

GLENORCHY PLANNING AUTHORITY AGENDA

THURSDAY, 10 AUGUST 2017



GLENORCHY CITY COUNCIL

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

Chairperson: Commissioner Sue Smith

Hour: 9.00 a.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 24 July 2017 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - VEHICLE PARKING AREA FOR MULTIPLE DWELLINGS (RESIDENTIAL) RELYING ON PERFORMANCE CRITERIA - 5 MAYHILL COURT, WEST MOONAH

Author: Senior Statutory Planner (Vanessa Tomlin)
Coordinator, Planning Services (Kylie Williams)

Qualified Person: Senior Statutory Planner (Vanessa Tomlin)
Coordinator, Planning Services (Kylie Williams)

Property ID: 1937081

REPORT SUMMARY:

<i>Application No.:</i>	PLN-17-161
<i>Applicant:</i>	Cleland Enterprises Pty Ltd
<i>Owner:</i>	Cleland Enterprises Pty Ltd
<i>Zone:</i>	General Residential
<i>Use Class</i>	Residential (Multiple Dwellings)
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	E6.7.5 Layout of Parking Areas (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	10 Aug 2017
<i>Representations:</i>	4
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The scope of the proposal encapsulates the parking and manoeuvring arrangements of the multiple dwelling use and development. Previously, five multiple dwellings were approved at 5 Mayhill Court, West Moonah, where the parking, access and manoeuvring areas were to be designed and constructed to meet the applicable Australian Standard.

Post construction, the use of the garages for dwellings 1 and 2 are compromised by an average slope gradient of 28%, leading into the garages. As a result, an alternative parking arrangement is proposed to support the use of the site.

The proposed parking for five spaces is proposed to be situated within the 7.2m wide battle-axe handle access driveway. This access driveway is a right of way in favour of 1-5/3 Mayhill Court and 5 Mayhill Court, with reciprocal rights, as shown on the folio plan and schedule of easements of the certificate of titles.

The parking spaces are to be 2.4m in width and a total length of 29.7m. The layout of the parking spaces is shown on plan number P4. The parking spaces are to be wholly contained within the access driveway and no alteration to the existing curb, formed pavement or the retaining wall is proposed (Fig. 1).

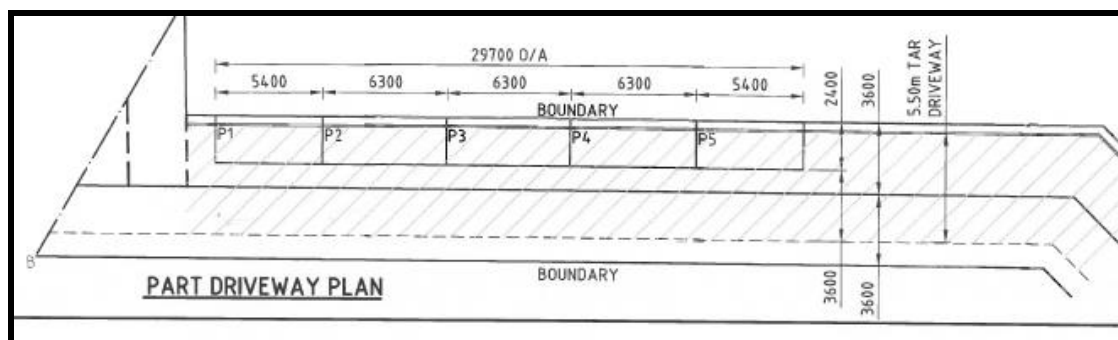


Figure 1. A snapshot of the proposed parking arrangement located in the access way

SITE and LOCALITY

The proposal site, 5 Mayhill Court is an internal lot with access from Mayhill Court, has an area of 3026m² and supports five dwellings.

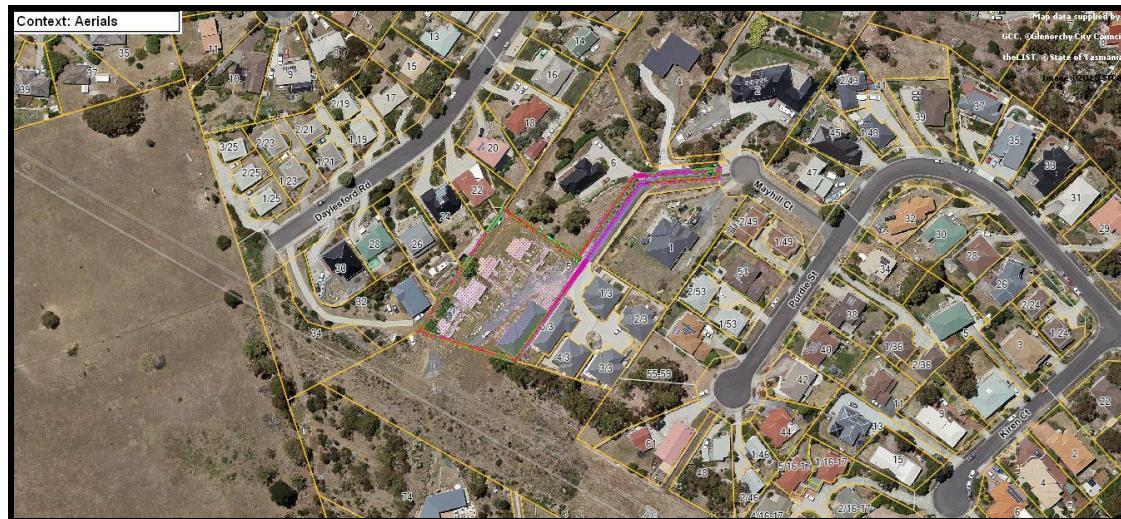


Figure 2. An aerial view of the proposal sites and surrounds.

The site is accessed by a battle-axe handle that is subject to a reciprocal private right of way and service easement, measuring approximately 82m in length (Figure 3.)

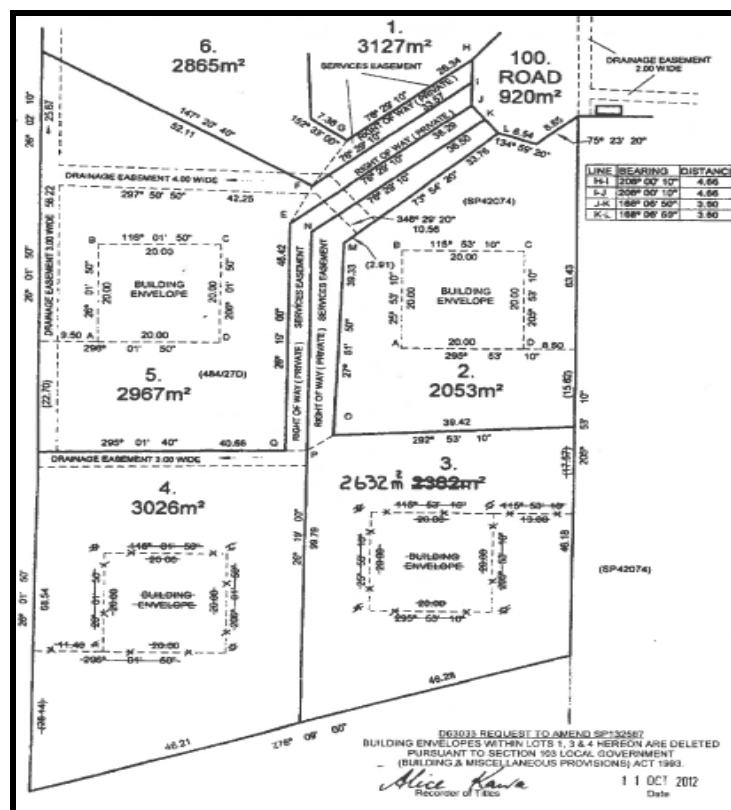


Figure 3. A snapshot of the certificate of title showing the reciprocal right of way servicing lot 4 (5 Mayhill Court).

The site is set amongst established residential use and development and borders a wayleave easement to the south. Part of the site is identified within the electricity transmission corridor, with a small portion of the south-west corner of the site within the inner protection area. The site has a slope greater than 1 in 4 and is located in an area identified with a low landslide hazard area.

ZONE

The site is situated within the General Residential zone and borders the Utility zone to the south (Fig 4.)

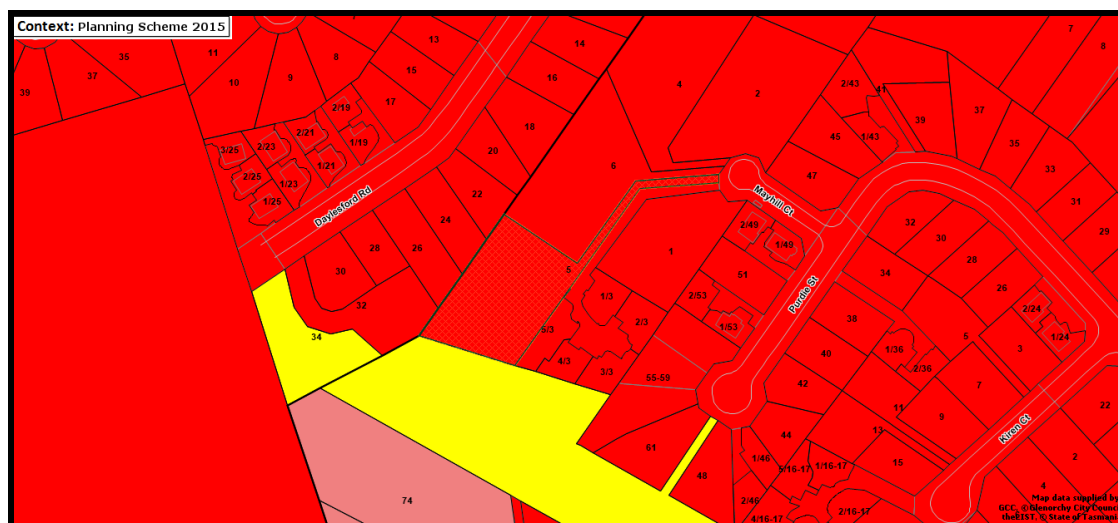


Figure 4. A snapshot of the zoning of the locality, showing the General Residential zone in red and the Utilities zone in yellow.

BACKGROUND

Applications

- PLN-14-272 Multiple Dwelling Units (5) with side boundary setback and setback between buildings discretions, approved 23/12/14. This approval involved the construction of the five dwellings on the site, with 11 parking spaces. The plans submitted by the applicant showed a maximum gradient of the driveway as approximately 1 in 5 (20%) and all vehicles could turn onsite and exit the property in a forward direction, in accordance with the Glenorchy Planning Scheme 1992. A condition was recommended where car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking.
- PLN-14-272.01 Multiple Dwelling Units (5) with side boundary setback and setback between buildings discretions, approved 15/12/16. This s56 minor amendment application involved the retrospective approval of deck additions with privacy screening to dwellings 1, 2, 3 and 4 that were constructed but did not form part of the original approval.
- BPST16/0018 Strata plan application was refused by Council pursuant to section 31(3) (a) and (b) of the *Strata Titles Act 1998*, owing to Council not being satisfied that the design and construction of the driveway, vehicle manoeuvring areas and visitor parking spaces complied with the Glenorchy Planning Scheme 1992. The refusal was appealed and mediation resulted in the submission of a fresh application to consider the re-arrangement of parking areas to ensure compliance.

Land Use Planning and Approvals Act 1993 (the Act)- land the subject of the application.

When the application was submitted careful consideration was given to ensure that the proposed development in the access strip would still enable continuous unencumbered access to the site(s). It was initially Council's view that the proposal relied on the whole width of the right of way shared with 1-5/ 3 Mayhill court and that 1-5/3 Mayhill Court could form part of the application, owing to the reciprocal right of way. For that reason titles to the adjoining land were requested and consideration was given to whether notice of the development had properly been given in accordance with S52 of the Act. This issue affects the validity of an application and subsequent determination may have been at risk if this requirement was not satisfactorily fulfilled.

Additionally the Act defines the owner in relation to land, to include a person who has a prescribed interest. And the owners of 1-5/3 Mayhill Court could be seen as having an interest in the common property, which includes the right of way.

In order to clarify if Council could consider the application as being valid without including other land also subject to the right of way and therefore able to be determined, further legal advice was sought. This advice confirmed the application was suitable for a determination to be made

S57 (6A) Applications for discretionary permits

Four representations were received during the advertising period. As a result of this, an extension to the assessment timeframe was requested of the applicant, to enable the application to be determined by the Glenorchy Planning Authority at the next scheduled meeting (21/8/17). As the applicant refused to grant an extension of time for the proposal it must be determined at this meeting (10/8/17).

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

No general exemptions apply to the assessment of this application.

Limited Exemptions

No limited exemptions apply to the assessment of this application.

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

No SAP or Code provisions conflict with Zone provisions in this assessment.

Use Class Description (Table 8.2):

The use class is Residential. 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):

Terms in this planning scheme have their ordinary meaning unless they are defined in the Act or specifically defined in subclause 4.1.3 or in a code in Part E or a specific area plan in Part F.

Access means land over which a vehicle enters or leaves a road from land adjoining a road.

Access strip means land, the purpose of which is to provide access to a road.

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

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

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

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.

Development means as defined in the Act. The Act defines development to include:

- (a) the construction, exterior alteration or exterior decoration of a building; and
- (b) the demolition or removal of a building or works; and
- (c) the construction or carrying out of works; and
- (d) the subdivision or consolidation of land, including buildings or airspace; and
- (e) the placing or relocation of a building or works on land; and
- (f) the construction or putting up for display of signs or hoardings –

but does not include any development of a class or description, including a class or description mentioned in paragraphs (a) to (f), prescribed by the regulations for the purposes of this definition.

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

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 two or more dwellings on a site.

Use means as defined in the Act. The Act states that use, in relation to land, includes the manner of utilising land but does not include the undertaking of development.

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

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

- 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.

The proposal is for the use of carparking for multiple dwellings, which is a permitted use within the zone. The planning authority is to have regard to the purpose of the General Residential zone and the purpose of any code, for discretionary use only, in accordance with Clause 8.10.2. Throughout the assessment, the proposal complies with the applicable use standards through the acceptable solutions. Therefore, the zone and code purpose statements do not have any determining weight for this application.

Use Table

The Residential use class is listed as no permit required, permitted and discretionary within the General Residential zone. The individual use of multiple dwellings is a permitted use within the zone.

It is noted that the application requires discretionary consideration. However, the discretionary consideration is limited to each applicable standard, where the application relies upon a performance criterion to comply with that standard (Clause 7.5 and Clause 8.8.1).

Use Standards

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

Development Standards for Residential Buildings & Works

The application is for the re-location of parking areas and does not extend to the assessment of previously approved development. As such, 10.4 Development Standards for Residential Buildings and Works are not applicable standards for consideration.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E3.0 Landslide Code

This code applies to development for buildings and works on land within a Landslide Hazard Area. The site is identified as being located within the Low Landslide Hazard Area (Fig. 5).



Figure 5. A snapshot of planning scheme map E3 Landslide Hazard Area (Low) – LISTmap showing the site as being within the Low Landslide Hazard Area.

The proposal is in association to buildings within a Low Landslide Hazard Area. Accordingly, the proposal is exempt from assessment under this code in accordance with Clause E3.4 (c), where buildings within a Low Landslide Hazard Area are exempt from this code.

Road and Rail Asset Code

Not relevant to the assessment of this application as there will be no overall change to the number of carparking spaces or vehicle movements relating to the site.

E6.0 Parking and Access Code

E6.6.1 Number of Car Parking Spaces

Pursuant to Table E6.1, eleven parking spaces are to be provided for five multiple dwellings containing two or more bedrooms and one additional space is to be dedicated to visitor parking. Council's Development Engineer has provided detailed comment in this regard within the internal referrals section of this report. However, in summary, two parking spaces each are to be provided in the double garages of dwelling 3 and 4, and one space is to be provided in the single garage of dwelling 5. Two visitor parking spaces are to be retained on and four parking spaces are recommended within the right of way. Accordingly, the proposal satisfies the acceptable solution and complies with the standard.

E6.7.3 Vehicular Passing Areas Along an Access

Given the 7.2m width of the access strip and the 5.5m wide formed pavement, there is an opportunity for passing bays to be provided at the frontage and every 30m interval thereafter. The proposal is assessed as satisfying the performance criteria and complies with the standard.

E6.7.4 On-Site Turning

An on-site turning area is proposed in front of dwelling 4. Council's Development Engineer has reviewed the proposal and is satisfied that the proposal can comply with the acceptable solution of the standard.

E6.7.5 Layout of Parking Areas

The proposal is assessed as not complying with the acceptable solution where 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 relies on performance criteria to comply with standard.

The objective of the standard is to ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.

The performance criteria requires the layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.

E7.0 Stormwater Management Code

Council's Development Engineer has reviewed the proposal and is satisfied that There are no stormwater mains affected by this application; and the stormwater drainage arrangement is provided.

E8.0 Electricity Transmission Infrastructure Protection Code

A portion of the site is identified as being within the electricity transmission corridor (Fig. 6).

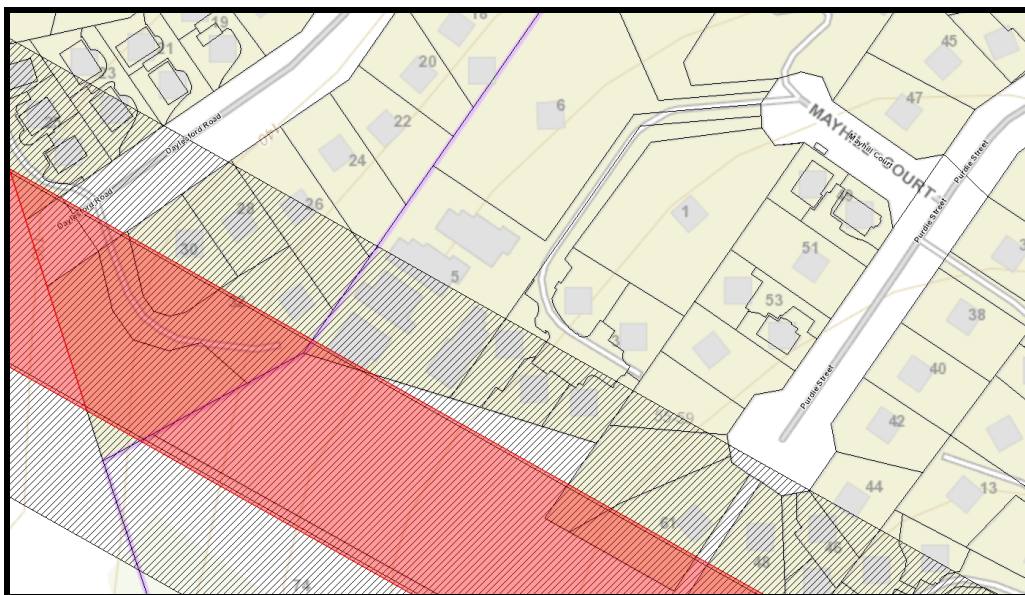


Figure 6. An excerpt from the planning scheme maps showing the area of land within the electricity transmission corridor and inner protection area.

For the purpose of this code, the electricity transmission corridor (ETC) means land that is identified on the planning scheme maps as being within the ETC overlay (E8.3.R1). E8.3.R1 incorporates:

- (a) land within 60m of the centreline of an existing overhead electricity transmission line;
- (b) land within 10m of an unregistered wayleave (and including the wayleave), whether associated with an existing transmission line or not; and
- (c) land within 10m of the centreline of underground cabling used for, or associated with, electricity transmission.

Clause E8.7.1 Development within the electricity transmission corridor is applicable. The proposal is assessed as complying with the acceptable solution as the development subject to this application is not within the inner protection area.

PART F: Specific Area Plans

No Specific Area Plan applies to the assessment of this application.

INTERNAL REFERRALS

Development Engineer

The developer proposes 5 parking spaces along the Right of Way of 5 Mayhill Court whereas the total numbers of parking spaces required is only 4 spaces – 2 spaces per each dwelling for unit 1 and 2. The number of parking spaces will be conditioned for 4 parking spaces only to minimise the length of the narrow driveway. The existing formed driveway width is 5.5 metre wide and with the minimum parking space width of 2.1 metres as required by the Australian Standard; this equals to 3.4 metre wide driveway for the length of 4 parallel parking spaces. The width of 3.4 metre complies with the AS 2890.1 – 2004 access, driveway and parking width for a Class 1A (residential) of a 'local' road type to cater for less than 25 parking spaces.

The arrangement results in the use of the Right of Way serving no. 3 Mayhill Court as a driveway and passing bays area. The agreement for this use is a civil matter between two parties of 3 and 5 Mayhill Court.

The on-site turning area is to be provided in front of the unit 4 where the grades of driveway are less steep at approximately 12% when compared to the rest of the driveway within the subject site.

A total of 5 representations were received which raised issues of traffic congestion, safety for residents and pedestrians, width of the driveway, decrease in property value, use and maintenance of the driveway. My response to the driveway arrangement and safety is that while the arrangement for parallel parking along the Right of Way may create traffic congestion while cars are passing; the proposal does comply with the minimum requirements under GIPS and AS 2890.1 – 2004. The proposed arrangement will not increase any impact to pedestrian access and there is no standard provision for pedestrian use. While Council cannot govern the behaviour, it is often the case that people tend to drive with more care and less speed while passing along the narrow sections of the driveway. The other concerns which was also raised by the representors such as property value, use and maintenance of the driveway, unfortunately, are neither planning nor engineering issues that can be considered as part of this application.

Based on information received and site inspections, it is considered that the site is capable of being developed subject to the following conditions.

Transport Engineer

Council's Transport Engineer has not been able to provide his comments in full at the time of the preparation of the report. He will be present at the meeting.

EXTERNAL REFERRALS

TasWater

The proposal was not referred to TasWater for consideration because the proposal is not expected to impact TasWater infrastructure.

REPRESENTATIONS

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

1. Private Right of Way

The representor(s) are concerned that the proposed parking in the right of way is of no benefit to them and will restrict vehicle and pedestrian access along the driveway. This is because the proposed parking spaces will block part of what they believe is an already narrow driveway, making it unsafe owing to congestion of traffic on the driveway and within turning areas.

Planner's Comment:

The reciprocal right of way extends over the land marked as KLMOPN and JKNPQE on the folio plan and affords the right of carriage way for both parties equally and does not limit the right of carriage way to one side or another of the driveway. The parties to the right of way are the owners of 1-5/3 Mayhill Court and the owner and successors of 5 Mayhill Court.

The right of way has a total width of 7.2m, with a formed pavement width of 5.5m. The Australian Standards AS2890.1 Off-street Parking, 2004 require an access driveway width to be a minimum of 3m to 5.5m, based on a Class 1A (residential); a frontage road type – 'local'; and an access servicing less than 25 parking spaces. In addition, the parking space dimensions requirements are a minimum width of 2.1m and a 0.3m minimum clearance at the side of the parking space (or footpath adjacent); centre spaces with a minimum length of 6.3m and end spaces with a minimum length of 5.4m. Passing bays must be every 30m.

The proposed width of the parking area plus the minimum width of the access driveway is to be 5.4m. As such, the proposed parking spaces can fit within the formed pavement section of the right of way, without obstructing the carriage way for the purpose of access to 1-5/3 Mayhill Court and 5 Mayhill Court. The proposed length of the parking spaces is 29.7m and the individual lengths of the spaces comply with the Australia Standard, as above. Passing bays are to be 5.5m wide and 6m in length and there is the opportunity for such passing bays to be spaced at intervals of 30m along the access driveway. The proposal therefore, complies with the Australian Standard in this regard and complies with the planning scheme.

Notwithstanding this compliance with the standards, Council's legal advice suggests that any potential use of the right of way that may breach the rights of carriageway over the properties on the title can not be considered by the Planning Authority and is a civil matter. It is suggested that an advice clause to this effect be included on any permit should the application be approved.

2. What if the applicant is not the owner

The representor(s) claim that the applicant did not notify them, either verbally or in writing, of the intention to make the application.

Planner's Comment:

When the applicant is not the owner of land to which a planning permit is required, the applicant must notify the owners of that land of the intention to make the application. In addition, the applicant must include in the application for the permit a declaration that the applicant has notified the owner of the intention to make the application, in accordance with s52 of the Act.

As this issue has been in dispute Council sought the legal advice discussed under the previous section to determine if the land at 1-5/ 3 Mayhill Court needed to be considered as a part of the application and therefore whether the above lack of notification prevented the application from being determined.

3. Property value

The representor states that the proposed changes to the status quo is stressful, chaotic, and unsafe and will have a negative impact on the value of our property.

Planner's Comment:

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

4. Maintenance and insurance

The representor(s) claim that the section of the right of way, marked as KLMOPN on the folio plan is shared between the owners of 1-5/3 Mayhill Court and these owners are responsible for the maintenance and insurance of this land. The representors raise concern about the proposed parking would obstruct access, which will cause the occupants of the dwellings at 5 Mayhill Court to use their side of the right of way. Furthermore, the representors claim that the occupants of the dwellings at 5 Mayhill Court do not have to pay to maintain or insure the section of the right of way, marked as KLMOPN.

Planner's Comment:

Whilst this may be a valid concern, the maintenance and insurance of a reciprocal right of way is a civil matter that is not able to be considered under the planning legislation.

5. The proposal conflicts with the provisions of the planning scheme

The representor(s) state that the proposal is contrary to the purpose of E6.0 Parking and Access code, as well as E6.7.1 Design of vehicular access standard and E.6.7.7 Lighting of Parking Areas standard.

Planner's Comment:

As the use of the site is discretionary, the purpose of E6.0 Parking and Access Code cannot be considered with determining weight for the application. However, the thorough assessment of the application has revealed that the access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles and that adequate parking is provided for the reasonable needs of the users of the site.

Considering that the proposed parking is able to fit within the formed driveway and allow vehicle passage past the parking area, any potential adverse impact to the amenity of the site is minimised. The proposal is assessed as not being in conflict with the purpose of E6.0 Parking and Access Code.

Council's Development Engineer has reviewed the proposal and is satisfied that the proposal can comply with E6.7.1 Design of Vehicular Access standard and E.6.7.7 Lighting of Parking Areas standard. Further comment is within the 'internal referrals' section of this report.

CONCLUSION

The proposal is relying on the performance criteria to comply with the E6.7.5 Layout of Parking Areas standard. The proposal is assessed as satisfying the performance criteria and complies with the applicable standard. The proposal is assessed as complying with all other use and development standards in the General Residential Zone, as well as the relevant standards of the Parking and Access Code and Stormwater Management Code. The application was publicly advertised for the statutory 14-day period and four representations were received. The concerns raised in the representations have been taken into consideration through the assessment of the application.

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

Recommendation:

That a permit be granted for the proposed use and development of Vehicle parking are for multiple dwellings (Residential) relying on performance criteria at 5 Mayhill Court West Moonah subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-17-161 and Drawing No. P3 submitted on 17 July 2017 and Drawing No. P4 submitted on 18 July 2017, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

Engineering

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

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

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

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 shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost.
6. The design and construction of the driveway, parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 – 2004, to the satisfaction of the Council's Development Engineer. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to service mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway, access and parking must comply with the following:-
 - Be constructed to a sealed finish;
 - Minimum width must be 2.1 metre with 300 mm wide unobstructed by fences, walls or columns and comply with *Figure 2.5 – MINIMUM SPACE LENGTH AND AISLE WIDTH COMBINATIONS FOR PARALLEL PARKING MANOEUVRE* of AS 2890.1 – 2004;
 - Four (4) clearly marked car parking spaces must be provided in accordance with the AS 2890.1 – 2004, and kept available for these purposes at all times;
 - Appropriate signage must be provided with caution for steep driveway and for clarifying the "turning area" in front of the unit 4 at the end of the driveway;
 - The gradient of any parking areas must not exceed 5%; and
 - Minimum carriageway width is to be no less than 3.4 metres with passing bays of 5.5 metre wide for each interval of no more than 30 metre long.

To comply with the above requirements, the developer must submit drawings demonstrating compliance with the requirements to the satisfaction of Council's Development Engineer prior to the issuing of the Building Permit and/or the commencement of works (whichever occurs first). 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.

- The Applicant is advised to investigate that sufficient rights exist for the resultant use of the right of carriageway over the property held by 3 Mayhill Court, and Lots 5 and 6 on SP 132587 (6 and 4 Mayhill Court respectively), so as not to result in a breach of these rights.
- 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.

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.

Attachments/Annexures

- 1  Attachment - 5 Mayhill Court

APPENDIX**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.		NA
	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) (LMax) 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.		NA
	A3 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;		NA

	(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; (c) 9.00 am to 12 noon Saturdays; (d) nil on Sundays and Public Holidays.		NA
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 .		NA
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .		NA
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings.	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	NA	NA

10.4.2 Setbacks and building envelopes for all dwellings:	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		NA
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or		NA

	(c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.		
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		NA

10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.		NA
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and		NA

		(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight overshadowing dwelling	and of all	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).		NA
		A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and		NA

	(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.		NA

	(c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).		NA
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or		NA

	(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.		
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m		NA

	above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.		NA
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).		NA
10.4.8 Waste Storage for multiple dwellings.	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations:		NA

	(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.		
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Appendix

E6.0 Parking and Access Code

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.		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 sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		N/A
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		Yes
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;		Yes

Standard	Acceptable Solution	Proposed	Complies?
	(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.		
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		Yes
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.		Yes
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.		N/A
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.		N/A

Standard	Acceptable Solution	Proposed	Complies?
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.		N/A
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.		N/A
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		N/A
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and		Yes

Standard	Acceptable Solution	Proposed	Complies?
	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.		
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.		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