

GLENORCHY PLANNING AUTHORITY AGENDA

MONDAY, 13 MAY 2019



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

The General Manager certifies that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

A handwritten signature in blue ink, likely of Tony McMullen.

Tony McMullen
General Manager

8 May 2019

- * **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 April 2019 be confirmed.

5. PROPOSED USE AND DEVELOPMENT ADDITIONS AND ALTERATIONS TO MULTIPLE DWELLINGS (RESIDENTIAL) - 3 WILLOW WALK AUSTINS FERRY

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 3490869

REPORT SUMMARY:

Application No.:	PLN-19-071
Applicant:	S M Jenkins and S K Jenkins
Owner:	S M Jenkins and S K Jenkins
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	Clause 10.4.3 Site coverage and private open space for all dwellings (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	15 May 2019
Existing Land Use:	Multiple Dwellings
Proposal In Brief:	Additions and alterations to Multiple Dwellings (Residential)
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal is for additions and alterations to two approved multiple dwellings on the site. The dwellings form part of the final stage for nine multiple dwellings approved in Permit PLN-12-014.03. The two dwellings are located at the front of the site, along the south-east side boundary. The application is limited to the additions and alterations that extend beyond the existing approved permit which has been substantially commenced.

Unit 8

The proposed change for Unit 8 involves a minor increase to the height and area for the deck located on the south-west side adjoining the living room and private open space.

Unit 9

The proposed alterations and additions to Unit 9 includes a single garage on the north-east rear façade rather than a sealed car parking space. A deck on the south-west front façade and alterations to the private open space to the rear (figure 1).

The changes are highlighted below.

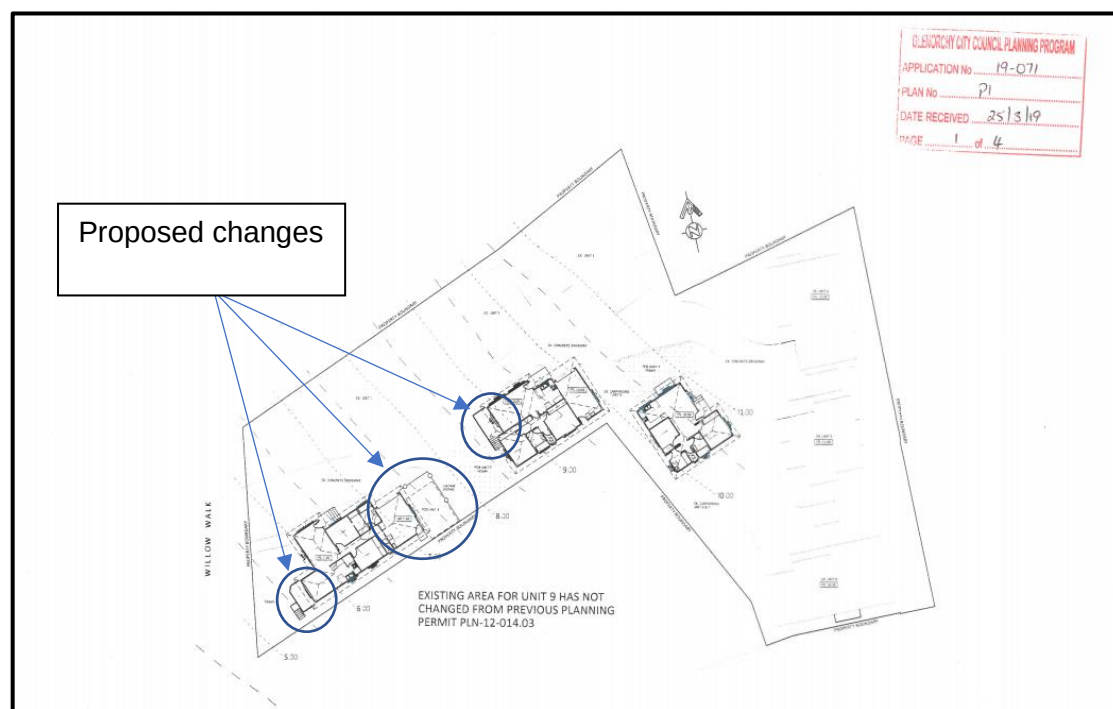


Figure 1: Site Plan for 3 Willow Walk, Austins Ferry.

The proposal will rely on performance criteria for Clause 10.4.3 for site coverage and private open space for all dwellings.

SITE and LOCALITY

The subject site is located on the eastern side of Willow Walk, approximately 56m to the north of the intersection with Merley Road, Austins Ferry.

The property has a frontage of approximately 29m, an average depth of 81m, and a total area of 2932m². The balance for the strata lot has an area of 749m².

The site has a gentle slope and falls toward the south-west, with an average gradient of 1 in 10. The land has six multiple dwellings along the north-west side and to the rear which have been completed. The remaining three dwelling along the south-east side are under construction.

The site has minimal vegetation and a shared vehicular access is located through the middle of the site, extending to the rear of the property.

The site is located within a General Residential zone with a mix of single dwellings and multiple dwellings (figure 2). The property is in close proximity to the Utilities zone and Open Space zone to the south.



Figure 2: Aerial photo of 3 Willow Walk, Austins Ferry.

ZONE

The subject property is within the General Residential Zone under the Glenorchy Interim Planning Scheme 2015 (figure 3).



Figure 3: General Residential zone over 3 Willow Walk, Austins Ferry.

BACKGROUND

A Planning Permit PLN-12-014.03 for a boundary adjustment and nine multiple dwellings was approved on 16 April 2012 and amended on 14 May 2014 and 12 May 2017 (figure 4). The proposal was approved in five stages with Units 7-9 to be completed in the final stage. Construction works have already begun for Units 7-9.

The Permit was approved with a shared driveway and required a total of fourteen car parking spaces.

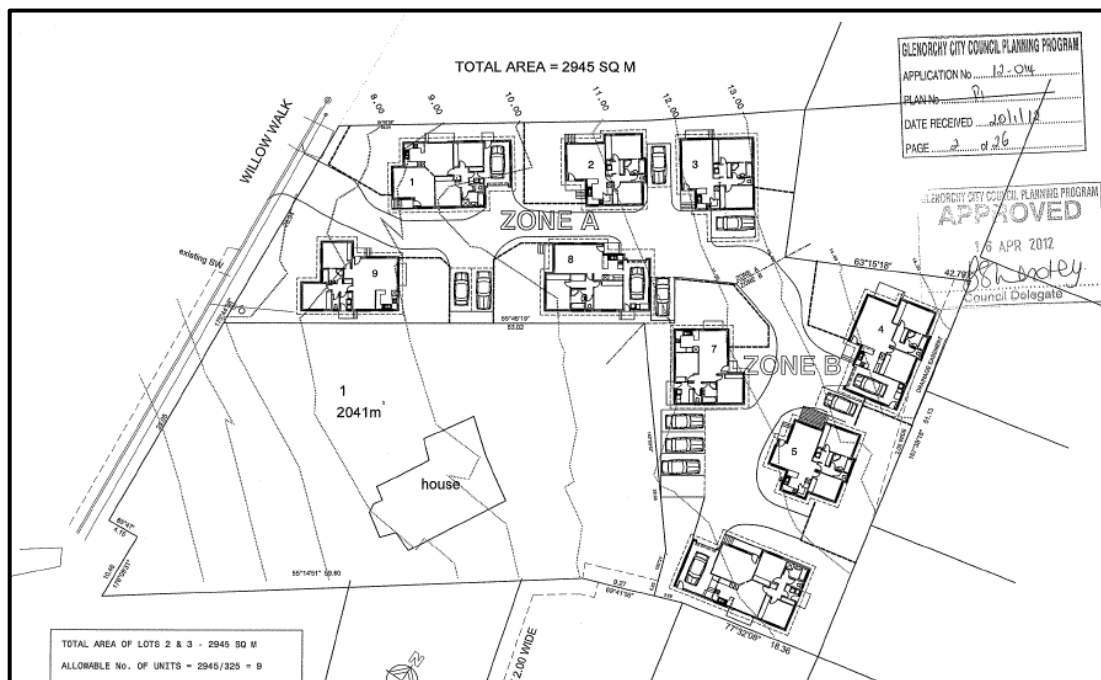


Figure 4: Site Plan for 3 Willow Walk, Austins Ferry.

Amended plans were submitted with the building application in February 2019 which exceeded the scope of works approved in the Planning Permit PLN-12-014.03. There is potential to consider small changes similar to the approved Permit where no new discretions are invoked. In this case the plans submitted showed works that required a new assessment under the Scheme and relies on additional performance criteria.

The proposal is reliant on the substantial commencement of existing Permit PLN-12-014 for the original assessment of the three dwellings. Therefore, this application is restricted to the proposed additions and alterations to Units 8 and 9.

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 the zone provisions in this assessment.

Use Class Description (Table 8.2):

The use of Multiple Dwelling is listed within the Residential use class description of the Glenorchy Interim Planning Scheme 2015.

The definition of Residential use class states:

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):

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

means 2 or more dwellings on a site.

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 10.4.3 A2 Site coverage and private open space for all dwellings (for access to private open space via the deck and garage for Unit 9)

Part C: Special Provisions

No Special Provisions apply.

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 General Residential zone purpose statements in Clause 10.1.1 are as follows:

10.1.1.1

To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2

To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3

To provide for the efficient utilisation of services.

The proposed additions and alterations to multiple dwellings would be consistent with the residential uses for the zone. The development would provide for a range of dwelling types at suburban densities and would efficiently utilise existing infrastructure. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Use Table

The proposed use of 'Multiple Dwellings' is permitted, in accordance with the use table in Clause 10.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposal is discretionary owing to the reliance on performance criteria for Clause 10.4.3.

Use Standards

The use standards set out in Clause 10.3 are not applicable to this application.

Development Standards for Residential Buildings & Works*Clause 10.4.3 – Standard A2, Site coverage and private open space for all dwellings*

The plans show the private open space for proposed Unit 9 will be accessed via a deck and garage. The proposed private open space will require direct access from a habitable room other than a bedroom and have a minimum width of 4m, to be in accordance with Clause 10.4.3(c) – Standard A2. The proposal is considered in accordance with the performance criteria in Clause 10.4.3 – P2 as follows:

A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play that is:*
 - (i) conveniently located in relation to a living area of the dwelling; and*
 - (ii) orientated to take advantage of sunlight.*

Unit 9 will have a reasonable amount of private open space. However, the design would not provide for direct access from a habitable room. The proposal provides for areas that are capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play, with reasonable access between the living area and private open space. The private open space would have reasonable exposure to sunlight during the day. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and complies with the standard.

Clause 10.4.6 – Standard A1, Privacy for all dwellings

The proposal will have a permanently fixed screen to a height of at least 1.7m above the floor level of the deck on the south-east façade for Unit 9, in accordance with Clause

10.4.6 – Standard A1. Therefore, the proposal complies with the acceptable solution and a condition has been recommended.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

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

The proposal is for additions and alterations to multiple dwellings approved in Permit PLN-12-014.03. Condition thirteen required a total of fourteen car parking spaces for nine multiple dwellings. The proposal will not change the number of approved car parking spaces. Therefore, the proposal is in accordance with Clause E6.6.1 – standard A1.

E7.0 Stormwater Management Code

The proposal is not exempt under Clause E7.4. However, the proposal complies with the acceptable solutions of the standards in Section E7.0.

PART F: Specific Area Plans

No Specific Area Plans apply.

INTERNAL REFERRALS

No referrals were required because the engineering and waste management requirements multiple dwellings were assessed under the approved Permit PLN-12-014.03, which is operating concurrently.

EXTERNAL REFERRALS

TasWater

The application was referred to TasWater which was supportive of the proposal with recommended conditions. The *Water and Sewerage Industry Act 2008* requires the Planning Authority to include conditions from TasWater if a permit is approved.

REPRESENTATIONS

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

1. Notification

The representor states that notification was not given that there would be three additional dwellings when the adjoining dwelling was purchased.

Planner's Comment:

This issue is not an issue that can be considered as part of this application. However, the three dwellings form part of the nine multiple dwellings originally approved in Permit

PLN-12-014 on 16 April 2012. It is the responsibility of the vendor to disclose relevant information to purchasers at that time.

2. Construction

The representor states that notification was not given for the construction of the three multiple dwellings prior to the beginning of works onsite. In addition, damage has been caused to the existing driveway and the previous works have not been adequately completed.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. The date for commencement of construction is nominated by the developer and is therefore a matter for the developer. There is no requirement under the *Building Act 2016* for the adjoining neighbour to be notified. Unfortunately, damage caused during construction is a civil matter.

3. Access

The representor states that the construction of the three dwellings has made it difficult to gain access to the adjoining property via the shared driveway.

Planner's Comment:

Unfortunately, this is a civil matter and is not a planning issue that can be considered as part of this application.

CONCLUSION

The proposal is relying on performance criteria to comply with the applicable standards of the Scheme in relation to site coverage and private open space for all dwellings.

The proposal is assessed as satisfying the relevant performance criteria and complies with the applicable standards.

The proposal is assessed as complying with all other use and development standards of the General Residential zone, as well as the relevant standards of the Stormwater Management Code.

The application was publicly advertised for the statutory period and one representation was received. The representation raised issues regarding notification, construction and access.

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 additions and alterations to Multiple Dwellings (Residential) at 3 Willow Walk Austins Ferry subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-19-071 and Drawing No. P1 submitted on 25 March 2019, 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 2019/00472, dated 10 April 2019, form part of this permit.
3. Privacy screen/wall to a height of 1.7 m from finished floor level must be constructed between the south-east elevation of the deck (Unit 9) and the side boundary. The privacy screen/wall must be constructed and finished with solid or translucent materials (with uniform transparency of no more than 25%), to prevent direct overlooking of the adjacent lot. The privacy screen must remain in-situ, for the duration of the use as approved.

Advice to Applicant

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

Existing Permit

Please note this Permit operates in association to the previous Planning Permit PLN-12-014.03 and operates concurrently.

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.

APPENDIX 1

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	Not applicable.	N/A
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAm _{ax}) 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.	Not applicable.	N/A
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting;	Not applicable.	N/A

	(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.		
	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.	Not applicable.	N/A
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .	Not applicable.	N/A
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .	Not applicable.	N/A
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable.	N/A

10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Complies.	Yes
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	Complies.	Yes

	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	Complies.	Yes
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	Complies.	Yes

	A2 A dwelling must have an area of private open space that: (d) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (e) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (f) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (g) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (h) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (i) has a gradient not steeper than 1 in 10; and (j) is not used for vehicle access or parking.	The proposal provides private open space access via a deck and garage. Compliance will require direct access via a habitable room other than a bedroom and a minimum width of 4m. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Not applicable.	N/A

	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Not applicable.	N/A
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.	Not applicable.	N/A

	(b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	Complies. A condition has been recommended.	Yes

	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	Not applicable.	N/A
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or	Not applicable.	N/A

	(b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.		
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	Not applicable.	N/A
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	Not applicable.	N/A

APPENDIX 2

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Complies.	Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	Not applicable.	N/A
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	Not applicable.	N/A
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not applicable.	N/A

Attachments/Annexures

1 Attachment - 3 Wilow Walk Austins Ferry



6. PROPOSED USE AND DEVELOPMENT - SEA STONE PASSAGE - ART INSTALLATION AND ASSOCIATED WORKS (MUSEUM) - 651-655 MAIN ROAD BERRIEDALE

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 2250425

REPORT SUMMARY:

Application No.:	PLN-18-137
Applicant:	Claremont Partners (Tas) Pty Ltd Moorilla Estate
Owner:	Claremont Partners (Tas) Pty Ltd Moorilla Estate
Zone:	Environmental Management
Use Class	Community Meeting and Entertainment
Application Status:	Discretionary
Discretions:	<i>9.9 Accretions</i> <i>F11.6.2 P3 Setback</i> <i>F11.6.3 P1 Landscaping</i> <i>F11.6.4 P1 Building and Works within a Waterway and Coastal Protection area</i> <i>F11.6.5 P1 Building and Works within an Inundation Prone Area</i> (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	13 May 2019
Existing Land Use:	Museum
Proposal In Brief:	Sea Stone Passage - Art installation and associated works (museum)
Representations:	1 in support
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes to erect a 50m-long rock wall art work at the Museum of Old and New Art. The proposed artwork is by the British sculptor Andy Goldsworthy and is to be called Sea Stone Passage. The artist describes the installation similar in appearance to a breakwater or slipway, like a long pile of roughly placed stones. The artwork would be constructed from dolerite and there would be a cleanly cut passage running through the middle. The passage will be accessible by the public. The proposal is shown in Figure1.

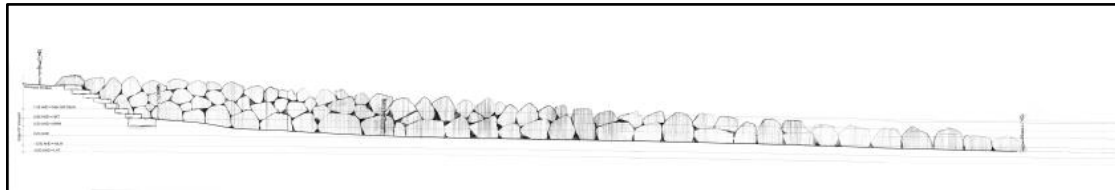


Figure 1: Proposal Plan - Andy Goldsworthy

SITE and LOCALITY

The artwork is in connection with the Museum of Old and New (MONA) at 651-655 Main Road, Berriedale. The artwork would be located in Berriedale Bay near the entry of the site, with access from Main Road, as well as from a walkway in proximity to the Gate House. The artworks would be constructed on adjacent Crown land, which does not have a title or a PID number and would extend into the River Derwent. The property is shown in Figure 2.



Figure 2: Subject Site - Council Database 2016

ZONE

The subject property is located within the Environmental Management Zone (teal), access would be over the Tourism Zone (lavender) as shown in Figure 3.

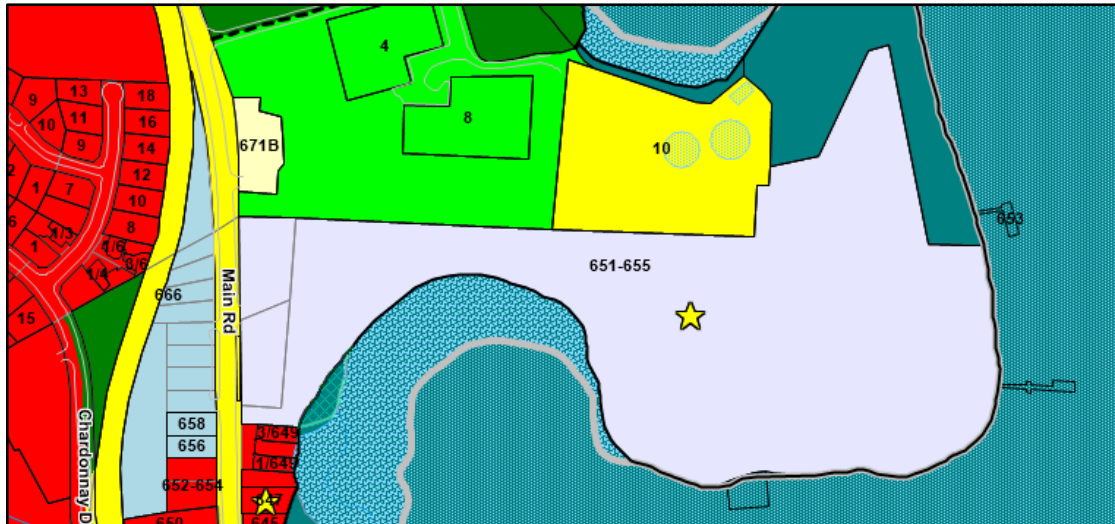


Figure 3: Zoning Map - GIPS 2015

BACKGROUND

Application

The following supporting information was submitted:

- Artist statement by Andy Goldsworthy undated
- Geotechnical assessment and proposed construction methodology by Pitt & Sherry dated 29/05/17
- Natural Values Assessment by Northbarker dated 06/06/17
- Coastal Assessment by Pitt & Sherry dated 07/12/28
- Coastal Management Plan by W. C. Cromer 25/02/19
- Site Survey Plan by PDA Surveyors 19/10/18

Permits

There are numerous permits for the property at MONA. The following permit established the use of the Museum to which the proposal relates:

- Planning Permit PLN-06-03732-01 - Museum of Antiquities - Approved 27/03/06.
The above permit established the original museum (MONA).

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?)

Special Areas Plan

The MONA Specific Area Plan in section F11 of the Scheme applies.

F11.2 Application of the Specific Area Plan

- (a) *This specific area plan applies to the area designated as the MONA Specific Area Plan (F11) on the overlay maps and in Figure 4.*



Figure 4: MONA Specific Area Plan - GIPS 2015

- (b) *The provisions of this Specific Area Plan override and apply to the exclusion of the provisions of the Major Tourism and the Environmental Management zones.*
- (c) *In addition to (b) above:*
- (i) *Clause F11.6.4 overrides and applies to the exclusion of clause E11.7.1 A1 and P1 (WCPC)*
 - (ii) *Clause F11.6.5 overrides and applies to the exclusion of clause E15.7.1; and (Coastal Inundation High Hazard Areas)*
 - (iii) *Clause F11.7.1 overrides and applies to the exclusion of clauses E11.8.1 (Subdivision within WCPC) and E15.8.1. (Subdivision in Medium and High Inundation Hazard Areas)*

Codes

The following code applies and prevails over the provisions of the MONA Specific Areas Plan:

- E10.0 Biodiversity Code

Use Class Description (Table 8.2):

The proposed artworks are in connection with the existing museum, which falls under the use class Community Meeting and Entertainment. The use is defined in Table 8.2 Use Classes as follows:

Community meeting and entertainment

use of land for social, religious and cultural activities, entertainment and meetings. Examples include an art and craft centre, church, cinema, civic centre, function centre, library, museum, public art gallery, public hall and theatre.

Other relevant definitions

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

Museum

means use of land to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.

The following meaning in F11.3 Definition of Terms is relevant:

Temporary Development

means:

- (a) outdoor non-habitable art installations;*
- (b) the erection of structures to facilitate occasional events (for the duration of that event); or*
- (c) structures created to rehouse art installations for continued public access during construction, for up to a year.*

Temporary developments are to be demountable; not require any vegetation removal, excavation, or soil disturbance, or have structural requirements that disturb the land/coast/riverbed.

Comment

The proposed artworks do not satisfy the definition of temporary works. Although the artworks would satisfy (a) above, the works do require vegetation removal and would disturb the coastal processes of the bay. In addition, the structure would not be readily demountable.

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:

- 9.9 Accretions
- F11.6.2 P3 Setback
- F11.6.3 P1 Landscaping
- F11.6.4 P1 Building and Works within a Waterway and Coastal Protection area
- F11.6.5 P1 Building and Works within an Inundation Prone Area

Part C: Special Provisions

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

9.6 Access Across Land In Another Zone

There are two existing gravel paths that would lead to the area of the artworks, within the Major Tourism Zone, of which one would be upgraded. The artwork would be located within a different zone which is the Environmental Management Zone. The Special Provisions in 9.6.1 allow for access from a different zone so that the access would be assessed under the same zone as the artwork. The provisions are as follows:

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.

9.9 Accretions

The artwork would extend into the River Derwent so that the following Special Provisions in 9.9.1 apply:

Accretions

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.*

Comment

The proposal is considered consistent with the MONA Specific Areas Plan which overrides the Environmental Management Zone but does include standards for the protection of the environment. The main considerations are protection of a vulnerable plant species and sediment displacement. Both issues are addressed satisfactorily and are discussed elsewhere in this report. Overall, the proposal satisfies the above objectives.

Part D: Zones.

The proposed structure would be wholly contained within the Environmental Management Zone. However, the MONA Specific Areas Plan prevails over the zone purpose statements, use table, use standards and/or development standards normally applicable within the Environmental Management Zone.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6 Parking and Access Code

There is no parking requirement for the proposed artwork. The parking requirement for the use class Community Meeting and Entertainment (Museum) is based on floor area. The artwork would not comprise a room with a floor, so that no parking would be required. The artwork would be essentially an additional feature of the site and would not generate any parking demand on its own. There is existing parking available at the MONA site which is required under existing permits for the site.

E10.0 Biodiversity Code

The biodiversity overlay covers the site of the art installation, which includes the portion of the Crown land as well as the land under water, as shown in Figure 5.

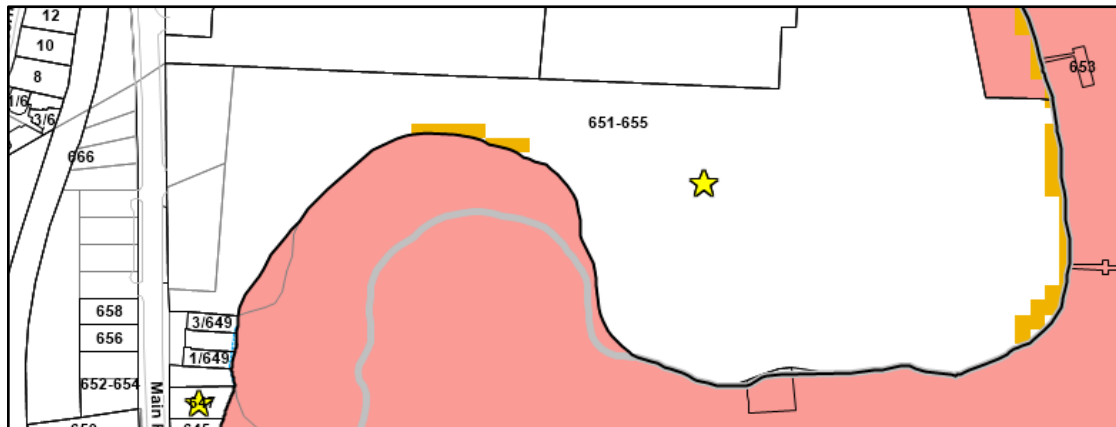


Figure 5: Biodiversity Overlay - GIPS 2015

It is proposed to remove a small portion of sedge lands/grasslands at the intertidal zone. This vegetation is listed as vulnerable under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* and is not listed under the *Tasmanian Nature Conservation Act 2002*,

Therefore, the proposal is exempt from the Biodiversity Code in E10.4 (o) Development Exempt from this Code, as it is subject to *Environment Protection and Biodiversity Conservation Act 1999*; for which there is a separate Federal Government approval process. An advice clause is recommended alerting the applicant of this process. For further comments, please refer to the Environment Assessment under the Referrals section later in this report.

E15.0 Inundation Prone Areas

The MONA Special Areas plan overrides the otherwise applicable standard in E15.7.1.

E11.0 Waterway and Coastal Protection Code

The MONA Special Areas plan overrides the otherwise applicable standard in E11.7.1 A1 and P1.

PART F: Specific Area Plans

F11 MONA Specific Areas Plan

Purpose

The purpose of the MONA Specific Areas Plan is stated in F11.1.1 of the Scheme and is as follows:

- (a) *Recognise the use and development of the site as a museum and art gallery of state and regional importance; and facilitate temporary and permanent use and development for the housing of art, cultural events, and social activity on the site and adjacent waters.*
- (b) *Encourage use and development that will facilitate the creative, economic, cultural, community, and social activities of MONA.*
- (c) *Provide public access points to the foreshore.*
- (d) *Provide for short term displays, occasional events associated with the use of the site, and ephemeral artworks.*

- (e) *Identify and manage use and development in areas at risk of inundation.*
- (f) *Promote design outcomes that recognise the plan area as a stimulatory, and innovative environment, which is expressed through architecture, activity and art. Use and development is encouraged to be bold whilst ensuring that detrimental impact on the amenity of surrounding residential zones is minimised.*
- (g) *Support development that reflects the landform of the peninsula as a promontory, visible within its setting within the river, with larger scale buildings located to the southeast. Development should reduce in scale where adjacent to the street frontage or residential zones.*
- (h) *Create a variety of landscaped areas to enliven the experience of the site and recognise the values of the commercial vineyard and treed approach.*
- (i) *Recognise the natural values of the estuary and surrounding area and ensure that development responds to the natural values.*

Comment

The proposal is considered consistent with the above objectives. The proposal is for an art installation which is promoting creative and cultural activity. The proposal would not impede public access to the foreshore and would enhance the foreshore experience. Whilst the artwork would be at risk of inundation intentionally, public safety would not be at risk as the artwork would be closed by MONA staff in adverse weather conditions. The artwork is considered to respect the landscape setting as it would be low in height and resemble a breakwater that would not look out of place in a bay. The proposal is considered to respond to the natural values, as it would minimise any adverse impacts. Overall, it is considered that the proposal satisfies the purpose of the MONA specific areas plan.

F11.4 Use Table

The use is Community Meeting and Entertainment (Museum), which is a permitted use in F11.4 Use Table. It is noted that a temporary development associated with an existing use would be no permit required, however the proposal does not satisfy the definition of a temporary development, as stated earlier in this report.

F11.6.2 A3 Setback

The proposal does not accord with the Acceptable Solution in F11.6.4 A1 as the proposed development would be located within 20m of the Environmental Management Zone and is not a temporary development. Therefore, the proposal relies in the related Performance Criteria as follows:

F11.6.2 P3 Setback

Buildings and works within 20m of, or within an Environmental Management Zone must satisfy all of the following:

- (a) *there is no significant impact from the development on natural values;*
- (b) *the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;*

- (c) *there is no potential for contaminated water runoff or sediment impacting the land zoned Environmental Management;*
- (d) *development is consistent with the plan purpose statements at Clause F11.1.1.*

Comment

The proposed artworks would have no significant impact on natural values. There would be a slight impact on a vulnerable plant species, which will be minimised and managed to an acceptable level. There would be no significant impact in terms of sediment mobilisation. These issues are discussed in more detail elsewhere in the report. Conditions are recommended for weed management. There would be no likelihood of contaminated water runoff, as there would be liquids discharged. It is considered that the proposal would be in accordance with the purpose of the specific areas plan which overrides the Environmental Management Zone.

F11.6.3 A1 Landscaping

The proposal does not accord with the Acceptable Solution in F11.6.3 A1 as the proposal includes removal of a small section of seagrass. Therefore, the proposal relies in the related Performance Criteria as follows:

F11.6.3 P1 Landscaping

A landscaping plan prepared by a suitably qualified landscape architect addresses each of the following:

- (a) *identifies the character of landscaped areas;*
- (b) *identifies, where relevant:*
 - (i) *materials,*
 - (ii) *finishes,*
 - (iii) *planting, including succession planting; and*
 - (iv) *maintenance and protection works; and*
- (c) *is consistent with the plan purpose statements at Clause F11.1.1.*

Comment

The proposal includes the removal of a small portion of seagrass, which is a native vegetation community, rather than a landscaped area. Nevertheless, a condition is recommended for a detailed landscape plan for coastal foreshore stabilisation works to the satisfaction of Council's Environment Officer.

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

F11.6.4 A1 Building and Works within a Waterway and Coastal Protection area

The proposal does not accord with the Acceptable Solution because the artwork would be installed within 40m of the high-water mark and is not for a temporary development. Therefore, the proposal relies in the related Performance Criteria as follows:

F11.6.4 P1 Building and Works within a Waterway and Coastal Protection area

Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) avoid or mitigate impact on natural values;*
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.*

Comment

It is considered that the proposal would not have any significant impact on natural values. There may be a small impact on a vulnerable vegetation community, which can be managed to an acceptable level. This issue is more fully discussed with reference to the Biodiversity Code. In terms of erosion and sedimentation there would no significant impact. This issue is more fully discussed with reference to the Inundation Prone Area Code. A condition is recommended to ensure works are undertaken in accordance with the *works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).*

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

F11.6.5 A1 Building and Works within an Inundation Prone Area

The proposal does not accord with the Acceptable Solution in F11.6.5 A1 as the proposal would be located where the natural ground level is less than 2.4m AHD. Therefore, the proposal relies in the related Performance Criteria as follows:

F11.6.5 P1 Building and Works within an Inundation Prone Area

An inundation risk management plan must satisfy that:

- (a) floor levels of habitable rooms are designed with respect to Coastal Inundation Hazard Levels identified in Table E15.1 of this planning scheme;*
- (b) risk to users of the site, adjoining or nearby land is acceptable;*
- (c) risk to adjoining or nearby property or public infrastructure is acceptable;*
- (d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;*

- (e) *need for future remediation works is minimised;*
- (f) *access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site; and*
- (g) *provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works.*

Comment

The proposed art installation is expected to be inundated regularly, particularly in adverse weather conditions. According to the submitted Coastal Assessment Report (Pitt & Sherry 2018) it is the intention that the proposed art installation be inundated at various levels according to sea-level.

The assessment places the installation at risk of exposure at a medium level hazard at 1.4m AHD by 2050, which is not relevant as the artwork is intended to be flooded.

User's safety would be managed by MONA staff and the artwork will be closed during adverse conditions. There would be no risk to nearby properties or infrastructure. The risk to the artwork is considered acceptable and it is accepted that it would deteriorate over time.

The need for future remediation works would be minimised. This is explained in the Coastal Assessment Report. The report modelled waterflows in the bay and the potential for sediment movement near the structure. Based on the modelling flow velocities are identified to be relatively low in the bay. According to the report, there may be a slight increase in flow velocity at the rock wall on the northern end. This is likely to create short-term mobilisation of sediment a limited distance from the structure. It is unlikely that there would be significant sediment reshaping and/or mobilisation of the Berriedale Bay bathymetry.

Access to the site would not be lost because of this proposal. Access to the foreshore is currently only over private land or from the water. The artwork is approximately 3.5m wide and there is enough room to walk in front of the artwork to get past.

No developer contribution is required as there is not expected to be any significant adverse impact.

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

INTERNAL REFERRALS

Development Engineer

The Development Engineer did not require a referral.

Environment

Whilst there are sedge lands/grasslands at the intertidal zone which are listed as vulnerable under the *Environment Protection Biodiversity Conservation Act 1999*, it is unlikely that the small area to be cleared will be deemed as significant in accordance with the EPBC Act. It is recommended that Council places an advice clause on the permit that the applicant will need to notify the EPBC. In addition, conditions are recommended to minimise an environmental impact.

Environmental Health Officer

This application has been assessed against the relevant Environmental Health sections of the *Glenorchy Interim Planning Scheme 2015* (The Scheme).

As this development is for an art installation any potential noise generated will be through pedestrian traffic. It is expected that MONA will manage the access to this installation to ensure the residential amenity within the closest residential zone is not impacted on. It is therefore recommended that Acceptable Solution in 30.3.2 A1 Noise is applied as a condition to the permit to protect the amenity of the residence in the area.

EXTERNAL REFERRALS

TasWater

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

Tasmanian Heritage Council

The application was referred to the Tasmanian Heritage Council, which issued a Certificate of Exemption under S42(3)(a) of the *Historic Cultural Heritage Act 1995*.

Marine and Safety Tasmania

Marine and Safety Tasmania advised on 29/06/18 that there was no objection to the proposal.

Aboriginal Heritage Tasmania

The application was referred to Aboriginal Heritage Tasmania, which did not respond. An advice clause is recommended to ensure that the office of Aboriginal Heritage Tasmania is contacted, if any Aboriginal artefacts or relics are found.

REPRESENTATIONS

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

1. Support for the artwork

The representor is in support of the proposal and states that “the works by esteemed sculptor Andy Goldsworthy will be a sensitive and environmentally appropriate addition to the estuarine landscape”.

Planner’s Comment:

The representation is in support of the application and therefore the representation does not raise any planning issues.

CONCLUSION

The application is for an art installation in Berriedale Bay. The artwork is in connection with MONA and is classified Community Meeting and Entertainment (museum), which is a permitted use. The MONA specific area plan is applicable, and the proposal is consistent with the purpose of the plan. The proposal invokes discretions in relation to natural values and inundation. The works would have a small impact on a vulnerable vegetation community, which is not considered significant and conditions are recommended to minimise impact and carry out some rehabilitation. In terms of inundation, it is intended that artworks would be inundated and show some deterioration over time. The applicant submitted a Coastal Assessment to demonstrate that the installation would not result in any significant sediment reshaping and/or mobilisation of the Berriedale Bay bathymetry.

Council received one representation in support of the application. As such, the representation does not raise any planning issues.

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 Sea Stone Passage - Art installation and associated works (museum) at 651-655 Main Road Berriedale subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-137 and Drawing No. P1 submitted on 14/06/18 and Drawing No. P2 submitted on 19/03/19; except as otherwise required by this permit.

Environment

2. The works are to be undertaken in accordance with the Cromer, W. C. (2019). Coastal Management Plan, proposed Sea Stone Passage Art Work, Berriedale Bay and the Pitt and Sherry 2018 Coastal Assessment for the Goldsworthy Art Installation.
3. A detailed landscape plan for the coastal foreshore stabilisation works must be submitted to the satisfaction of Council's Senior Statutory Planner, prior to commencement of any works on the site. The design must include:
 - (a) Detailed vegetation management and erosion control measures; and
 - (b) A detailed revegetation plan.

4. Works must be undertaken generally in accordance with the *Wetlands and Waterways Works Manual* (DPIWE, 2003) and the *Tasmanian Coastal Works Manual* (DPIPWE, Page and Thorp, 2010). The unnecessary use of machinery within watercourses must be avoided.
5. Environmental weeds declared under the *Weed Management Act 1999* are present on the site. Primary treatment of all weeds on the site must be undertaken prior to commencement of any works on the site.
6. To ensure environmental weeds are not spread from the site:
 - (a) Weed plant material or soil containing their seed must not be removed from the site, unless approval is obtained from State government as required under the *Weed Management Act 1999*,
 - (b) Weed plant material and topsoil containing their seed must not be stored or moved into areas containing weed-free native vegetation;
 - (c) Prior to commencement of works, a hygiene facility must be installed at the exit point which requires the cleaning of all tools, equipment, machinery and vehicles prior to leaving the site to prevent spreading weeds off site. The hygiene facility must be constructed in accordance with the *Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment* (2004).
 - (d) Appropriate hygiene measures must be undertaken prior to any machinery entering the site as per the *Tasmanian Washdown Guidelines for Weed and Disease Control* (2004).
 - (e) Any imported fill materials must be sourced from a quarry that is able to provide documentation as to the weeds present on the source site to minimise introduction of new weeds and pathogens to the area.
7. A Weed and Rehabilitation Plan must be submitted to Council for approval prior to the issue of a Building approval, or the commencement of works (whichever comes first). This plan must be to the satisfaction of Council's Environment Coordinator and include:
 - (a) A site plan showing the known locations of weed infestations;
 - (b) Proposed measures to control weed infestations; and a landscaping plan to reduce exposed substrate. The landscaping plan must exclusively utilise local native species, where within Environmental Management Zoned land;
 - (c) An action plan with timeframes and methods for implementation of proposed control and rehabilitation measures;
 - (d) 5-year monitoring program post construction to manage new populations of declared weeds.

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) (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.

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.

Crown Land

Prior to commencing any works on Crown land, separate and distinct consent from the Crown might need to be obtained.

Aboriginal Heritage Tasmania

If any Aboriginal relics or artefacts are discovered during works, please contact Aboriginal Heritage Tasmania. For more information visit the following website:

<https://www.aboriginalheritage.tas.gov.au/>

Environment Protection Biodiversity Conservation Act 1999

Please be aware that any impact on the sedgeland vegetation may require separate notification or approval under the EPBC Act. For more information visit the following website: <https://www.environment.gov.au/epbc/about>

Appendix A

F11 MONA Specific Area Plan

Standard	Acceptable Solution	Proposed	Complies Y/N
F11.5 Use Standards			
F11.5.1 Discretionary Use	No Acceptable Solution.	Permitted	NA
F11.5.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	EHO recommends noise condition.	Yes
F11.5.3 Hours of Operation	A1 Uses located within 50m of a residential zone must be restricted to operating between 7.00 am to 9.00 pm	The location of the art works would be within 50m of a residential zone. Access to the artwork is proposed from 9:00am to 5:00pm	Yes

F11.6 Development Standards			
F11.6.1 Building Height and Design	A1 Development must be no more than 10 m in height.	Max height 1.5m above high water mark	Yes
F11.6.2 Setback	A1 Building setback from the frontage must be no less than 5m.	Front setback 65m	Yes
	A2 Building setback from a residential zone must be no less than: (a) 5m; or (b) half the wall height of the building, whichever is the greater.	40m	Yes
	A3 Buildings and works must have a setback of no less than 20m from land zoned Environmental Management, unless for temporary development.	The proposed artworks are to be located within the Environmental Management Zone.	No-Discretion
F11.6.3 Landscaping	A1 Development does not require the removal or conversion of existing vegetation.	The proposal includes removal of a small section of sea grass.	No-Discretion
F11.6.4 Building and Works within a Waterway and Coastal Protection area	A1 Building and works must not be located within 40m of the High-Water Mark unless for a temporary development.	The structure will be within 40m of the high watermark and is not for a temporary development.	No-Discretion

F11.6.5 Building and Works within an Inundation Prone Area	A1 Development is: (a) situated where the natural ground level is above 2.4 m AHD; or (b) for a temporary development.	The proposed structure is to be situated less than 2.4m AHD and is not for a temporary development.	No-Discretion
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Attachments/Annexures

1 Attachment - 651-655 Main Road Berriedale



7. PROPOSED USE AND DEVELOPMENT - DEMOLITION OF EXISTING DWELLING - 26 HOMER AVENUE MOONAH

Author: Senior Statutory Planner (Vanessa Tomlin)

Qualified Person: Senior Statutory Planner (Vanessa Tomlin)

Property ID: 5430667

REPORT SUMMARY:

Application No.:	PLN-19-095
Applicant:	Potter Projects
Owner:	J Lauf
Zone:	General Residential zone
Use Class	Residential
Application Status:	Discretionary
Discretions:	Special provision 9.4 (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	24 May 2019
Existing Land Use:	Single dwelling (Residential)
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes the demolition of a single dwelling and associated outbuilding(s) at 26 Homer Avenue, Moonah. The proposal includes the removal of the driveway, general rubbish and debris, vegetation and top soil. A large tree to the rear of the site is to be retained.

The site is to be levelled and a 100mm thick top layer of clean loamy soil is to be added and then seeded with grass. Soil and water management to control runoff into public stormwater infrastructure is proposed (Fig. 1).



Figure 1. *The street view of the dwelling to be demolished.*

SITE and LOCALITY

The site is located on the south-western side of Homer Avenue, approximately 120m south of Springfield Avenue and approximately 195m west of Coleman Street Moonah. The site is surrounded by established residential development, that is predominately single dwellings (Figure 2).

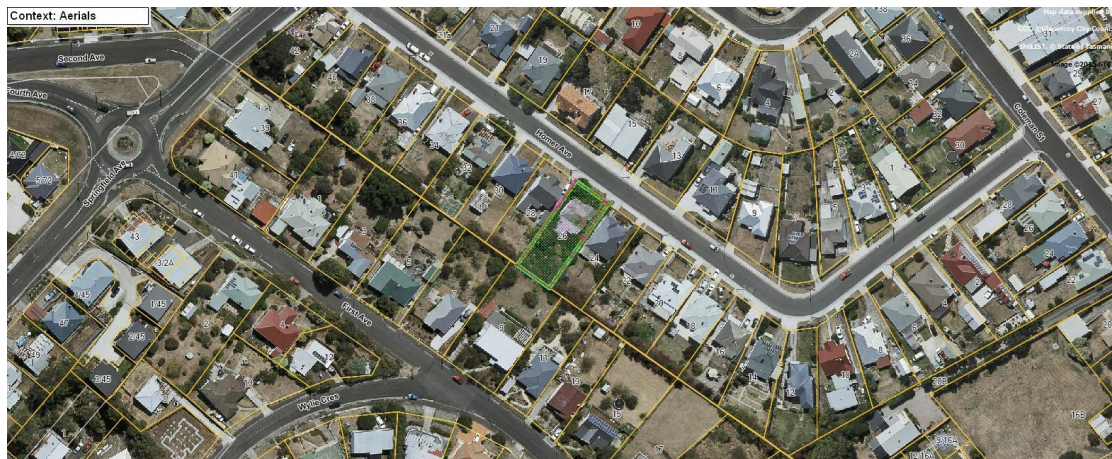


Figure 2. *An aerial view of the site and surrounds.*

The site has 15m of frontage to Homer Avenue, a depth of 40m and is 607m². The site accommodates a single dwelling and other structures, such as an outbuilding. The site is currently overgrown with exotic vegetation and has several mature trees.

ZONE

The site is situated in the General Residential zone (Fig. 3).



Figure 3. A snapshot of the zoning of the locality, showing the site within the General Residential zone (red).

BACKGROUND

No information on file relevant to the assessment of the 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

5.9 Demolition of exempt buildings

This provision enables the exemption of the demolition of a building from requiring a planning permit, if the construction of the building would be exempt under this planning scheme.

The proposed demolition is not exempt under this provision because a planning permit would be required to construct the building.

Limited Exemptions

6.3 Vegetation planting, clearing or modification

This exemption allows for the clearance of vegetation to be exempt from requiring a planning permit under particular circumstances.

However, the proposed removal of vegetation and the removal of top soil is not assessed as meeting this exemption and requires assessment under the applicable provisions of the planning scheme.

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

No SAP or Code provisions override Zone provisions in this assessment.

Use Class Description (Table 8.2):

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

Other relevant definitions (Clause 4.1):

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

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

Demolition means the intentional damaging, destruction or removal of any building or works in whole or in part.

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

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

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

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

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

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

Part C: Special Provisions

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

9.4 Demolition

9.4.1 Unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective or desired future character statement of the applicable zone;
- (c) the purpose of any applicable code; and
- (d) the purpose of any applicable specific area plan.

The proposal is assessed as being compatible with the purpose of the General Residential zone and the applicable codes because the site is capable of being developed for residential purposes, in such a way as to retain residential amenity of the locality and provide safe and efficient access to the road network, with minimal impact on natural values.

Part D: Zones

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

Zone Purpose Statements

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

The proposal to demolish the existing dwelling and works is assessed as being consistent with the zone purpose because the site is fully serviced and can accommodate dwelling development at a density that is compatible within the zone.

Use Table

The proposed demolition is categorised as development. However, the permitted as of right use for the site is Single dwelling (Residential).

Use Standards

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

Development Standards for Residential Buildings & Works

There are no development standards applicable to the assessment of the demolition of the dwelling.

Part E: Codes

No codes of the Scheme apply to this proposal.

PART F: Specific Area Plans

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

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has made the following comment and recommended a condition of approval.

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 are 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.

No 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 costal 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

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

The representor is concerned about the persons undertaking the demolition works and how informed they are about possible risks associated with the demolition.

The demolition plans state:

All demolition work is to comply with the WST document 'Demolition Work Code of Practice' December 2012 - CP106, Building Code of Australia (NCC), Council by-laws and relevant Australian Standards.

The demolition code of practice can be found at https://www.worksafe.tas.gov.au/_data/assets/pdf_file/0018/451206/Code-of-Practice-Demolition-work.pdf

Under 1.2 of the code of practice (Who has health and safety duties in relation to demolition work?)

Workers and other persons at the workplace also have duties under the WHS Act, such as the duty to take reasonable care for their own health and safety at the workplace.

Furthermore, a person conducting a business or undertaking (PCBU) must eliminate risks arising from demolition work, or if that is not reasonably practicable, minimise the risks so far as is reasonably practicable.

The Workplace Health and Safety (WHS) Regulations include specific requirements for PCBUs to manage the risks of hazardous chemicals, airborne contaminants and plant, as well as other hazards associated with demolition work.

PCBUs have a duty to consult workers about work health and safety and may also have duties to consult, cooperate and coordinate with other duty holders.

Council does not regulate the WHS Act. The issues raised in the representation are matters that need to be addressed by the relevant professionals under the relevant Acts. This said, if the demolition does require a building permit, there are sections of the Building Act that deal with the demolition itself include dust.

At this stage the proposed demolition is not an Environmental Health issue.

EXTERNAL REFERRALS

TasWater

A referral to TasWater was not required, in accordance with S56O of *Water and Sewerage Industry Act 2008*.

REPRESENTATIONS

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

1. Bio/bacterial hazard

The representor states that the persons undertaking the demolition may not be aware of the potential bio/bacterial hazards present on the site. The representor is concerned about the potential spread of airborne pollution from mould(s) and pathogens and would like to see air testing or monitoring put into place.

Planner's Comment:

Council's Environmental Health Officer has reviewed the proposal and provided comments about the roles and responsibilities of persons undertaking the proposed demolition. The management of bio/bacterial hazards is not a matter for the Planning Authority and is controlled through the National Building Code and Work Health and Safety legislation.

CONCLUSION

The proposal requires discretionary consideration because of special provision 9.4 Demolition. The proposal is assessed as being consistent with the purpose of the applicable zone and codes.

The application was publicly advertised for the statutory 14-day period and one representation was received. The representation raised concerns about the potential spread of airborne bio/bacterial hazards. The regulation of this issues is a matter for the National Building Code of Australia and the Work Health and Safety legislation.

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

Recommendation:

That a permit be granted for the proposed use and development of Demolition of existing dwelling at 26 Homer Avenue Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-19-095 and Drawing No. P1 submitted on 10 April 2019, except as otherwise required by this permit.
2. Within three months of the commencement of demolition works, all areas of the site visible from public spaces must be free of building debris and are to be kept in a tidy, easily maintained, and secure manner to the satisfaction of the Council's Senior Statutory Planner.

Engineering

2. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water

management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.

Advice to Applicant

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

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 and other qualified persons prior to commencing this development or works to ensure all relevant requirements of the *Building Act 2016* and other applicable legislation, such as Work Health and Safety obligations is 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 62 166 800.

Attachments/Annexures

- 1 Attachment - 26 Homer Avenue Moonah



8. PROPOSED S.43A COMBINED AMENDMENT REQUEST & PLANNING PERMIT APPLICATION - TO APPLY A SITE-SPECIFIC QUALIFICATION FOR 'STORAGE' AND ALLOW FOR A HIGHER BUILDING AND PLANNING PERMIT APPLICATION FOR SELF-STORAGE FACILITY (STORAGE) AT 483-485 MAIN ROAD MONTROSE (PLS43A-18/02)

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

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 7581952

REPORT SUMMARY:

To seek the Planning Authority's decision on a Section 43A combined planning scheme amendment and planning permit application request number PLS43A-18/02. The request seeks to facilitate a four storey self-storage facility at 483 and 485 Main Road Montrose.

<i>Application No.:</i>	PLS43A-18/02
<i>Applicant:</i>	JMG Engineers and Planners
<i>Owner:</i>	The Trust Company Limited
<i>Existing Zoning:</i>	Commercial Zone & Light Industrial Zone
<i>Existing Land Use:</i>	Bodyworks (Service industry) and self-storage (Storage)
<i>Proposal in Brief:</i>	Planning scheme amendment to allow for a Storage use and a higher building combined with a planning permit for a self-storage facility.
<i>Representations:</i>	Not Applicable (Proposal yet to be advertised)
<i>Recommendation:</i>	Initiate amendment grant permit and advertise

REPORT IN DETAIL:

PROPOSAL:

The draft planning scheme amendment seeks to:

- Amend the Use Table of the Commercial Zone to include a site-specific qualification for 'Storage' at the 483 Main Road Montrose portion of the site (see Figure 1).
- Amend the performance criteria at Clauses 23.4.1 Building height (Commercial Zone) and 24.4.1 Building height (Light Industrial Zone), for land only at 483 and 485 Main Road, to allow the proposed building to exceed the height limit of 12m required under P1 (e). The proposed building height is 12.9m.

The draft amendment documentation is included in Attachment 1.

The amendment request is combined with a planning permit application that seeks approval for a self-storage facility predominantly on 483 Main Road (Commercial Zone) and partially on 485 Main Road (Light Industrial Zone) (Attachment 2).

Details and assessment of the proposed use and development are included in Part 2 of this report.



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

SITE AND LOCALITY:

Planning Scheme Controls

The subject land consists of two adjacent parcels, one within a Commercial Zone, which extends along Main Road, and the other in a Light Industrial Zone, which is located to the rear of the site, but also with access to Main Road. The subject land adjoins land in both a Light Industrial and Commercial Zone, with an Inner Residential Zone extending along Main Road opposite the site (see Figure 2). Utilities Zones for Main Road and a railway corridor and cycleway adjoin the front and rear of the site, respectively.

No specific area plans or site-specific qualifications apply to the site. The site is subject to the E15.0 Inundation Prone Areas Code, noting that other codes will be relevant when assessing use and development of the site.



Figure 2 – The site is partly in a Light Industrial Zone (fuchsia) and partly in a Commercial Zone (medium slate blue) – Glenorchy Interim Planning Scheme 2015

Use of the site and surrounds

The site at 483 Main Road currently houses 'Executive Bodyworks' car repairs business. The site at 485 Main Road currently houses a 'National Storage' self-storage facility, to the rear of the site, which is intended to remain in operation. Properties adjoining the site are used for warehouses, storage and workshops, with residential uses on the opposite side of Main Road.

BACKGROUND:

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 translate the subject properties (and the surrounding area) into similar zones available under the *State Planning Provisions* (SPPs). In this instance, land in a Commercial Zone under the *Glenorchy Interim Planning Scheme 2015* (the Scheme) will be in a Commercial Zone under the Draft Glenorchy LPS and land within a Light Industrial Zone under the Scheme will be within a Light Industrial Zone under the SPPs. Similar conversions occur for the surrounding Utilities Zone and the residential zones.

Under the SPPs Commercial Zone, Storage is a ‘permitted’ use class. Further, under the SPPs, the performance criteria for the applicable standards for building height in a Commercial Zone and a Light Industrial Zone do not contain mandatory height limits (noting that under the SPPs, the Acceptable Solution for height in a Commercial Zone is 12m and in a Light Industrial Zone is 10m – See Figure 3 and Figure 4).

17.4.1 Building height

Objective:	That building height: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining residential zones.
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 12m.	P1 Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the height, bulk and form of existing building on the site and adjacent properties; (c) the bulk and form of proposed buildings; (d) the apparent height when viewed from the adjoining road and public places; and (e) any overshadowing of public places.

Figure 3 – Extract from the State Planning Provisions – Commercial Zone

18.4.1 Building height

Objective:	To provide for a building height that: (a) is necessary for the operation of the use; and (b) minimises adverse impacts on adjoining properties.
Acceptable Solutions	Performance Criteria
A1 Building height must be not more than 10m.	P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the bulk and form of the building; (b) separation from existing uses on adjoining properties; and (c) any buffers created by natural or other features.

Figure 4 – Extract from the State Planning Provisions – Light Industrial Zone

Should the draft amendment be approved, the site-specific qualifications would only be required while the current Scheme is in operation (i.e. the proposed amendments are in keeping with the future planning provisions of 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 deciding whether 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

The draft amendment is site specific – it only relates to 483 Main Road with respect to allowing the new use of Storage and an increased building height; and to 485 Main Road in respect to allowing an increased building height.

While these changes to the Scheme are development specific, the draft amendment is considered to have strategic merit.

The Storage use class is generally consistent with the purpose statements of the Commercial Zone:

- *23.1.1.1 To provide for large floor area retailing and service industries.*
- *23.1.1.2 To provide for a mix of activities that cannot be accommodated in other Activity Centres and does not compromise the viability of those Centres.*
- *23.1.1.3 To provide for development that requires high levels of vehicle access and car parking for customers.*

A self-storage facility includes a large floorplate and requires provision of adequate on-site car parking, so users do not have to carry their goods for long distances. They are also visited periodically, rather than for everyday shopping or use. Therefore this type of use is not appropriate within the Glenorchy CBD principal activity centre, where it would reduce land for retail activities and its vehicle access requirements may impact on pedestrian amenity. However, it can support the operation of the activity centre by providing storage options for local retail and service operators or for people who may live in smaller dwellings. It is therefore an appropriate land use on the periphery of the activity centre and close to the broader residential area.

The second part of the draft amendment is to allow for buildings greater than 12m in height to be considered at 483 and 485 Main Road. Currently the performance criteria in the height standards in both the Commercial and Light Industrial Zone is restricted to 12m. It is considered inconsistent with the intent of 'performance' criteria to include a prescriptive quantitative control. 'Performance based' decisions require judgement and the use of discretion; the inclusion of a mandatory height limit removes these aspects of decision making. Noting that the remaining performance criteria require consideration of the impact of the height of a proposal on the streetscape, and its compatibility in scale with nearby buildings, it is considered appropriate to amend the Scheme so that the 12m mandatory height limit would not be applied to the subject land.

Acknowledging that prescriptive height controls in performance criteria are not appropriate, an amendment to remove them from the entire Scheme would require substantial work, which could potentially become redundant as such controls are not included in the SPPs. It is therefore recommended that the amendment to remove prescriptive height controls remain specific to this request.

As identified in the background section of this report, if the zoning proposed under the Draft Glenorchy LPS is approved for both of these sites, a permit could be sought to operate a Storage use and no absolute height limit would apply.

Glenorchy Planning Services is supportive of these elements of the State Planning Provisions. In this regard, it is considered that the amendment is consistent with the future land use objectives for the site.

Therefore, it is considered that the draft amendment has merit. An assessment of the 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 is clear of all vegetation and is fully sealed. 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 Montrose (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 of LUPPA, 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 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 \(c\)](#);*

If approved, the proposed development will create employment and economic stimulation in the local community in the short term. In the long-term, employment will be created for on-site staff members. The amendment allows for the redevelopment of an existing site to continue to respond to the emerging needs of the existing business on site which is consistent with the aims of 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, however it did identify conditions for the planning permit (which are included in the recommended planning permit conditions detailed in the permit assessment section of this report).

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 facilitate development in an area with existing services and public infrastructure.

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

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. The proposed changes are also consistent with the SPPs.

A detailed assessment on the impact of the draft amendment on the Scheme is considered later in this report; however the use of a site-specific control is consistent with this objective.

- (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, the potential redevelopment of the site will create jobs and will stimulate the local economy. 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;*

The draft amendment seeks a minor departure from the Scheme through a site-specific qualification. Should the amendment be approved, the proposed redevelopment will need to meet noise and traffic management requirements, and other amenity issues under the Scheme that seek 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. The applicant has also undertaken a desktop Aboriginal Heritage search and no records of identified or registered Aboriginal relics were identified.

- (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 applicant has demonstrated that the existing network will be sufficient to provide the maximum head and service flows required for the proposed development, should the amendment be approved. The existing sewer main is also considered to be sufficient to accommodate the proposed development. Given the redevelopment site is within an urban area, the amendment is consistent with this objective.

(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 has previously been developed. The opportunity for redevelopment of the site is considered to be appropriate and 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 600m 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 commercial and industrial development area, is surrounded by other buildings, 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> The proposal does not involve any Marine Farming. <i>Tourism – Section 2.3</i> The proposal does not seek approval for any tourism related land uses. <i>Urban and Residential Development – Section 2.4</i> The proposed development is located within an existing commercial and industrial 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 engine and machinery repairs and is potentially contaminated. However, the draft amendment does not seek to allow sensitive uses on the site (only the non-sensitive use of Storage). Therefore, there are no National Environmental Protection Measures relevant to the assessment of the draft amendment.

Subject to approval of the draft amendment, any excavation work on site would be subject to E2.0 Potentially Contained Land Code, and the proposed development is assessed for compliance with the code in Part 2 of this report.

Consistency with the Glenorchy City Council Strategic Plan 2016-2025

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 LUPAA

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

- Involves a change to the local content of the planning scheme as it seeks a site-specific qualification.
- Is consistent with the *Southern Tasmanian Regional Land Use Strategy, 2010-2035* (STRLUS). While the draft amendment relates to a single site and is focused at the local level, 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 redevelop an urban site, that is currently well serviced, and expand the existing business.

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 is located near the Glenorchy CBD principal activity centre and has access to Main Road. No changes to existing transport infrastructure are required.

Part 18 Activity Centres

The key objective for Activity Centres in the STRLUS is to provide the focus for services, employment, and social interaction in cities and towns.

The subject land is outside the Glenorchy CBD in a Commercial Zone, the role of which is to provide for those service industries and large floorplate retail areas which are not appropriate within the principal activity centre.

Facilitating Storage use in the Commercial Zone will not compromise the viability of the Glenorchy CBD, and may well enhance its operation by providing such an activity in close proximity to the CBD. In this regard, the draft amendment is consistent with the objectives of the STRLUS.

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 provides a site-specific qualification to identify the site to which the changes apply. The new use class is a defined use class in Table 8.2 Use Classes, and the changes to the performance criteria clearly identify the specific subclause which will no longer apply. A 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 objectives in Part 3.0 of the Scheme relevant to the proposal are:

- *Activity Centres: Regional Objectives: To create a network of vibrant and attractive activity centres.*
- *Activity Centres: Local Objectives: To support a network of vibrant, accessible, liveable, and well-designed activity centres that create prosperity and bring services within easy reach of the Glenorchy community.*
- *Economic Infrastructure: Local Objectives: To maintain Glenorchy's position as the industrial hub of the Southern region for export industry, service industry and road freight, storage and distribution.*

Facilitating a self-storage facility within a Commercial Zone close to Glenorchy's principal activity centre will ensure limited impacts on operation and viability of the activity centre, yet increase the range of activities available and contribute to the economic sustainability of the area.

The draft amendment will enable the efficient use of two adjoining parcels of land in different zones, without compromising the integrity of the Commercial Zone, and maximising the utility of an existing industrial area.

The Storage use class is compatible with the purpose statements of the Commercial Zone as detailed in the *Merits of the amendment* section of this report. The proposed amendment is unlikely to have a negative impact on the amenity and commercial operation of the surrounding area given the existing warehouse and storage uses located in the vicinity of the site.

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

The draft amendment seeks to introduce Storage as a discretionary use class for the subject site. It will also facilitate a higher development than allowed under the Scheme. As discussed above, the impacts are minor and localised.

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

The draft amendment is site-specific, so its impacts are limited to adjacent land. However, given the adjoining uses are also industrial and commercial uses, and that the residential land on the opposite side of the road is already exposed to these types of uses, the impacts of the draft amendment are likely to be minimal.

CONCLUDING COMMENTS ON THE DRAFT AMENDMENT

It is assessed that the draft amendment has merit and 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 or the Southern Tasmania Regional Land Use Strategy.

PART 2 – ASSESSMENT OF PLANNING PERMIT APPLICATION

PROPOSAL:

The application proposes development for Storage use as a self-storage facility, as shown in the plans (Attachment 3). A four-storey building with 375 storage units is proposed, with a total floor area of 6,765m², including an ancillary office with a floor area of 121m². The ancillary office space includes a retail outlet for sale of storage products and trailer hire.

The proposed building is to be set back a minimum of 15.8m from the frontage and has a maximum height of 12.9m, length of 64m and width of 32m.

The development is proposed to be cut into the sloping site, with a two-storey elevation presenting towards the site frontage. The majority of the excavated material is proposed to be removed from the site. Two existing buildings at 483 Main Road are proposed to be demolished.

Solar panels are proposed be installed on the roof, with rooftop services to be screened from view.

Waste and recycling bins are proposed to be located in a designated, concealed bin storage area within the building, with access via the front façade adjacent to the loading bay at the front of the building.

One-way circulation through the site is proposed, with two, existing vehicle accesses to provide one-way entry and exit to the site. A total of 34 onsite car parking spaces are proposed. One external and two internal loading docks are proposed, catering for medium-rigid trucks.

Stormwater is proposed to be disposed of by gravity to Council mains infrastructure, via an onsite drainage network. A landscaped swale connecting to the drainage network is proposed along part of the frontage adjacent to the proposed access and car parking spaces.

Four Wall Signs and one Pole Sign are proposed.

APPRAISAL:

Consistency with State Policies, Objectives of the Act:

The proposal is consistent with the objectives of the Act and the relevant State Policies, as detailed in Part 1 of this report.

Zone Intent:

The proposal is consistent with the zone intent, as detailed in Part 1 of this report.

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 to the assessment. The Potentially Contaminated Land, Road and Railway Assets, Parking and Access, Stormwater Management, Inundation Prone Areas and Signs Codes apply, and therefore prevail over the Zone provisions, in the case of any conflict.

Use Class Description (Table 8.2):

The proposed use is classified as **Storage**, which means 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.

The individual use proposed is 'self-storage', with ancillary offices and retailing of storage products and trailer hire.

Other relevant definitions (Clause 4.1):

Act means the *Land Use Planning and Approvals Act 1993*.

AEP means annual exceedance probability.

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.

Building height means the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents.

Environmental harm means as defined in the *Environmental Management and Pollution Control Act 1994* (EMPCA). The EMPCA definition of environmental harm includes an environmental nuisance, which is the emission, discharge, depositing or disturbance of a pollutant (including noise) that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment.

Existing non-conforming use means a use which is prohibited under the planning scheme but is one to which ss12(1)-(7) of the Act applies. Sections 12(1)-(7) of the Act provide that planning schemes must not prevent the use of any building for any purpose for which the building was lawfully being used immediately before the provision came into effect, provided the use has not stopped for a total of two years in any three-year period; is not being extended or transferred, when previously confined to a specific part of the land; and is not substantially intensified.

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.

Streetscape means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.

For the purposes of the Potentially Contaminated Land Code:

- **Director** means as defined in the *Environmental Management and Pollution Control Act 1994*. EMPCA defines Director to mean the Director, Environment Protection Authority appointed under section 18 of that Act.
- **Potentially contaminated land** means land that is, or adjoins, land that the applicant or the planning authority:
 - (a) knows to have been used for a potentially contaminating activity by reference to:
 - (i) a notice issued in accordance with Part 5A of the *Environmental Management and Pollution Control Act 1994*; or
 - (ii) a previous permit; or
 - (b) ought reasonably to have known was used for a potentially contaminating activity.
- **Potentially contaminating activity** means an activity listed in Table E2.2 as a potentially contaminating activity, other than an activity carried out as ancillary to a Residential use class. The list of potentially contaminating activities in Table E2.2 includes spray painting industries.

For the purposes of the Parking and Access Code:

- **Floor area** means the gross floor area, excluding the area of stairs, loading bays, access ways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.

For the purposes of the Signs Code:

- **Pole Sign** means a sign erected on a pole, poles or pylon independent of any building, provided it is not designed or used as a poster panel (billboard).
- **Transom Sign** means a sign attached to the transom of a doorway or display window of a building.
- **Wall Sign** means a sign painted on or attached parallel to the wall of a building or fence surrounding a building.

Appeal Tribunal is defined in the Act to mean the Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*.

In accordance with clause 4.1.1, terms not defined in the Scheme or the Act have their ordinary meaning.

- **Adjoining**¹ means bordering; contiguous. In considering whether a building height allows for a transition in height between adjoining buildings, the Appeal Tribunal has construed the term to mean ‘next to’, without a requirement for physical connection between structures².
- **Compatible**³ means consistent or congruous with that which comparison is required to be made. The Appeal Tribunal holds that to be “compatible” requires that the building height be capable of co-existing with the scale of nearby buildings, and that it be not necessarily the same, but at least similar to, or in harmony or broad correspondence with, the surrounding area.
- **Nearby**⁴ means close at hand; not far off; adjacent; neighbouring.
- **Neighbouring**⁵ means living or situated near.
- **Self-storage**⁶ means a rented space in a building for storing property, where you can bring or take away your property yourself.
- **Scheme** means the *Glenorchy Interim Planning Scheme 2015*.
- **Transition**⁷ means passage from one position, state or stage, to another; a brief or sudden modulation.
- **Transom**⁸ means a crosspiece separating a door or window, from a window or fanlight above it; a lintel.

Part C: Special Provisions

The following special provisions of the Scheme are considered.

9.1 Changes to an Existing Non-Conforming Use

The P3 plans for the planning application identify the existing use of the buildings currently located at 483 Main Road, which is within the Commercial Zone, as being for storage. Use for storage in the Commercial zone, prior to the proposed Scheme amendment, is prohibited. A legal, existing use for storage on that lot would potentially have existing non-conforming use rights, which could be considered under Special Provision 9.1. However, there is no Council record of approved storage use at 483 Main Road. Therefore, use for storage is not an existing non-conforming use, and Special Provision 9.1 does not apply. Instead, the application relies on approval of the proposed site-specific amendment to the Scheme, considered in Part 1 of this report.

¹ 2001, *Macquarie Dictionary*, Revised Third Edition, Macquarie Library, N.S.W., p. 22.

² 9 *Sandy Bay Road Pty Ltd v Hobart City Council and Ors* [2017] TASRMPAT 19, Paragraph 75.

³ 9 *Sandy Bay Road Pty Ltd v Hobart City Council and Ors* [2017] TASRMPAT 19, Paragraphs 52-54.

⁴ 2001, *Macquarie Dictionary*, Revised Third Edition, Macquarie Library, N.S.W., p. 1278.

⁵ 2001, *Macquarie Dictionary*, Revised Third Edition, Macquarie Library, N.S.W., p. 1281.

⁶ Cambridge Dictionary online, <https://dictionary.cambridge.org/dictionary/english/self-storage>, viewed 19/11/2018.

⁷ 2001, *Macquarie Dictionary*, Revised Third Edition, Macquarie Library, N.S.W., p. 1994.

⁸ 2001, *Macquarie Dictionary*, Revised Third Edition, Macquarie Library, N.S.W., p. 1995.

Part D: Zones

The land is partly within the Commercial Zone, and partly within the Light Industrial Zone, as detailed in the 'Site and Locality' section of this report.

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

Zone Purpose Statement

23.0 Commercial Zone

The purpose of the Commercial Zone is to provide for: large floor area retailing and service industries; a mix of activities that cannot be accommodated in other Activity Centres and does not compromise the viability of those Centres; and development that requires high levels of vehicle access and car parking for customers.

The proposal is for a retail storage facility with a large total floor area. The proposed use for self-storage is not considered suitable within other Activity Centres such as the Glenorchy CBD or the Claremont village, and does not compete with or impact on those centres. Self-storage relies heavily on customer vehicle access to deliver goods, and the proposal includes suitable vehicle circulation and parking facilities (refer to the Part E: Codes section of this report). The proposal accords with the purpose of the Commercial Zone.

24.0 Light Industrial Zone

The purpose of the Light Industrial Zone is 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; promote efficient use of existing industrial land stock; minimise land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones; and provide industrial activity with good access to strategic transport networks.

The proposal will result in a greater proportion of the land at 485 Main Road being effectively utilised, whereas the area of the existing 14.7m-wide access strip is currently under-developed. The site is located on Main Road, which provides a thoroughfare connecting directly with Brooker Highway to the north-west and via Elwick Road to the south-east. As detailed later in this report, the proposal is assessed as complying with the relevant standards in terms of protecting the amenity of nearby uses, including residential use in the vicinity. The proposal accords with the purpose of the Light Industrial Zone.

Use Table

23.0 Commercial Zone

Subject to approval of the draft amendment, use for Storage at the subject site has 'discretionary' status in the Commercial Zone.

24.0 Light Industrial Zone

Storage has 'permitted' status in the Light Industrial Zone.

The application is discretionary owing to the discretionary use status of Storage proposed in the Commercial Zone, and reliance on performance criteria for compliance with the standards for hours of operation, outdoor work areas, building height, design, use and excavation (of potentially contaminated land), number of car and motorcycle parking spaces, design of vehicular accesses, facilities for commercial vehicles, riverine inundation hazard areas, use of signs and standards for signs.

Use Standards

23.0 Commercial Zone

23.3.1 Hours of Operation (A1)

Acceptable Solution A1 requires hours of operation within 50m of a residential zone to be within 6.00am to 10.00pm Mondays to Saturdays inclusive; and 7.00am to 9.00pm on Sundays and Public Holidays; except for office and administrative tasks.

The site is located approximately 19m from land in the Inner Residential Zone, and 24x7 customer access is proposed. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that hours of operation of a use within 50m 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.

The Planning Report⁹ for the application states that the majority of activity will occur during the core business hours of 8.00am to 5.00pm Monday to Friday, and 9.00am to 2.00pm Saturday, during which time the site will be staffed. Proposed access outside these hours is expected to be infrequent, and the Planning Report states that the size of the individual storage units does not provide for storage of large, bulky items that would require large trucks or commercial vehicles to be moved.

The Acoustic Report¹⁰ for the application concludes that the site has a low potential risk to cause environmental harm within a residential zone. The report recommends reassessment of noise levels to determine compliance accounting for the final selection of mechanical services equipment. This is reflected in proposed permit condition 13. The report also recommends investigation into control options to reduce the noise emissions from the shutting of car doors; however, as the noise levels from this source are predicted to comply with the acceptable solution, no associated condition is recommended.

The Acoustic Report is further considered in the Environmental Health Officer's report at Attachment 5 – Internal Referral Reports.

No other emissions with potential to impact on residential amenity are anticipated.

The predicted timing, duration and extent of commercial vehicle movements and noise emissions are assessed as not having an unreasonable impact on the amenity of the nearby residential uses. The proposal meets the performance criteria and complies with the standard.

23.3.5 Outdoor Work Areas (A1)

Acceptable Solution A1 requires that noise-emitting services such as air conditioning equipment and ventilation fans must not be located within 50m of a residential zone. The proposal includes air conditioning equipment and rooftop ventilation fans approximately 32m from the nearby Inner Residential Zone. The proposal relies on Performance Criterion P1 for compliance with the standard.

⁹ JMG Planning Report for National Storage 483 & 485 Main Road, Montrose s.43A Application v3.0 dated March 2019

¹⁰ Kuoch, A. Environmental Noise Assessment National Storage – Montrose, Tas Revision 4 dated February 2019

Performance Criterion P1 requires that noise-emitting services such as air conditioning equipment and ventilation fans located within 50m of a residential zone must be accompanied by effective acoustic screening in the intervening space. A continuous aluminium batten is proposed to provide acoustic screening to the proposed rooftop mechanical plant and equipment. The effectiveness of the proposed screening has been addressed in the Acoustic Report for the application, and is determined by Council's Environmental Health Officer to be adequate (as detailed in Attachment 5 – Internal Referral Reports).

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

24.0 Light Industrial Zone

24.3.1 Hours of Operation (A1)

The acceptable solution and performance criteria are identical to those for standard 23.3.1 (A1 and P1) in the Commercial Zone, with the exception that the standard applies to hours of operation for a use within 100m of a residential zone, rather than 50m. The proposal is assessed as meeting Performance Criterion P1, for the reasons detailed in relation to 23.3.1 (P1) above, and complies with the standard.

24.3.5 Outdoor Work Areas (A1)

The acceptable solution and performance criteria are identical to those for standard 23.3.5 (A1 and P1) in the Commercial Zone. The proposal is assessed as meeting Performance Criterion P1 for the reasons detailed in relation to standard 23.3.5 (P1) above, and complies with the standard.

The proposal complies with the acceptable solutions for all the remaining applicable use standards of the Commercial Zone and the Light Industrial Zone, as detailed in Attachment 4.

Development Standards for Buildings or Works

23.0 Commercial Zone

23.4.1 Building Height (A1)

Acceptable Solution A1 requires a maximum building height of 9m. A maximum building height of 12.9m is proposed. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that building height must satisfy all of the following:

- (a) *be consistent with any Desired Future Character Statements provided for the area;*

There are no Desired Future Character Statements for the Commercial Zone.

- (b) *be compatible with the scale of nearby buildings;*

The site has a north-easterly gradient of approximately 1 in 13, falling away from the frontage. The proposed four-storey building is to be built into the slope of the site, with two storeys presenting to the street, and a height above natural ground level ranging from 8.9m to 10m at the front façade. The proposed façade has a frontage setback of approximately 16m, and the land has a natural fall of approximately 1.75m over that distance. From the street, the building will present as having a height between approximately 7.15m and 8.25m above street level.

The proposed building is higher than the neighbouring buildings to the north, at 487 Main Road (Figure 5), and the south, at 481 Main Road (Figure 6), which have heights of approximately 3m and 5m, respectively. The proposed building presents as being approximately 4.15m higher than the building to the north, and 3.25m higher than the building to the south.



Figure 5 - View of the streetscape looking south. The neighbouring building at 487 Main Road is shown at the left - Google Streetview 2017



Figure 6 - View of the streetscape looking north. The neighbouring building at 481 Main Road is shown at the right - Google Streetview 2017

Compatibility requires the height of the proposed building to be not necessarily the same, but in harmony or broad correspondence with the surrounding area.

The proposal recognises the height attributes of the adjoining buildings through the proposed awning device, which protrudes from the front façade at a height of approximately 5m, in line with the height above street level of the neighbouring building to the south. The proposed awning is approximately 7.5m long, which is less than the 9.7m-wide façade of the building to the north. The proposed awning assists in achieving a sense of scale that is compatible with nearby buildings.

Similarly, the graphic aspects of the proposed façade, such as the varied colours, materials and forms, reduce the perceived height and bulk of the building, such that it is visually compatible with the surrounding commercial streetscape.

The proposed 16m setback, which is greater than the setbacks of the neighbouring buildings (approximately 3m and 7m, respectively), also assists in reducing the dominance of the proposed building in the streetscape.

The residential land on the western side of Main Road has a greater elevation than the land on the eastern side of the road (refer to Figure 5 and Figure 6 above). The height of the proposed development is similar to the effective height of the residential development opposite the subject site. The proposed height is assessed as being compatible with the scale of nearby residential buildings.

(c) not unreasonably overshadow adjacent public space;

Adjacent public space comprises the railway corridor to the north-east, which is part-owned by the Crown, and Main Road to the south-west, which is a public road. The proposed development will not cause any shading of the railway corridor on the winter solstice. No shading of the Main Road corridor would occur after approximately 9:30am on the winter solstice. No unreasonable overshadowing of public space is caused by the proposed development.

(d) allow for a transition in height between adjoining buildings, where appropriate;

The proposal results in separation distances of approximately 10.5m to the north and 6m to the south, between the proposed building and the buildings on adjoining lots. Adjoining buildings do not need to be physically connected. The proposal is assessed on the basis that the buildings are considered to be adjoining, and the requirement for transition applies.

To allow for a transition in height, the accepted practice is to adopt or recognise the dimensional attributes of the neighbouring building¹¹.

The neighbouring buildings at 481 and 487 Main Road both have squat, rectangular façades with height to width ratios of approximately 1:3, as does the proposed building. The proposal adopts the dimensional attributes of the adjoining buildings in this regard.

Wide separation distances between buildings is a feature of the streetscape in the area, and the proposed development will retain a considerable separation between buildings as viewed from the street. The proposed separation distance allows for a relatively moderate implied gradient in transitioning between the heights of the neighbouring buildings.

The graphic design elements of the proposed façade also assist with reducing the perceived height and bulk of the building. The design generally draws the eye downwards towards street level. This results in a more effective sense of transition in height than is implied by the actual dimensions of the building.

(e) be no more than 12 m.

The proposed maximum building height is approximately 12.9m. The draft Scheme amendment proposes to exclude the subject site from this criterion. On this basis, the criterion is not applicable.

¹¹ 9 *Sandy Bay Road Pty Ltd v Hobart City Council and Ors* [2017] TASRMPAT 19, Paragraph 94.

In accordance with clause 7.5.4, the planning authority may consider the relevant objective in an applicable standard to help determine whether a use or development complies with the performance criterion for that standard. The objective of the building height standard is to ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.

In terms of making a positive contribution to the streetscape, the existing development on the site presents an assortment of styles, heights, materials and setbacks. The existing weatherboard dwelling, although similar to nearby dwellings to the west and north, does not accord with the character of the other buildings on the site or its immediately adjacent neighbours. In contrast, the proposed development has a consistent height and frontage setback, and a cohesive visual design, increasing the visual harmony of the site with its immediate surrounds.

With respect to residential amenity, the height of the proposed development will have limited impact; for example in terms of solar access, no shading of residential land will be caused after approximately 9:30am on the winter solstice.

The proposal is considered to make a positive contribution to the streetscape and does not result in unreasonable impact on the amenity of nearby residential land.

In summary, the proposed development satisfies each of the criteria required by P1, and promotes the achievement of the standard's objective. The proposal is assessed as complying with the standard.

23.4.3 Design (A1)

Acceptable Solution A1 requires that roof-top service infrastructure, including service plants and lift structures, is incorporated within the design of the roof. The proposed lift structures protrude above the roofline. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that building design must enhance the streetscape by satisfying all of the following:

- (a) *provide the main access to the building in a way that addresses the street or other public space boundary;*

The main access to the proposed building is clearly visible from, and oriented towards, the street. The line of sight between the street and the proposed building entrance is unobstructed by intervening structures or fencing.

- (b) *provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;*

Windows to the office and reception area are proposed in the front façade. The proposed windows include a two-storey high section of glazing wrapping around the corner of the building at the northern entry, with the ground floor windows extending across approximately 37% of the width of the frontage. The windows provide ample opportunity for passive surveillance between the public part of the building and the adjoining carpark and street.

- (c) *treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;*

The proposed façade provides an attractive commercial building design. Architectural elements such as angular structural elements and detailing, and a palette of greys with contrasting yellow details, result in a façade providing visual interest within a cohesive, harmonious design.

- (d) *ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;*

Acoustic screening of rooftop mechanical plant and equipment is proposed, and will not be visible from the street. A booster cabinet and transformer provision area to be located adjoining the frontage are proposed to be screened from public view.

- (e) *ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;*

Rooftop service infrastructure, including lift overruns, are proposed to be screened from view through a parapet along the northern side, the front façade, and a portion of the southern side of the building. Elevations depicting a three-dimensional view of the proposed building and rooftop infrastructure indicate the infrastructure will not be visible from street level.

- (f) *only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;*

No shutters are proposed.

- (g) *be consistent with any Desired Future Character Statements provided for the area.*

There are no Desired Future Character Statements for the area.

The proposal satisfies each of the criteria required by P1. The proposal is assessed as meeting the performance criteria and complies with the standard.

23.4.7 Fencing (A1)

Acceptable Solution A1 requires that fences, walls and gates of greater height than 1.5m must not be erected within 10m of the frontage. Fencing with a height of up to 2m is proposed adjoining the frontage. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:

- (a) *the height of the fence;*

The maximum proposed height of the frontage fence is 2m above natural ground level. The natural ground level of the residential-zoned land opposite the site is predominantly more than 2m higher than that in the location of the proposed fence. The proposed fence will not impact on the amenity of the residential land.

- (b) *the degree of transparency of the fence;*

The fence has a proposed transparency of 66%, which allows for visual connectivity between the site and the street, and enhances the streetscape through providing visibility of the frontage landscaping.

- (c) *the location and extent of the fence;*

The fence is located along the frontage between the pedestrian access at the northern end and the vehicular access at the southern end. The proposed fence is approximately 23.6m long including the booster cabinet and transformer provision area, compared with a total frontage width of approximately 42.8m.

(d) the design of the fence;

The proposed fence design is modern and streamlined, with muted colours, and will not impose on the streetscape.

(e) the fence materials and construction;

The fence is proposed to be constructed of powder-coated vertical metal battens with post and rail support internal to the site.

(f) the nature of the use;

The proposed use is for self-storage, with car parking spaces proposed along the site frontage. The proposed fence may benefit the streetscape and the amenity of nearby residential land by partially screening the car parking area.

(g) the characteristics of the site, the streetscape and the locality, including fences;

The existing site and streetscape has a range of styles and materials of fencing, including wire mesh fencing along the southern boundary, unscreened metal post and rail along the northern boundary, and a metal security gate within the site. The proposal will enhance the streetscape and improve visual harmony by increasing the consistency of fencing at the site.

(h) any Desired Future Character Statements provided for the area.

There are no Desired Future Character Statements for the area.

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

The proposal complies with the acceptable solutions for all the remaining applicable development standards of the Commercial Zone, as detailed at Attachment 4.

24.0 Light Industrial Zone

24.4.1 Building Height (A1)

The acceptable solution and performance criterion for building height are identical to those for standard 23.4.1 (A1 and P1) in the Commercial Zone. The proposal is assessed as complying with Performance Criterion P1 for the reasons detailed in relation to standard 23.4.1 above, and complies with the standard.

24.4.3 Design (A1)

Acceptable Solution A1 requires that roof-top service infrastructure, including service plants and lift structures, is incorporated within the roof design. The proposed lift structures protrude above the roofline. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 is similar to that for the design standard 23.4.3 (P1) in the Commercial Zone, except that the requirements in the Light Industrial Zone are less stringent. In particular, in the Light Industrial Zone, criterion a) requires that the entrance is visible from the street, rather than addressing the street; c) relates to very large, rather than merely large, expanses of blank wall; and d) and e) requires that visual impacts of equipment and infrastructure is limited, rather than insignificant.

The proposal meets the more stringent requirements of standard 23.4.3 (P1), and therefore also meets (or exceeds) the requirements of standard 24.4.3 (P1) for the same reasons. The proposal is assessed as meeting the performance criteria and complies with the standard.

The proposal complies with the acceptable solutions for all the remaining applicable development standards of the Light Industrial Zone, as detailed at Attachment 4.

Part E: Codes

The following codes of the Scheme apply to this proposal.

E2.0 Contaminated Land Code

The Contaminated Land Code applies to development on potentially contaminated land.

The site at 483 Main Road has a history of use as bodyworks (vehicle panel beating and spray painting), which is a potentially contaminating use. The proposal includes development on the area of the site previously used for vehicle spray painting, and the Code applies.

E2.5 Use Standards (A1)

Acceptable Solution A1 requires that the Director (or delegate) certifies that the land is suitable for the intended use, or approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use. The application does not provide a certification from the Director or delegate, and relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that land is suitable for the intended use, having regard to:

- (a) *an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) *an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or*
- (c) *a plan to manage contamination and associated risk to human health or the environment that includes:*
 - (i) *an environmental site assessment;*
 - (ii) *any specific remediation and protection measures required to be implemented before any use commences; and*
 - (iii) *a statement that the land is suitable for the intended use.*

An Environmental Site Assessment¹² for the application concluded that:

- The site is suitable for the proposed use/development;
- The site contamination is at an acceptable level and will not pose a risk to the workers during the development or to future trench workers; and
- The site redevelopment does not pose a risk to human health or the environment; during or post construction.

Council's Environmental Health Officer has reviewed the proposal and does not have any concerns on this basis (refer to Attachment 4 – Internal Referral Reports). The proposal is assessed as meeting the performance criteria and complies with the standard.

E2.6.2 Excavation (A1)

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

¹² GES Geo-Environmental Solutions, *Phase I Environmental Site Assessment, 483-485 Main Road, Montrose*, 23 October 2019

Performance Criterion P1 requires that excavation does not adversely impact on health and the environment, having regard to:

- (a) *an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) *a plan to manage contamination and associated risk to human health and the environment that includes:*
 - (i) *an environmental site assessment;*
 - (ii) *any specific remediation and protection measures required to be implemented before excavation commences; and*
 - (iii) *a statement that the excavation does not adversely impact on human health or the environment.*

The Environmental Site Assessment concluded that the site contamination is at an acceptable level and will not pose a risk to workers during the development or to future trench workers; and that the proposed development does not pose a risk to human health or the environment, during or post construction.

Council's Environmental Health Officer has reviewed the proposal and does not have any concerns on this basis (refer to Attachment 5 – Internal Referral Reports). The proposal is assessed as meeting the performance criteria and complies with the standard. The Environmental Site Assessment includes recommendations relating to management and analysis of excavated material. These recommendations are proposed for inclusion as conditions of permit.

The proposal complies with the acceptable solutions for all the remaining applicable standards of the Potentially Contaminated Land Code, as detailed at Attachment 4.

E5.0 Road and Railway Assets Code

The Road and Railway Assets Code applies to use or development of land that intensifies the use of an existing access; or that involves a building, works or subdivision within 50m of a Utilities Zone that is part of a rail network.

The proposed new building is located approximately 48m from a railway line adjacent to the site; and the proposed use entails additional traffic using the existing accesses. The Code applies.

The proposal complies with the acceptable solutions for all the applicable standards of the Road and Railway Assets Code, as detailed at Attachment 4.

E6.0 Parking and Access Code

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

E6.6.1 Number of Car Parking Spaces (A1)

Acceptable Solution A1 requires one on-site car parking space for each 100m² of Storage floor area and one space for each 40m² of ancillary office floor area. The car parking requirements have been variously calculated as follows:

- The Planning Report calculates a requirement for 71 car parking spaces, based on a proposed new Storage floor area of 6,765m² inclusive of 121m² of ancillary office floor area. This does not include the existing 2,355m² Storage floor area proposed to be retained, which generates a car parking requirement of 24 spaces.

- The Traffic Impact Assessment¹³ (TIA) for the application calculates a total floor area of 8,927m² for Storage, and 121m² for ancillary office space, generating a car parking requirement of 93 spaces. Council's Traffic Engineer concurs with this calculation. The floor area calculation appears to exclude loading bays, but include stairs and lifts.
- A slightly reduced total Storage floor area of 8,734m² is estimated, excluding stairs and lifts in accordance with the Code definition of floor area, as well as the internal loading bays. This results in a slightly reduced car parking requirement of 91 spaces.

Thirty-three car parking spaces, one accessible car parking space and three truck parking/loading bays are proposed. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that 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;*

The TIA identifies a car parking demand of between 10 and 20 car parking spaces and one larger vehicle space. Council's Traffic Engineer concurs with this assessment.

(b) *the availability of on-street and public car parking in the locality;*

There is no public car park in the vicinity.

(c) *the availability and frequency of public transport within a 400m walking distance of the site;*

The site adjoins a major bus route, with regular services throughout the week.

(d) *the availability and likely use of other modes of transport;*

Although the site is well-serviced by public transport and the Inter-city Cycleway, customers are most likely to use cars to transport goods for storage purposes.

(e) *the availability and suitability of alternative arrangements for car parking provision;*

No alternative arrangements for car parking provision are proposed.

(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;*

The facility is proposed to be open to customers on a 24x7 basis, providing for some distribution of demand across the day.

(g) *any car parking deficiency or surplus associated with the existing use of the land;*

The Planning Report and TIA for the application states that a car parking variation was previously granted for 485 Main Road. However, according to Council records, a total of 48 car parking spaces were approved¹⁴ for the existing development at 485 Main Road, representing a nil shortfall. No car parking requirement was specified in the planning approval for the extant development at 483 Main Road.

¹³ Milan Prodanovic Traffic Engineering and Road Safety *Traffic Impact Assessment – Proposed Storage Warehouse Development – 483-485 Main Road Montrose* December 2018

¹⁴ 27 spaces conditioned under DA 4-00 and 21 spaces conditioned under PLN-04-02706-01, representing a nil shortfall.

- (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;*

A substantial redevelopment of the site is proposed.

- (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;*

No financial contribution is deemed necessary.

- (j) *any verified prior payment of a financial contribution in lieu of parking for the land;*

No financial contribution is deemed necessary.

- (k) *any relevant parking plan for the area adopted by Council;*

There is no 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;*

The site is not 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.*

There are no listed trees on the site.

The proposed car parking is assessed as being sufficient to meet the reasonable demands of users, and is considered satisfactory by Council's Traffic Engineer (refer to Attachment 5 – Internal Referral Reports).

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

E6.6.3 Number of Motorcycle Parking Spaces (A1)

Acceptable Solution A1 requires one motorcycle parking space for each 20 car parking spaces after the first 19 car parking spaces. Thirty-four car parking spaces are proposed, generating a requirement for two motorcycle parking spaces. No motorcycle parking spaces are proposed, and the proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that the number of on-site motorcycle parking spaces must be sufficient to meet the needs of likely users having regard to all of the following, as appropriate:

- (a) *motorcycle parking demand;*

Demand for motorcycle parking is considered to be minimal due to the nature of the use for self-storage.

- (b) *the availability of on-street and public motorcycle parking in the locality;*

There are no dedicated on-street motorcycle parking spaces, and no public car parking in the vicinity.

- (c) *the availability and likely use of other modes of transport;*

It is most likely that visitors to the site will use cars or larger vehicles to transport goods for storage.

- (d) *the availability and suitability of alternative arrangements for motorcycle parking provision.*

The assessed demand for car parking is lower than the proposed onsite car parking provision, as detailed in relation to standard E6.6.1 above. It is therefore considered that if there is a demand for motorcycle parking, it can be accommodated within the onsite car parking spaces.

The proposed absence of motorcycle parking is considered satisfactory by Council's Traffic Engineer (refer to Attachment 5 – Internal Referral Reports). The proposal is assessed as meeting the performance criteria and complies with the standard.

E6.7.2 Design of Vehicular Accesses (A1)

Acceptable Solution A1 includes a requirement that the width of a commercial access must be designed and constructed to comply with the access driveway provisions in section 3 – “Access Driveways and Circulation Roadways” of AS/ NZS 2890.2:2002 Parking Facilities Part 2: Off Street commercial vehicle facilities. As noted in the Traffic Engineer's assessment, a two-way service access catering to medium rigid vehicles requires a 7m access width. The proposed two-way access to the rear of the site has a width of 6m, and the proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that the design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:

- (a) *avoidance of conflicts between users including vehicles, cyclists and pedestrians;*

The TIA states that the traffic activity using this access will be low, with good forward sight lines and passing opportunities, avoiding adverse conflicts. The TIA recommends one-way circulation at the rear of the site, and a permit condition is recommended accordingly.

- (b) *avoidance of unreasonable interference with the flow of traffic on adjoining roads;*

The TIA identifies features of the adjoining road that facilitate turning into the site, and states that the turn paths for the site entry and exit points are sufficient to cater for medium rigid vehicles. No unreasonable interference with traffic flow is predicted.

- (c) *suitability for the type and volume of traffic likely to be generated by the use or development;*

The TIA assesses the proposed access and circulation roadways as being suitable to cater for the proposed traffic volume and type.

- (d) *ease of accessibility and recognition for users.*

The TIA recommends implementation of signage to guide one-way traffic circulation at the rear of the site. A permit condition is recommended accordingly. No other concern regarding accessibility and recognition of the accesses is identified.

Council's Traffic Engineer concurs with the findings of the TIA and is satisfied that the proposal is acceptable. The proposal is assessed as meeting the performance criteria and complies with the standard.

E6.7.13 Facilities for Commercial Vehicles (A1)

Acceptable Solution A1 requires that commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial. Vehicle Facilities AS 2890.2:2002. As noted in the Traffic Engineer's assessment, the loading bays are unable to meet the requirements of the Australian Standards. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.

Council's Traffic Engineer notes the swept paths show that vehicles up to a medium rigid truck are able to manoeuvre in and out of the loading bays. The proposal is assessed as meeting the performance criteria and complies with the standard.

The proposal complies with the acceptable solutions for all the remaining applicable standards of the Parking and Access Code, as detailed at Attachment 4.

E7.0 Stormwater Management Code

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

The proposal complies with the acceptable solutions for all the applicable standards of the Stormwater Management Code, as detailed at Attachment 4.

E11.0 Waterway and Coastal Protection Code

The Waterway and Coastal Protection Code applies to development within Waterway and Coastal Protection Areas.

A small area at the eastern extremity of the site is within the mapped extent of a Waterway and Coastal Protection Area, which is associated with Littlejohn Creek (Figure 7).

However, no development is proposed within the protected area, and the Code does not apply.

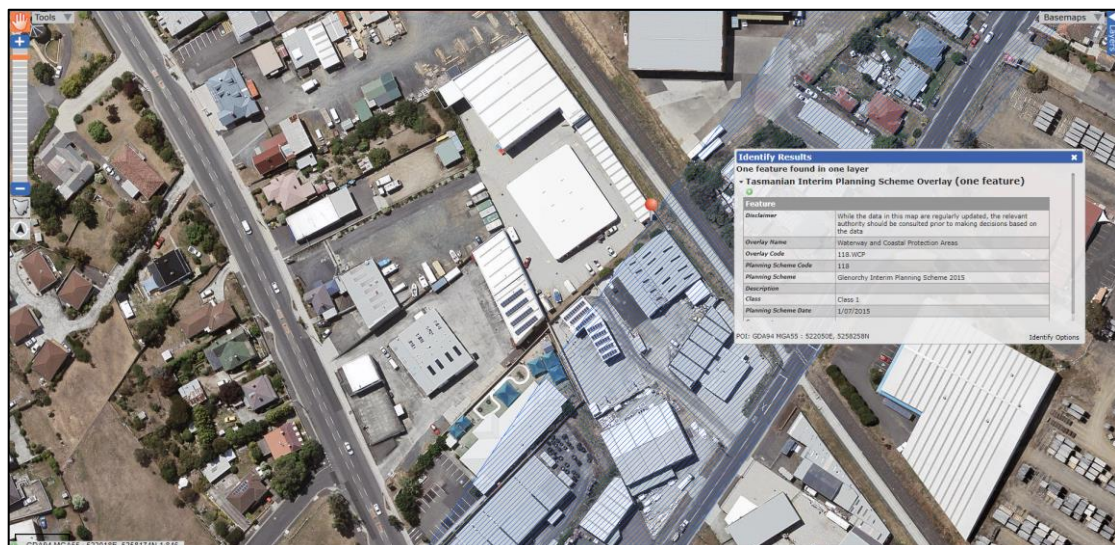


Figure 7 - The site is partly within a Waterway and Coastal Protection Area (blue hatch) - Glenorchy Interim Planning Scheme 2015

E15.0 Inundation Prone Areas Code

The Inundation Prone Areas Code applies to development on land subject to risk of riverine flooding of 1% AEP or more, including land not within the Riverine Inundation Hazard Area but nevertheless subject to risk of flooding of 1% AEP or more.

The site is identified on Council maps as being at risk of flooding (Figure 8). Development is proposed within the flood risk area, and the Code applies.

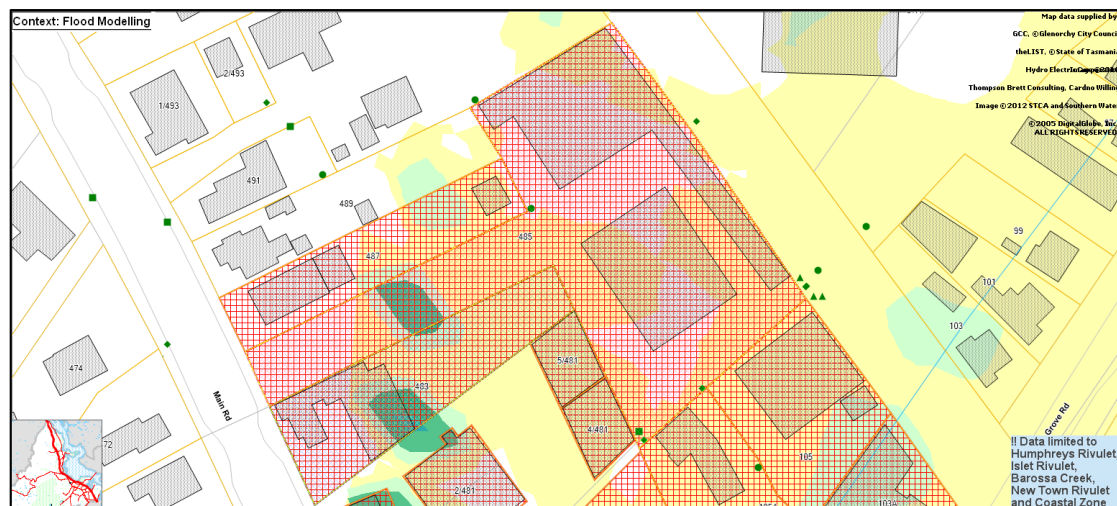


Figure 8 – Map showing 100-year flood inundation levels – Flood depth 0.01-0.1m (lemon), 0.1-0.25m (light green), 0.25-0.5m (dark green), 0.5-0.75m (teal) – Council database 2015

E15.7.4 Riverine Inundation Hazard Areas (A3)

Acceptable Solution A3 requires that the total floor area of all non-habitable buildings on a site that is within a Riverine Inundation Hazard Area must be no more than 60m². The proposed development is a non-habitable building with a floor area of 6,765m². The proposal relies on Performance Criterion P3 for compliance with the standard.

Performance Criterion P3 requires that a non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following:

(a) risk to users of the site, adjoining or nearby land is acceptable;

The application proposes implementation of design elements, procedures and policies to manage and mitigate flood risks to users. Conditions are recommended requiring implementation of these measures.

(b) risk to adjoining or nearby property or public infrastructure is acceptable;

The proposal does not substantially increase the area of impervious surfaces on the site and is not considered to impact on the risk to adjoining property or infrastructure.

(c) need for future remediation works is minimised;

A Part 5 Agreement is recommended to indemnify Council in relation to any flood impacts arising from the development.

(d) provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works.

No developer contribution is deemed necessary.

A Flood Report¹⁵ was prepared for the application. Council's Hydraulics Engineer has reviewed the proposal and the Flood Report and is satisfied that the performance criteria are met, subject to conditions, as detailed in the Internal Referral Report at Attachment 5. The proposal is assessed as meeting the performance criteria and complies with the standard.

The proposal complies with the acceptable solutions for all the remaining applicable standards of the code, as detailed at Attachment 4.

¹⁵ SMEC, MRMNS. Montrose NS – Flood Risk Report 18th April 2019.

E17.0 Signs Code

The Signs Code applies to the construction, putting up for display or erection as development; and the continuous display as use; of all signs.

Five signs are proposed, as detailed in the Table 2. The Code applies.

Table 2 - Proposed signs

Plan ref.	Sign type	Materials	Dimensions	Area	Location	Zone/s	Lighting
A	Wall Sign	Painted sign board with vinyl graphics or flex face banner.	2m high x 15m long	30m ²	Front façade	Light Industrial/Commercial	Floodlit from below, between 6am-11pm
B	Wall Sign ¹⁶	Laser cut sign lettering with vinyl graphics or flex face banner.	0.5m high x 4m long	2m ²	Front façade	Light Industrial/Commercial	Nil
C	Pole Sign	Vinyl graphics to acrylic face or flex face banner.	1.8m high x 1.7m long	3.1m ² (each face)	Frontage	Commercial	Internally illuminated, between 6am-11pm
D	Wall Sign	Painted sign board with vinyl graphics or flex face banner.	2.2m high x 2.3m long	5.1m ²	North façade	Light Industrial	Nil
E	Wall Sign	Painted sign board with vinyl graphics or flex face banner.	2.2m high x 4.4m long	9.7m ²	South façade	Commercial	None

E17.6.1 Use of Signs (A4)

Acceptable Solution A4 requires that an illuminated sign must not be located within 30m of a residential use, except if a Statutory Sign. An illuminated Pole Sign is proposed to be located within 30m of residential uses at 466, 468, 470 and 472 Main Road. The proposal relies on Performance Criterion P4 for compliance with the standard.

Performance Criterion P4 requires that an illuminated sign within 30 metres of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms.

The proposed Pole Sign is an internally illuminated light box. The light will be diffuse and will not cause a direct beam of light shining into residential windows. The sign is proposed to be located 30.8m from the northern end of the site frontage, approximately 25m from the nearest dwellings, and will be oriented with the faces perpendicular to the intervening road, facing the traffic. The oblique angle of the diffuse light source at a distance of 25m is not considered to cause an unreasonable loss of residential amenity to the nearby dwellings.

No other illuminated signs are proposed within 30m of a residential use. The proposal is assessed as meeting the performance criteria and complies with the standard.

¹⁶ The applicant proposes Sign B as a Transom Sign; however, the area of the building to which the sign is to be attached is not considered to meet the definition of a transom (refer to the Definitions section of this report). The sign is classified as a Wall Sign for the purposes of this assessment.

E17.7.1 Standards for Signs (A1)

Acceptable Solution A1 requires that a sign must comply with the standards listed in Table E17.2 and be a permitted sign in Table E17.3.

The standards in Table E17.2 require an area of 2m² for Wall Signs, and 2m² per face, for Pole Signs. Proposed signs A, C, D and E exceed 2m² in area, as detailed in Table 2 above. The proposal relies on Performance Criterion P1 for compliance with the standard.

Performance Criterion P1 requires that 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;*

The proposed signage has been incorporated into the façade of the building at the design stage, to ensure its integration. Each of the proposed signs uses a consistent style and colour scheme which is part of the business' branding, and which is reflected in other graphic elements of the façade design. Although the yellow-and-black colours are bold, they are offset by, and are compatible with, the grey tones of the bulk of the building. The proposed signs clearly indicate the nature of the business and make it easy to identify, providing information that is relevant to the site. The proposed signs are considered to be integrated into the design of the premises and streetscape, without being dominating.

- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*

The largest of the proposed signs is Sign A, with an area of 30m², being 2m high and 15m long. The area of the sign represents approximately 11% of the front façade of the proposed building, which is consistent with the relative size of signage on neighbouring buildings on the street; signage at 387 Main Road comprises approximately 16% of the area of that building's façade, while the majority of the façade at 381 Main Road is covered by signage containing large-scale graphics. On this basis, the dimensions of the proposed Sign A are considered appropriate relative to the scale of the building in the context of the surrounding streetscape. The remainder of the proposed signs are smaller than proposed Sign A, and similarly are not considered to dominate the premises or the street.

- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;*

The Wall Signs are proposed to be constructed of sign board with adhesive vinyl graphics, or flexface with printed graphics. The Pole Sign is proposed to be a lightbox constructed of vinyl graphics on an acrylic face, or flexface with printed graphics. The materials are considered capable of being satisfactorily maintained. A condition is recommended to require ongoing maintenance.

- (d) not result in loss of amenity to neighbouring properties;*

Neighbouring properties include those near, but not necessarily adjoining, the site. Specifically, the dwellings opposite the site at 468, 470 and 472 Main Road are considered to be neighbouring, in addition to the adjacent properties at 481 and 487 Main Road.

Amenity relates in part to making a place harmonious. The proposed signage is consistent with the presence in the streetscape of large-format signage on the adjoining commercial properties, and is harmonious in this sense. The proposed signage will reduce the number of existing signs on the site, and is integrated into the graphic design of the proposed building. It is therefore considered to contribute in a positive way to the local amenity, and will not detract from the amenity of neighbouring properties.

(e) not involve the repetition of messages or information on the same street frontage;

The two Wall Signs proposed to face the street frontage contain different messages – one stating ‘National Storage’ and the other ‘Box Shop’ – and are to be set back from the frontage in line with the building façade. The proposed Pole Sign with the words ‘National Storage’ on the same street frontage faces perpendicularly to the Wall Signs and is separated from them by the building setback distance of approximately 16m. On this basis the proposed signage is not considered to be repetitive.

(f) not contribute to or exacerbate visual clutter;

The site currently includes numerous existing signs along the site frontage, and presents a cluttered appearance with varying setbacks, building styles and fencing styles. The proposed signage contributes to improved visual cohesiveness for the site and is considered to reduce, rather than exacerbate, visual clutter.

(g) not cause a safety hazard.

The proposal has been reviewed by Council's Development Engineer and Traffic Engineer, and no safety concerns have been identified.

The proposed signs are assessed as meeting each of the requirements of the performance criteria and comply with the standard.

E17.7.1 Standards for Signs (A2)

Acceptable Solution A2 allows a maximum of one of each sign type per business, per street frontage. Two Wall Signs are proposed facing the Main Road street frontage. The proposal relies on Performance Criterion P2 for compliance with the standard.

Performance Criterion P2 requires that 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;

The proposal will consolidate and reduce existing signage with fewer signs than are currently located along the site frontage.

(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;

The proposed signage will reduce the level of visual clutter in the streetscape by replacing existing signage with fewer signs that have a consistent style.

(c) not involve the repetition of messages or information.

Repetition of messages or information is not considered to be caused by the proposed signage, as the signs are oriented in different directions and have different setbacks from the frontage.

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

The proposal complies with the acceptable solutions for all the remaining applicable standards of the Code, as detailed at Attachment 4.

PART F: Specific Area Plans

No specific area plans applies to the site.

INTERNAL REFERRALS

The proposal was referred to Council's Development Engineer, Environmental Health Officer, Traffic Engineer and Hydraulics Officer for review. The internal referral reports are included in full at Attachment 5, and summarised below.

Development Engineer

Council's Development Engineer has reviewed the proposal and does not object, subject to recommended conditions relating to soil and water management, loading and unloading of goods, plumbing requirements, and parking and access.

Environmental Health Officer

Council's Environmental Health Officer has reviewed the proposal and recommends approval, with conditions relating to noise and liquid waste discharge.

Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and does not object to the development on traffic engineering or road safety grounds, subject to recommended traffic conditions relating to vegetation height and onsite traffic signage.

Hydraulics Officer

Council's Hydraulics Officer has reviewed the proposal and does not object to the development from a hydraulic engineering perspective, subject to recommended hydraulics conditions relating to Water Sensitive Urban Design and flood risk mitigation.

EXTERNAL REFERRALS

TasWater

TasWater has reviewed the proposal and recommended conditions and advice, included by reference in the recommended Planning Permit conditions see Attachment 6.

CONCLUDING COMMENTS ON THE PLANNING PERMIT APPLICATION

The proposal relies on performance criteria for compliance with the standards for hours of operation, outdoor work areas, building height, design, use and excavation (of potentially contaminated land), number of car and motorcycle parking spaces, design of vehicular accesses, facilities for commercial vehicles, riverine inundation hazard areas, use of signs and standards for signs. 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 Light Industrial and Commercial Zones, as well as the applicable standards of the Potentially Contaminated Land, Road and Railway Assets, Parking and Access, Stormwater Management, Inundation Prone Areas and Signs Codes. It is concluded that the proposal is consistent with the requirements of the Scheme and is satisfactory.

It is recommended that a permit be granted for the proposed use and development for a self-storage facility (Storage) at 483 and 485 Main Road Montrose, subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. S43A-18/02 and Drawing No. P3 submitted on 4/03/2019, 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 2018/01864-GCC, dated 21/11/2018, form part of this permit.

Lighting

3. External lighting, except for security lighting, must be turned off between 10:00pm and 6:00am.
4. Prior to commencement of the use as approved, external security lighting must be provided to illuminate car parking areas and pathways, and to provide well-lit public access at the ground floor level from all external, onsite car parking areas. The lighting must be maintained for the duration of the use as approved.
5. External security lighting must be baffled to ensure it does not cause emission of light outside the site frontage.

Commercial vehicle movements

6. There must be no commercial vehicle movements to or from the site outside the hours of 8.00am-5.00pm Monday to Friday, and 9.00am-2.00pm Saturday.

Visual screening

7. All mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar must be screened from view from the street and other public spaces.

Signs

8. All signs must be maintained in a clean and safe condition for the duration of the use.

Engineering

9. Prior to the issuing of a Building Permit or the commencement of works on site including demolition, (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting or 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

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

11. 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.
12. The design and construction of the driveway, parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, AS 2890, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
 - (a) Be constructed to a sealed finish and the finished gradient must not exceed the maximum gradient of 20%;
 - (b) Thirty-three (33) clearly marked car parking spaces must be provided in accordance with the approved plan received by Council and kept available for these purposes at all times;
 - (c) Of the required number of car parking spaces, one (1) car parking space must be provided for the exclusive use of people with disabilities, clearly marked and kept available for these purposes at all times;
 - (d) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
 - (e) Incorporate the Water Sensitive Urban Design into the parking areas of the development;
 - (f) Landscaping of parking and circulation areas must be provided and must be no less than 5 percent of the area of the car park;
 - (g) The gradient of any parking areas must not exceed 5%;
 - (h) Minimum carriageway width is to be no less than 6.0 metres combined access;
 - (i) Car parking lighting must be provided for the proposed carpark in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to the commencement of use as approved; and
 - (j) Appropriate signage at accesses to enforce clockwise circulation and the driveway line-markings must be installed to ensure the safe, efficient and convenient traffic for all users.

All works required by this condition must be installed prior to the occupancy of the building and/or the commencement of the use.

Environmental Health

13. A Noise Verification Report must be submitted to Council's Senior Environmental Health Officer within four weeks of the use commencing. The report must assess the noise generated by the use, measured at the nearby residential boundary.

The report must demonstrate and certify that the noise emissions from the use do not cause "environmental harm" (see the definition in the *Environmental Management and Pollution Control Act 1994* and Performance Criteria 23.3.2 & 24.3.2 of the *Glenorchy Interim Planning Scheme 2015*).

Should further noise mitigation treatments be required to achieve the required sound levels, these measures must be installed within eight weeks of the date of the report. A further noise verification check must be undertaken and submitted to the satisfaction of Council's Senior Environmental Health Officer. Noise mitigation treatments must be shown to be effective.

14. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or water courses is strictly prohibited.
15. Any area where liquid wastes (including spills) are generated must be suitably graded and bunded to direct the liquid waste to sewer.
 - a) All solid wastes must be managed in accordance with the hierarchy of waste management summarised below, unless otherwise approved in writing by Council's Senior Environmental Health Officer;
 - b) Waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - c) Waste must be re-used or recycled to the maximum extent that is reasonable and practicable; and
 - d) Any residual waste must be disposed of only at a site and in a manner approved by Council's Senior Environmental Health Officer.

Traffic

16. Vegetation along the side boundary must be kept at a height of less than 1.0m.
17. 'No-entry' signage must be installed at the northwest corner of the building identified on the plans as 'Existing Storage (979m²)', facing north in order to enforce clockwise circulation around the building.

Hydraulics

18. The detailed design of the approved development must be engineered to withstand extreme flood events from a structural and safety perspective. The design and construction of the approved development must be certified by a suitably qualified structural engineer with hydraulics expertise. The design must be certified prior to the issuing of a Building Permit, and the construction must be certified prior to commencement of the approved use.
19. The recommendations set out in the '*MRMNS. Montrose NS – Flood Risk Report*' authored by SMEC Holdings Pty Ltd, dated 18th April 2019, (the Flood Report) form part of this permit and must be adhered to, as follows:
 - (a) All design elements relied on in the Flood Report, as follows, must be incorporated into plans submitted for Building Permit approval, and must be implemented prior to the issuing of a Certificate of Occupancy:
 - (i) All habitable parts of the building and all office related activities must have floor levels above the 1 in 100 AEP flood level;
 - (ii) The lift/hoist to the lower ground floor must include a switch which will detect water in the shaft sump. Once the water level reaches a nominated depth, the hoist must be unable to access the lower ground floor and must only operate for flood free floors;
 - (iii) The lower floor must include an access door out to the ramp/driveway, providing for pedestrian egress from the building; and

- (iv) The lower ground floor must incorporate four stairwells capable of being used to exit to a level out of the flood zone.
- (b) Procedures to minimise the impact of flood risk to individuals must be developed, documented, and submitted to the satisfaction of Council's Hydraulics Engineer before the issuing of a Certificate of Occupancy, and must incorporate all the procedures recommended in the Flood Report.

The procedures must be implemented at the site for the duration of the approved use. Training of staff must be provided such that at any time for the duration of the use, there is an appointed officer who is capable of actioning the procedures at the site.

- (c) The following policies referenced in the Flood Report must be implemented at the site for the duration of the approved use:
 - (i) In the event of a flood, no customer access to the flood affected portions of the site is to be allowed;
 - (ii) No wheelchair access is to be allowed to the lower ground floor unless that person is accompanied by a staff member. A staff member must be made available for this purpose as reasonably required; and
 - (iii) No children are to be allowed access to the lower ground floor unless accompanied by an adult.

A copy of the policies must be provided to Council prior to the issuing of a Certificate of Occupancy.

- 20. The development must incorporate the nominated Water Sensitive Urban Design (WSUD) elements or equivalent presented in the *J173106PH National Storage 485 Main Road Montrose Stormwater and Concept Services Report* received 4/03/2019, showing that Total Suspended Solids, Total Phosphorous and Total Nitrogen are reduced by 84.6%, 71.8% and 53.1% respectively. All WSUD elements are required to achieve the designed pollutant removal rates, and must be implemented by the applicant prior to the issuing of a Certificate of Occupancy;
- 21. Prior to the issuing of a Building Permit, a WSUD Maintenance Scheme must be submitted for approval, to the satisfaction of Council's Senior Civil Engineer, defining the maintenance method and frequency for each WSUD element incorporated in the development. The Owner and all successors in title must ensure ongoing compliance with the approved WSUD Maintenance Scheme for the duration of the approved use. Any changes to the approved WSUD Maintenance Scheme must first be approved by Council's Senior Civil Engineer.
- 22. Upon approval of the WSUD Maintenance Scheme, and prior to the issuing of a Building Permit, the applicant must enter into a registered agreement with Council, at the sole expense of the applicant, pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, for the area which is subject to this permit. The Part 5 agreement shall require the Owner and all successors in title to covenant and agree with Council the following:
 - (a) Acknowledge that the site and the approved development are subject to flooding and inundation risk;
 - (b) Agree to not to hold Council liable for any damage or inconvenience arising from the erection of the building or structures within the flood prone area determined by Council in its 2018 Glenorchy CBD Stormwater System Management Plan;

- (c) Agree that the Owner will indemnify and agree to keep indemnified the Council, without limiting any other right of the Council, from and against any claim, loss or damage (including legal costs on a full indemnity basis) arising out of any damage caused to the building or structures as a result of flooding or flood flows through the site;
- (d) All works outlined in the WSUD Maintenance Scheme submitted by the applicant and approved by Council, including the maintenance method and frequency for individual Water Sensitive Urban Design (WSUD) elements, must be implemented and managed by the Owner and all successors in title at their sole expense;
- (e) The Owner must keep the maintenance records in an accessible form (either printed or electronic) for five years from the date of the work was carried out to prove that the maintenance of each WSUD element has been conducted in accordance with the WSUD Maintenance Scheme;
- (f) Repair and replace all the WSUD elements at the sole expense of the Owner and all successors in title so that the WSUD functions (removing pollutants from stormwater runoff) in a safe and efficient manner;
- (g) Permit the Council from time to time and upon giving reasonable notice (but in the case of an emergency, at any time and without notice) to enter and inspect the WSUD elements for compliance with the requirements of this agreement;
- (h) Comply with the terms of any written notice issued by the Council in respect of the requirements of this agreement within the time stated in the notice;
- (i) In the event that Owner fails to comply with its obligations under this Agreement, Council may arrange for its employees, agents or contractors to enter upon the Land and undertake all works necessary to ensure that the obligations of this Agreement are met, and all required works are performed in full;
- (j) The reasonable costs of all works undertaken pursuant to the clause above (including GST) will constitute a debt due and owing to the Council immediately upon demand, by the owner of the land upon which such works were undertaken and, if not paid to Council within 14 days of receipt of a demand for payment by Council, are recoverable by Council in a court of competent jurisdiction along with interest calculated;
- (k) All debts due and payable to Council will accrue interest at Council's published Interest Rate compounding monthly until the relevant debt and all accrued interest is paid to Council in full; and
- (l) The Owner and all successors in title must advise any subsequent successor in title of the existence of the Agreement and its terms and conditions.

Advice to Applicant

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

Other Permits

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

Noise

It is recommended that any onsite vehicles, such as fork lifts, should have "low frequency sound" reverse indicators to minimise acoustic impact.

It is recommended that fork lifts and other onsite vehicles have broad band reverse indicators to minimise noise intrusion on nearby residences.

Soil Contamination

Low levels of site soil contamination were reported. The applicant is reminded of their obligations under the *Environmental Management and Pollution Control (Waste Management) Regulations 2010 Information Bulletin 105: Classification and Management of Contaminated Soil for Disposal*.

Flood Risk

The hydraulics conditions in this permit do not constitute a comprehensive site wide flood response plan. It is the responsibility of the operator to ensure compliance with all relevant Work Health and Safety legislation.

Engineering

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

CONCLUSION:

The draft amendment and planning permit application have been assessed as consistent with the requirements of the *Land Use Planning and Approvals Act 1993*, State Policies, the Southern Tasmania Regional Land Use Strategy, the *Glenorchy Interim Planning Scheme 2015*, and the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

It is recommended that PLS43A-18/02 be initiated, and a planning permit (subject to the conditions outlined above) be granted.

THE PROCESS FROM HERE:

Draft amendments to the *Glenorchy Interim Planning Scheme 2015*, once initiated by the Planning Authority, require public notification for 28 days in accordance with the requirements of LUPAA. Notice includes advertising in *The Mercury* on two occasions, one of which is to be on a Saturday, and letters to adjoining owners and occupiers of land where the proposed amendment is site specific.

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

Any representations received would be reported to a future meeting of the Glenorchy Planning Authority for consideration. The Planning Authority is required to report to the Tasmanian Planning Commission (the Commission) on 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-18/02 to the *Glenorchy Interim Planning Scheme 2015*, for a site-specific qualification at 483 Main Road Montrose as shown in Attachment 1.
- B. That having decided to initiate an amendment, and having prepared that amendment, the Planning Authority certifies pursuant to Section 35, former provisions, of the *Land Use Planning and Approvals Act 1993* (LUPAA) that the draft amendment meets the requirements specified in Section 32, former provisions, of LUPAA.
- C. That pursuant to Section 43C, former provisions, of the *Land Use Planning and Approvals Act 1993*, a permit be granted for the proposed use and development of Self-storage facility (Storage) at 483 and 485 Main Road Montrose as 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 Amendment documents



- 2 Site Plan



- 3 Proposal plans



- 4 Assessment of Applicable Standards



5 Internal Referrals



6 Taswater response



CLOSED TO MEMBERS OF THE PUBLIC

9. APPEALS REPORT

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