 3 Delange Place includes negligible setbacks of <0.5m. In regards to this existing pattern the proposal is considered to be similar to and forms part of the established pattern of development in the area.

Therefore in regards to the above the proposal meets the requirements of P3.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Rail Asset Code

E5.6.2 A2

The acceptable solution for this standard requires that no more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. As the site has two crossovers and accessways the proposal must be considered against the performance criteria which states that:

For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Council's Development Engineer has assessed the proposal against the applicable standards of the Road and Rail Asset Code and is satisfied the proposal complies. More detailed comment is in the Internal Referrals section of this report.

E6.0 Parking and Access Code

E6.7.12 Siting of Car Parking

The acceptable solution for this standard requires car parking spaces in the Inner Residential Zone to be located behind the line of buildings. The site is located in the Inner Residential Zone and one car parking space is proposed to be provided within the front setback of 3.0m. The proposal must be considered against the performance criteria which states that:

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 may be located in front of the building line where topographical or other site constraints dictate that this is the only practical solution because of one or more of the following:

- (a) there is a lack of space behind the building line to enable compliance with A1;*
- (b) it is not reasonably possible to provide vehicular access to the side or rear of the property;*
- (c) the gradient between the front and the rear of existing or proposed buildings is more than 1 in 5;*
- (d) the length of access or shared access required to service the car parking would constitute more than 75% of the depth of the relevant lot;*
- (e) the access driveway cannot be located at least 2.5 m from a habitable room window of a building defined as a residential building in the Building Code of Australia;*
- (f) the provision of the parking behind the building line would result in the loss of landscaped open space and gardens essential to the values or character of a Heritage Place or Precinct listed in the Heritage Code in this planning scheme;*
- (g) the provision of the parking behind the building line would result in the loss directly or indirectly of one or more significant trees listed in the Significant Trees Code in this planning scheme,*

and only if designed and located to satisfy all of the following:

- (i) does not visually dominate the site;*
- (ii) maintains streetscape character and amenity;*

(iii) *does not result in a poor quality of visual or audio amenity for the occupants of immediately adjoining properties, having regard to the nature of the zone in which the site is located and its preferred uses;*

(iv) *allows passive surveillance of the street.*

Comment:

The proposal includes the provision of two parking spaces on the west side boundary in a tandem arrangement. It is noted that the location of the existing buildings on the site, being an existing single dwelling and existing garage, do not allow for further extension or lengthening of the driveways at either side.

It is noted that the existing landscaping in the front yard is over 104 m² (13 m x 8 m) and relatively large as compared to the two car parking spaces, and also larger than that typically found in the Inner Residential Zone. As such it is considered that the parking spaces do not visually dominate the site or detract from the streetscape character and amenity (see Figure 6).



Figure 6: Photo showing front landscaping

It is considered that the location of the two car spaces would not cause poor quality of either visual or audio amenity, to the occupants of adjoining properties, noting that:

- a) The proposed location of the car spaces in the front setback would reduce the vehicle movements to the rear of the site, therefore mitigating vehicle noise to the adjoining property,
- b) it is noted that the adjoining dwelling at 7 Rosbar Street is separated by 12.0 m to spaces, and
- c) The vegetated garden bed and wooden fence alongside the car parking spaces also provide a visual barrier, as shown in Figure 7.



Figure 7: Photo of two car parking spaces at existing dwelling

The location of the car parking space would continue to allow for passive surveillance from the dwelling to the street. The existing dwelling includes large windows along the frontage and views to the street that are not blocked by the tandem parking arrangement.

The proposal is assessed as meeting the performance criteria and complying with the standard. In regards to the criteria it is considered that the proposal complies with points (a) and (b) as well as the corollary points (i-iv).

The proposal complies with the remainder of the applicable standards of the Parking and Access Code as outlined in the attached Appendix. The dwellings would be provided with two car parking spaces each which meets the requirements of the Parking and Access Code.

E7.0 Stormwater Management Code

The stormwater from the proposal would be discharged via gravity to the public stormwater system. Council's Development Engineer has assessed the proposal against the provisions of the Stormwater Management Code and is satisfied the proposal complies with the applicable standards of the Stormwater Management Code.

PART F: Specific Area Plans

The site is not located in an area affected by a Specific Area Plan.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has provided comment:

The development application seeks an approval for two multiple dwellings by converting the two existing outbuildings into a residential dwelling as seen in the figures below. The works include internal alterations and a new vehicle crossover for the existing dwelling.



E5.0 Road and Railway Assets Code

The development complies with the Code. The proposed development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day and therefore complies with the Acceptable solution A3 of E5.5.1. The site is proposed to have two (2) vehicle crossings, this is unable to comply with the acceptable solution A2, E5.6.2. However, it is considered the two accesses are safe and not unreasonably impact on the efficiency of the road providing the frequency and nature of the development. Therefore, the development is considered satisfy the performance criteria, P2, E5.6.2. Sight distance on both sides also complies with the Acceptable solution, A1 E5.6.4.

E6.0 Parking and Access Code

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

The requirement under the E6.6.1, A1 requires the total of two (2) car parking spaces for each residential dwelling. The applicant proposes to comply with the requirements providing the total of four (4) car parking spaces – two per each dwelling. The existing dwelling can be accessed off the proposed new vehicular access onto the driveway and new carport. The proposed dwelling unit 2 will be accessed off the existing access to driveway and parking area. There are no requirements for accessible car parking, motorcycle parking spaces, bicycle parking spaces and commercial vehicle applicable to the development application. The layout of parking area complies with the standard AS2890.1:2004. The surface treatment of the driveway is proposed to be concrete. These comply with the acceptable solutions. There are no requirements for passing bay, on-site turning, landscaping and lighting applicable to the development application.

E7.0 Stormwater Management Code

There are no GCC stormwater mains affected by this application; and the stormwater connection located at the rear of the property at the low point is available to connect. There is no new connection proposed. There is no significant increase to the new impervious surface. All stormwater runoff is proposed to discharge to the connection. Therefore, the SW arrangement is considered comply with the acceptable solution, A1. The development also considered comply with the acceptable solution A2 and a stormwater system does not require to incorporate water sensitive urban design for treatment, as the size of the new impervious area is less than 600 sq.m, there is no new car parking space proposed and the application is not for a subdivision. A3 and A4 also satisfactory given the size and scope of the. Therefore, the development is considered meet the requirements in Stormwater Management Code.

Other***E3.0 Landslide Code***

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

Waste Services

Waste Services have no objection to the application and have provided standard advice.

EXTERNAL REFERRALS

TasWater

TasWater have no objection to the application subject to standard conditions as attached.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with two representations being received. The issues raised were:

1. Noise

The representor states that the proposal would result in noise due to the proposed rumpus/theatre room being near their bedroom. The representor asks whether the room is a rebuild of the existing garage or an internal fitout.

Planner's Comment:

Noise arising from a residential dwelling is not a planning matter under the Glenorchy Interim Planning Scheme 2015. It is noted that although the works proposed at the building include both internal fitouts and external repair and maintenance, including a window (west elevation) and change to the door (south elevation), a complete rebuild is not proposed. It may be noted that the maintenance and repair of buildings, including re-cladding and re-roofing is exempt from requiring a planning permit - except where buildings are heritage listed. Similarly under the Tasmanian Planning Scheme which came into effect in the local government area from 23 June 2021, minor alterations of this nature is exempt development.

2. Privacy

The representors state that the proposal may create additional traffic in the cul-de-sac, vehicles may not park on the driveway, and the car parking arrangement (one behind the other) will not work.

Planner's Comment:

This issue has been previously addressed under the Road and Rail Asset Code and Parking and Access Code, and the proposal is assessed as meeting the applicable standards. It is noted that the use of tandem car parking spaces to serve a dwelling is not restricted under the Glenorchy Interim Planning Scheme 2015, and similarly under the Tasmanian Planning Scheme, this is permitted.

CONCLUSION

The proposal is relying on performance criteria to comply with applicable standards at 11.4.2, E5.6.2 and E6.7.12. The proposal is assessed as satisfying the performance criteria and complies with those standards. The proposal is assessed as complying with all other use and development standards in the Inner Residential Zone, as well as the applicable standards of the Road and Railway Assets code, Parking and Access code and Stormwater Management code.

The application was publicly advertised for the statutory 14-day period with two representations received which have been addressed in the report.

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 Two multiple dwellings (one existing and one new) at 2 Eltham Place Claremont subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-20-570 and Drawing No. P1 submitted on 18/06/2021 (2 pages) and 01/04/2021 (3 pages), except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2021/00532-GCC, dated 16/04/2021, form part of this permit.

Engineering

3. 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.
4. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
5. All internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be approved by Council and undertaken at the developer's cost.
6. The design and construction of the parking, access and turning areas must comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
 - a) Be constructed to a sealed finish.
 - b) Total of Four (4) clearly marked car parking spaces (two spaces per each dwelling) must be provided in accordance with the approved plan received by Council and kept available for these purposes at all times
 - c) All runoff from paved and driveway areas must be discharged into Council's stormwater system.
 - d) The gradient of any parking areas must not exceed 5% and
 - e) Minimum carriageway width is to be no less than 3.0 metres.All works required by this condition must be installed prior to the occupancy of the dwellings.
7. The new vehicle crossing with a 3.6-metre wide concrete driveway apron must be constructed in accordance with the Tasmanian standard drawing TSD-R09-v3, TSD-R11-v3 and TSD-R14-v3 between the kerb and the property boundary and to the satisfaction of Council's Development Engineer prior to the occupancy. The detail design must be submitted and approved prior to the issuing of a Building permit.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit www.dialbeforeyoudig.com.au for information on the location of underground services and cables in relation to the proposed development prior to commencing any works on site.

Waste Services

The proposed multiple dwelling development at 2 Eltham Place 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, one (1) x 240L wheelie bin for recycling and (1) x 240L FOGO bin to each of the dwelling, collected fortnightly.

Please note that this property would have a total of six (6) bins, two (2) Waste bins and two (2) Recycling Bins, and two (2) FOGO bins.

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

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

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

Attachments/Annexures

- 1 PLN-2-57- 2 Eltham Place



APPENDIX**11.0 Inner Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
11.4 Development Standards for Buildings and Works			
11.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than 200m ² .	The proposal would result in a site area per dwelling of 413.5sqm	Yes
11.4.2 Setbacks and building envelope	A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or	The dwelling is proposed at the rear of the existing dwelling.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level. if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.		
	A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a) 4m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	No new garage or carport proposed.	N/A
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 11.1, 11.2 and 11.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and	a) (i) and (ii) Complies. Proposal is within building envelope shown at Figure 11.1 b) (i) Does not comply, rear building extends 2.5m beyond an existing, adjoining building. (ii) Does not comply, rear building is 10.1m in length.	No

Standard	Acceptable Solution	Proposed	Complies?
	(ii)projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and (b) only have a setback within 1.5m of a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii)does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser)		
11.4.3 Site coverage and private open space	A1 Dwellings must have: (a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 40m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the ground level (excluding a garage, carport or entry foyer).	a) The dwellings footprint is unchanged with a site coverage of 32%. b) Each dwelling has over 40sqm of private open space.	Yes
	A2 A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m²; or	a) The private open space for each dwelling would be at least 24sqm. b) The private open space for the existing dwelling would meet the minimum 4m dimension however	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.	the private open space for the proposed dwelling would not. c) The private open space for the dwellings would not be located between the dwellings and the frontage. d) The gradient of the private open spaces would not exceed 1 in 10 or be used for vehicle access or parking.	

Standard	Acceptable Solution	Proposed	Complies?
11.4.4 Sunlight to private open space of multiple dwellings	A1 A multiple dwelling that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 11.4.3, must satisfy (a) or (b), unless excluded by (c): (a) the multiple dwelling is contained within a line projecting (see Figure 11.4): (i) at a distance of 3m from the northern edge of the private open space; and (ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal. (b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight within the hours of 9.00am to 3.00pm on 21st June. (c) this Acceptable Solution excludes that part of a multiple dwelling consisting of: (i) an outbuilding with a building height not more than 2.4m; or (ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.	a) Complies. The rear dwelling is not located <3m north of the front dwelling	Yes
11.4.5 Width of openings for garages and carports	A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the	Complies. The carport at the existing dwelling is <6m in width	Yes

Standard	Acceptable Solution	Proposed	Complies?
	primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		
11.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	Not proposed	N/A
	A2 A window or glazed door, to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):	None proposed	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) the window or glazed door: (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. (b) the window or glazed door: (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of at least 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a	b) Complies. The window of existing Unit 1 is 1m< from the driveway of Unit 2 and has a sill height of 1.7m<	Yes

Standard	Acceptable Solution	Proposed	Complies?
	window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.		
11.4.7 Frontage Fences	A1 No Acceptable Solution ² . <i>²An exemption applies for fences in this zone – see Table 5.6 in Exemptions</i>	No fence proposed	N/A
11.4.8 Waste Storage for multiple dwellings	A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and	a) Both dwellings are provided with individual waste storage areas at the side of the dwellings.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.		
11.4.9 Non-dwelling development	A1 Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling: (a) 11.4.2 A1 and A3; (b) 11.4.3 A1 (a) and (c); (c) 11.4.7 A1.		
	A2 Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to a dwelling: (a) 11.4.2 A2; (b) 11.4.5 A1.	Not proposed	N/A
	A3 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 area.	Not proposed	N/A

APPENDIX B

E5 Road and Railway Assets Code

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

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.		NA
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.		NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA

Standard	Acceptable Solution	Proposed	Complies?
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		Yes
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	Two accesses proposed	No – but satisfy the performance criteria
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes

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

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

Standard	Acceptable Solution	Proposed	Complies?
	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.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Two accesses proposed	No
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;		Yes

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		N/A
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		N/A
E6.7.5	A1		

Standard	Acceptable Solution	Proposed	Complies?
Layout of Parking Areas	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
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
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		N/A
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		N/A

Standard	Acceptable Solution	Proposed	Complies?
	of the area of the car park, except in the Central Business Zone where no landscaping is required.		
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under		N/A

Standard	Acceptable Solution	Proposed	Complies?
Bicycle End of Trip Facilities	Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		
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.		Yes
E6.7.1.13 Facilities for E7 s	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (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.	N/A	N/A
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		Yes

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

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m2; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.		Yes – not required
	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;		Yes – not required

Standard	Acceptable Solution	Proposed	Complies?
	(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		Yes

**9. PROPOSED USE AND DEVELOPMENT - LIBRARY EXTENSION
AND DECK - ST VIRGILS COLLEGE
195-229 MAIN ROAD AUSTINS FERRY**

Author: Planning Officer (Roy Adam)

Qualified Person: Planning Officer (Roy Adam)

Property ID: 3009174

REPORT SUMMARY

Application No.:	PLN-21-228
Applicant:	Tim Penny Architecture & Interiors Pty Ltd
Owner:	St Virgils Christian Brothers College
Zone:	Community Purpose
Use Class	Educational and Occasional Care
Application Status:	Discretionary
Discretions:	E1.5.1.1 A1 Use standards for vulnerable uses (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	11 Aug 2021
Existing Land Use:	Educational and Occasional Care
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for infill under the existing library building, providing two levels for general learning areas and student support services, as well as minor alterations to the existing upper floor library at level three. In addition, the proposal includes an external, covered deck located 10 m to the north of the library building. The application is discretionary as a vulnerable use in a bushfire prone area. The proposal is illustrated in figures 1 and 2.

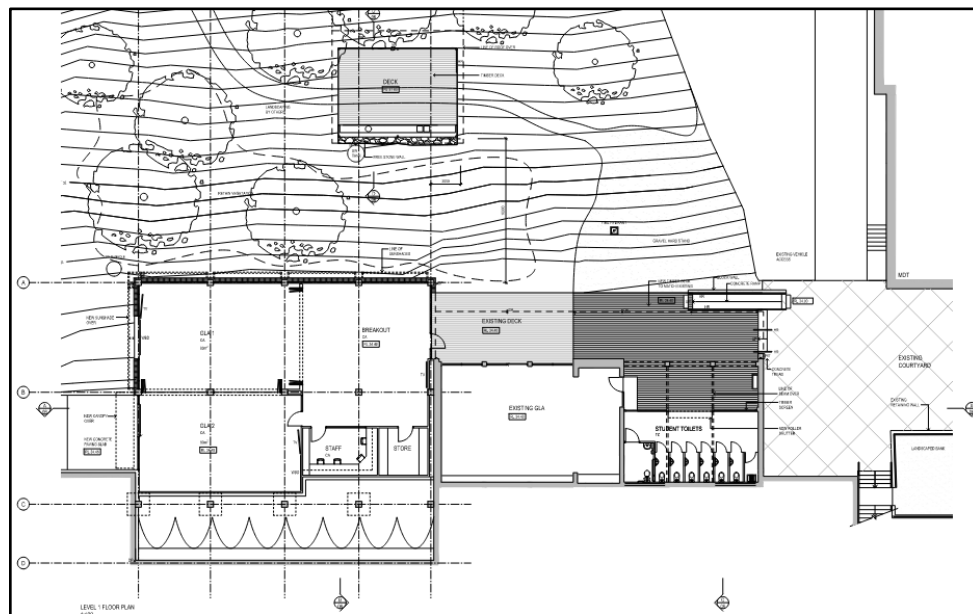


Figure 1: Proposal Plans - Tim Penny Architecture

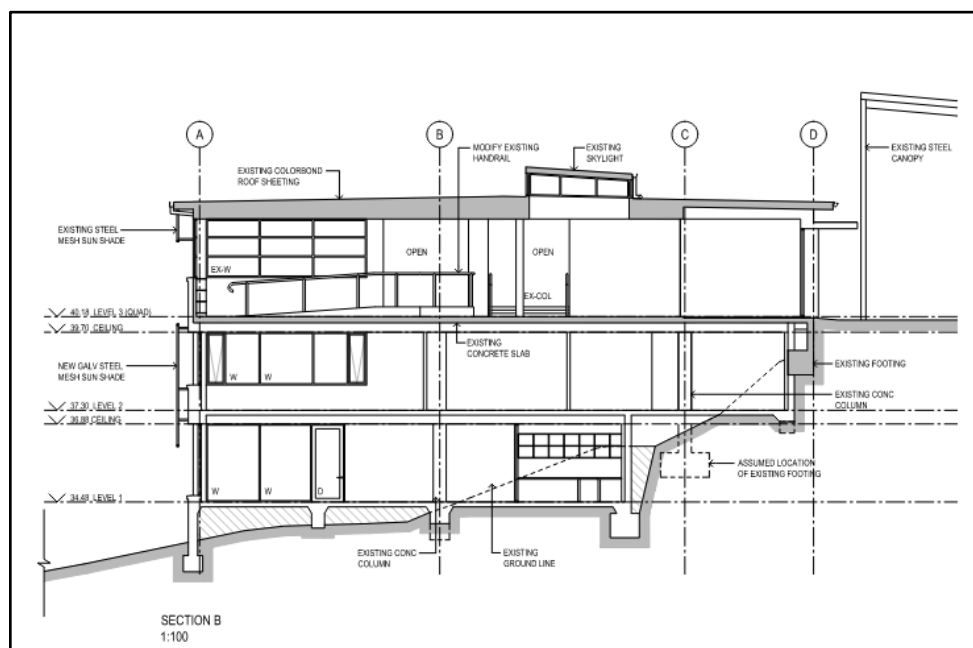


Figure 2: Proposal Plans - Tim Penny Architecture

SITE and LOCALITY

The subject site is known as 195-229 Main Road Austins Ferry and contains St. Virgils College and is described in title reference CT 197087/1. The property is shown in Figure 3.

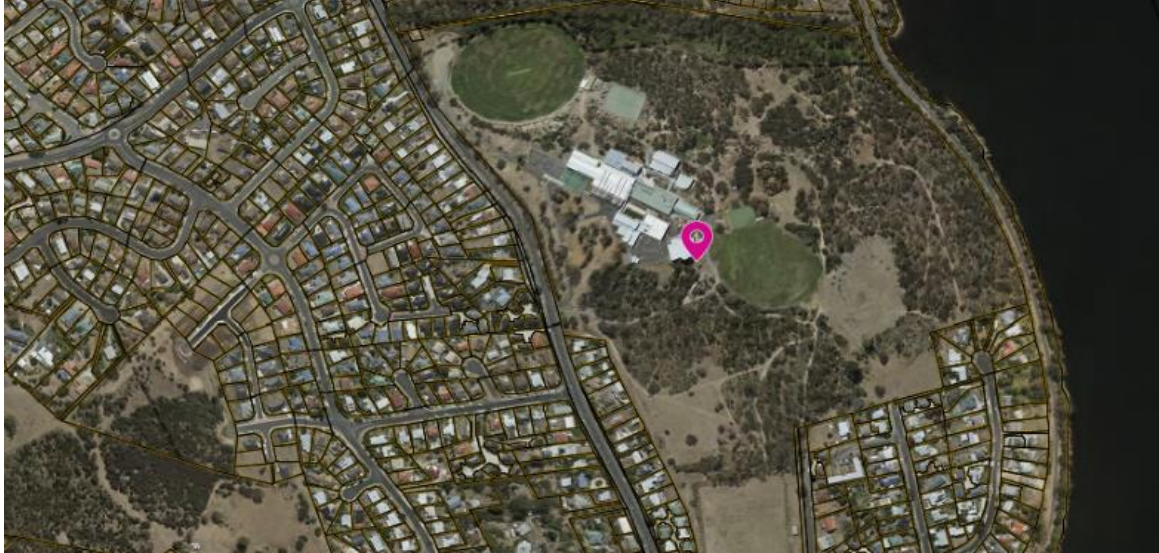


Figure 3: Aerial view of subject property

The property is located between Main Road and the River Derwent in Austins Ferry and has an area of approximately 23ha. The site contains a cluster of school buildings with adjacent parking area, two school sports ovals, a basketball court and tennis courts. There is remanent native vegetation to the east and south of the school buildings. The proposed addition would be next to a school oval. The school property is surrounded by residential development at some distance from the school buildings.

ZONE

The subject land is zoned Community Purpose Zone as shown in Figure 4.

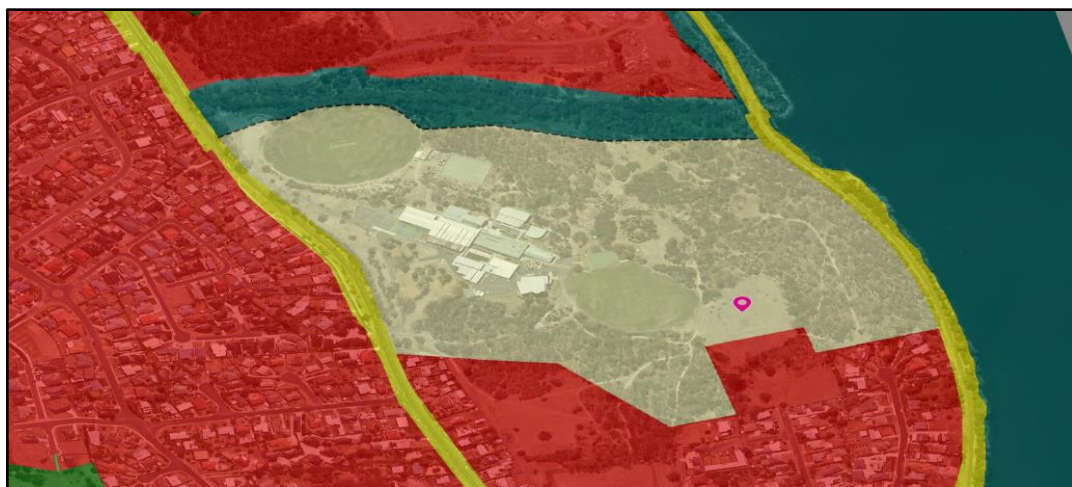


Figure 4: Zoning of subject property (Community Purpose shown in light yellow)

BACKGROUND

The St. Virgil's College site has a record of numerous development applications over several years. Recent permits granted are:

PLN-20-564 approved 21/01/2021 - Fit-out and extension of an existing maintenance building for new music and drama facilities.

PLN-20-564 approved 21/01/2021 – Maintenance Facilities Relocation

PLN-16-187 approved 22/09/2016 – Additions and alterations to secondary school

PLN-15-126 approved 29/06/2015 – Additions and Alterations to Educational Establishment.

Glenorchy Draft LPS - assessment under S35K (2)(d) and consistent with S51 (3)	
Zone	
The site is zoned	Community Purpose
Is the use applied for prohibited?	No
Would any applicable standard make the use or development prohibited - ie height limit or subdivision lot size	No
Applicable codes	
Is the use or development prohibited under any applicable standard?	No
The provisions of GIPS 2015 have been checked against the provisions of the Draft LPS and it is concluded that the assessment of the application is not in contravention of the LPS, in accordance with S35K (2)(d).	

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

'Table 5.3 Exempt building and works' provides for:

maintenance and repair of buildings including:

- (a) *repainting, re-cladding and re-roofing whether using similar or different materials provided this does not contravene a condition of an existing permit which applies to a site; and*
- (b) *re-cladding and re-roofing using different materials or painting of previously unpainted surfaces provided this does not involve a place or precinct listed in a heritage code that is part of this planning scheme.*

In regards to the above definition it is noted that the re-cladding as shown on the submitted plans on level three of the library building is exempt from this assessment.

Limited Exemptions

Nil.

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

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

- E1.0 Bushfire-Prone Areas Code
- E5.0 Road and Railway Assets Code
- E6.0 Access and Parking Code
- E7.0 Stormwater Management Code

Use Class Description (Table 8.2):

The use class is **Educational and occasional care** which means use of land for educational or short-term care purposes. Examples include a childcare centre, day respite facility, employment training centre, kindergarten, primary school, secondary school and tertiary institution.

Other relevant definitions (Clause 4.1):

Frontage means a boundary of a lot which abuts a road. The site does not include any boundary that abuts a road (refer to the definition of road, below), and therefore does not have a frontage.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (b) above as it relies on Performance Criteria at E1.5.1.1 A1 Standards for vulnerable uses.

For the purposes of the Bushfire-Prone Areas Code:

Bushfire-prone area means land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1Ha.

Vulnerable use means a use that is within one of the following Use Classes:

(a) Custodial Facility; (b) Educational and Occasional Care; (c) Hospital Services; (d) Residential for respite centre, residential aged care home, retirement home, and group home.

Tolerable Risk means the lowest level of likely risk from the relevant hazard:

- a) To secure the benefits of a use or development in a relevant hazard area; and
- b) Which can be managed through:
 - (i) Routine regulatory measures; or
 - (ii) By specific hazard management measures for the intended life of each use or development.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

The purpose of the Community Purpose Zone is:

- a) To provide for key community facilities and services where those facilities and services are not appropriate for inclusion as an associated activity within another zone.
- b) To ensure land required for future public use is protected from inappropriate use or development.
- c) To encourage multi-purpose, flexible and adaptable social infrastructure to respond to changing and emerging community needs.

Comment

The proposal is for an addition at an existing school and therefore satisfies the above purpose.

Use Table

The use class of Educational and Occasional Care is permitted within the Community Purpose Zone in accordance with the zone Use Table at clause 17.2.

Use Standards

The application accords with all relevant acceptable solutions as demonstrated in the attached appendix.

Development Standards for Residential Buildings & Works

The application accords with all relevant Acceptable Solutions as demonstrated in the attached appendix.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E1.0 Bushfire-Prone Areas Code

The bushfire prone areas code applies as the use is for a vulnerable use and in a bushfire-prone area (Figure 5).



Figure 5 – The site is in a bushfire-prone area (orange)

E1.5.1.1 A1 Standards for vulnerable uses

There is not an acceptable solution in E1.5.1.1 A1 with respect to bushfire mitigation measures. Therefore, the proposal relies on the performance criteria:

E1.5.1.1 P1 Standards for vulnerable uses

A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:

- (a) the location, characteristics, nature and scale of the use;*
- (b) whether there is an overriding benefit to the community;*
- (c) whether there is no suitable alternative lower-risk site;*
- (d) the emergency management strategy and bushfire hazard management plan;*
- and*
- (e) other advice, if any, from the TFS.*

Comment

The applicant provided a response by an accredited bushfire practitioner to confirm that the proposal will comply with the above performance criteria.

It is noted that the proposed development provides updated facilities for the existing School, it does not result to any alternation to the school population on the site or the nature of the people who will work and attend the school.

In regards to the emergency management strategy and bushfire hazard management strategy, it is noted that development does not include habitable, enclosed space development beyond the existing building footprint. These supplied plans were referred to the Tasmania Fire Service and supported accordingly.

Overall, in regards to the above the proposal is considered to satisfy the performance criteria (Figure 6).

P1

A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:

- (a) the location, characteristics, nature and scale of the use;*
- (b) whether there is an overriding benefit to the community;*
- (c) whether there is no suitable alternative lower-risk site;*
- (d) the emergency management strategy and bushfire hazard management plan; and*
- (e) other advice, if any, from the TFS.*

The application is considered to meet the performance criteria, by being able to demonstrate a tolerable risk having regard to the relevant matters as follows:

- (a) The proposed development provides updated facilities for the existing School, it does not result to any alternation to the school population on the site or the nature of the people who will work and attend the school, in this way the applications do not increase the risk relation to the people using the site;
- (b) the development proposed will provide updated modern facilities which enhance the ongoing use and development of the school which, as an education facility, provides an overriding benefit to the community;
- (c) given the proposed development relates to facilities for the existing school and there is no part of the school site which is not bushfire prone land, there is no suitable alternative lower-risk site;
- (d) as the development does not include habitable development beyond the existing building footprint there will be no change required to the current mitigation measures within the Bushfire Hazard Management Plan, ie the hazard management area, access and water arrangements of the current plan do not need to be modified to accommodation the library infill development. In addition, as the current application does not increase the number of people on site or alter any are which relates to the onsite refuge or evacuation procedures there will be no need to amend the recently approved Bushfire Emergency Plan; and
- (e) Reissued version of the BHMP and BEP will be provided to TFS to meet their requirements for plans for their re-endorsement.

Figure 6: Response from Bushfire Practitioner

E6.0 Parking and Access Code

The proposal accords with the relevant Acceptable Solutions as demonstrated in the attached Appendix. It is noted that no increase in the school population regarding students or employees is proposed and therefore no increase of car parking spaces is required. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

E7.0 Stormwater Management Code

The Stormwater Management Code applies to all development requiring management of stormwater. New impervious surfaces are proposed, and the Code applies.

E7.7.1 Stormwater Drainage and Disposal (A1)

Acceptable Solution A1 requires that stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. There is no public stormwater infrastructure in the proposed to connect to the runoff of the covered deck. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that stormwater from new impervious surfaces must be managed by any of the following:

- (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles*

The proposal does not include an on-site soakage trench.

- (b) collected for re-use on the site*

Stormwater from impervious surfaces is proposed to be collected in a stormwater detention tank for re-use on the site.

- (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.*

There is no public stormwater infrastructure proposed to connect to the stormwater tank.

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

The proposal complies with the acceptable solutions for all the remaining applicable standards of the Code, as detailed at Appendix C.

PART F: Specific Area Plans

No Specific Area Plan applies to the site.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has reviewed the proposal and made comment:

The application is for an extension to the existing library and deck.

The proposal will have no impact on the public infrastructure available to the site.

E5.0 Road and Railway Assets Code

The development complies with Code E5 Road and Railway Assets Code; and the safety and efficiency of the road is not expected to reduce by the proposed development. The development is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements and therefore complies with the Acceptable solution A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with A1 and A2 under the Clause E5.6.2.

E6.0 Parking and Access Code

The proposed addition and refurbishment will not impact the amount of student or staffing numbers, therefore no increase in parking is required.

The development complies with Code E6 Parking and Access Code and is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

E7.0 Stormwater Management Code

This code applies to development requiring management of stormwater. This code does not apply to use.

Other

E3.0 Landslide Code

There is an area identified as susceptible to landslip on the property, this small area is not within the site proposed for the building extension.

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

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

E15.0 Inundation Prone Areas Code

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

EXTERNAL REFERRALS

TasWater

The proposal was referred to TasWater and no objection was received subject to standard conditions.

Tasmania Fire Service

The proposal was referred to Tasmania Fire Service and no objection was received subject to the submitted bushfire hazard management plan and bushfire emergency plan being implemented.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with zero representations being received.

CONCLUSION

The proposal relies on performance criteria for compliance with the standards for E1.5.1.1 A1 Use standards for vulnerable uses. In regards to the Bushfire-Prone Areas Code, two conditions requiring the use be carried out in accordance with the submitted bushfire hazard management plan and emergency management strategy are recommended for the proposal to satisfy the standard.

The proposal is assessed as complying with all other use and development standards in the Community Purpose Zone, as well as the applicable standards of the Bushfire-Prone Areas Code, Road and Railway Assets Code, Parking and Access Code and Stormwater Management Code. The application was publicly advertised for the statutory 14-day period and one representation was received. It is concluded that the proposal is consistent with the requirements of the Scheme and is satisfactory.

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

Recommendation:

That a permit be granted for the proposed use and development of Library extension and deck at St Virgils College 195-229 Main Road Austins Ferry subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-21-228 and drawings submitted 27/04/2021, except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2021/00796-GCC, dated 26/05/2021, form part of this permit.
3. The submitted Bushfire Hazard Management Plan for St. Virgil's College, dated 23/02/2021, forms part of this permit. The approved use is to be carried out in accordance with this plan.
3. The submitted Bushfire Emergency Plan for St. Virgil's College, approved 25/02/2021 by the Tasmania Fire Service, forms part of this permit. The approved use is to be carried out in accordance with this plan.

Engineering

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

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

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

5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. 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. To demonstrate that the proposed works will not impinge of the current parking availability a construction management plan identifying proposed site sheds locations, construction personnel parking and storage areas is to be submitted with the building application for approval

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the *Building Act 2016* are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 6216 6800.

Engineering

The designer must ensure that the needs of all providers including TasWater, TasGas, TasNetworks, and Telstra are catered for both in the design and construction of the works. Underground service providers should be contacted for line marking of their services and any requirements or conditions they may have prior to commencing any works on site. Phone 1100, Dial Before You Dig or visit www.dialbeforeyoudig.com.au for information on the location of underground services and cables in relation to the proposed development prior to commencing any works.

Bushfire risk

The site is in an area identified as being in a bushfire-prone area. You are advised to ensure the development complies with any bushfire hazard management requirements specified by the Tasmanian Fire Service. If any changes to the approved plans are proposed, an application to amend the existing planning permit, or to request a new planning permit, may be required.

Attachments/Annexures

- 1 PLN-21-228 Library Extension St. Virgils



APPENDIX A**17.0 Community Purpose Zone**

Standard	Acceptable Solution	Proposed	Complies?
17.3 Use Standards			
17.3.1 Hours of Operation	A1 Hours of operation must be within: (a) 8.00 am to 8.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 6.00 Saturdays; (c) 10.00am to 5.00pm Sundays and Public Holidays; except for office and administrative tasks.	The application nominates operating hours as school hours.	Yes

Standard	Acceptable Solution	Proposed	Complies?
17.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	The location of the infill under the existing library would be 150m+ from residential development and it is not considered that noise limits would be exceeded.	Yes
	A2 External amplified loudspeakers or music must not be used within 50 m of a residential zone, except if a school system used for school announcements.	Not within 50m of a residential zone.	N/A
17.3.3 External Lighting	A1 External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must comply with all of the following: (a) be turned off between 9:00 pm and 6:00 am, except for security lighting;	Not within 50m of a residential zone.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.		
	A2 Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	No flood lights proposed.	N/A
17.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5 pm Saturdays (c) 10.00 am to 12 noon Sundays and Public Holidays.	Not within 50m of a residential zone.	N/A
17.3.5 Discretionary Use	A1 No Acceptable Solution	Permitted use.	N/A
17.4 Development Standards for Buildings and Works			
17.4.1 Building Height	A1 Building height must not be more than: 10m.	The proposed development does not alter the existing height of the Library building.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not within 10m.	N/A
17.4.2 Setback	A1 Building setback from frontage must be must be no less than: (a) 5m; or (b) the alignment of adjoining buildings; whichever is the lesser.	No change. Nearest boundary is 113m away. More than 5m.	Yes
	A2 Building setback from a residential zone must be no less than: (a) 3 m; (b) half the height of the wall, whichever is the greater.	Not adjoining residential zone.	Yes
	A3 Building setback for buildings for sensitive use must comply with all of the following: (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.	a) Not within 100m of Rural Resource b) Not within 100m of Significant Agriculture	N/A
17.4.3 Design	A1 Building design must comply with all of the following:		Yes

Standard	Acceptable Solution	Proposed	Complies?
	(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place.	The addition would be to the floor level of the existing Library and external deck 10m to the north. No new roof-top services or miscellaneous plant are proposed.	
	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	Not facing residential zone.	N/A

Standard	Acceptable Solution	Proposed	Complies?
17.4.4 Passive Surveillance	A1 Buildings design must complying with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 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.	The main pedestrian access is existing and is clearly visible. The Library front façade would not be altered. The proposed additions would not create entrapment spaces. No new parking areas or pathways are proposed.	Yes
17.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.	No change proposed to frontage.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than 2 m.	Not near residential boundary.	N/A
17.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	Outdoor storage is not proposed.	N/A
17.4.7 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.	Not proposed.	N/A

APPENDIX

E1.0 Bushfire-Prone Areas Code

Standard		Acceptable Solution	Proposed	Complies?
1.5 Use Standards				
E1.5.1.1 Standards for vulnerable uses	A1	No Acceptable Solution		No - Discretion
	A2 An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering: (a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and f (b) the ability of occupants of the vulnerable use to: (i) protect themselves and defend property from bushfire attack; (ii) evacuate in an emergency; and		Tasmania Fire Service has confirmed its support for the emergency plan provided.	Yes

Standard		Acceptable Solution	Proposed	Complies?
		(iii) understand and respond to instructions in the event of a bushfire; and (c) any bushfire protection measures available to reduce risk to emergency service personnel.		
	A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.		Tasmania Fire Service has confirmed its support for the bushfire hazard management plan provided.	Yes
1.6 Development Standards Only applies to subdivisions				

APPENDIX

E5 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	The proposed addition and refurbishment will not impact the amount of student or staffing numbers, therefore no increase in AADT.	

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

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

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

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

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	The proposed addition and refurbishment will not impact the amount of student or staffing numbers, therefore no increase in parking is required..	NA
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.	The proposal does not impact parking provisions.	NA
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods	The proposal does not impact parking provisions.	NA

Standard	Acceptable Solution	Proposed	Complies?
	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.		
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	The proposal does not impact parking provisions.	NA
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Existing approved access to be utilised	NA
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		NA

Standard	Acceptable Solution	Proposed	Complies?
	Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.	The proposal does not impact access or parking provisions	NA
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.	The proposal does not impact access or parking provisions	NA
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	The proposal does not impact access or parking provisions	NA

Standard	Acceptable Solution	Proposed	Complies?
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	The proposal does not impact access or parking provisions	NA
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	The proposal does not impact access or parking provisions	NA
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	The proposal does not impact access or parking provisions	NA
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	The proposal does not impact access or parking provisions	NA

Standard	Acceptable Solution	Proposed	Complies?
	2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		
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.	The proposal does not impact access or parking provisions	NA
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.	The proposal does not impact access or parking provisions	NA
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	The proposal does not impact access or parking provisions	NA
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		NA

Standard	Acceptable Solution	Proposed	Complies?
	proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.		
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.	Construction Management plan will ensure a designated area is utilised during the construction period.	NA
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		YES

APPENDIX

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Existing infrastructure will be utilised	YES
	A2		NA

Standard	Acceptable Solution	Proposed	Complies?
	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 m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	New impervious area does not exceed 600m ² .	
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	The run-off from the new roof area can be accommodated within the existing system	YES
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		NA