

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 12 AUGUST 2019



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 K. Johnston

Hour: 5.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 15 July 2019 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO STORAGE (WAREHOUSE) AND EXTENSION OF OPERATING HOURS - 4A KNOLL STREET, GLENORCHY

Author: Planning Officer (Bhavna Gungabison)

Qualified Person: Planning Officer (Bhavna Gungabison)

Property ID: 5379339

REPORT SUMMARY:

Application No.:	PLN-19-124
Applicant:	Infinity Pacific Pty Ltd
Owner:	W H Chan and S P Yap
Zone:	Light Industrial Zone
Use Class	Storage
Application Status:	Discretionary
Discretions:	24.3.1 Hours of operation E6.6.1 Number of car parking spaces (surplus) (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	12 Aug 2019
Existing Land Use:	Warehouse
Proposal In Brief:	Change of use to Storage (warehouse) and extension of operating hours
Representations:	2
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for the change of use to storage (warehouse) with operating hours between 7am to 7pm during weekdays; 7am to 6pm on Saturdays and public holidays and no operation on Sundays.

The proposal involves having a maximum of three people on the site at any one time with ten commercial vehicle movements per week for goods delivery.

The warehouse is to be utilised for the storage of goods which will then be displayed and sold at an existing general retail and hire (shop) premise on Main Road.

There are three existing car parking spaces with two staff parking proposed.

The proposal is discretionary for hours of operation and one car parking surplus.

SITE and LOCALITY

The subject site is located on the southern side of Knoll Street, approximately 96m to the east of Elwick Road, Glenorchy. The property has a front boundary of 15.24m, a maximum depth of 45.72m and a total area of 695m².

The existing building is located in the middle and extends to the rear of the property, with vehicular access via an existing crossover and driveway along the north-west side.

The surrounding locality is characterised by a mix of industrial and residential uses. The subject site adjoins other industrial uses to the east and west. On the north side of Knoll Street there is a mixture of single dwellings and multiple dwellings within an Inner Residential zone. Knoll Street ends at the western boundary of the Royal Hobart Showground. The rear boundary of the subject site at 4A Knoll Street, adjoins 6 Knoll Street which has an existing non-conforming residential use within the Light Industrial Zone. Figure 1 below shows an aerial view of the subject site and neighbouring properties.



Figure 1: An aerial view of the subject site and surrounding locality.

ZONE

The subject site is located wholly within the Light Industrial Zone as shown in Figure 2 below.

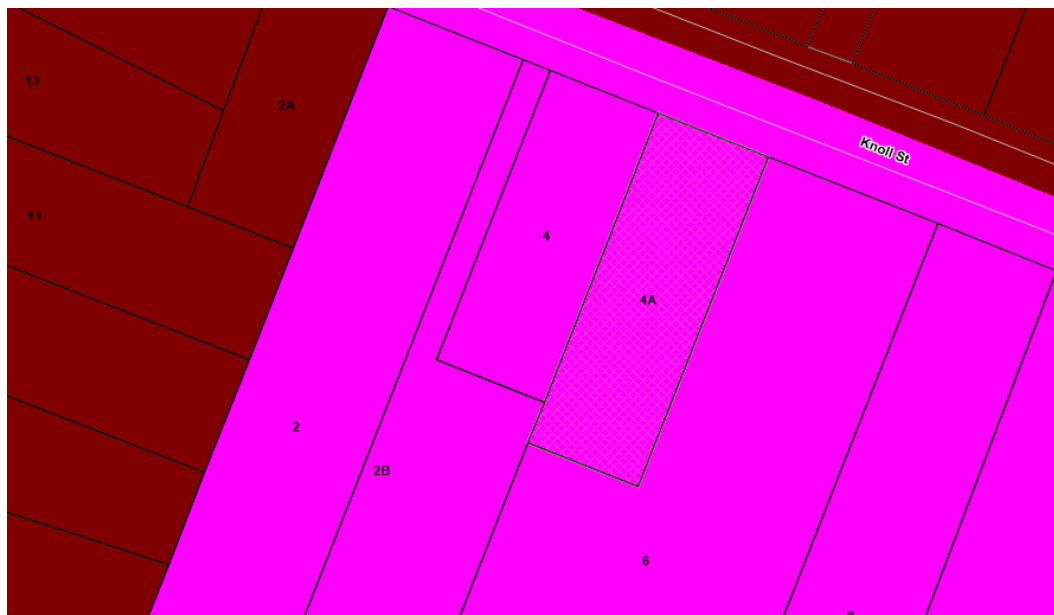


Figure 2: A snapshot of the zoning of the site (Fuchsia- Light Industrial Zone; Maroon – Inner Residential Zone)

BACKGROUND

DA 32/87 – construction of two workshops – Approved 22/04/87

DA 233-99 – Warehouse and workshop – Approved 02/12/99

PLN-02-01250-01 - Furniture Storage (Warehouse) – Approved 14/06/02

Condition no. 2 stated, 'The use may operate only between the hours of 7.00am to 6.00pm Monday to Friday inclusive and 9.00am to 1.00pm Saturday'.

PLN-08-0361 - Internal alterations to existing warehouse (self-storage facility) requiring variation to carparking requirements – Approved 27/01/09

PLN-15-248 - Change to operating hours – Withdrawn

PLN-16-172 - Extension of hours of operation for Warehouse (Storage) at 2 and 4A Knoll Street - Withdrawn

Relevant background information:

Investigation through compliance action has revealed that the planning permit issued in 2009 for a self-storage facility at 4A Knoll Street was not acted upon and the permit has therefore lapsed.

The current permit in place for the land is the PLN-02-01250.01 for furniture storage warehouse with operating hours of 7.00am to 6.00pm Monday to Friday inclusive and 9.00am to 1.00pm Saturday.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No SAP applies.

No conflict between zone and code

Use Class Description (Table 8.2):

Storage means the use of land for storage or wholesale of goods and may incorporate distribution. Examples include boat and caravan storage, contractors' yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and wood yard.

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.

Hours Of Operation means the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

24.1.1.1

To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

24.1.1.2

To promote efficient use of existing industrial land stock.

24.1.1.3

To minimise land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones.

24.1.1.4

To provide industrial activity with good access to strategic transport networks.

Comment:

The proposed increase to the hours of operation for 4A Knoll Street, Glenorchy is for an existing warehouse which had previous approval for furniture storage. The proposal involves the storage of goods on the premise and is assessed as causing minimal impact off-site and conditions have been recommended to minimise conflict and impact on residential amenity on neighbouring land. Additionally, the proposal would promote the use of existing industrial land and would be similar in use to other uses within the Light Industrial Zone.

The proposal is therefore considered as being consistent with the purpose of the Light Industrial Zone.

Use Table

The proposed warehouse(storage) use is permitted within the Use Table 24.2. The Use Table also specifies that any permitted use is a 'no permit required' use if it is replacing an existing use on the site and there is no development requiring a permit. The previous active permit for the site is for furniture storage and the change of use to general storage qualifies for a 'no permit required' status.

However, the proposal involves extension of the operating hours beyond the scope of acceptable solution as per Clause 24.3.1 and for car parking surplus. The proposal is therefore assessed as discretionary.

Use Standards

Clause 24.3.1 Hours of Operation

The proposal is for an increase to hours of operation for 4A Knoll Street, Glenorchy.

The acceptable solution of Clause 24.3.1 Hours of Operation in the Glenorchy Interim Planning Scheme 2015 requires the following:

Hours of operation of a use within 100 m of a residential zone must be within:

- (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 5.00 pm Saturdays;
- (c) nil Sundays and Public Holidays.

except for office and administrative tasks.

Comment:

The application proposes hours of operation as follows:

- 7am to 7pm from Monday to Friday;
- 7am to 6pm on Saturday and Public Holidays, and
- No operation of Sundays.

The proposal exceeds the operating hours specified under acceptable solution A1 for Saturdays (for two hours in the morning and one hour in the afternoon) and Public Holidays and therefore relies on performance criteria P1, which requires the following:

Hours of operation of a use within 100 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

Comment:

The subject site is to be used for storage purposes which is not considered to be a noise generating activity within the Light Industrial zone. As part of the storage use, goods are to be delivered by a freight company, which operate on flexible timings but usually arrive between 11:30am to 3:00pm which is considered as acceptable. Additionally, the commercial vehicle movement applied for, complies with the acceptable solution for commercial vehicle movement Clause 24.3.4 as discussed in the appendix section of the report. A condition has however been recommended on permit to match the proposed Hours of Operation to ensure consistency between the standards.

The applicant has advised that the warehouse will be accessed in the morning between 7am to 7:30am to load up a small van for delivery to the retail premise located on Main Road. Additionally, after closure of the retail shop, the applicant is to come back on site to bring back stock (if any) and close the warehouse by 7pm on weekdays and 6pm on Saturdays and Public Holidays.

Clause 4.1 of the Scheme defines 'Hours of Operation' as the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.

As per the definition above, routine activities normally associated with the opening and closing of the business is not covered by the Hours of operation. Additionally, the site is not open to the general public and does not involve noise generating activities compared to those prevailing in the surrounding area. The noise levels for the storage use is assessed as meeting the acceptable solution of Clause 24.3.2 Noise standard and is therefore not taken to be a nuisance with reference to the Planning Scheme and EMPCA (Environmental Management and Pollution Control Act 1994).

The adjoining sites within the Light Industrial zone have approvals for activities ranging from manufacturing, processing, sports and recreation and service industry with various timings outside the acceptable solution. These uses may have higher noise impact as compared to the proposed storage use.

The proposal would be for the same type of use class (storage – warehouse) in the same location and would generate minimal noise. Therefore, it is considered that the proposed hours of operation are acceptable and would cause minimal impact on residential amenity of neighbouring land. Additionally, the proposal was referred to Council's Environmental Health Officer, who is in favour of the proposal and has provided comments in the referral section below.

The proposed change of operating hours is assessed as complying with the performance criteria P1.

Development Standards for Buildings or Works

There is no proposed building or works for this application.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

E6.6.1 Number of Car Parking Spaces

The existing building has a floor area of approximately 409m² and a total of four car parking spaces are required to comply with acceptable solution A1 of Clause E6.6.1 Number of Car parking spaces.

The proposal involves five(5) parking spaces on site which is more than 10% greater than the required number.

The proposal therefore relies on performance criteria P1 which requires the following:

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

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

Comment:

One car parking space is required for each 100m² of floor area of the storage warehouse. The proposed warehouse has a floor area of 409m² attributed to storage purpose and the number of car parking is therefore four (4) for the storage(warehouse) activity. As part of the proposal, five car parking spaces are proposed, which is assessed to meet the demand as the surplus will prevent regular overspill of parking onto the street.

The proposal creates a surplus in car parking and therefore the requirement for on street parking, public car parking, public transport frequency, alternative car parking arrangements and financial contribution for parking shortfall is not applicable. Furthermore, there is no historic cultural heritage significance to the site and there is no removal of significant trees for car parking provision. The proposal is assessed as complying with the performance criteria and therefore meets the standard.

The proposal was referred to Council's Development Engineer who is in favour of the proposal and has provided comments in the referral section below.

E7.0 Stormwater Management Code

There is no proposed increase to the impervious surfaces on site and therefore the code is not applicable.

PART F: Specific Area Plans

No SAP applies.

INTERNAL REFERRALS

Development Engineer

Comments

The application is change of use to Storage (warehouse) and extension of operating hours.

E5.0 Road and Railway Assets Code

This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.

The acceptable solution of the road and railway assets code is satisfied in that the traffic increase generated by the proposed change in use is less than the 40 vehicle movements and not greater than 20%.

E6.0 Parking and Access Code

This code applies to all use and development.

Four car parking spaces are required to satisfy Clause E6.6.1 Number of Car Parking Spaces of the Glenorchy Interim Planning Scheme 2015. The proposed number of Five carparking spaces are more than 10% required to satisfy the Acceptable Solution and therefore relies on performance criteria P1. The surplus of one car parking space is not expected to create any parking issue and considered to satisfy the Performance Criteria of this clause.

It is recommended a condition of the permit to include lighting of parking areas to satisfy the acceptable solution of clause E6.7.7 Lighting of Parking Areas of the Glenorchy Interim Planning Scheme 2015.

The proposal plans show that these car parking spaces appear to be in accordance with the Australian Standard for Off-street carparking AS2890.1.

It is considered there is adequate room internally within the existing building for commercial vehicles to load, unload and manoeuvre and satisfy the Acceptable Solution of clause E6.7.1.13 Facilities for Commercial Vehicles of the Glenorchy Interim Planning Scheme 2015. It is recommended a condition of approval be included to address Commercial vehicles facilities and satisfy the Acceptable Solution of this clause.

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

E7.0 Stormwater Management Code

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

The stormwater management code is not applicable to this application.

Other

E3.0 Landslide Code

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

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

There is no waterway and coastal protection issues identified that affect this application

E15.0 Inundation Prone Areas Code

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

Environmental Health Officer

Environmental Health has assessed this application. The noise generated as a result of the development is likely to be very negligible with the greatest noise emanating from the delivery vehicles reverse warning signal. Importantly, noise levels are averaged of a 15-minute period, as such the reversing of a truck before moving off is unlikely to cause an exceedance of 24.3.2 A1. It is therefore recommended that 24.3.2 A1 be placed on the permit as a condition.

EXTERNAL REFERRALS

The application was not referred externally.

REPRESENTATIONS

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

1. Use

The representor states that the use is for a retail store.

Planner's Comment:

As described within the body of the report, the storage use at the site is in conjunction with a retail store that the applicant has along Main Road. The use at 4A Knoll Street is for Storage (warehouse) purposes, while the shop on Main Road is for General Retail and Hire. The use classification of each of these premises is separate and assessed accordingly. There is no retail use proposed on the site at 4A Knoll Street.

2. Hours of Operation

The representor states that the hours of operation during early morning and late evenings are unreasonable and would cause detrimental impact upon residential amenity as warehouse is only 5-6m away from residence.

Planner's Comment:

This issue has been previously addressed under the heading "Hours of operation". Additionally, the subject site is setback at least 15m from the closest residential zone boundary. The storage use is not considered to be a noise generating activity and a condition has been recommended on the permit to meet the acceptable noise levels of the applicable standard. The surrounding area is characterised by other compatible industrial uses with similar setback from residential zones. Furthermore, whilst the proposal is for operating between 7am to 7pm on weekdays and 7am to 6pm on Saturdays and Public Holidays, the hours outside the acceptable solution is mostly for opening and closing the warehouse and for routine activities.

3. On-street loading and unloading

The representor states that commercial vehicles unload on street and cannot manoeuvre into the site when cars are parked on Knoll street.

Planner's Comment:

A permit condition has been recommended to ensure that all loading and unloading occurs on the site. Council's Development Engineer has assessed the proposal and concluded that commercial vehicles would be able to manoeuvre on the site for deliveries.

CONCLUSION

The proposal for the extension to the hours of operation at 4A Knoll Street relies on the performance criteria to comply with the hours of operation standard and number of car parking standard for one parking surplus. The proposal is assessed as satisfying the performance criteria, and therefore complies.

The proposal is assessed as complying with all other use standards in the Light Industrial Zone, as well as the applicable standards of the Road and Railway Assets code and Parking and Access Code.

The proposal was advertised for a statutory period of 14-days during which two representations were received. The representations raised issues with respect to hours of operation being detrimental to residential amenity and commercial vehicles parking on the street rather than on-site. These issues have been addressed within the report.

As a whole, the proposal is assessed as complying with the with the requirements of Schedule 1 of the *Land Use Planning and Approvals Act 1993* and the Glenorchy Interim Planning Scheme 2015, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Change of use to Storage (warehouse) and extension of operating hours at 4a Knoll Street, Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-19-124 and Drawing No. P2 submitted on 25/06/2019, except as otherwise required by this permit.
2. Hours of operation must be within:
 - a) 7:00am – 7:00pm Monday to Friday inclusive;
 - b) 7:00am – 6:00pm Saturdays;
 - c) 7:00am – 6:00pm Public Holidays (except on Good Friday and Christmas Day).except for office and administrative tasks.
3. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from the site must be within the hours of:
 - (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;
 - (b) 7:00am to 6:00pm Saturdays; and
 - (c) 9 am to 5.00 pm Public Holidays.

Engineering

4. Five (5) car parking spaces must be provided generally as shown on the approved plan, prior to the approved use. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and are always to be made available for this purpose. In areas set aside for carparking (excluding the jockey car parking space), securely fixed wheel stops, or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.
5. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
6. Commercial vehicles facilities for loading, unloading and manoeuvring must be provided on-site and within the building in accordance with Australian Standard for Off-street Parking, Part 2 Commercial. Vehicle Facilities AS 2890.2:2002 prior to the approved use.
7. Lighting must be provided for the carpark in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and installed and operational prior to the commencement of the approved use.

Environmental Health

8. Noise emissions measured at the boundary of a residential zone must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
 - (c) 65dB(A) (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.

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 62166800.

Attachments/Annexures

- 1 Appendices - 4A Knoll Street, Glenorchy



- 2 Attachments - 4A Knoll Street, Glenorchy



**6. PROPOSED USE AND DEVELOPMENT - GARAGE (RESIDENTIAL)
- 117A TOLOSA STREET, GLENORCHY**

Author: Planning Officer (Bhavna Gungabison)
 Qualified Person: Planning Officer (Bhavna Gungabison)
 Property ID: 5398433

REPORT SUMMARY:

Application No.:	PLN-19-146
Applicant:	M J Johnston
Owner:	M J Johnston and K A Churchill
Zone:	General Residential Zone
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 Setback and building envelope (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	13 Aug 2019
Existing Land Use:	Single dwelling (Residential)
Proposal In Brief:	Garage (Residential)
Representations:	3
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for the construction of a 6m × 6m garage for the existing single dwelling at 117A Tolosa Street.

The garage is proposed to have a maximum height of 3.02m at the peak of the gable roof and is to be located at the front of the existing dwelling. The structure will have a minimum setback of 1.5m from the western boundary (rear boundary of 117 Tolosa Street) and 6.3m from the southern side boundary, as shown in Figure 1 below.

The stormwater from the new impervious surface is proposed to be disposed of via the site's existing stormwater mains connection and the proposed garage is to be setback at least 2m from an existing TasWater sewer main.

The access to the proposed garage will be via the existing access strip/right of way and no works are proposed along the access.

Due to the setback of only 1.5m from the western boundary (rear boundary of adjoining property at 117 Tolosa Street), the proposal relies on performance criteria P3 of Clause 10.4.3 Setbacks and Building Envelope.

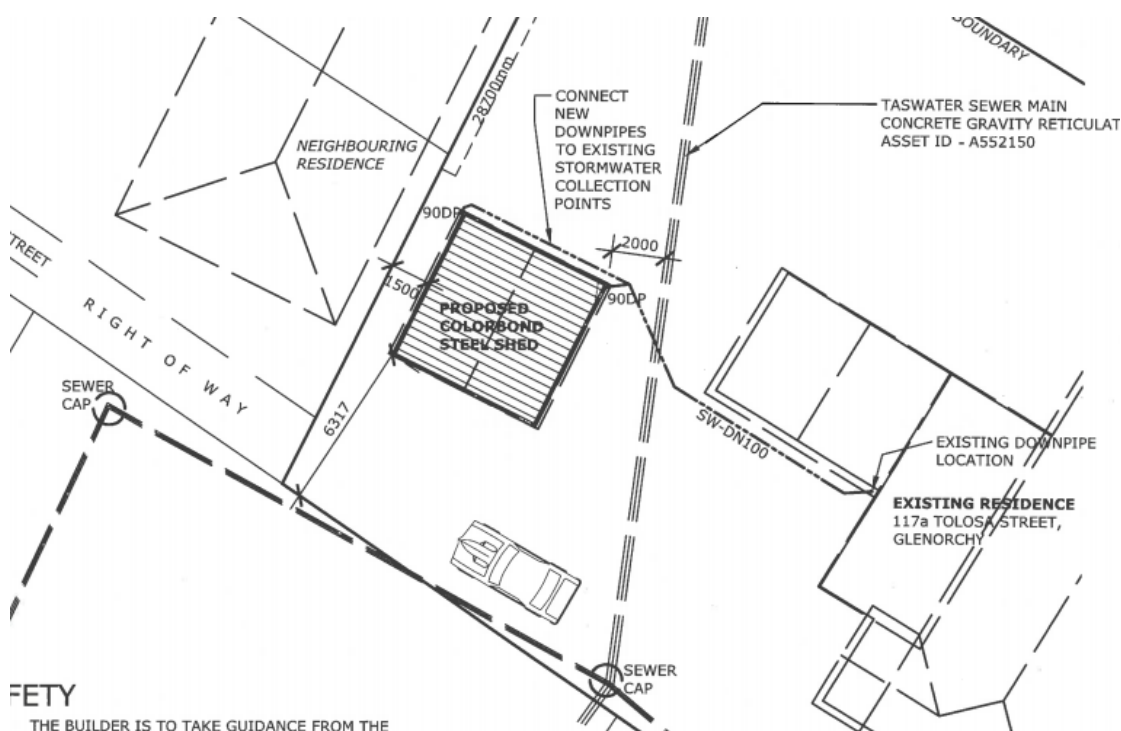


Figure 1: The proposed site plan showing garage location

SITE and LOCALITY

The subject site at 117A Tolosa Street is an internal lot which gains access to and from Tolosa Street via an existing right of way arrangement. The site is irregular in shape with an area of 1988m² and consists of an existing single dwelling and garden shed.

The surrounding locality consists predominantly of multiple dwellings developments and single dwellings to the south of the site on smaller lot sizes, as shown in Figure 2 below.



Figure 2: An aerial view of the subject site and surrounding locality.

ZONE

The subject site is wholly contained within the General Residential Zone as shown in Figure 3 below.

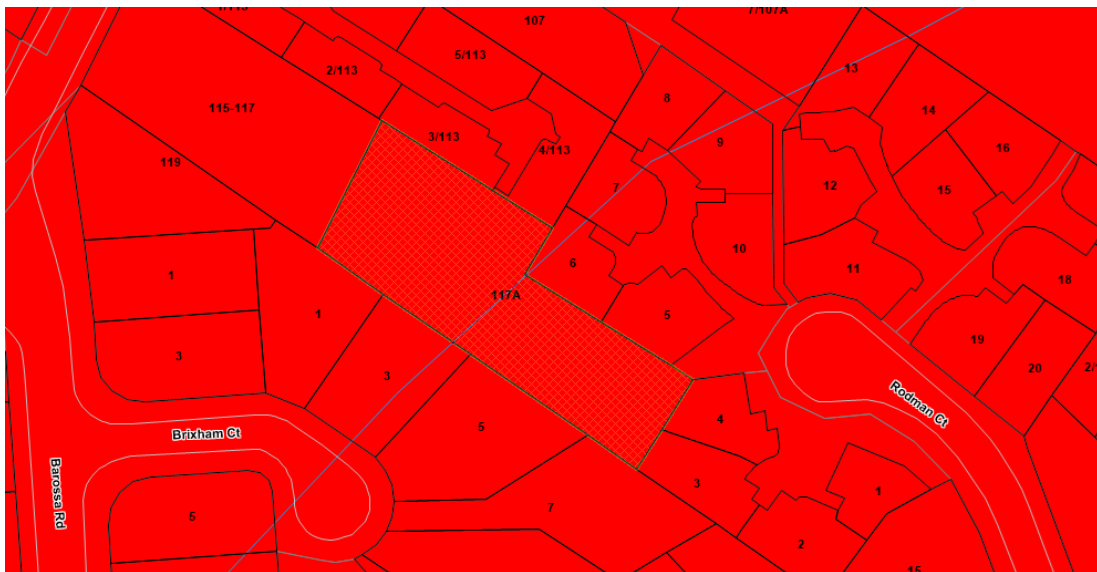


Figure 3: A snapshot of zoning of the site (Red – General Residential zone)

BACKGROUND

No background relevant to the assessment of the proposal is available.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No SAP applies.

The following codes apply and prevail over the General Residential zone provisions:

- E6.0 Parking and Access code
- E7.0 Stormwater Management code

Use Class Description (Table 8.2):

The proposed garage is associated with the single dwelling on-site, which falls under the residential use class as defined below:

Residential means the use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, homebased 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.

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

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

Part C: Special Provisions

No special provision of the Scheme applies 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.

Comment:

The proposal is for an outbuilding (garage) for an existing single dwelling on a lot within a suburban area where full infrastructure services are available. Stormwater disposal for the proposed garage will utilise an existing mains connection. The proposal therefore accords with the zone purpose.

Use Table

Residential (single dwelling) has 'no permit required' status in Use Table 10.2. However, the proposal is discretionary owing to reliance on performance criteria to comply with the standard for setbacks and building envelopes for all dwellings.

Use Standards

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

Development Standards for Residential Buildings & Works*10.4.2 Setbacks and building envelopes for all dwellings (A3)*

Acceptable Solution A3 requires a minimum distance of 4.5 m from the rear boundary of a lot with an adjoining frontage (117 Tolosa Street). A minimum setback of 1.5m from the rear boundary of 117 Tolosa Street is proposed and therefore the proposal relies on Performance Criteria P3 for compliance with the standard.

Performance Criteria P3 requires that the siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*

The proposed garage is to be located to the south-east of the adjoining dwelling at 117 Tolosa Street. The floor plan of the adjoining dwelling at 117 Tolosa Street (Figure 4 below), shows that the siting of the proposed garage would mostly impact a bathroom and laundry which are non-habitable rooms. The habitable rooms (other than bedroom) are located to the north and are not expected to be impacted by the garage addition.

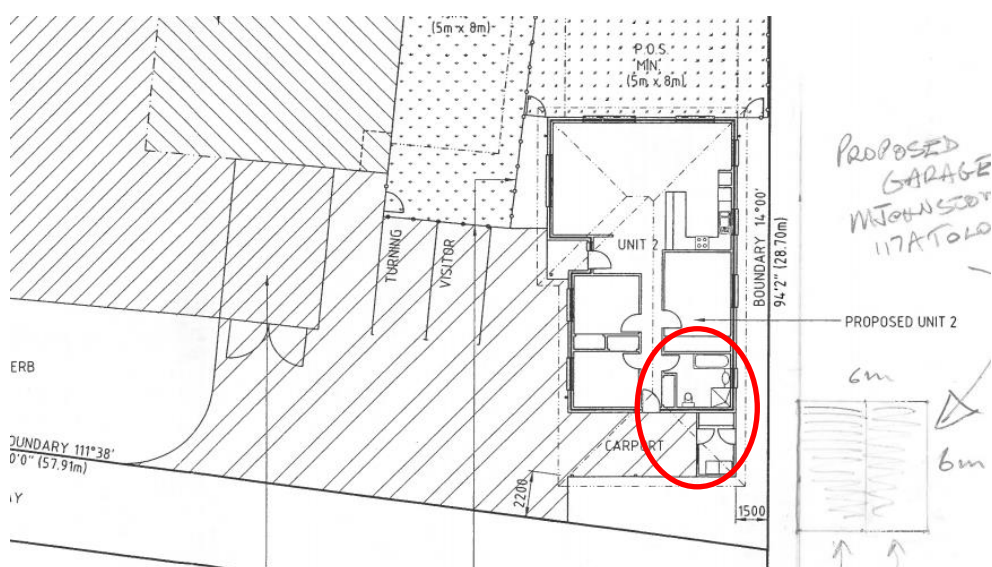


Figure 4: Floor plan of existing dwelling at 117 Tolosa Street which shows the non-habitable rooms(encircled) and the siting of the proposed garage with respect to the dwelling.

(ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*

The existing private open space of the adjoining property (encircled in Figure 5 below) is not likely to be impacted in terms of overshadowing by the garage addition which will be located to the south.



Figure 5: Private open space location for adjoining lot (encircled).

(iii) *overshadowing of an adjoining vacant lot; or*

There is no adjoining vacant lot.

- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

The dimensions of the proposed garage accord with the residential scale of the surrounding dwellings and their associated outbuildings. No unreasonable loss of amenity is considered to be caused by the visual impact of the proposed development.

- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

The proposed 1.5m setback from the western boundary is compatible with the prevailing separation distance in the area, which include approximately 1.5m rear boundary setback for dwelling at 117 Tolosa Street and 1m setback for units at 113 Tolosa Street.

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

The proposal complies with the acceptable solutions of all the remaining applicable zone standards, as detailed at Appendix A.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The Parking and Access Code applies to all use and development. The proposal complies with the acceptable solutions of all the applicable code standards, as detailed in the appendix section of the report.

E7.0 Stormwater Management Code

The Stormwater Management Code applies to all development requiring management of stormwater. The proposal complies with the acceptable solutions of all the applicable code standards, as detailed in the appendix section of the report.

E11.0 Waterway and Coastal Protection Code

This code applies to development within the Waterway and Coastal Protection Areas;

The waterway and coastal protection areas mean land in either of the following;

- (a) within a Waterway and Coastal Protection Area shown on the planning scheme maps;*
- (b) within the relevant distance from a watercourse, wetland, lake or the coast shown in Table E11.1;*

but does not include a piped watercourse or drainage line.

Comment:

Since Barossa Creek is a piped watercourse, the code does not apply.

E15.0 Inundation Prone Areas Code

The proposal is not exempt under Clause E11.4 of the Glenorchy Interim Planning Scheme 2015. However, since the proposed garage has a floor area of 36m², the proposal complies with the acceptable solution for Clause 15.7.4 – Standard A3, Riverine Inundation Hazard Areas. Additionally, the proposal was referred to Council's Development Engineer who has provided comments in the referral section below.

PART F: Specific Area Plans

No SAP applies.

INTERNAL REFERRALS**Development Engineer****E5.0 Road and Railway Assets Code**

This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.

The road and railway assets code is not applicable to this application.

E6.0 Parking and Access Code

This code applies to all use and development.

There are no traffic or parking issues associated with this application.

E7.0 Stormwater Management Code

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

The applicant has shown how stormwater from new impervious areas will be connected by gravity to public stormwater infrastructure to satisfy Clause E7.7.1 A1.

No other clauses of the stormwater management code are applicable to this application.

Other

E3.0 Landslide Code

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

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

There is no waterway and coastal protection issues identified that affect this application

E15.0 Inundation Prone Areas Code

There are flooding/inundation issues identified through Council records however the total floor area of this Class 10b outbuilding is not more than 60 m² and therefore satisfies the acceptable solution of E15.7.4 Riverine Inundation Hazard Areas.

EXTERNAL REFERRALS

TasWater

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(1) TasWater has assessed the application for the above-mentioned permit and has determined that the proposed development does not require a submission from TasWater.

REPRESENTATIONS

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

1. Non-residential use

The representors state that the proposed garage may be utilised for non-residential purposes – car body and parts wrecking yard.

Planner's Comment:

The proposal is for a residential car garage (outbuilding) and the applicant has confirmed that the garage will be for residential purposes only. Additionally, car wrecking yard qualifies as a service industry use which is prohibited within the General Residential zone. A condition has been recommended on the permit to ensure compliance.

2. Noise

The representors state that there would be substantial noise impact to neighbouring properties if the site is utilised as car wrecking yard.

Planner's Comment:

Since the proposal is for residential purposes, the noise standard does not apply. Additionally, car wrecking yard is prohibited within the zone and a condition has been recommended on the permit to ensure that the garage is utilised for residential purposes only.

CONCLUSION

The proposal for a residential garage relies on performance criteria for compliance with the standard for setbacks and building envelopes for all dwellings. The proposal is assessed as satisfying the performance criteria and complies with the standards. 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 Parking and Access Code, the Stormwater Management Code and the Riverine Inundation Code. The application was publicly advertised for the statutory 14-day period and three representations were received. The concerns were that the garage may be used for non-residential purposes which would cause noise detriment to the surrounding properties. The applicant has confirmed that the use will be for residential purposes and a condition has been recommended.

As a whole, the proposal is assessed to comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Interim Planning Scheme 2015.

Recommendation:

That a permit be granted for the proposed use and development of Garage (Residential) at 117a Tolosa Street, Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-19-146 and Drawing No. P2 submitted on 25/06/2019, except as otherwise required by this permit.
2. The garage (outbuilding) must be used exclusively for non-habitable residential purposes.

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 62166800.

Attachments/Annexures

1 Appendices - 117A Tolosa Street, Glenorchy



2 Attachment - 117A Tolosa Street, Glenorchy



7. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO MARINA (PLEASURE BOAT FACILITY) WITH ACCESS VIA 1 GEPP PARADE - GEPP PARADE DERWENT PARK 1 GEPP PARADE DERWENT PARK

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 1993016

REPORT SUMMARY:

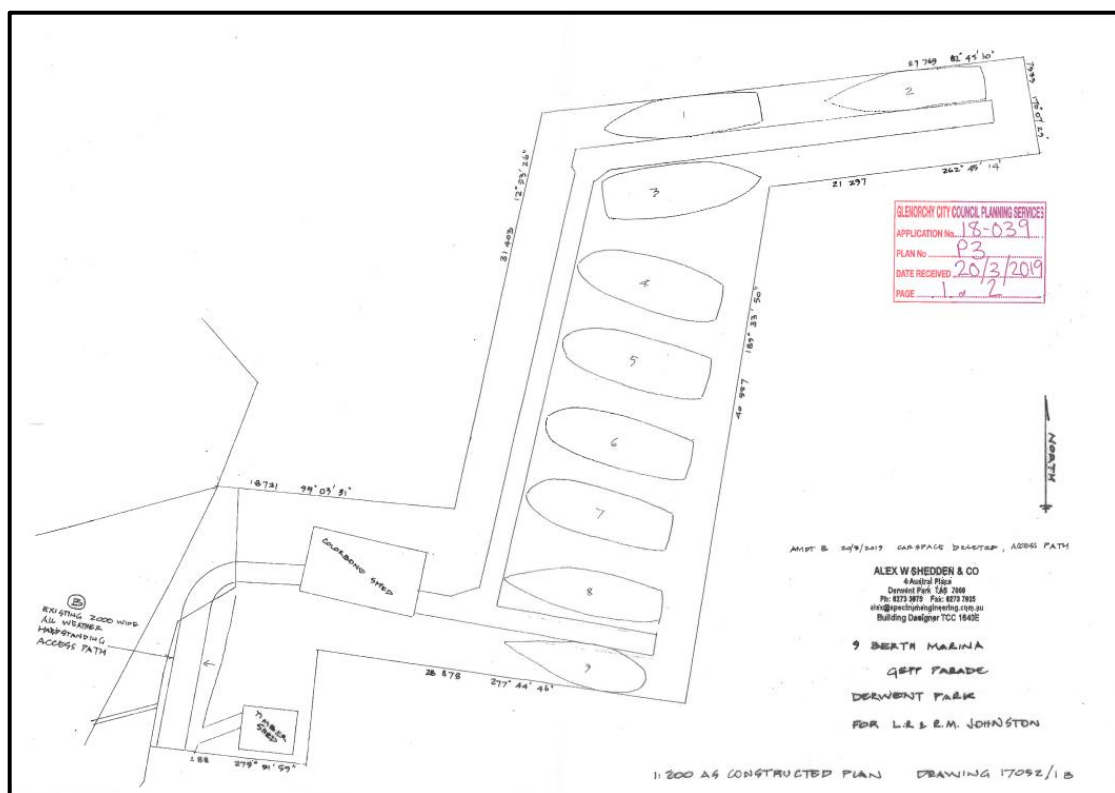
Application No.:	PLN-18-039
Applicant:	L R Johnston and R Johnston
Owner:	Department of Environment and Land Management
Zone:	Port and Marine Light Industrial
Use Class	Pleasure Boat Facility
Application Status:	Discretionary
Discretions:	Clause E6.1 Number of Car Parking Spaces (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension of time until 13 Aug 2019
Existing Land Use:	Maintenance of Marine Vehicles (Port and Shipping)
Proposal In Brief:	Change of use to Marina (Pleasure Boat Facility) with access via 1 Gepp Parade
Representations:	3
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal is for a change of use from Maintenance of Marine Vehicles (Port and Shipping) to Marina (Pleasure Boat Facility) for an existing jetty. The proposed change of use will include nine berths from the jetty at Gepp Parade (PID: 1993016). The lease hold area consists of 1406m², covering an existing accretion, a jetty and two buildings. In addition to an area over the River Derwent. The large building is attached to the jetty prior to the nine berths, while the small building is accessed via a ramp.

The proposal will also involve vehicular access via 1 Gepp Parade, Derwent Park. The access will include an accretion within the Crown Land near the jetty. The access via 1 Gepp Parade will be through the public car park, part of which is sealed. The remainder of the access will be via the Crown Land which adjoins both the Council car park and the lease hold area (figure 1).

The proposal does not include any parking spaces and information was submitted for the existing traffic arrangements to and from the site.



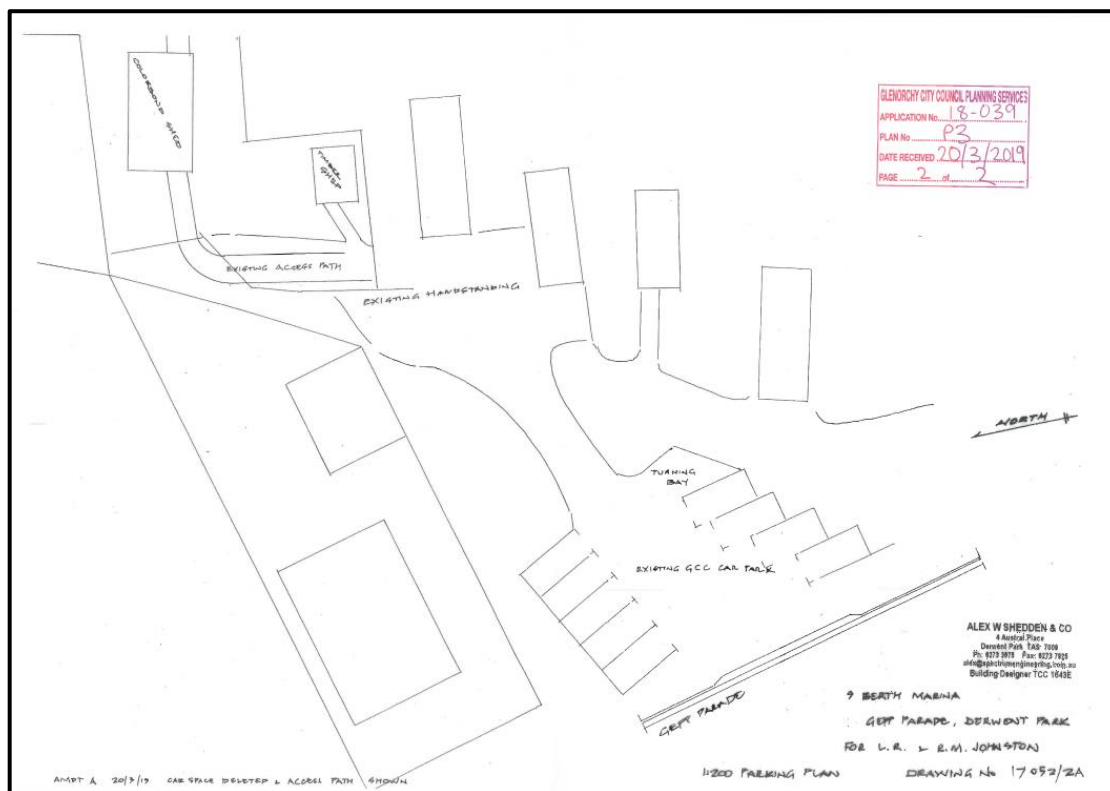


Figure 1: Site Plans for Gepp Parade and 1 Gepp Parade, Derwent Park.

The proposal would be reliant on performance criteria for Clause E6.6.1 for number of car parking spaces.

SITE and LOCALITY

The subject site is located on the north-east side of Gepp Parade, opposite Fenwick Crescent, Derwent Park. The property, Crown land and lease hold area are an irregular shape. Only 1 Gepp Parade (CT 234117/1) has direct access to a road with a frontage of 419m, an average depth of 52m, and a total area of 2.1233ha. The lease hold area covers 1406m² of land, the jetty and the River Derwent. In addition, there is an area of Crown Land adjoining the Council Land and the lease hold area.

The site at 1 Gepp Parade has a moderate to steep slope with an average gradient of 1 in 7 falling to the east, near the northern side boundary. The property includes an off-street public car parking, Gepp Parade River Reserve, part of the Prince of Wales Bay Recreation Reserve and public amenities. The Crown land includes an existing accretion. While the lease hold area covers an accretion, jetty (including two buildings) and part of the River Derwent. The small building is in a state of disrepair and will be undergoing maintenance shortly.

The northern car park on Council land currently provides for general public access for up to six jetties leased from the Crown. No licensed access has been granted for any of the lease holders.

The site is located within the Recreation zone, Light Industrial zone and the Port and Marine zone within the Planning Scheme. The General Residential zone is to the west and the Environmental Management zone is further south (figure 2 and 3).

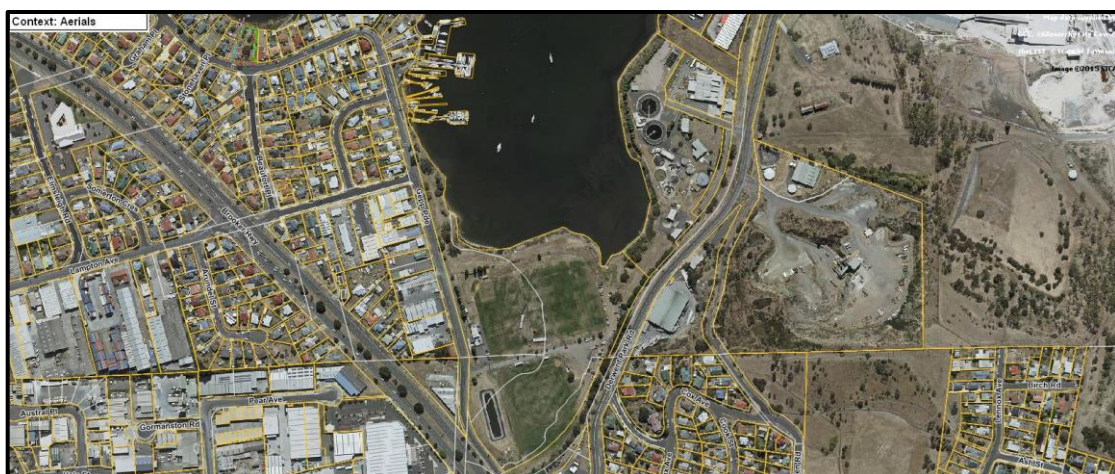


Figure 2: Aerial photo of Gepp Parade and 1 Gepp Parade, Derwent Park.



Figure 3: Aerial photo of the site at Gepp Parade and 1 Gepp Parade, Derwent Park.

ZONE

The subject property and site is within the Port and Marine zone, the Light Industrial zone and the Recreation zone under the Glenorchy Interim Planning Scheme 2015 (figure 4).

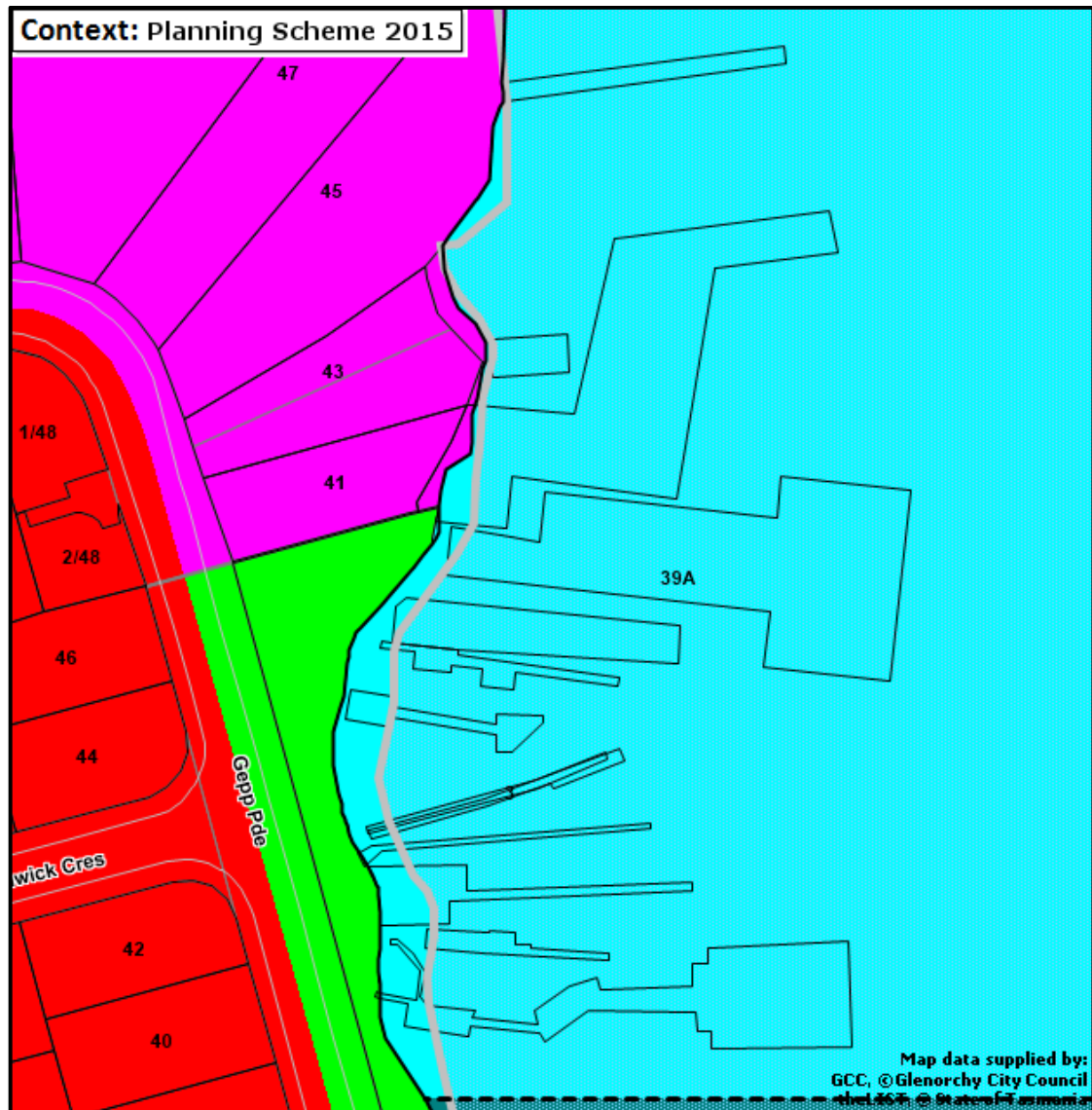


Figure 4: Port and Marine zone (and Recreation and Light Industrial zones) over Gepp Parade and 1 Gepp Parade, Derwent Park.

BACKGROUND

Council Car Park

The public car park and Council reserve have been the point of access through 1 Gepp Parade for the lease holders of the jetties with the Tasmania Parks and Wildlife Service. However, no license arrangements have been entered into by Council as the land owner. No licence arrangements exist for any of the jetties. Therefore, the only access available has been the general access for the public.

The northern car park area was partially sealed around 2005-6. While there has been general public access between Gepp Parade and the lease hold areas. There are no other arrangements entered into by Council as the land owner for access to the jetties.



Figure 5: Aerial photo of Council's northern public car park (2002) at 1 Gepp Parade, Derwent Park.



Figure 6: Aerial photo of Council's northern public car park (2019) at 1 Gepp Parade, Derwent Park.

History

The Tasmania Parks and Wildlife Service (Department of Primary Industries, Park, Water and Environment) has issued licenses and leases to the jetties adjacent 1 Gepp Parade independently of the matter regarding access over land in Council ownership and the need to gain a planning permit where applicable. The most recent leases are the following:

One for 39A Gepp Parade which changed from a license for private use to a lease for commercial and semi-commercial use. The other was for the subject site, for lease hold area from one commercial use (Maintenance on Marine Vehicles) to another commercial use (Marina) in 2012. In addition, the area has been subject to development including landfill and additions to existing jetties. This has led to ongoing confusion over the need to obtain relevant approvals and land owner consent.

The increased use and development from the jetties have by virtue created a focal point along the public access over Council land as well as the accretion that remains in Crown ownership (figure 7).



Figure 7: Aerial photo of the focal point on Council's northern public car park (2019) at 1 Gepp Parade and Crown Land at Gepp Parade, Derwent Park.

Jetties

There are up to six jetties in close proximity to the northern Council car park (figure 8). These include the following access, license and leases:

Jetties	1	2	3	4	5	6
Public access	Yes	Yes	Yes	Yes	Yes	Yes
Council licensed access	No	No	No	No	No	No
Designated parking spaces	No	No	No	No	No	No
License* for private use	Yes	No	No	No	No	No
Lease* for commercial use	No	Yes	Yes	Yes	Yes	Yes

*License/Lease with the Crown (Tasmania Parks and Wildlife Service).

Jetties

1. No relevant information found on file.
2. The permit PLN-06-03767-03 for relocation and erection of a new jetty for the area adjoining and to the seaward edge (amendment to DA 164-98) approved on 23 February 2007.

The permit PLN-03-01647-01 for reclamation of foreshore was approved on 7 July 2003. The planning permit had a condition that falls outside the general access granted to the public and lease holders of the jetties.

The permit DA 164-98 for relocation and erection of a new jetty for the area adjoining and to the seaward edge was approved on 22 December 1998.
3. The permit PLN-04-02466-01 for re-surfacing, reconstruction and extension of the jetty approved on 28 April 2004 for existing works on site. No parking was shown on the plan and parking was not required in the permit.

The Crown (Tasmania Parks and Wildlife Service) has confirmed that no parking has been approved on the leased area or on the Crown Land.
4. The jetty was repaired in 2004, no planning permit required.
5. The jetty and walkway were repaired in 2003, no planning permit required.
6. No relevant information found on file.

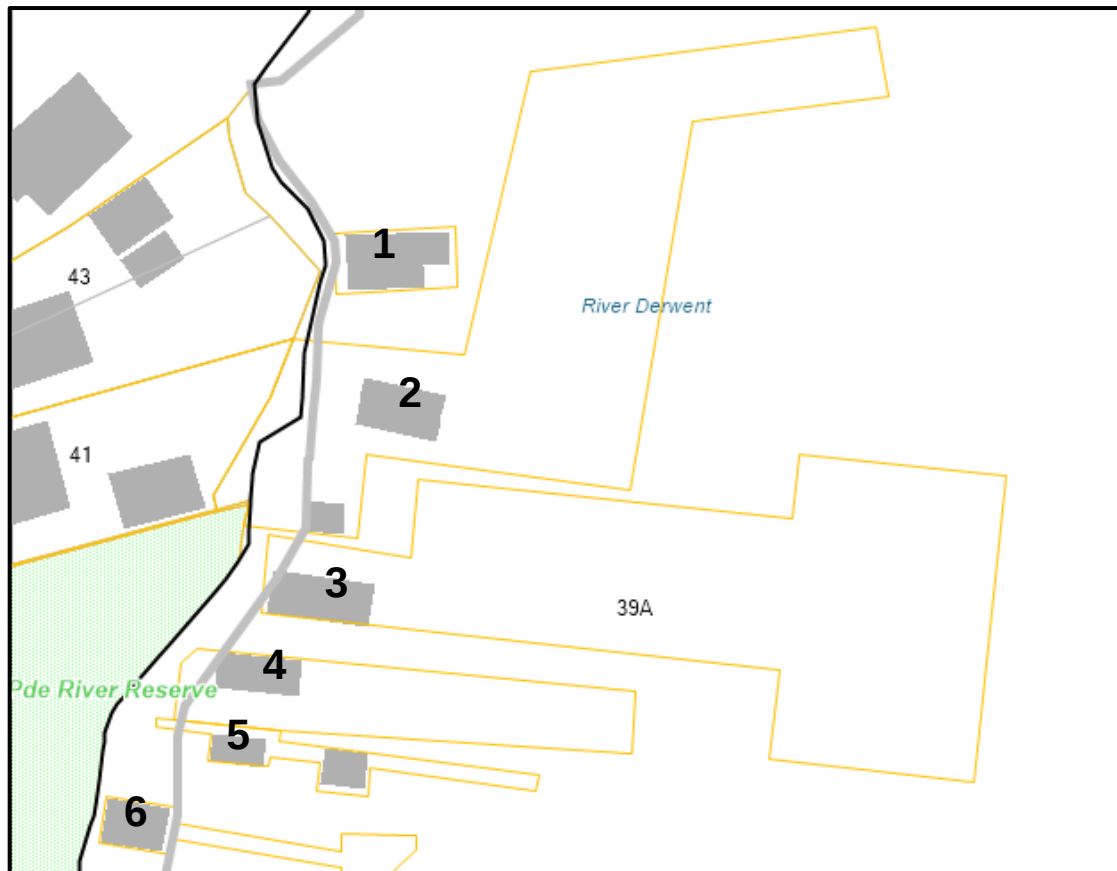


Figure 8: Indicative location of the jetties adjacent Council's northern public car park (2019) at Gepp Parade, Derwent Park.

Ownership of Access

The current proposal has involved discussion surrounding access that extends beyond the scope of what can be assessed under the Planning Scheme. However, the issue of access via Council land has been raised with Council's Property Department for separate consideration.

Unfortunately, the access arrangement will be for Council as the property owner to assess with the situation bestowed upon it by the granting and changes to leases for the adjoining jetties.

Permits

The permits allow for the use of Marine Industry under the former planning scheme. This use translates across as Maintenance of Marine Vehicles (Port and Shipping) in the Interim Planning Scheme 2015.

Proposal

The proposal is for an existing use that operates at the site. A lease has already been granted for the Marina with vehicular access via Crown Land by Tasmania Parks and Wildlife Service.

Tasmania Parks and Wildlife Service

(Department of Primary Industries, Parks, Water and the Environment)

The aerial photograph from the LIST (2019) shows marine vehicles located outside the leased areas for more than one jetty adjacent 1 Gepp Parade, Derwent Park. Unfortunately, the location of marine vehicles moored at the jetties is not relevant to the assessment of the planning application. However, the information has been forwarded to Tasmania Parks and Wildlife Service.

ASSESSMENT**STATE POLICIES, OBJECTIVES of LUPAA**

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

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

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

Nil.

Limited Exemptions

Nil.

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

No SAP or Code provisions override zone provisions in the assessment.

Use Class Description (Table 8.2):

The individual use is Marina, which is listed within the use class of Pleasure Boat Facility.

The definition of Pleasure Boat Facility use class states:

use of land to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation. An example is a marina.

Other relevant definitions (Clause 4.1):

Act

The definition of the Act is defined as the following in Clause 4.1 of the Glenorchy Interim Planning Scheme 2015:

means the Land Use Planning and Approvals Act 1993.

Access

The definition of an Access is defined as the following in Clause 4.1 of the Glenorchy Interim Planning Scheme 2015:

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

Marina

The use of a Marina is defined as the following in Clause 4.1 of the Glenorchy Interim Planning Scheme 2015:

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

Discretionary Use or Development (Clause 8.8):

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 because it does not meet the following Acceptable Solutions:

- Clause E6.6.1 A1 Number of car parking spaces (decrease in car parking)

Part C: Special Provisions

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

9.6 Access Across Land in Another Zone

The proposal includes access across land in another zone; therefore Clause 9.6 of the Scheme applies:

If an application for use of land includes access that runs through a different zone to the land upon which the use is proposed to take place, the use status of the application is to be determined disregarding the use status of the access in the different zone.

The proposal will involve vehicular access onto the site via Council land within the Recreation zone and via Crown land within the Light Industrial zone. In this case, the access forms part of the application for the Marina on land zoned Port and Marine.

9.9 Accretions

The proposal includes existing accretions of land from the sea; therefore Clause 9.9 of the Scheme applies:

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

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

The proposal will involve accretions that are located wholly within the planning scheme area. In this case, the use forms part of the application for the Marina on land zoned Port and Marine within the Scheme.

Part D: Zones

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

Access

The land for the vehicular access is within the Recreation zone and the Light Industrial zone. However, this access will be assessed within the Port and Marine zone in accordance with Clause 9.6 of the Scheme.

Zone Purpose Statements

The Port and Marine zone purpose statements in Clause 31.1.1 of the Scheme are as follows:

31.1.1.1

To provide for port and marine activity related to shipping and other associated transport facilities and supply and storage.

31.1.1.2

To provide for major ports and associated marine activities of regional strategic importance that are reliant on a waterfront location, and to allow for other uses that support the port and marine purpose.

The proposed change of use for Marina would provide for marine activity and is reliant on the waterfront location. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 31.1.1 of the Scheme.

Use Table

The proposed use of “Marina” is permitted, in accordance with the use table in Clause 31.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clause E6.6.1.

Use Standards

There are no use standards for this zone.

Development Standards for Buildings or Works

The development standards set out in Clause 31.4 are not applicable to this application.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal is not exempt under Clause E5.4. However, the proposal complies with the acceptable solutions of the standards in Section E5.0.

E6.0 Parking and Access Code

Clause E6.6.1 – Standard A1, Number of Car Parking Spaces

The proposal provides no car parking spaces for the change of use to Marina. The proposal would require a total of six car parking spaces (rounded up), to be in accordance with Clause E6.6.1 – standard A1. The proposal is considered in accordance with the performance criteria:

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

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

Information has been provided in relation to the usage for the nine berths for the Marina. Historically, the jetties adjacent 1 Gepp Parade do not provide for approved parking on the lease hold areas. The jetties have been reliant on the Council reserve with public parking provide along the northern side boundary, along the street frontage. Parking has been provided in more than one location close to the jetties. In addition, Gepp Parade is wide enough to support on-street parking. There is regular public transport available within 400m walking distance. The moorings are for marine vehicles which is another option for transport. The existing approved use of Maintenance for Marine Vehicles would have required two car parking spaces under the Scheme.

Council's Development Engineer is supportive of the proposal based on the type of use and description provided by the applicant. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

E7.0 Stormwater Management Code

The proposal is exempt under Clause E7.4. Therefore, the standards in Section E7.0. do not apply.

E9.0 Attenuation Code

The proposal is exempt under Clause E9.4. Therefore, the standards in Section E9.0. do not apply.

E11.0 Waterway and Coastal Protection Code

The proposal is exempt under Clause E11.4. Therefore, the standards in Section E11.0. do not apply.

E15.0 Inundation Prone Areas Code

The proposal is exempt under Clause E15.4. Therefore, the standards in Section E15.0. do not apply.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

Development Engineer

The proposal was referred to Council's Development Engineer who provided the following:

The development application seeks an approval for gaining access via 1 Gepp Parade and Change of use to marina for 9 berths.

E5.0 Road and Railway Assets Code

The applicant contacted the boat owners to gain information below and addressed that the use will not 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 AA1 and A2 of the E5.6.2. Therefore, the development complies with Code E5 Road and Railway Assets Code.

E6.0 Parking and Access Code

There are no significant changes to the existing access and parking arrangements; and that the development application is not proposing any car parking spaces with the application. Under the GIPS, the number of car parking requirement for the use is 0.6 spaces for each wet berth and 0.5 spaces to each marina employee. Therefore, the development is unable to comply with the acceptable solution A1, E6.6.1. The developer then addressed the parking demand by providing the information in the figure above to address the Performance Criteria (a), P1. The availability of the on-street and public car parking in the locality (b), the availability and frequency of public transport (within a 500m walking distance), (c) and the availability and likely use of other modes of transport (d) are also considered sufficient and meet the reasonable needs of uses. Therefore, 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.

No change to the impervious surface area and hence not an applicable standard for the development application.

Other**E3.0 Landslide Code**

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

Environmental Health Officer

The proposal was referred to Council's Environmental Health Officer who is supportive of the proposal.

Property Manager

The proposal was referred to Council's Property Manager both as part of the planning assessment and as the owner of the land used for public access to the jetties adjacent 1 Gepp Parade, Derwent Park.

Council's Property Manager is supportive of the proposal as part of the planning application. However, access has only been via a public reserve and no special licenses exist for any of the jetties adjacent Council's Reserve.

Council, as the land owner, intends to re-evaluate the access to the jetties via Council's reserve in the future. Since the unsealed area has been a continued source of confusion in terms of how it has been used. Council's Property Manager has advised that there is no intention at this stage to provide licensed accesses to any lease holders of the adjacent jetties.

EXTERNAL REFERRALS

Crown Land (Tasmania Parks and Wildlife Service)

The application was referred to Crown Land which supported the proposal, including the vehicular access.

MAST (Marine and Safety Tasmania)

The application was referred to MAST which supported the proposal.

TasWater

The application was referred to TasWater which stated that no referral was required under the *Water and Sewerage Industry Act 2008*.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with three representations and a letter of concern being received. The issues raised are as follows:

1. Advertising

The representor states that the description is not accurate for the address and does not adequately identify the location.

Planner's Comment:

The application was advertised with the correct address and the representor received the plans; was shown the site on an aerial photograph; and had the location described via phone. In addition, the concerns raised by way of representation refer to the location of the proposal. Therefore, it is considered that the address and location were adequately described.

2. Notification

The representor states that all addresses that fronted onto 1 Gepp Parade should have been notified.

Planner's Comment:

The adjoining land owners for the proposal were notified of the advertising period for the application. This included Tasmania Parks and Wildlife Services (Department of Primary Industries, Parks, Water and Environment). In addition, numerous site notices were placed near the location and an advertisement in the newspaper. Therefore, the proposal was adequately notified to the addresses adjoining 1 Gepp Parade, Derwent Park.

3. Previous Permit

The representor states that the previous approved permit for part of the accretion had restricted access that runs with the land and did not include the use of a marina.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. However, the proposed use of marina is being assessed under the planning scheme as part of this application. Therefore, the previous permit issued under the former scheme is not relevant to this proposal.

4. Disrepair of Existing Jetty

The representor states that the existing structure of the jetty does not meet the current standards and guidelines.

Planner's Comment:

This issue is not an issue that can be considered as part of this application. However, the matter has been raised with Tasmania Parks and Wildlife Services. It is understood from the applicant that repairs will be undertaken shortly.

5. Traffic

The representor states that there are large marine vehicles, additional berths, and the traffic requirements will change over time. This will lead to an increase in demand for parking beyond the information that has been submitted with the application. There is growing concern that this will impede access for other lease holders of the adjacent jetties.

Planner's Comment:

This issue of parking has been previously addressed under the heading Clause E6.6.1 for number of car parking spaces and in the referral from Council's Development Engineer.

However, during this process it became apparent that there is a need to re-examine the manner in which Council's reserve is being used. In particular, in relation to the public access to the adjacent jetties. Unfortunately, Council as the land owner has inherited this situation through the issuing of commercial leases over Crown Land. While this application is limited to the assessment under the planning scheme, the issue of access via Council Land has been forwarded to Council's Property Department. The issue of managing the access will be followed up separately.

CONCLUSION

The proposal is relying on the performance criteria to comply with the applicable standards of the Scheme in relation to number of car parking spaces.

The proposal is assessed as satisfying the performance criteria and complies with the applicable standard(s).

The proposal is assessed as complying with all other use and development standards in the Port and Marine zone, as well as the relevant standards of the Road and Railway Assets Code and Parking and Access Code.

The application was publicly advertised for the statutory 14-day period and three representations were received. The representations raised issues regarding advertising, notification, a previous permit, disrepair of the jetty and traffic. Several of the issues fell outside the scope for the assessment of the application. Where possible, information has been forward to the relevant authorities and departments to better address the issues raised. Particularly, with regard to public access via Council land.

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

Recommendation:

That a permit be granted for the proposed use and development of Change of use to Marina (Pleasure Boat Facility) with access via 1 Gepp Parade at Gepp Parade and 1 Gepp Parade, Derwent Park subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-039 and Drawing No. P3 submitted on 20 March 2019, except as otherwise required by this permit.
2. Parking on the Crown Land Lease area is not approved as part of this permit.

Advice to Applicant

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

Owner Consent

Please be aware that this planning permit does not authorise landowner consent. Where landowner consent is required to gain access, this must be obtained separately.

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 62166800.

Attachments/Annexures

- 1 Appendices - 1 Gepp Parade, Derwent Park
[!\[\]\(3d72a2825e10c55fe623a7495252496a_img.jpg\)](#)
- 2 Attachments - 1 Gepp Parade, Derwent Park
[!\[\]\(b931164a6083f988330f45269ed997aa_img.jpg\)](#)

8. PROPOSED USE AND DEVELOPMENT - ADDITIONS TO A SINGLE DWELLING - 176 SPRINGFIELD AVENUE, WEST MOONAH

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5445543

REPORT SUMMARY:

Application No.:	PLN-19-031
Applicant:	Darryn White & Associates
Owner:	F G Vass and M W Vass
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 P3 Setbacks and building envelope for all dwellings (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	12 August 2019
Existing Land Use:	Single Dwelling
Proposal In Brief:	Additions to a Single Dwelling
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The application proposes to build a swimming pool within 4m of the rear boundary at a property with a single dwelling. The swimming pool enclosure would be 6m wide and 10m long and would be located 1m from the rear boundary. There would be fill to create a flat level pool area. The fill would be approximately 1m high on the northern end of the pool, towards the house, and would have a maximum height of approximately 300mm within the 4m rear setback. It would not be possible to locate the pool further from the rear boundary because of an existing retaining wall and vegetation. The application is discretionary because the proposal would be marginally outside the building envelope because of the fill. The proposal is shown in Figure 1.

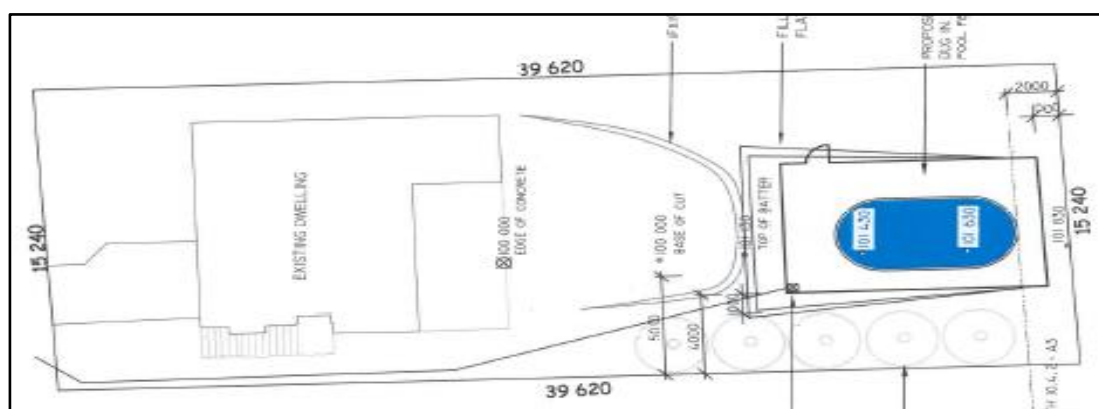


Figure 1: Proposal Plan - Darryn White

SITE and LOCALITY

The subject property is located east of the Y junction Springfield Avenue and Ripley Road. The lot has an area of 604m² and contains a single dwelling, towards the front of the property. The property adjoins three properties, with a single dwelling each. The property at the rear has a dwelling in close proximity to the boundary.



Figure 2: Subject Site -Council Database 2019

ZONE

The subject property is located within the General Residential Zone in red, which also applies to the surrounding properties as shown in Figure 3.

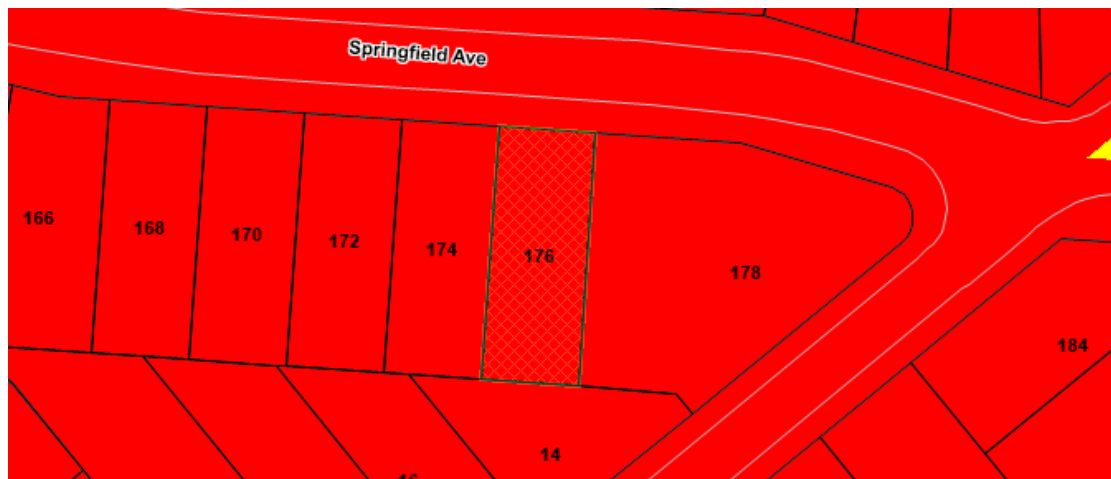


Figure 3: Zoning Map - GIPS 2015

BACKGROUND

There is no background information with regards to this application.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

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

Use Class Description (Table 8.2):

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

Residential

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

Other relevant definitions (Clause 4.1):*Single dwelling*

Means a dwelling on a lot on which no other dwelling is situated, or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.

Dwelling

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

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

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

- 10.4.2 P3 Setbacks and building envelope for all dwellings

Part C: Special Provisions

There are no Special Provisions applicable.

Part D: Zones

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

Zone Purpose Statements

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

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

Comment

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

Use Table

The use class Residential (Single Dwelling) is 'no permit required' within the General Residential Zone in 10.2 Use Table.

Use Standards

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

Development Standards for Residential Buildings & Works

The application does not accord with the Acceptable Solution in 10.4.2 A3 with respect to the building envelope. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.2 P3 Setbacks and building envelope for all dwellings

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
 - (ii) *overshadowing the private open space of a dwelling on an adjoining lot;*
or
 - (iii) *overshadowing of an adjoining vacant lot; or*

- (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
- (b) *provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

Comment

The area for the swimming pool will be raised within 4m of the rear boundary, by approximately 300mm. The raising of the level causes the development to be marginally outside the building envelope. However, this would not result in any adverse amenity impacts in regards to loss of sunlight, overshadowing or visual impact. Therefore, the proposal complies with the standard through the Performance Criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

There would be no change to the number of vehicular movements.

E6.0 Access and Parking Code

There would be no change to the existing access and parking arrangements.

E7.0 Stormwater Management Code

The proposal accords with the relevant Acceptable Solutions as demonstrated in the attached Appendix. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

PART F: Specific Area Plans

There is no Specific Area Plan applicable.

INTERNAL REFERRALS

Development Engineer

Comments

The development application seeks an approval for additions to an existing single dwelling. The works proposed include a swimming pool at the rear of the block.

E5.0 Road and Railway Assets Code

The new use will not 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 AA1 and A2 of the E5.6.2. Therefore, the development complies with Code E5 Road and Railway Assets Code.

E6.0 Parking and Access Code

There is no change in the current Traffic, Access and Parking arrangements. It is therefore 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

Council has no record that the site is serviced by a stormwater connection. The applicant proposes to discharge stormwater including overflow from the pool to the existing 90mm kerb connection. Therefore, the application meets the acceptable solution A1 of the code. Water Sensitive Urban design is not applicable for the development. Minor and major stormwater systems are not proposed to be altered.

Other**E3.0 Landslide Code**

There are no Geotechnical 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**TasWater**

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

REPRESENTATIONS

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

1. Rear Setback

The representation states that the swimming pool should not be built within 4m of the boundary and raises concerns that there would be a structure over the pool in the future. In addition, it is hoped that a tree at the rear boundary would be removed.

Planner's Comment:

This issue has been previously addressed under the heading Setbacks and building envelope for all dwellings. In summary, the proposed pool would have no adverse amenity impacts, in terms of loss of sunlight, overshadowing or visual impact. If the pool had a deck, it would have to be at least 4m from the rear boundary only if it was more than 1m above natural ground level under the privacy standard.

Concerns were also raised that there might be a structure over the pool in the future. If that were the case, a separate application would be required if the structure was within 4m of the rear boundary. In regard to the tree removal, this would be an issue for the owner. There would be no planning approval required for the removal of this tree.

CONCLUSION

The application is for a swimming pool in the backyard of a property with a single dwelling. The proposed pool would be 2m from the rear boundary and there would be fill to level the pool area. The raised level within 4m of the rear boundary is minimal and would be raised by a maximum of 300mm. This would not result in any adverse amenity impacts, in terms of loss of sunlight, overshadowing or visual impact.

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 Additions to a Single Dwelling at 176 Springfield Avenue, West Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-19-031 and Drawing No. P2 submitted on 02/07/19, 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. TWDA2019/00263-GCC, dated 06/03/2019, form part of this permit.

Engineering

3. Prior to the issuing of a Building Approval or the commencement of works on site, (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of 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 Primary Industries, Parks Waters and Environment. 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 must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains must be undertaken by Council at the developer's cost.

Advice: Council does not have any record of the stormwater connection to the site. Where the new stormwater connection is required, the developer must contact Council's Customer Service Centre on (03) 62166800 to organise for the stormwater connection works prior to the issuing of a Building Approval or the commencement of works on site, (whichever occurs first).

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 62166800.

Other Services

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

Attachments/Annexures

- 1** Appendices - 176 Springfield Avenue, West Moonah



- 2** Attachments - 176 Springfield Avenue, West Moonah



9. PROPOSED S.43A COMBINED AMENDMENT AND PLANNING APPLICATION PLS43A 19/01, TO REZONE 8-10 MAIN ROAD, CLAREMONT TO INNER RESIDENTIAL, APPLY SITE SPECIFIC QUALIFICATIONS FOR 'SERVICE INDUSTRY' AND 'VEHICLE FUEL SALES AND SERVICE' COMBINED WITH PLANNING PERMIT APPLICATION FOR CHANGE OF USE TO SERVICE INDUSTRY, WITH ANCILLARY TYRE SALES AND SIGNAGE - 8-10 MAIN ROAD, CLAREMONT

Author: Strategic Planner (Lyndal Byrne)
Planning Officer (Sylvia Jeffreys)

Qualified Person: Strategic Planning (Lyndal Byrne) Planning Officer (Sylvia Jeffreys)

Property ID: 5329948

REPORT SUMMARY:

To seek the Planning Authority's decision on a Section 43A combined planning permit application and amendment request number PLS43A-19/01. The request seeks to legalise the operation of a Service Industry currently operating from the land.

Application No	PLS43A-19/01
Applicant	JMG Engineers and Planners
Owner	Mark G Cooper
Existing Zoning	Local Business Zone
Existing Land Use	Vehicle fuel sales and service
Proposal in Brief	Planning scheme amendment to rezone the land to Inner Residential and apply two site specific qualifications to the site and a planning permit for a change of use to service industry (motor repairs) with tyre sales and signage.
Representations	Not applicable – proposal advertised if initiated
Recommendation	Initiate amendment, grant permit and advertise

REPORT IN DETAIL:

PROPOSAL:

The draft planning scheme amendment seeks to:

- Rezone 8-10 Main Road, Claremont from a Local Business Zone to an Inner Residential Zone
- Apply site specific qualifications of 'Service industry – only if motor repairs' and 'Vehicle fuel sales and service' to 8-10 Main Road, Claremont.

The amendment request is combined with a planning permit application that seeks approval for change of use to service industry (motor repairs) with tyre sales and signage.

Full details and assessment of the proposal are included in part 2 of this report.

SITE AND LOCALITY:

The subject land consists of two parcels (CT 64165/1 and 213250/1) (See Figure 1). The titles have a combined area of about 2,725m² with a 41m frontage to Main Road.

The subject site is currently used as a vehicle service and tyre sales center for Cooper Automotive, however a planning permit for this use has never been granted.



Figure 1 – Aerial photograph of the subject site (red outline) and surrounds – Council database 2015

The surrounding area is generally residential in nature, with the Claremont Hall to the north west of the subject land, and the Claremont recreation ground to the north.

Planning Scheme controls

The site is included in a Local Business Zone, with the surrounding area generally within an Inner Residential Zone. The Claremont Hall is within a Community Purpose Zone, the recreation ground within a Recreation Zone, and key road infrastructure is included in a Utilities Zone (see Figure 2).

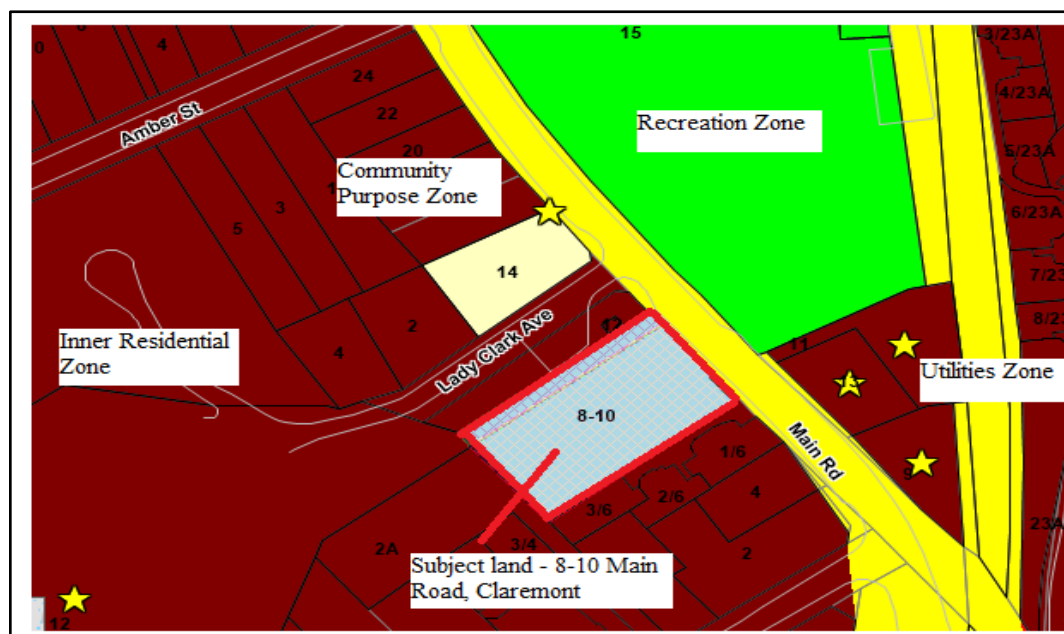


Figure 2 – The site is in a Local Business Zone (light blue), with surrounding land generally within an Inner Residential Zone (maroon) – Glenorchy Interim Planning Scheme 2015

BACKGROUND:

History of the site

Council records indicate that a Service Station was built on the site in the 1950s and operated until about 2008.

The Glenorchy Planning Scheme 1992 (GPS 1992), included the site within a Local Business Zone: LB4 Service Station Zone. The controls required mechanical repairs to vehicles to be ancillary to a Service Station use. This meant that if the service station use ceased to operate a separate use of mechanical repairs could not operate on the site.

On 29 January 2003, Planning Scheme Amendment 2/02 was approved to allow for the separate use of 'Mechanical Repair Garage' to be considered as a standalone discretionary use on the site. The amendment was specifically initiated to accommodate the 'Mechanical Repair Garage' that was operating illegally on the site and had been subject to enforcement procedures. However, while a planning permit application for this use was lodged on 22 May 2010, it was subsequently withdrawn, and Council has no record of a permit for a Mechanical Repair Garage for 8-10 Main Road, Claremont being granted.

The Glenorchy Interim Planning Scheme 2015 (GIPS 2015) was declared on 1 July 2015. The GIPS 2015 included 8-10 Main Road, Claremont in a Local Business Zone. The descriptions for use classes also changed with 'Mechanical Repair Garage' being included in the use class of 'Service industry'. Under the Local Business Zone of the GIPS 2015, a 'Service Industry' is a prohibited use, and as no permit was ever granted under the previous planning scheme, the current use of the land does not have non-conforming use rights.

Introduction of the Local Provisions Schedule

The *Draft Glenorchy Local Provisions Schedule* (Draft Glenorchy LPS) was submitted to the Tasmanian Planning Commission (the Commission) on 19 December 2018 to seek approval for exhibition. The Draft Glenorchy LPS seeks to convert the land surrounding the subject land into similar zones available under the *State Planning Provisions* (SPPs) i.e., land in an Inner Residential Zone will also be in an Inner Residential Zone under the Draft Glenorchy LPS.

However, the guidelines for applying a Local Business Zone under *Guideline No 1 Local Provisions Schedule (LPS): zone and code application June 2018*, indicate that individual, isolated business sites within residential areas, should be included in the surrounding zoning, unless they are of significant scale or there is an intent to expand the local business area. Therefore, under the Draft Glenorchy LPS, 8-10 Main Road has been included in an Inner Residential Zone. A site-specific qualification to allow a 'Service Station' use has also been applied to the site.

Council officers acknowledge that a 'Service Station' no longer operates on the site, however, at the time of preparing the Draft Glenorchy LPS, use of the site for a 'Service Industry' was prohibited under the Local Business Zone, and no permit had been granted for that use. Therefore, applying a site-specific qualification of 'Service industry' to the site would have been inconsistent with the conversion principles for translating the GIPS 2015 as closely as possible into the SPPs.

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 of this report provides an assessment of the proposed planning scheme amendment in accordance with the statutory requirements. Part 2 of this report provides an assessment of the proposed use and development in accordance with the Scheme as it is proposed to be amended.

PART 1 - ASSESSMENT OF AMENDMENT REQUEST

PLANNING ASSESSMENT:

Merits of the amendment

As outlined in the section above on the history of the site, there was an intent under the GPS 1992 to allow for the use of a Mechanical Repair Garage on the site, but a permit for such a use has never been granted.

Acknowledging that it was intended that the GIPS 2015 be a direct translation, as far as practical, of the GPS 1992, it is likely that the differences in the definitions for the use between the two schemes, is the main reason why 'Service Industry' (the new use category for motor repairs) was not applied to the site, ie 'Mechanical Repair Garage' and 'Service industry' are not equivalent uses, as can be seen from the definitions below:

Mechanical Repair Garage (as defined under the GPS 1992): *means the use or Development of any Land for repairing or servicing of motor vehicles, boats, caravans or agricultural machinery. The term does not include body works, panel beating or spray painting. The term includes any ancillary sale of lubricating oils and greases, batteries, tyres, spare parts and accessories. The term does not include a Limited Impact Industry or Service Station.*

Service industry (as defined under the GIPS 2015): *use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.*

The applicant has sought to apply the site-specific qualification of 'Service Industry – if not for panel beating'. However, it is considered that the site-specific qualification 'Service industry – only if motor repairs' more closely replicates the controls under the GPS 1992 and would be a more effective translation of the GPS 1992 into the GIPS 2015 than the current controls for this site.

While the GIPS 2015 included the site in a Local Business Zone, given the proximity of the Claremont shopping centre, the site is not appropriate for the greater range of business and retail services that can be considered under the zone. In line with the approach under the draft Glenorchy LPS to include single sites in the surrounding zoning with a site-specific control to manage land use options, the inclusion of the site within an Inner Residential Zone is supported.

Including the site within an Inner Residential Zone, will mean that future uses allowed under the proposed site-specific qualifications ('Service industry – only if motor repairs' and 'Vehicle fuel sales and service') will need to comply with the discretionary consider of the use, and the use and development standards of the Inner Residential Zone to assist in reducing land-use conflict with the surrounding land uses.

It is also noted that Coopers Automotive has been operating on the site for several years, and Council has not received any complaints about its operation.

The application of the site-specific qualification for 'Vehicle fuel sales and service' ensures the historic use of the site does not become prohibited.

Subject to the recommendation to change the site-specific qualification to limit the Service Industry use to motor repair, it is considered that the proposal has adequate merit to, subject to satisfying the statutory requirements of LUPPA, be considered through the exhibition process.

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;

The site has been cleared of standing vegetation. The site and surrounding land is classified as 'Urban areas' under the TASVEG 3.0 database. No threatened flora or fauna species have been recorded on the site.

The amendment will have no impact with regards to ecological processes and genetic diversity, and, by making use of existing developed land, is considered to be consistent with this objective

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

The site is located on the main collector road in Claremont (Main Road) and is serviced with mains sewer and water infrastructure. In making use of existing developed land, the amendment promotes orderly use of the land.

(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 enables an application for the existing use operating on site to be considered. As an already developed site, there is no requirement to 'weigh up' environmental values or infrastructure requirement against any economic benefit the proposal may provide, and, as the community will have an opportunity to comment on the draft amendment, the proposal is considered to be 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 draft amendment (and combined planning permit request) was referred to TasWater. TasWater did not raise any concerns with the draft amendment and does not require any conditions to be imposed.

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 *Southern Tasmania Regional Land Use Strategy 2010-2035* 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 provide the opportunity to legalise an existing use on land 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 seeks to apply a zone from the suite of zones available for interim planning schemes to the subject land.

A site-specific qualification is a tool available under the planning scheme which, when appropriate, can have minimal impacts on surrounding land as compared to application of a specific area plan or a rezoning. The draft amendment allows for a minor departure to the current provisions of the Scheme.

Applying an Inner Residential Zone and application of the site-specific qualification for ‘Vehicle fuel sales and service’ is consistent with the controls applied to the land under the Draft Glenorchy LPS.

- (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 site is serviced by reticulated water and sewer infrastructure. The proposal will not result in the clearance of any standing vegetation.

If the draft amendment is approved and the permit granted, existing jobs will be maintained and the business will continue to be available to the local community.

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 draft amendment is consistent with State Policies and municipal policy (see discussion below), noting that the proposal is site-specific, and its 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;**

Should the amendment be initiated, noting that the use being applied for currently operates on the site, the application will still need to meet noise and traffic management requirements and other amenity issues under the Scheme to ensure a pleasant, efficient and safe working and living environment. These aspects are discussed in Part 2 of this report.

- (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 buildings of historical significance on the site.

- (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 site is within an urban area and already developed. Noting that the application must still demonstrate compliance with scheme provisions, the rezoning and application of site-specific qualifications is unlikely to have a negative impact on public infrastructure and assets.

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

The site is located within an existing urban area, with access to Main Road, infrastructure services and is developed. The opportunity for the existing use to seek compliance with the planning scheme is in line with this objective.

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 and no new point source discharges to water are proposed under the planning permit application. The application is considered to be consistent with the State Policy for Water Quality Management.

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 190m 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 Table 1 below.

Table 1 – Consistency with State Coastal Policy 1996

Principles	Amendment response
Natural and Cultural values of the coast will be protected	<i>Natural Resources and Ecosystems – Section 1.1</i> The site is heavily disturbed from its natural condition, is clear of any significant vegetation communities and is 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> The site has been previously developed and there are no known Aboriginal sites or relics on the site.
	<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> The proposed development is within an existing residential area and will not impact on the natural and aesthetic qualities of the coastal environment. Stormwater is 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>

Principles	Amendment response
	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 land is located within an existing residential 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 site was historically used for a service station and is potentially contaminated.

The associated planning scheme application seeks maintain the current use on site, and no works or soil excavation are proposed as part of the application.

Should a future sensitive use be proposed, any excavation work on site would be subject to E2.0 Potentially Contained Land Code.

Consistency with the Glenorchy City Council Strategic Plan 2016-25

The draft amendment is consistent with the following objective and strategy 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

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 apply two site-specific qualifications.
- Is consistent with the *Southern Tasmanian Regional Land Use Strategy, 2010-2035* (STRLUS), as the change in zoning is consistent with the zoning of the surrounding land and the site-specific qualifications reflect the current use of the land. While the draft amendment relates to a single site and the effects will be localised, it still promotes the following strategies of the STRLUS:
 - *Part 12 Physical infrastructure*
PI 1 Maximise the efficiency of existing physical infrastructure
 The draft amendment provides opportunity to legalise an existing use on an urban site, that is currently well serviced rather than requiring the use to relocate.
 - *Part 13 land use and transport integration*
LUTI 1.5 local major trip generating activities in close proximity to existing transport routes and existing higher order activities centres.
 The site has access to Main Road, and while not approved under the planning scheme the current use operates on site. By applying site-specific qualifications to the site, the draft amendment provides opportunity for legalisation of the existing use on a site with good access to transport routes.
 - *Part 18 Activity Centres*
AC 1.3 Discourage out-of-centre development by only providing for in-centre development within planning schemes.
 By including the land within an Inner Residential Zone, the ability for a range of business and retail activities to develop on the site – outside of the Claremont neighbourhood centre is reduced. Facilitating the opportunity for the existing use to continue is unlikely to have a negative impact on the operation of the Claremont activity centre and other minor or smaller local centres in the vicinity.

Impact of Permissible Use and Development on the Region

The draft amendment seeks to change the Scheme for a specific site, so its impacts can be considered to be localised. Noting the draft amendment is considered to be 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 Scheme.

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 includes the land in the surrounding Inner Residential Zone. While the land could be retained in a Local Business Zone (its current zoning), as the land is proposed to go into an Inner Residential Zone under the Draft Glenorchy LPS, including the site in this zone under this draft amendment, will give adjoining property owners an opportunity to understand potential future impacts on the subject site as part of a site-specific amendment.

The draft amendment also seeks to apply two site-specific qualification to the site. The new use classes are defined use class in Table 8.2 Use Classes Site-specific qualification is considered the most effective means of achieving the required change.

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

The key objective in Part 3.0 of the Scheme relevant to the proposal is:

3.0.2 – L Residential Growth: local objectives - Residential amenity is promoted by reducing the potential for land use conflicts between residential and other land uses.

The proposed rezoning effectively removes a 'spot zoning' from the scheme. This removes the opportunity for uses, which may impact on the amenity of the surrounding residential area and are permissible under a Local Business Zone from seeking to establish (eg *Equipment and machinery sales and hire, Hotel industry or Transport depot and distribution*). The site-specific qualifications effectively limit use of the site to activities that have historically occurred on the land and were supported under the previous scheme. The draft amendment is therefore considered to promote this objective.

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

Table 2 Zone comparison table (see **Attachment 3**) provides a comparison of the Use Tables for the land under the current zone and under the proposed zoning.

The difference in permissible uses between Local Business and Inner Residential is significant, as might be expected. While a number of uses will no longer be available to the land holder, it is noted that their objective is legalise their current use on the site and the draft amendment will facilitate this through application of the site-specific qualifications. In essence, the draft amendment maintains the 'status quo' of the land.

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

The rezoning will include the site in the surrounding residential zone, so land use impacts on surrounding land are likely to be minimal. Noting that the owner is seeking to legalise their current use on the site, the change is unlikely to have significant land use impacts on any specific land or adjacent land.

CONCLUDING COMMENTS ON THE DRAFT AMENDMENT

The draft amendment removes a zoning anomaly from the area by including the subject land in the surrounding zone. By applying site-specific qualifications to the land, the draft amendment provides the land holder with the opportunity to seek a planning permit for the use currently operating from the land and continue their business on site. However, new use and development (including an application for the existing use) will be required to meet the standards of the Inner Residential Zone, and this will improve the amenity of the local residents.

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:

Part B: Administration

The following administrative provisions are relevant to this proposal:

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

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

- E5.0 Road and Railway Assets Code
- E6.0 Access and Parking Code
- E17.0 Signs Code

Use Class Description (Table 8.2):

The application is for a change of use to motor repairs and ancillary tyre sales, which is classed as Service Industry. The use is defined in Table 8.2 Use Classes as follows:

Service industry

use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.

Other relevant definitions (Clause 4.1):

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

hours of operation

means the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.

panel beating

means use of land to repair or replace damaged motor vehicle bodies and panels and carry out any associated mechanical work or spray painting.

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 (a) for a discretionary use and under (b) for reliance on Performance Criteria as follows:

- 11.2 Use Table
- E6.6.1 A1 Number of Car Parking Spaces
- E17. 6.1 P1 Use Standards
- E17.7.1 P1 Standards for Signs

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal:

Part D: Zones

The land is within 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 Statement

The purpose of the Inner Residential Zone in 11.0 is as follows:

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.

- *To provide for compatible non-residential uses that primarily serve the local community.*
- *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- *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

It is considered that the proposal would be in accordance with the zone purpose, it would have no unreasonable amenity impacts. It is considered that the proposed use for a Service Industry, which only allows for motor repairs would not be in-compatible with the surrounding residential uses and would serve the local community. The closest residential dwellings are located approximately 16m to the southeast. The site is facing a recreation ground on the other side of Main Road and a community hall on the other side of Lady Clark Avenue. Residential development to the rear is separated by approximately 60m. The use has existed for some time without causing amenity impacts. In addition, a noise assessment was submitted that demonstrate accordance with the acceptable solution in terms of noise. Therefore, it is considered that the proposed use would be not be in-compatible with nearby residential uses.

Use Table

The use of Service Industry would be discretionary within the Inner Residential Zone in 11.2 Use Table, with a qualification for motor repairs only. The proposal is for motor repairs.

Use Standards

There are use standards in 11.3 for hours of operations, noise, external lighting and commercial vehicle movements. The proposal accords with all use standards as demonstrated in the attached appendix. The assessment by Environmental Health provides comments in terms of noise and potential contaminated land. The Environmental Health assessment can be found later in this report under the header Referrals.

Development Standards for Buildings or Works

There are no building works proposed, so that these standards are not applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal accords with the relevant Acceptable Solutions as demonstrated in the attached Appendix. For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

E6.0 Access and Parking Code

E6.6.1 A1 Number of Car Parking Spaces

The application does not provide for any formal carparking. Therefore, the proposal does not satisfy the Acceptable Solution in E6.6.1 A1 Number of Car Parking Spaces where the applicable rate in Table E.6.1 is as follows:

Use Class: Service industry		
Service industry	3	for each 100m ² floor area, or 3 spaces for each work bay; whichever is the greater.

As such, the proposal relies on the related Performance Criteria as follows:

E6.6.1 A1 Number of Car Parking Spaces

Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:

- (a) *avoidance of conflicts between users including vehicles, cyclists and pedestrians;*
- (b) *avoidance of unreasonable interference with the flow of traffic on adjoining roads;*
- (c) *suitability for the type and volume of traffic likely to be generated by the use or development;*
- (d) *ease of accessibility and recognition for users*

Comment

The floor area of the premises is approximately 330m², which would require the provision of ten parking spaces. The application does not provide any formal parking but has sealed areas that can be used for parking which used to be the areas in front of the pump stations. The application was referred to the Development Engineer, who assessed that the proposal accords with the above Performance Criteria. The Engineering Assessment is under the header Referrals later in this report.

E17.0 Signs Code

The application includes the following signs:

- Awning Facia Sign x 3 north, east and south elevation
- Wall Sign x 1 northern elevation
- Wall Signs x 4 eastern elevation

The proposed signage is shown in Figure 3.



Figure 3: Proposed Signage

E17.3 Definition of Terms

The proposed signs fall within the following definition:

Awning Fascia Sign	means a sign on the fascia or return ends of cantilever or suspended awnings.
Wall Sign	means a sign painted on or attached parallel to the wall of a building or fence surrounding a building.

E17.6.1 A1 Use Standards

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

E 17.6.1 A1 Use Standards

The proposal cannot accord with 5.1.1 A1 as an awning fascia sign and a wall sign are both discretionary signs within the General Residential Zone in Table 17.3. Status of signs in zones. Therefore, the proposal relies on the related Performance Criteria as follows:

E17. 6.1 P1 Use Standards

A sign must be a discretionary sign in Table E.17.3.

The proposed signs satisfy the above Performance Criteria.

E17.7 Development Standards

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

E17.7.1 A1 Standards for Signs

The proposed signage does not accord with the Acceptable Solution in E17.7.1 Standards for Signs, as the signs are discretionary in Table 17.3 Status of Signs in Zone and do not comply with Table 17.2 Signs Standard, as underlined below.

Awning Fascia Sign	(a) Projects no more than 40mm in profile from the surface to which they are attached and are no less than 300mm from the kerb alignment; (b) <u>Does not extend above, below or beyond the awning;</u> (c) <u>Height of lettering or other graphics is no more than 450mm.</u>
Wall Sign	(a) Message on the front face only; (b) Projection from the face of the wall or fence no more than 450mm; (c) Does not extend laterally beyond the wall or above the top of the wall to which it is attached; (d) <u>Area of sign no more than 2m²</u>

Therefore, the proposal relies on the related Performance Criteria as follows:

E17.7.1 A1 Standards for Signs

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

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

- (f) *not contribute to or exacerbate visual clutter;*
- (g) *not cause a safety hazard.*

Comment

The proposed signage is considered in keeping with the design of the premises and would not be dominant in relation to the building or the streetscape in terms of proportions. The signage is well integrated with the building's architectural form so as not to cause visual clutter and would not cause any safety hazards.

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

E17.7.1 A2 Standards for Signs

The proposed signage does not accord with the Acceptable Solution in E17.7.1 A2 as there would be more than one sign of each type facing Main Road. Therefore, the proposal relies on the related Performance Criteria as follows:

E17.7.1 P2 Standards for Signs

The number of signs per business per street frontage must:

- (a) *minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;*
- (b) *reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;*
- (c) *not involve the repetition of messages or information.*

Comment

The frontage contains an Awning Facia Sign and four Wall Signs, which is more than one sign of each type facing Main Road. It is considered that the signage is not presenting as visual clutter and is well integrated with the building and the streetscape. The signage is not unnecessarily repetitive as it contains relevant information. The street frontage is 41m and the signage on the frontage is five, which complies.

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

PART F: Specific Area Plans

No Specific Areas Plan is applicable.

INTERNAL REFERRALS

Development Engineer

Comments

The development application seeks an approval for rezoning and Change of use to service industry to reflect the current and ongoing use.



E5.0 Road and Railway Assets Code

The Planning Report by JMG, dated 3/7/2019 was submitted as part of the development application addressing the proposal including Codes E5.0 and E6.0 of the Scheme. The report advised that though the traffic generation for the car repair station use under the *RTA Guide to Traffic Generating Developments 2002, Issue 2.2* is at a daily rate of 10 vehicle movements per 100 m² site area which is equivalent to 155 vehicle movements per day for the site; the actual vehicle movements are 24 per day on average. Given the business has been operated for many years now without evidence the traffic generated by the business is impacting on the road network. Furthermore, that the development is not increasing vehicle movements, to and from the site, over 40 vehicle movements. Therefore, the proposal complies with the Acceptable Solution of E5.5.1 A3. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with E5.6.2 A1 and A2. Therefore, the development complies with Code E5 Road and Railway Assets Code.

E6.0 Parking and Access Code

The site can be accessed off the existing vehicular accesses onto the site. Driveway arrangements are not proposed be altered. The development is unable to comply with the Acceptable Solution E6.6.1 A1 Number of Car Parking Spaces, as there is no off-street car parking spaces proposed. The JMG report addressed the Performance Criteria in E6.6.1 P1 (a) due to the nature of the work it is not likely there is demand of car parking spaces, (b) the availability of a public parking area on Lady Clarke Avenue (9 spaces) and the on-street car parking directly in front of the site, (c) the availability and frequency of public transport that the Metro bus stop 50 is located within 400mm walking distance and including other performance criteria in E6.6.1 P1.

It is agreed that the assessment against the performance criteria is acceptable and it is considered that the proposed use complies with the Parking and Access Code.

E7.0 Stormwater Management Code

There is no new impervious area nor parking spaces proposed; and therefore, the code is not applicable to this proposal.

The SW connection is available via the 100mm connection to GCC SW main.

Other*E3.0 Landslide Code*

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

Environmental Health Officer

This site has been used as a vehicle service and tyre sales centre for Cooper Automotive since 2008. Previous to this vehicle service and tyre sales use the site was historically used for vehicle fuel sale with fuel tanks currently remaining onsite. Due to the existing potentially contaminating uses, the site, and neighbouring residential sites, would be considered potentially contaminated and would trigger assessment under 5.1.2 Potentially Contaminated Site Code. The proposed change of zoning to Inner Residential would bring the parcel of land in line with the zoning of surrounding properties. It is Environmental Health's opinion that the change in zoning along with the addition of the site-specific qualification would not result in further impacts to the site and the surrounding properties.

The applicants have advised that the rezoning and the addition of the site-specific qualification is to allow for the current business to continue operating at the site lawfully. No intensification or changes to the operation of the current business are proposed and as part of this application all applicable sections of the Planning Scheme would need to be addressed when considering the change to the ongoing use of the site, such as noise.

Further information was requested by Environmental Health to assess the change of use against Acceptable Solution 11.3.1 A2 Non-residential use, of the Scheme.

A noise report completed by Noise Vibration Consulting dated 20 June 2019 and an addition to this noise report dated 23 July 2019 was provided to Council to demonstrate compliance with the Acceptable Solution 11.3.1 A2 Non-residential use. The noise report obtained noise readings from two (2) sites with the closest residential dwellings (site A and site B). Noise readings were taken under the following conditions:

- All roller doors of the workshop open
- Car idling and general servicing activities being undertaken
- Compressor in use
- Rattle gun in use

The report concluded that the LAeq and LMax levels obtained in the noise assessment complied with levels outlined in The Acceptable Solution 10.3.1 A2 (a) and (3), in that Site A obtained a LAeq of 50dBA and LMax of <58dBA and Site B a LAeq of 48 dBA and LMax of 64dBA.

It is therefore recommended that the Acceptable Solution 10.3.1 A2 (a) and (c) be applied as a condition of this permit.

The applicants have advised that no earthworks are proposed for the change of use and therefore the proposal is exempt from Potentially Contaminated Land Code of the Scheme.

EXTERNAL REFERRALS

TasWater

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(2)(a) TasWater does not object to the proposal and no conditions are imposed.

CONCLUSION

The application for the planning permit is for a change of use to service industry (motor repairs) with tyre sales and signage. The use of Service Industry would be discretionary within the Inner Residential Zone, only if for motor repairs. The proposal is also discretionary for a parking shortfall and signage.

It is considered that the proposed use would be acceptable at this location under the circumstances. The use has been operating for several years at this location without any complaints. The operations of the proposed use can comply within the noise limits of the acceptable solution. Whilst there is discretion for a parking shortfall it is considered that sufficient parking is available in the vicinity to cater for the expected demand. The proposed signage is discretionary within the Inner Residential Zone and is discretionary for the number of signs and the area of the wall signs. Nevertheless, it is not considered that the proposed signage would adversely affect the streetscape or the amenity of the area.

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 change of use to service industry (motor repairs) with ancillary tyre sales and signage, subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No PLS43A-19/01 and Drawing No. P1 submitted on 29/03/19 and Drawing No P2 submitted on 22/05/19 (signage plans); 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 TWDA 2019/00571-GCC, dated 03/05/2019, form part of this permit.
3. The use approved herewith must not include panel beating or spray painting.
4. Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks.
5. 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.
6. 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.
7. Signage must not be illuminated or contain flashing lights or changing messages.

Engineering

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

Environmental Health

9. 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) 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.

CONCLUSION:

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 PLS43A-19/01 be initiated, and a planning permit be granted, subject to the conditions outlined above.

The Planning Authority must exhibit the planning permit application documents with the initiated draft amendment

THE PROCESS FROM HERE:

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 Act 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. While not required under the LUPPA regulations, a sign advising of the draft amendment and planning permit will also be placed on the site.

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-19/01 to the Glenorchy Interim Planning Scheme 2015, to rezone 8-10 Main Road Claremont to an Inner Residential Zone and apply site specific qualifications for 'Service industry' and 'Vehicle fuel sales and service' to the site as shown in **Attachment 3**.

- 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 change of use service industry (motor repairs) and signage at 8-10 Main Road 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* to place the draft amendment, application documents and planning permit on public exhibition for a period of 28 days.

Attachments/Annexures

- 1 Appendix - Assessment of Applicable Standards - 8-10 Main Road,
[⇒](#) Claremont
- 2 Locality Plan, TasWater Submission and Plans - 8-10 Main Road,
[⇒](#) Claremont
- 3 Amendment Documents - 8-10 Main Road, Claremont
[⇒](#)

CLOSED TO MEMBERS OF THE PUBLIC

10. APPEALS REPORT

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(4) (In relation to subregulation 15(3) only, matters relating to legal (or possible future legal) action taken (or may be taken) by or involving the Council).