

GLENORCHY PLANNING AUTHORITY MEETING
AGENDA
WEDNESDAY, 13 DECEMBER 2023



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman Bec Thomas

Hour: 3.30 p.m.

TABLE OF CONTENTS:

1.	PLANNING AUTHORITY DECLARATION	3
2.	APOLOGIES/LEAVE OF ABSENCE.....	3
3.	PECUNIARY INTERESTS.....	3
4.	CONFIRMATION OF MINUTES	3
5.	PLANNING SCHEME AMENDMENT REQUEST - SITE SPECIFIC CONTROL FOR DRIVE THROUGH FACILITY AND SIGNAGE COMBINED WITH A PLANNING PERMIT APPLICATION FOR A TAKEAWAY FOOD PREMISES WITH A DRIVE THROUGH AND SIGNAGE – 8-10 MAIN ROAD, CLAREMONT, AND COUNCIL LAND AT MAIN ROAD, CLAREMONT	4

1. PLANNING AUTHORITY DECLARATION

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 4 December 2023 be confirmed.

5. PLANNING SCHEME AMENDMENT REQUEST - SITE SPECIFIC CONTROL FOR DRIVE THROUGH FACILITY AND SIGNAGE COMBINED WITH A PLANNING PERMIT APPLICATION FOR A TAKEAWAY FOOD PREMISES WITH A DRIVE THROUGH AND SIGNAGE – 8-10 MAIN ROAD, CLAREMONT, AND COUNCIL LAND AT MAIN ROAD, CLAREMONT

Author: Senior Strategic Planner (Lyndal Byrne)

Qualified Person: Senior Strategic Planner (Lyndal Byrne)

Property ID: 3252766

REPORT SUMMARY

Application No.:	PLAM-23/03
Applicant:	Ratio Consultants obo 8MLC Pty Ltd
Owner:	8-10 Main Road, Claremont (CT 64165/1 & CT 213250/1, PID 5329948): 8MLC Pty Ltd; Main Road, Claremont (CT 136272/1 & PID 2076623): Glenorchy City Council.
Existing Zoning:	Inner Residential Zone
Existing Land Use:	Service Industry (Motor Repairs)
Proposal in Brief:	Planning scheme amendment request for a site-specific qualification (for a drive-through facility and business signage) combined with a planning permit application for a take away food premises with a drive through facility and signage
Representations:	Advertising occurs after amendment is prepared
Recommendation:	Refuse to prepare the planning scheme amendment (if this recommendation is supported the permit application cannot be considered)

REPORT IN DETAIL

EXECUTIVE SUMMARY

The draft amendment does not meet the requirements of Section 34(2) LPS Criteria of the *Land Use Planning and Approvals Act 1993* (LUPAA).

The amendment seeks to allow for a drive through facility and business signage on land within an Inner Residential Zone. It is considered that there are negative social impacts associated with the proposal and the amendment does not represent orderly planning. The consequences of supporting the amendment are:

- Negative amenity impacts on surrounding residential properties from the business signage (visual and lighting) and operation of the drive through (traffic).
- Potential increased traffic impacts from the drive through, and significant road modifications required for Lady Clark Avenue.
- Inconsistency with the purpose of an Inner Residential Zone by allowing the consideration of a drive through and business signage.

The applicant has argued that a McDonalds franchise could bring employment opportunities to the local area and that McDonalds contributes to significant social programs at a local, regional and State level. However, it is the impacts from the proposed amendment – which relates only to the drive through and business signage – that must be assessed in considering the amendment. In this regard it is considered that the negative impacts of the amendment are considered to outweigh the economic and social benefits of a McDonalds business.

This report provides details of the site, the amendment, and the strategic assessment of the amendment, having regard to matters of local, regional and State importance. The report ends with a discussion of the degree of compliance with legislative requirements.

The amendment request is combined with a request for a planning permit application under Section 40T of LUPAA. Although Council officers recommend that the amendment not be prepared, in order to provide a thorough assessment of the request, the permit application for a take away food premises with a drive through facility and associated signage, has been assessed against the provisions of the scheme as if the amendment were approved. The application has failed to meet several applicable standards and Council officers recommend refusal for the permit request.

If the planning authority resolves not to prepare the amendment, the applicant can appeal the decision to the Tasmanian Planning Commission (the Commission).

It is recommended that the Planning Authority refuse to prepare the amendment under section 38(2)(b) of LUPAA. If the amendment is not prepared, the permit cannot be considered.

PROPOSED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT APPLICATION – DESCRIPTION

The amendment seeks to modify an existing site-specific qualification (SSQ) for 8-10 Main Road, Claremont (CT 64165/1 & CT 213250/1, PID 5329948 GLE-9.1 and extend it to Council land at Main Road, Claremont (CT 136272/1, PID 2076623). The applicant's modified SSQ seeks to:

- Introduce Food Services (take away food premises with a drive through facility) as an additional Discretionary use on the land.
- Add an additional applicable zone (the Inner Residential Zone) to the provisions of the Signs Code so that various sign types can be considered on the land. The amendment seeks to allow for the following types and numbers of signs:
 - Eleven (11) blade signs
 - One (1) horizontal projecting wall sign
 - Two (2) pole / pylon signs
 - Nine (9) wall signs.

The assessment of the proposal signage indicates that four additional signs have been included in the planning permit application but not included in the amendment request. The signs are one (1) blade sign, one (1) banner - horizontal sign and two (2) additional pole signs (to make a total of four (4) pole signs). The amendment and planning permit documentation would need to be revised if the amendment is supported.

The proposed amendment is included in **Attachment 1** – Applicant's proposed amendment.

A copy of the applicant's planning report on the proposed amendment is included in **Attachment 2** – Applicant's Planning Report and RFI Response.

The planning scheme amendment request is combined with a planning permit request for a 'convenience restaurant' (take away food premises) with a drive through facility and associated signage. The proposed hours of operation are:

- 6.00am to 11.00pm, Sunday to Thursday
- 6.00am to midnight, Friday and Saturday

The proposal meets the Food Services use class which is defined under the planning scheme as *'use of land for selling food or drink, which may be prepared on the premises, for consumption on or off the premises. Examples include a café, restaurant and take away food premises.'*

A copy of the plans is included in **Attachment 3** – Application Plans 13 Nov 2023.

SITE AND LOCALITY:

Site characteristics

The subject land (see Figure 1) consists of three titles:

- 8-10 Main Road, Claremont (CT 64165/1 and 213250/1, PID 5329948). These two titles have a combined area of approximately 2,725m² with a 41m northeast frontage to Main Road. Both parcels of land are owned by 8MLC PTY LTD.
- Council land at Main Road, Claremont, (CT 136272/1, PID 2076623) has an area of 739.55m², northwest frontage to Lady Clark Avenue of about 72m and northeast frontage to Main Road of about 8.4m. (Note that 12 Main Road, Claremont, a TasNetworks Substation, does not form part of the proposal).

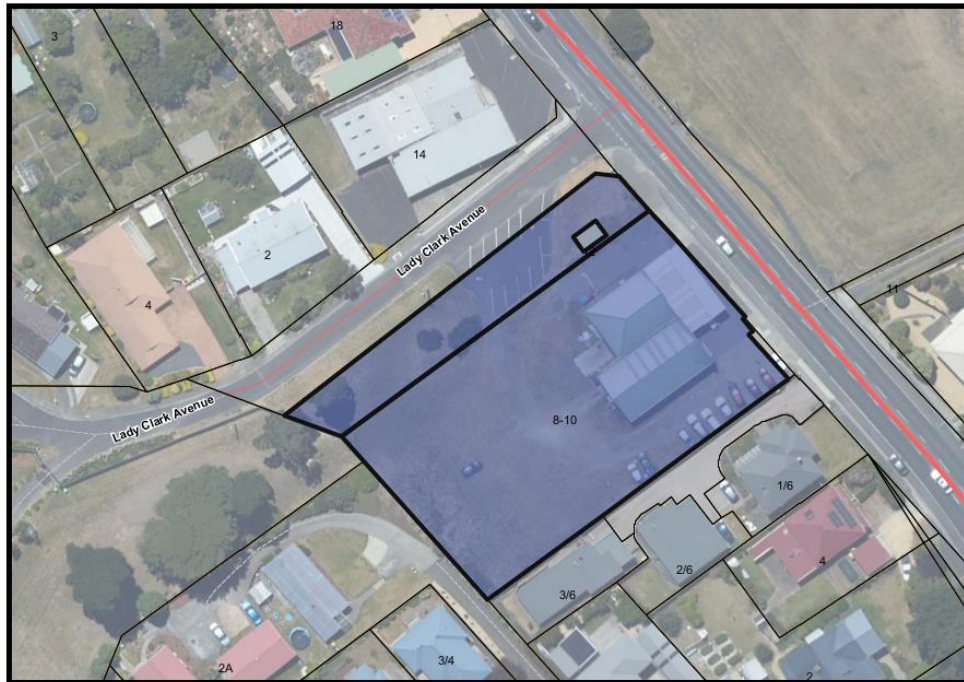


Figure 1 – Aerial image of the subject land

The land at 8-10 Main Road has been partially developed and historically used for a service station and a car mechanic. Planning Permit PLS43A-19/01 legalised the use of Service Industry (motor repairs) and signage in November 2019. The permit limits operating hours to between 8.00am and 6.00pm.

The land slopes gradually from north-west to south-east. It contains minimal vegetation and is otherwise vacant (see Figures 2 and 3).



Figure 2 – View to existing buildings on the land from Main Road



Figure 3 – View to rear of existing building from Lady Clark Avenue looking east

The site fronts Main Road which is an arterial road, and access is also available from Lady Clark Avenue which is a local street. Main Road to the north is relatively straight

with traffic lights at Box Hill Road that serve the Claremont village. Main Road to the south of the site has a sweeping bend and then connects onto Claremont Link Road.

Lady Clark Avenue, the Council Road Reservation ends alongside the frontage of 8-10 Main Road with no turning facility (see Figure 4). The road continues onto a privately owned road with a cul-de-sac at the end that serves the Lady Clark Retirement Village. The Council Road is 7m wide at the junction with Main Road and then reduces to 5.6m, including kerb width.

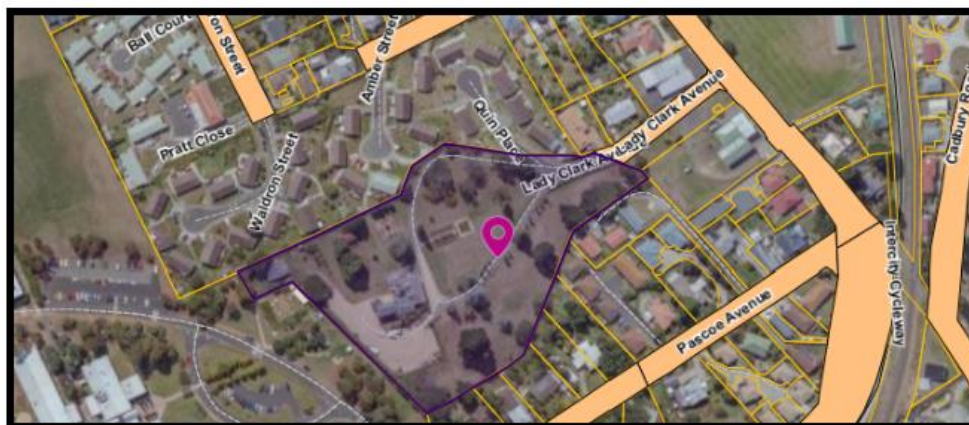


Figure 4 – Site Location and Road Network

There is a car park within Council land and road reservation to the south of Lady Clark Avenue that has 8 car parks. The car park is not to current standards. Council has an active license agreement with the Country Music Club at 14A Main Road, Claremont, to use the car park between 7pm and 6am. The license agreement allows for other vehicles to go through the car park to access 8-10 Main Road, Claremont.

Surrounding land

Land to the west, south and southwest is developed primarily with detached single and multiple dwellings. Land to the north, on the other side of Lady Clark Avenue, is developed with clubrooms and single dwellings (see Figure 5). Land to the east and northeast, on the other side of Main Road, contains three single dwellings and the Claremont Recreation Ground. Further to the north is the Claremont Neighbourhood Activity Centre. Land to the south contains residential properties (see Figure 6)



Figure 5 – land to the north



Figure 6 – land to the south

There are three places listed on the Tasmanian Heritage Register in the vicinity of the subject land (12 Lady Clark Aveue and 9 and 11 Main Road).

Zoning, Code Overlays and General Overlays

The subject land is within an Inner Residential Zone under the Tasmanian Planning Scheme – Glenorchy (TPS – Glenorchy) (see Figure 7).

The land at 8-10 Main Road is subject to an SSQ under the TPS - Glenorchy which allows use for Service Industry (motor repairs) and Vehicle Fuel Sales and Services (GLE-9.1).

The land is immediately surrounded on three sides by land zoned Inner Residential and adjoins a Utilities Zone on the Main Road frontage (Figure 7). The Claremont Recreation Ground to the north-east is zoned Recreation and the clubrooms to the north are in a Community Purpose Zone. The Claremont Neighbourhood Activity Centre is included in a General Business Zone.

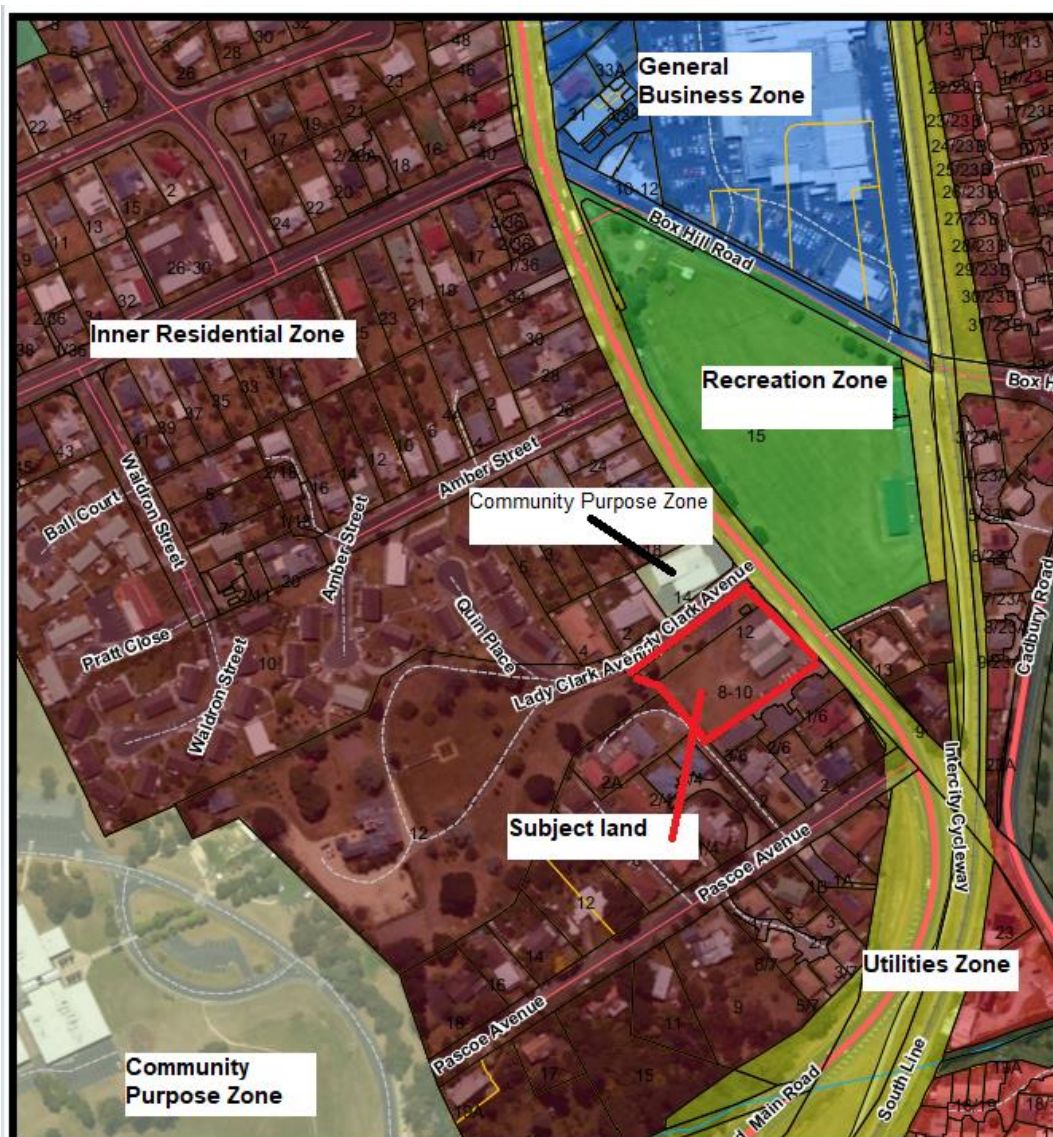


Figure 7 – Zoning under the TPS – Glenorchy

Part of the land is subject to a Flood-prone Hazard Area overlay, in the location of the existing buildings (see Figure 8).



Figure 8 – Extent of flood-prone hazard area overlay

Infrastructure

The land is within the Urban Growth Boundary and is fully serviced.

Environmental Values

While there are some small shrubs on the land, the site is urban land that has been cleared and contains minimal environmental values.

Council records indicate there are several underground petroleum tanks on 8-10 Main Road that may not have been decommissioned or removed and this portion of the land is potentially contaminated.

Social and Economic Values

The subject land is approximately 250m from the Claremont Neighbourhood Activity Centre, opposite the Claremont Recreation Ground and serviced by public transport along Main Road. In this regard, the land could provide significant social value if used for a residential purpose; however as it is potentially contaminated, this may have a significant impact on the costs for residential development.

The land's zoning provides a number of commercial opportunities, which are enhanced by its well serviced, central location. However, the economic value of these permissible uses would need to be considered in respect to managing amenity impacts (i.e. scale and hours of operation) on the neighbouring residential uses.

BACKGROUND:**Application background*****Information provided in response to additional information request***

In assessing the application, Council officers have noted that insufficient information has been provided in response to Council's additional information request. For example, not all prohibited signs have been included in the amendment request; some signs are not shown on the plans and details are missing regarding assessment; and details and analysis of some matters is also missing in various reports.

The applicant responded to Council's additional information request and indicated they felt it had been satisfied. Generally, Council officers re-issue additional information requests until all documentation is provided. However, in this instance, as Council officers were not supportive of the subject amendment, it was considered that to undertake further requests for documentation when Council officers consider the proposal should be rejected, would have placed an unfair financial burden on the applicant.

Owner's consent for land at Main Road (CT 136272/1)

Council's General Manager granted owner's consent to the making of the amendment request and associated application for the Council land on Main Road (CT 136272/1). The owner's consent is to the making of a request. It is not a planning consent, and it is not a consent from Council as landlord to occupy the land or undertake the works. This consent does not confer any use rights over the Council land. The consideration of any existing licenses, such as the licence for the Country Music Club of Southern Tasmania Inc to use the land for parking between the hours of 7.00pm and 6.00am daily, cannot be considered as part of the planning assessment. However, should the amendment be approved, and the permit granted, Council, as land owner, will need to consider whether to grant a license (or alternative option) to the owners of 8-10 Main Road to construct the proposed access over the land and onto Lady Clark Avenue.

Site background***History of the site and planning controls***

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

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

On 29 January 2003, Planning Scheme Amendment 2/02 was approved to allow for the separate use of 'Mechanical Repair Garage' to be considered as a standalone discretionary use on the site. The amendment was specifically initiated to accommodate the 'Mechanical Repair Garage' that was operating illegally on the site and had been subject to enforcement procedures. However, while a planning permit application for this use was lodged on 22 May 2010, it was subsequently withdrawn,

and Council has no record of a permit for a Mechanical Repair Garage for 8-10 Main Road, Claremont being granted. This anomaly was identified 2018 (see discussion below).

The *Glenorchy Interim Planning Scheme 2015* (GPS 2015) was declared on 1 July 2015. The GPS 2015 included 8-10 Main Road, Claremont in a Local Business Zone. The descriptions for use classes also changed with 'Mechanical Repair Garage' being included in the use class of 'Service industry'. Under the Local Business Zone of the GPS 2015, a 'Service Industry' was a prohibited use, and as no permit was ever granted under the GPS 1992, the use of the land at that time did not have non-conforming use rights.

In December 2018 the *Draft Glenorchy Local Provisions Schedule* (Draft Glenorchy LPS) was submitted to the Tasmanian Planning Commission to seek approval for exhibition. However, the inclusion of a single parcel of land in a Local Business Zone did not comply with *Guideline No 1 Local Provisions Schedule (LPS): zone and code application June 2018*, which indicates that individual, isolated business sites within residential areas, should be included in the surrounding zoning, unless they are of significant scale or there is an intent to expand the local business area. As Council had no intent to continue business zone uses on the land, 8-10 Main Road was included in an Inner Residential Zone. However, an SSQ to allow a 'Service Station' use was applied to the site to reflect Council's conversion principles for translating the GPS 2015 as closely as possible into the SPPs. Several other individual sites containing Service Stations and zoned Local Business under the GPS 2015 were treated in the same way.

In late 2018 investigations into the permits issued for the site revealed that the use of the land for a 'Mechanical Repair Garage' / 'Service Industry' was an illegal activity on the site (as explained above) and that the proposed scheme provisions under the Draft Glenorchy LPS would not allow for a permit to be sought for that use.

In March 2019, JMG Engineers and Planners sought a planning scheme amendment (PLS43A-19/01) to apply an SSQ for 'Service Industry' and 'Vehicle Fuel Sales and Service' combined with a planning permit application to legalise the operation of the car repairs (Service Industry) operating on the land at that time. Importantly, in supporting that amendment, Council officers noted that:

...in essence, the draft amendment maintains the 'status quo' of the land...[and that any] new use and development (including an application for the existing use) will be required to meet the standards of the Inner Residential Zone, and this will improve the amenity of the local residents.

PLS43A-19/01 was approved on 15 November 2019, noting that it was considered under the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA), which did not require local provisions such as SSQs to meet the 'higher bar' of tests under S32(4) of LUPAA.

The rationale for supporting the SSQ under PLS43A-19/01 was:

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

of the Inner Residential Zone to assist in reducing land-use conflict with the surrounding land uses.

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

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

As an approved amendment to the GPS 2015, the site specific controls under PLS43A-19/01 were subsequently transitioned into the TPS - Glenorchy under Schedule 6, Clause 8A(1) of LUPAA without the need to meet the requirements of S32(4) of LUPAA.

Planning Permit PLS43A-19/01

The planning permit for change of use to Service Industry (motor repairs) and signage at 8-10 Main Road Claremont is limited to operate between the hours of 8.00am and 6.00pm (except for office and administrative tasks). Access to the site is off Main Road.

Application of SSQs under the TPS – Glenorchy

There are several SSQs in the planning scheme which did not transition under Schedule 6, Clause 8A(1) of LUPAA and therefore needed to meet the requirements of S32(4) of LUPAA:

- GLE-8.1 625 Main Road, Berridale, discretionary use for Vehicle Fuel Sales and Service
- GLE-8.2 - 52 Creek Road, Lenah Valley - discretionary use for Hotel Industry
- GLE-9.2 - 94 Main Road, Claremont - discretionary use for Vehicle Fuel Sales and Service.

The established specific uses on these sites (service stations and hotels) were included in specialised zones under the GPS 1992 and then as a single lot Local Business Zone (LBZ) under the GPS 2015. As the application of zones under the TPS – Glenorchy required single LBZ lot sites to be included in the surrounding zone (ie a General Residential or Inner Residential Zone) a SSQ was applied to these sites. This enabled the existing uses to continue and provided a level of flexibility beyond the provisions of non-conforming uses: the use rights specific to the site since the operation of GPS 1992. As established uses on the land, the SSQs were considered to meet the requirements under S32(4)(a) of LUPAA as meeting a significant social benefit to the local area, as the owners have had an expectation that their land was appropriately zoned for these specific service station and hotel uses and the negative impact on their business, should these uses not be facilitated, was considered unreasonable.

Extension of time to assess the request

The 42 days for assessment of the request, would have expired on 2 December 2023. In its letter of 16 November 2023, the Tasmanian Planning Commission granted an extension of time for planning authority to make its decision on the request until 24 January 2024.

ASSESSMENT / STRATEGIC OUTCOMES

Clause 9.2 Use Table of the Inner Residential Zone allows Food Services as a discretionary use but prohibits a *take away food premises with a drive through facility*. Large scale business signage (such as pole signs, wall signs and blade signs) is also prohibited in the Inner Residential Zone under the Signs Code. The planning permit application submitted with the amendment request proposes a drive through facility and 27 signs that are currently prohibited in the Inner Residential Zone. The applicant is seeking an SSQ to allow these elements to be permissible (noting that the scheme amendment does not include four of the proposed signs).

The applicant's SSQ has been assessed against the requirements of the Section 34 LPS Criteria which relates to local, regional and State strategy and policy objectives. While the proposed amendment does meet some of these requirements, it is considered that it fails to meet several criteria. This assessment is summarised below, with the full assessment of the proposed amendment against Section 34 in **Appendix 1 Statutory Assessment - Response to criteria requirements for Local Provisions Schedule under LUPAA**.

Local Strategy, Policy and Impacts:

Glenorchy Strategic Plan 2023-2032

One of the key community goals of the municipal strategic plan is *Open For Business - Council seeks to be a City which is 'easy to do business with' while managing our City's growth responsibly*. This means that, while supporting new businesses and new business opportunities is important, Council is also mindful that growth must be in the best interests of the community.

The applicant has submitted that the proposed planning scheme amendment is not at odds with the vision and goals of Council's strategic plan and will directly contribute to the 'Open for Business' Goal by facilitating economic activity on the land with performance under the objectives and strategies being measured by gross regional product and local employment figures.

The applicant's argument for a change to the planning scheme controls centres around the ability to currently apply for 24/7 McDonalds (without a drive through) and that existing SSQs on the land currently allow other uses which are prohibited in the Inner Residential Zone.

The applicant argues that there is an absence of any strategic policy or declared intention from Council for the site to be used for residential purposes (Applicant's Planning Report, p.42). The applicant considers that as a service station/service industry (motor repairs) use has operated on the site for some time without conflict (and continues to be allowed), and as the site was previously in a Local Business Zone, allowing a drive through and business signage is not a significant land use change from the current situation.

The applicant further submits that the use would still be required to comply with the relevant use standards in the Inner Residential Zone (i.e. Clause 9.3.1 Discretionary uses) that relate to hours of operation, external lighting, commercial vehicle movements and general amenity impact (scale, emissions such as noise and odour,

traffic intensity and impact on the character of the area, and need for the use) and therefore should be allowed to be tested through the planning permit application process.

While there is no documentation on why the State Planning Provisions exclude drive through components from residential zones, it is considered that the prohibition relates to their potential negative residential amenity impacts being greater than catered for in the scope of the zone standards. It is also considered that Council's strategic and declared intent for the land is evident through its inclusion in an Inner Residential Zone.

The existing SSQs and the historic Local Business Zoning of 8-10 Main Road were applied to enable existing established uses to continue when old planning schemes transitioned into new planning schemes. Essentially these controls maintained the 'status quo' of various sites. In converting to the current TPS – Glenorchy, the decision was made that the Local Business Zone (applying under the GIPS 2015) was not appropriate as there was no strategic intention to maintain such uses or 'grow' this land for businesses. While the applicant has argued that these elements (if allowed under the amendment) would still need to be tested through the planning permit application process and the planning authority would have the opportunity to refuse the application, it is considered that introducing these elements (a drive through and business signage) to the site is inconsistent with the land use direction adopted for the land as identified by the residential rather than business zoning.

While such a development would bring economic benefit including employment opportunities, this should not be to the detriment of social outcomes – such as residential amenity. It is considered that it is not in the interest of the community to facilitate an outcome that is inconsistent with the land use direction under the planning scheme, and therefore the amendment is inconsistent with the objectives of Council's Strategic Plan.

Regional Strategy and Policy

The proposed amendment is local in nature and therefore has little impact at the regional level. The amendment has little ability to be inconsistent with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS).

State Strategy and Policy

State policies

The site is within an existing urban area and has been heavily disturbed from its natural condition, so further development will not be inconsistent with the State Coastal Policy. The amendment does not propose a sensitive use and so is not inconsistent with any National Environment Protection Measures. The amendment is also not inconsistent with the State Policy on Water Quality Management as it will not result in any increase in sediment transport to surface waters. As an SSQ, the amendment is 'local' in nature and is considered to be consistent with these relevant State policies.

Schedule 1 Objectives of LUPAA

It is considered that the amendment is not inconsistent with some of the objectives of Schedule 1 of LUPAA, however it does not further the objectives of Part 1 (b) and (d)

and Part 2 (a), (c), (d) (f) and (i), particularly the objectives seeking orderly and proper planning.

The applicant's argument centres around the ability to currently apply for a 24/7 McDonalds (without a drive through) and that, as there are existing SSQs that currently allow other uses which are prohibited in the Inner Residential Zone, the amendment would not be a significant departure from the current land use situation.

Council's strategic planning area's general position on SSQs (and similar historic planning tools) has been to primarily use them to enable the continued operation of the historical existing uses (beyond standard existing use rights) when the planning schemes have changed. It is generally considered that using SSQs to enable new development or uses on the land where that use is currently prohibited is not a strategic or orderly approach to applying planning controls.

Further, the removal of the Local Business Zone from the land and its inclusion instead in an Inner Residential Zone demonstrates a clear intention that future use of the land should align with residential uses and not revert to uses that may have been permissible under a former zone.

It is considered that the introduction of a drive through and business signage, that are specifically excluded from residential zones, into a developed residential area is inconsistent with the land use direction for the land and is not orderly planning.

Section 34(2) of LUPAA

The Tasmanian Planning Scheme has been designed by the State government to provide consistent controls across the State, however there is some flexibility to provide for local controls through SSQs, Specific Area Plans and Particular Purpose Zones.

In order to apply these local provisions they must meet either the significant benefits test under S32(4)(a) or the particular qualities test under S32(4)(b) of LUPAA:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

It must be noted that it is the proposed local provisions that are the subject of the amendment that must satisfy these tests, that is the drive through and the proposed signs.

The applicant has submitted that McDonalds businesses and its franchisees provide significant economic benefits to local areas and communities nationally by providing employment opportunities, particularly for young people, and supply chain support as well as community investment. The applicant identifies that the existence of a drive through facility accounts for, on average, 57% of total monthly sales across McDonald's existing Tasmanian stores. Based on this the applicant has indicated that allowing the drive through would translate to approximately 71 to 99 jobs being provided in the

community, with a substantial proportion of those jobs being for people aged under 21 years. (See Attachment 2 – Applicants Planning Report and RFI Response p21-24).

While the quantum of benefit required to achieve ‘significance’ at a regional or municipal level is unclear, it is acknowledged that the drive through facility of a McDonalds restaurant could provide economic benefit to Glenorchy through local job opportunities and the amendment could be considered to meet Section 32 (4)(a).

While no discussion on the signage aspects of the amendment have been provided by the applicant, it is acknowledged that branding is essential for business operation. However, there are a large number of signs proposed, and it is not clear that all of the signs proposed are essential, particularly given the land is in an Inner residential Zone. While some signage could be considered appropriate, it is considered that it has not been demonstrated that the proposed signage component of the amendment would meet the provisions of section 32 (4)(a).

Under section 32(4)(b) it must be demonstrated that there is an aspect so unique to the site that it requires the special SSQ controls. The applicant has argued that its physical attributes make it suitable for a drive through use. While the site is larger than the average residential lot in the area, is a corner site and has access to Main Road, properties at 94 Main Road (also an old service station site) and 1 Main Road (the Claremont Hotel) have similar attributes. It is therefore difficult to consider these qualities (site area, corner location and access to Main Road) are so unique to the site that a drive through and business signage is required.

It is considered that the proposal cannot meet the particular unique spatial requirements of Section 32(4)(b).

The applicant has also argued that due to the site’s historic use for business opportunities that it has particular economic qualities. However many sites in the local area, as identified above, have had similar uses in the past. In this regard, the economic qualities of the site cannot be considered unique.

It is considered that the proposal cannot meet the particular unique economic requirements of Section 32(4)(b).

CONCLUSIONS ON THE AMENDMENT

The amendment can be considered to meet some of the provisions of Schedule 1 of LUPAA, including the economic benefits test under Section 32(4)(a) and the higher-level regional strategies of the STRLUS and State policies, as outlined above. However, it is not considered consistent with Council’s Strategic Plan and several of the objectives of Schedule 1 of LUPAA particularly in respect to orderly planning.

From a planning perspective it is always necessary to balance competing interests and it is considered that while the proposal could provide the local area with increased employment opportunities, this would not be sufficient to outweigh the negative impacts associated with a drive through and some of the proposed signage, on the local residential area. It is therefore not in line with Council’s Strategic plan goals and is not orderly planning.

It is considered that the amendment does not satisfy the LPS criteria of the *Land Use Planning and Approvals Act 1993* or the tenor of the Tasmanian Planning Scheme - Glenorchy and for these reasons it should be rejected.

ASSESSMENT OF PLANNING PERMIT APPLICATION

The applicant has also lodged a request for a planning permit which could be considered if the amendment is approved. This type of request is an option available to the applicant under Section 40T of LUPAA and is generally known as a combined planning scheme amendment and planning permit application request.

The consideration of a combined planning scheme amendment and planning permit application request is a two-step process. If the amendment is not prepared, then the request under Section 40T of LUPAA to consider an application for a planning permit (that could not be issued unless the scheme were amended as requested) cannot be considered.

While Council officers have recommended that the planning authority refuse to prepare the amendment, an assessment of the planning permit has been undertaken as though the amendment request has been supported, to enable the planning authority to make a decision on the permit application should it resolve to prepare the amendment.

Proposal in detail

The proposed development seeks to demolish all existing buildings and construct a new McDonald's 'convenience restaurant' and a takeaway food premises (Food Services use class), a drive-through facility and associated vehicle accessway, car parking, landscaping and signage.

Operational details:

The proposed hours of operation are:

- 6.00am to 11.00pm, Sunday to Thursday;
- 6.00am to midnight, Friday and Saturday.

The planning report submitted with the application explains that the proposed maximum number of patrons at any one time would be 75 people. However, the proposed floor plan does not explicitly include a seating layout or provide details about the number of seats proposed in the building.

All waste storage would be within the building in a dedicated waste storage room. The proposal includes no outdoor waste storage areas.

Commercial vehicles movements, including movement of waste collection and deliveries to the site, are proposed to be limited to 7am – 8pm on weekdays and 9am – noon on Saturdays.

Development:

The proposed development includes:

- Construction of a single-storey restaurant building with takeaway facilities having a gross floor area of 453m²;
- A drive through facility with at least 6 queuing spaces, two lanes for ordering, each with a canopy at the point of order;
- Vehicular access via one crossover to Main Road (south-eastern end) and one crossover to Lady Clark Avenue (western end) over Council land. Access via the Lady Clark Avenue crossover is proposed to be restricted via a boom gate to between 7.00am and 8.00pm with no access outside of these times;
- Transparent fencing of 0.9m high on the north-west boundary, adjacent to the drive-through to prevent pedestrians entering the drive-through from the Lady Clark Avenue car park on Council land;
- 22 on-site car parking spaces and 6 bicycle parking spaces. The on-site parking numbers are reduced by 1 when the boom gate is closed to the driveway access off Lady Clark Avenue to allow vehicles to turn;
- A dedicated loading bay to the south-west of the building which is to be screened with a 2.5-metre acoustic screen on its north-western end;
- Acoustic fencing above a retaining wall to the entire length of the southeast and southwest boundaries (residential interfaces) varying in height between 2m and 3.8m above existing ground level due to the slope of the land;
- A 2-metre-high acoustic fence on the Lady Clark Avenue boundary opposite the drive-through ordering bays for a length of 16.45m;
- Landscaping within the front and rear setbacks, along the side boundaries and surrounding the building generally;
- Associated signage consisting of 33 Signs + 14 exempt signs (exempt signs proposed: 12 regulatory signs and 2 flags). Appendix 3 of this report provides a detailed summary of the proposed signage;
- Works within Council land including driveway and crossover works, and a 1.5m wide footpath connecting the existing Lady Clark Avenue car park to the Main Road footpath; and
- Crossover works within the road reservations owned by Council (Lady Clark Avenue and Main Road).

A copy of the plans is included in **Attachment 3**.

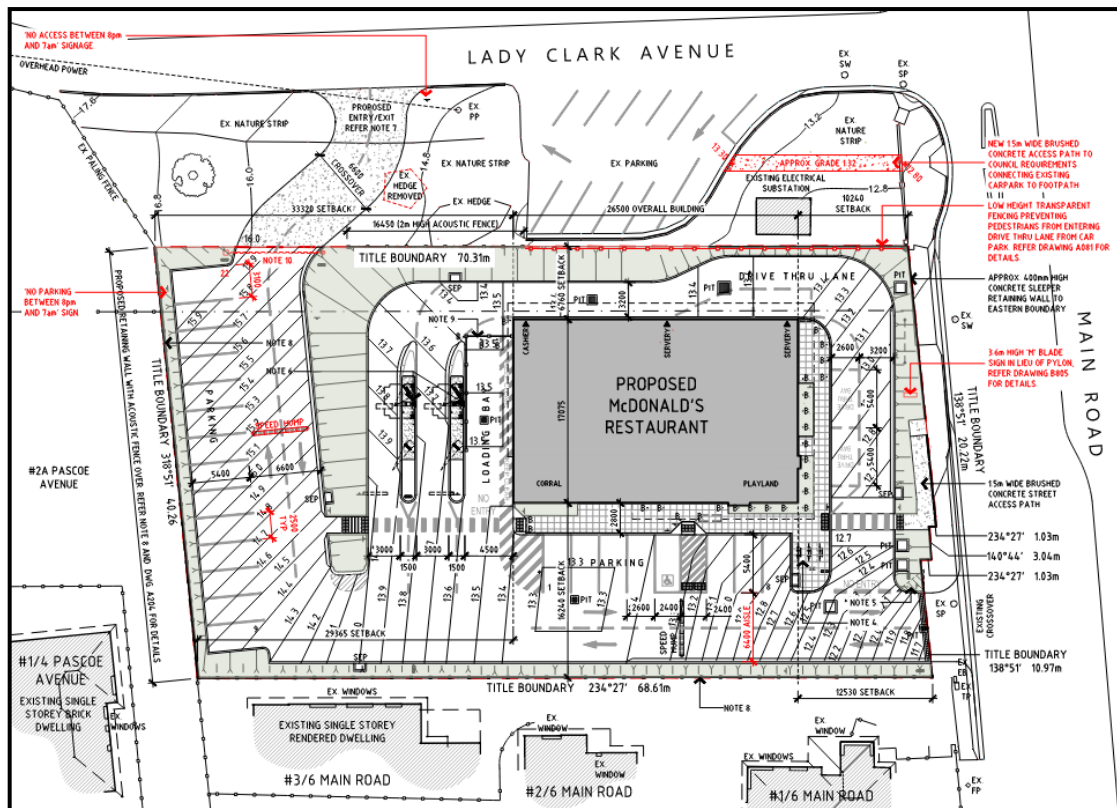


Figure 9 – Proposed site plan



Figure 10 – Artist's Impression of the proposed development (Note, the 3D rendering does not indicate all the signs proposed that would be visible from Main Road)

An assessment against all applicable standards relevant to the proposal is included in **Appendix 2**. The following section relates to the relevant Discretions.

Discretions

The draft SSQ enables consideration of the drive through facility and various signs that are currently prohibited in the Inner Residential Zone (IRZ). As such, the proposed Food Services use with a takeaway premises and drive through facility would be considered as a Discretionary use.

The purpose of the Inner Residential Zone is:

9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.

9.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

9.1.3 To provide for non-residential use that:

- (a) primarily serves the local community; and*
- (b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*

9.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Comments: It is considered that the proposed use does not meet Clause 9.1.3 (b) of the Inner Residential Zone Purpose. While the proposal would meet Clause 9.1.3 (a) as the proposal is for a non-residential use that primarily serves the local community, it fails to meet Clause 9.1.3 (b) as it immediately adjoins existing sensitive residential uses, with potential to cause an unreasonable loss of amenity to the residents through its scale, intensity, noise, odour and light emissions, traffic generation and movement, including activity outside of business hours. As Clause 9.1.3 requires compliance with (a) and (b), it is considered the proposal does not fulfil the purpose of the Inner Residential Zone (IRZ). The following assessment against the discretions further demonstrate this.

9.3.1 Discretionary Uses P1

The acceptable solution limits the operation of Discretionary uses to between the hours of 7.00am to 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday. The proposed hours of operation for the McDonald's are:

- 6.00am to 11.00pm, Sunday to Thursday (7 hours closed per 24hrs); and
- 6.00am to midnight, Friday and Saturday (6 hours closed per 24hrs).

Therefore, the proposal must be assessed against the requirements of the performance criteria that provides:

Hours of operation of a use listed as Discretionary, excluding Emergency Services, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) the timing, duration or extent of vehicle movements; and*
- (b) noise, lighting or other emissions.*

Comments:

The site is immediately adjoined by existing residential uses to the south-east and south-west. The dwellings to the south-east are located at approximately 2.5m to 5.3m from the site. The dwellings to the south-west are located at approximately 7m – 18m from the site. Vehicular access via Main Road is proposed alongside the south-eastern boundary, and vehicular access via Lady Clark Avenue is proposed alongside the south-western boundary separated by the car parking spaces that will adjoin this boundary.

While the Applicant's planning report argues that the restaurant building is proposed to have ample setbacks to the boundaries, minimising impacts to the residential properties, the performance criteria also explicitly consider impacts from vehicle movements, noise, lighting and other emissions. It is considered the proposal would have significant impacts on residential amenity for the following reasons, as advised by Council's Environmental Health Officer (See full Referral in Appendix 4) .

Acoustic assessment and the impacts caused due to noise & timing, duration or extent of vehicle movements:

Clarity Acoustics provided an Acoustic Assessment Report that concludes the adopted assessment criteria for the site can be met with the implementation of a perimeter acoustic fence, restricting commercial vehicle movements timing, switching off the refrigeration condensers of delivery vehicles, selective mechanical plant, operating the air conditioning units in low-speed during the night period and a localised acoustic screening for the roof mounted refrigeration unit. It is worth noting that a number of these measures required for the proposal's compliance, would be difficult to enforce.

The adopted assessment criteria for the site are based upon background monitoring for the site plus 5dB, a sleep disturbance criterion of 60 dB Lmax and a low frequency noise threshold of C-weighted noise level minus A-weighted ≤ 15 dB.

It is noted that, the acoustic assessment is inconsistent with the Traffic Impact Assessment Report (TIA) (Ratio, 13th October 2023) in relation to the expected vehicle movements onsite. The TIA (page 42) has adopted an average of 170 peak hour vehicle movements (which would equate to 85 vehicles entering then existing the site). in comparison, the acoustic assessment (page 14) states *"noise levels from the car park and drive through have been modelled based on 80 vehicle movements per hour during day/evening peak periods and a peak of 40 vehicle movements per hour for the night period"*.

The acoustic assessment is based on 5 orders per customer order device (COD) for day and night per 15 minute interval. The TIA states an estimated 85 vehicles onsite during peak hour with 60 percent of customers using the drive through (approx. 51 vehicles). With 2 COD units in place, using the TIA estimates, there would be just over 6 orders per COD per 15 minutes during peak hour. The cumulative noise value calculated with 5 orders per COD per 15 minutes already equals the assessment criteria value therefore it is expected with potentially more orders per COD per 15 minutes, the assessment criteria may be exceeded for peak timings. It is noted that the TIA concludes they are using a conservative measure in estimated vehicle numbers.

Due to the inconsistency in expected vehicle movements and associated impacts on predicted noise levels, a comprehensive assessment of the impacts on residential amenity in relation to noise is unable to be confirmed. In addition, the maximum noise levels assessed are not cumulative, so there is potential for the maximum to be exceeded if concurrent noisy events are to occur. Therefore, given the proposed hours of operation and the number of expected vehicles, there is potential for the development to cause an unreasonable loss of amenity to adjacent sensitive uses.

Odour:

The odour assessment is based on a total of two field assessments of two McDonald's sites in the north of Tasmania. The field assessments of the McDonald's occurred between 1.50pm-3.30pm on Monday the 28th of August 2023 (Invermay) and 2.45pm-4.30pm on Monday the 3rd of October 2023 (South Launceston). The proposed Claremont site has more residential dwellings in close proximity than the Invermay and South Launceston sites.

The odour report acknowledges no complaints regarding odour have been received by the Launceston Council in relation to the McDonald's sites. The level of the community tolerance to odour is expected to be relatively high given the length of time the sites have been operational. In comparison, the proposed new Claremont site is to be located closer to a higher number of residential properties and is located within an Inner Residential Zone where there is a potential low tolerance to new odours impacting amenity.

The peak timings for McDonald's restaurants identified in the TIA Appendix C states the morning peak is between 8.00am-9.00am, road network peak 5.00pm-6.00pm and the dinnertime peak 6.00pm-7.00pm. The timing of the odour assessment falls outside of those peak timings therefore the level of odour may fluctuate with peak timings and peak days.

More exhaustive testing would be expected to cover a broad range of weather conditions, peak timings, and days prior to concluding amenity impacts are unlikely. The subject sites used within the assessment are not considered directly comparable to the proposed Claremont site given the operation history, community tolerance and associated commercial/light industrial uses. A site-specific verification report would be expected to determine the suitability of the assessment conclusions. The odour report suggests mostly centrally located odour sources are present but more consideration to additional odour sources that may be located away from the central location of the site i.e., customer bins and other non-centralised sources should be considered in more detail.

It is noted that odour is subjective. Although the odour assessors have noted the odour present is pleasant, this may not be the case for everyone.

Other mitigation measures proposed:

- *Acoustic fencing:* As discussed under the acoustic assessment section, one of the proposed measures includes acoustic fencing along the south-eastern and the south-western boundaries, and part of the north-western boundary. While this may help minimise impacts caused due to noise and light emissions, other amenity impacts caused due to its height and length along the boundaries

adjoining the residential properties is unclear [refer to discussion under Clause 9.5.1 (P2)].

- *Proposed Landscaping:* The assessment takes account of the proposed landscaping along the boundaries as indicated in the submitted plans. The landscaping along the south-eastern and south-western boundaries are a variety of species of varying heights, including shrubs, small trees and some taller trees. While it is acknowledged that the landscaping may help buffer noise and light emissions caused onto the adjoining residential properties to some degree, it is worth noting that landscaping will take some time to reach mature heights.

The planning report submitted with the application states, *“the existing levels of residential amenity differ from standard residential zones given that the site has been historically used as a commercial site, specifically service industry uses”*. However, it is to be noted that the previous permit issued for service industry use is for motor repairs and limits operating hours to between 8.00am and 6.00pm and would not have had comparable impacts caused due to odour, external lighting, noise impacts and the number of visitors entering/exiting the site would be considerably less than the proposed use.

The application is assessed as not satisfying the performance criteria and does not comply with the standard.

9.3.1 Discretionary Uses P2

The acceptable solution for this standard requires external lighting, with the exception of security lighting, to not operate between the hours of 8.00pm to 6.00am; and for security lighting to be baffled so that direct light does not extend into the adjoining property. As the site will be operating until 11.00pm on weekdays and midnight on weekends, it does not comply with the standard. The proposal must therefore be assessed against the performance criteria which provides:

External lighting for a use listed as Discretionary, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) the number of proposed light sources and their intensity;*
- (b) the location of the proposed light sources;*
- (c) the topography of the site; and*
- (d) any existing light sources.*

Comments: Council’s Environmental Health Officer has undertaken an assessment of the application and has advised the following.

The Applicant’s Planning Report states, *“We defer the assessment of external lighting impacts to the lighting assessment prepared by Rubidium Light, dated 10.11.2023 which demonstrates that the proposal will not cause any light spill above the relevant Australian Standard (AS4282-2019) requirements for surrounding residential dwellings. The assessment of this report has included design recommendations which been adopted in order to achieve compliance with this standard”* (p. 43 Planning Report).

The lighting assessment by Rubidium Light, dated 10th November 2023, references compliance with AS/NZS 4282:2019 however, that standard was superseded on 03 November 2023 by AS/NZS 4282:2023. Insufficient information is provided within the lighting report to determine if unreasonable loss of amenity to adjacent sensitive uses would arise from external lighting. The lighting report does not provide details on the external lighting of the site within the closed periods. Based on the level of information provided, the proposal cannot be determined to comply with the performance criteria.

The application is assessed as not satisfying the performance criteria and does not comply with the standard.

9.3.1 Discretionary Uses P4

This standard relates to the impacts of Discretionary uses, for which there is no Acceptable Solution. The proposal must address the Performance Criteria, which provides:

A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) the intensity and scale of the use;*
- (b) the emissions generated by the use;*
- (c) the type and intensity of traffic generated by the use;*
- (d) the impact on the character of the area; and*
- (e) the need for the use in that location.*

Comments: The Applicant's Planning Report bases the justification of the proposed use on the current non-conforming, non-residential use of the site. As discussed under the 'Background' section of this report, the site was historically and is currently used for non-residential purposes, being for a Service Industry use (a use that is not allowed within the IRZ under the SPPs). Council records indicate that a service station was built on the site in the 1950s and has been in operation for a long time without causing any amenity impacts or complaints. The Service Industry use that operates on the site is solely for motor repairs. The permit that was issued for that use limits operating hours to between 8.00am and 6.00pm. The number of visitors entering/exiting the site would be considerably less than the proposed use. It is therefore considered that the existing and proposed uses do not have comparable impacts caused due to noise, external lighting, odour and number of vehicle movements. The Service Industry use also does not have a considerable amount of business signage that deviates from the character of a residential area. An assessment against the Performance Criteria under Clause 9.3.1 (P4) is as follows.

The intensity and scale of the use: While it is proposed the restaurant building will accommodate a maximum number of 75 patrons at a time, it is unclear how the number of patrons using takeaway services and the drive through facilities will be limited. Furthermore, given the proposed hours of operation and associated impacts (refer to discussion under Clause 9.3.1 (P1) above), and the expected vehicular

movements, it is considered the intensity and scale of the proposed use is high given the proximity to existing residential dwellings.

Emissions: The proposed use and development is anticipated to have significant noise, external lighting and odour emissions as discussed under Clause 9.3.1 above.

Type and intensity of traffic: Council's Traffic Engineer has assessed the proposal (refer to Appendix 4 for a full copy of the referral) and noted that the RTA Guide provides guidance on an environment performance standard, which can be used to evaluate the likely impact on residential amenity from a development. The guide has an environmental goal of 200 vehicles per peak hour with a maximum of 300, in a local residential street, that is Lady Clark Avenue. The proposed development is well below this environmental goal and is considered appropriate. However, it is noted that the road width of Lady Clark Avenue is not considered appropriate for the increase in traffic. It is not suitable to allow two-way traffic and unobstructed turn movements at the driveway and the junction, along with the boom gate. The Council car park off Lady Clark Avenue would need to be upgraded to suitable standards, and additional works on Council land to address these limitations would be required.

With respect to Main Road, the proposed traffic after the development along Main Road is estimated in the TIA to be 1,092 vehicles in peak hour compared to 1,036 vehicles, taking into account 35% of traffic already traveling along Main Road. This equates to around 10,920 vehicles per day which is acceptable for a major arterial road.

Impact on the character of the area: It is acknowledged that although the site is in a residential zone, the area is not of a typical 'residential' character due to its proximity to the Claremont CBD (General Business Zone) on Main Road. However, being immediately adjoined by residential properties with dwellings as close as 2m from the subject site, it is considered the proposed use, its intensity, scale and impacts on the residential properties is not appropriate.

The need for the use in that location: Sufficient justification regarding the need / demand for Food Services with a drive through facility, in close proximity to residential properties, has not been provided by the applicant.

The application is assessed as not satisfying the performance criteria with respect to the intensity and scale of the use and the emissions generated by the use and therefore does not comply with the standard.

9.5.1 Non Dwelling Development P2

This standard requires non-dwelling buildings to be within a permissible building envelope as stipulated under Figure 9.2 of the Scheme.

The proposal includes two components that need to be considered under the building envelope standard as follows:

Proposed restaurant building: The proposed restaurant would be setback a minimum of 10.24m from Main Road (primary frontage), and greater than 6.76m from the north-western boundary that abuts Council land adjoining Lady Clark Avenue. Maximum building height is proposed to be 7.2m above existing ground level.

Acoustic fencing: The proposal also includes acoustic fencing on a retaining wall along the length of the south-eastern and south-western boundaries which are immediately adjoined by residential properties. The acoustic fence along the south-eastern boundary would be 68.61m in length with a height above ground level ranging approximately between 2.3m – 3.8m (as measured from the submitted plans with the scale indicated). The acoustic fence along the south-western boundary would be 40.26m in length with a height ranging between 2m - 2.6m.

Additionally, a 2m high acoustic fence for a length of 16.45m is proposed along the north-western boundary that adjoins Council land adjacent to Lady Clark Avenue.

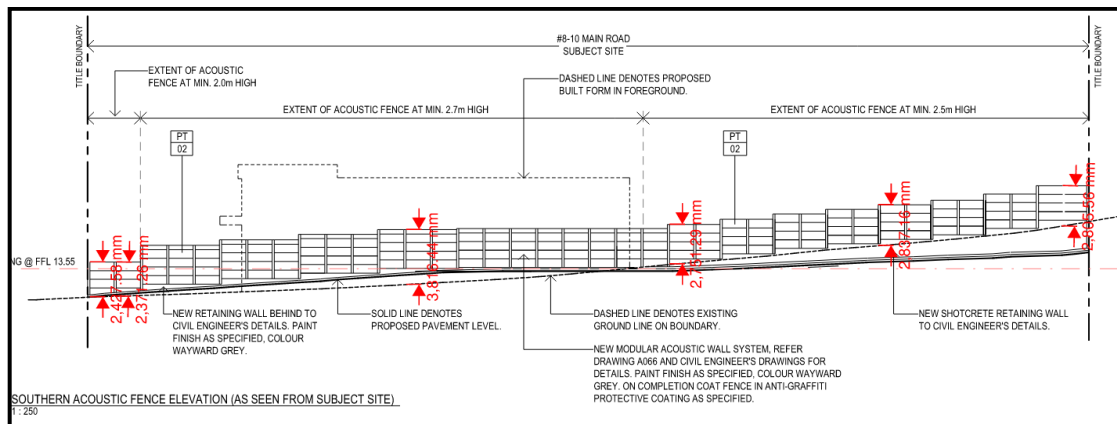


Figure 11– Section of the acoustic fencing proposed along the south-eastern boundary

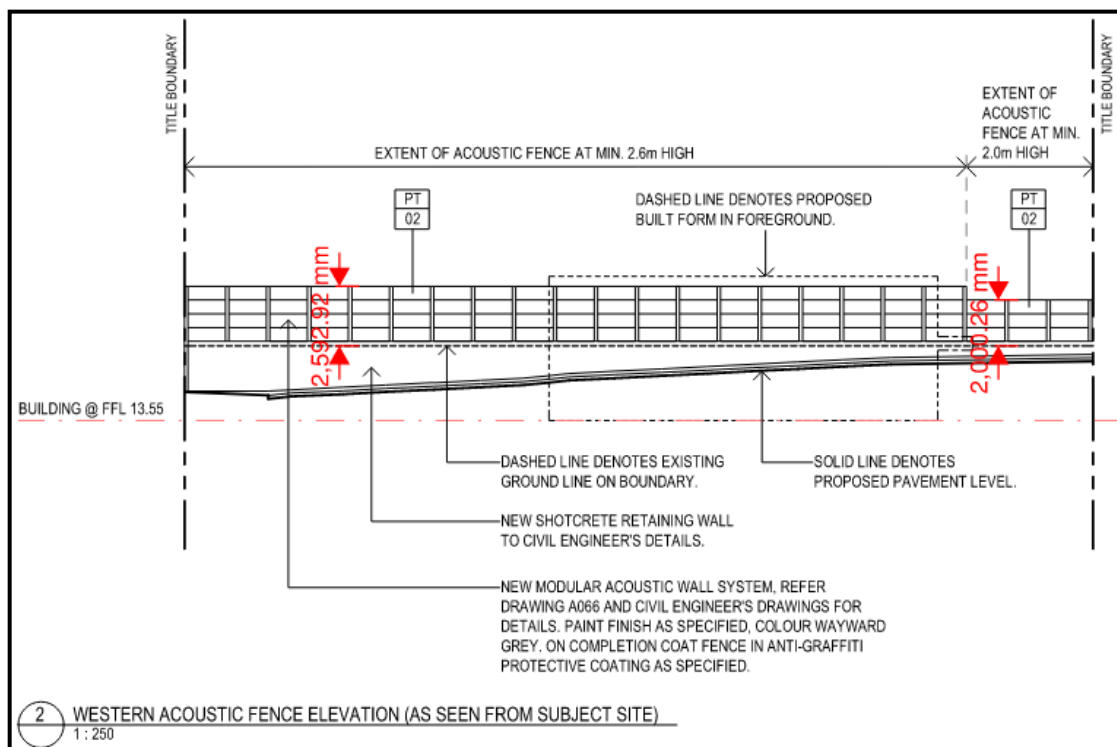


Figure 12– Section of the acoustic fencing proposed along the south-western boundary

The Applicant's planning report explains that the proposed development comfortably sits within the permissible building envelope, and therefore complies with Clause 9.5.1 (A2). While it is acknowledged the proposed restaurant building would be contained within the permissible building envelope, the proposed acoustic fencing does not meet this requirement. The planning report also describes the acoustic fencing along the south-eastern boundary as having a height ranging between 2m – 2.7m. However, the plans indicate that this is the *minimum* height of the fencing. This has been verified by measuring the height of the proposed fence with the scale indicated on the plans, which shows the fence height along the south-east boundary to be between 2.3m – 3.8m (refer to Figure 11).

The exemption under Clause 4.6.4 of the Scheme that applies to fencing (not within 4.5m of the frontage), allows fences to be a maximum of 2.1m above ground level when adjoining private land and 1.8m high when adjoining public land. The proposed fencing along the south-eastern and south-western boundaries adjoining private land, and along the north-western boundary adjoining Council land, does not meet the Clause 4.6.4 exemption.

Fences are both development and a building, but they are not works. As per section 3 of LUPAA, the definition of development includes a building, and the definition of a building includes fences.

Fences that are not exempt under Clauses 4.6.3 (fencing within 4.5m of the frontage) and 4.6.4 (fencing not within 4.5m of a frontage) of the Scheme are therefore development and must be considered under Clause 9.5.1.

As the proposed acoustic fencing does not meet the acceptable solution by virtue of its proposed length (which is greater than 9m) and height, it must therefore be assessed against the performance criteria which provides:

The siting and scale of a building must:

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

Comments:

An aerial image of the site, showing the proximity of the existing dwellings along the south-eastern boundary is below in Figure 13. An image of the existing dwellings along the south-eastern boundary is in Figure 14.



Figure 13– Aerial image of the site indicating the proximity of the dwellings adjoining the south-eastern boundary



Figure 14– Current view from the front boundary of the site looking towards the south-eastern boundary, the existing boundary fence and dwellings beyond

The Applicant's planning report does not address the impacts of the fence on the adjoining dwellings.

The proposed fence would be located immediately to the north of the dwellings on the adjoining property along the south-eastern boundary. As discussed above, the dwelling at 3/6 Main Road, Claremont has a setback of 2.5m from this boundary and the setback at 2/6 Main Road would be approximately 5.3m. The details of the location of the habitable rooms and private open space for these dwellings, and the impacts caused due to the length and height of the proposed acoustic fence have not been provided with the planning application. Council's records indicate that the private open space for the dwelling at 3/6 Main Road, immediately abuts the south-eastern boundary of the subject site, the habitable rooms, including openings, are located at 2.5m from this boundary. No shadow analysis diagrams have been provided with the application that enable an assessment of the resulting impacts caused by overshadowing and reduction of sunlight to the habitable rooms and private open space of this dwelling. Given the separation distance of the fence from this dwelling, and orientation to the north of this dwelling, it is considered there would be a considerable reduction in sunlight to the habitable spaces and overshadowing of the private open space of the dwelling at 3/6 Main Road. The impacts on the dwelling at 2/6 Main Road, that is setback slightly further behind at 5.3m, is unclear from the information provided.

Further, given the length and the height of the acoustic fencing, it is considered there would also be considerable visual impacts caused due by the apparent scale and bulk of the fence when viewed from the adjoining dwellings. A setback distance of 2.5m from a 3.8m high acoustic fence along the length of the boundary is considered to have a significant visual impact.

Sufficient information has not been provided to demonstrate that the proposal would meet the performance criteria under Clause 9.5.1 (P2). Therefore, the application is assessed as not satisfying the performance criteria and does not comply with the standard.

9.5.1 Non Dwelling Development P4

The solid acoustic fencing along the south-eastern side boundary extends to the front boundary on Main Road. The height of this fence that is within 4.5m of the Main Road frontage is approximately 2.4m above existing ground level which does not meet the exemption under Clause 4.6.3 that applies to fences within 4.5m of the frontage. The fence therefore must be assessed against the performance criteria which provides:

A fence (including a free-standing wall) for a building that is not a dwelling within 4.5m of a frontage must:

- (a) provide for security and privacy, while allowing for passive surveillance of the road; and*
- (b) be compatible with the height and transparency of fences in the street, having regard to:
 - (i) the topography of the site; and**

(ii) traffic volumes on the adjoining road.

Comments: No fencing is proposed along the front boundary on Main Road. The discretion is triggered by the solid acoustic fencing that is proposed along the south-eastern side boundary located within 4.5m of the frontage. The fence would not impact on security, privacy or passive surveillance due to its location. Sight lines are not impacted due to this fence.

The predominant fencing character in the area is that of low fencing of 1 -1.5m. The fence is not proposed as a result of topography of the site, or to mitigate impacts from Main Road with high traffic volumes, given its location on the side boundary. The proposed height of the fence is derived from the need to provide for attenuation from the noise generated at the subject site due to the proposed use and development. Given the fencing is along the side boundary, the impacts would not be significant for the purpose of this standard as opposed to impacts caused by a tall fence proposed along the front boundary.

The proposal is considered to comply with this standard.

C1.0 Signs Code

The planning scheme amendment request seeks to include an SSQ provision to make a number of the proposed signs (that are currently prohibited in the IRZ) permissible and able to be assessed against the provisions of the Signs Code. Please refer to Appendix 3 of this report which provides a detailed summary table of the signage proposed and assessment against the requirements of Table C1.6.

However, four signs that are currently prohibited in the IRZ have not been addressed in the planning scheme amendment request. The following table provides a summary of the signage proposed and their status.

Total signs proposed:	33 Signs plus 14 exempt signs (exempt signs: 12 regulatory signs plus 2 flags)
Signs for which the IRZ is an 'applicable zone' under the current provisions	6 signs
Signs that are currently not allowed in the IRZ under the current provisions	27 signs
Signs that are considered under the SSQ (planning scheme amendment request)	The planning scheme amendment request is seeking to allow 23 of 27 prohibited signs through an SSQ. Therefore, for the purposes of the assessment of the planning permit application, only these 23 signs are considered permissible in the IRZ.

Signs not permissible in the IRZ, and not addressed in the planning scheme amendment request	4 signs that are currently prohibited in the IRZ have not been addressed in the planning scheme amendment request. These are described below: • 1 x blade sign – the planning scheme amendment seeks to allow 11 blade signs, however 12 blade signs are proposed; • 1 banner – horizontal sign – the planning report mentions this sign under the description of S12 (page 37 of the applicant’s Planning Report), and the submitted plans show this sign titled ‘S14 Banner’ (Drawing A808), however inadequate details are provided to undertake an assessment of the type of sign and compliance with the sign standards. Therefore, from the details provided, i.e. description as a banner sign, this sign is considered prohibited as it is not addressed in the planning scheme amendment; • 2 x pole signs – the planning scheme amendment seeks to allow 2 pole signs, however 4 pole signs are proposed. These four signs have been excluded from assessment as they are prohibited in the IRZ. If the GPA resolves to prepare the amendment, then a condition would be needed in the planning permit requiring the removal of the four signs from the plans.
---	--

C1.6.1 Design and siting of signs P2

Signs S8A and S8E ‘blade signs’ are located within 2m of adjoining lots in the Inner Residential Zone – see **Attachment 4** for signage plans. Sign S11A would also be within 2m of the IRZ, however this a regulatory sign that is exempt. Therefore, the proposed signage must be assessed against the performance criteria which provides:

A sign must not cause an unreasonable loss of amenity to adjoining residential properties, having regard to:

- (a) *the topography of the site and the surrounding area;*
- (b) *the relative location of buildings, habitable rooms of dwellings and private open space;*
- (c) *any overshadowing; and*
- (d) *the nature and type of the sign.*

Comments:

Sign S8A is a directional blade sign with dimensions of 0.7m x 2.3m. The signage would have wording on both sides that would read ‘Welcome’ with the ‘M’ logo, and located to the south-east of the accessway at Main Road. The closest dwelling would be the dwelling at 1/6 Main Road, Claremont which is approximately 8m from this sign.

Sign 8E is also a directional blade sign with dimensions of 0.7m x 2.3m. The signage would have wording on both sides that would read 'drive thru' with the 'M' logo, located adjacent to the south-east side boundary, opposite to the drive-through entrance. The closest dwelling would be the dwelling at 3/6 Main Road, Claremont which is approximately 3.5m from this sign.

The Applicant's planning report mentions that these two signs will not be illuminated. However, the plans submitted show these signs to be partly illuminated (refer to Drawing A806).

It is noted that there is a significant number of signs proposed.

Given the distance of the proposed sign S8A from the closest dwelling, it is unlikely any significant amenity impacts would be caused to this dwelling. Sign S8E which is closer to a dwelling, may also not cause significant impacts given its height would be lower than the proposed acoustic fence described above under Clause 9.5.1 (P2), noting there are other amenity impacts caused due to the proposed acoustic fence height and length.

The proposal is considered to comply with this standard.

C1.6.1 Design and siting of signs P3

The number of signs for the business on a street frontage exceeds the requirements under the acceptable solution, which requires no more than 1 of each sign type and 6 signs in total.

The proposal includes 3 wall signs, and 2 blade signs and a total of 7 signs on the street frontage (excluding the 2 exempt flags and 6 exempt regulatory signs). Therefore, the proposal must be assessed against the performance criteria which provides:

The number of signs for each business or tenancy on a street frontage must:

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

Comments: Appendix 3 provides a detailed summary of all the proposed signage. 33 signs are proposed within the development (excluding the exempt regulatory signs and the 2 flags proposed on the frontage).

Along the street frontage (Main Road), 7 signs are proposed (excluding the exempt signs described above). Three of these signs are blade signs, one that is 3.6m in height and 2 that are 2.3m in height. All of these signs have the 'M' logo which would be internally illuminated, with 2 of them having additional information that read 'Welcome', 'thank you', and 'no entry' wording also illuminated.

On the building façade facing the street frontage, there are 3 x wall signs and 1 x horizontal projecting sign. One wall sign is the 'M' logo, the other reads 'McCafe' and the other reads 'PlayPlace'. Given the larger site and the area of the building façade, it is considered the impact of the 3 wall signs on the street frontage is not significant.

However, 4 of the 7 signs on the street frontage (3 x blade signs + 1 wall sign) have the same internally illuminated 'M' logo which is repetition of messaging.

Furthermore, it is considered the proposed blade signage on the street frontage is excessive. Three blade signs with substantial heights as described above on the street frontage are unnecessary, would unreasonably increase visual clutter in the streetscape and display repetitive messages.

While it is acknowledged that the signage forms an integral part of the branding and business model of the establishment, the site is within a residential zone with limited signage within this zone. This type of signage is seen and expected within the commercial or business zones. It is considered that there may be a better approach by replacing some of the proposed blade signs on the street frontage, with fewer and more effective messaging without repetition.

Therefore, the application is assessed in its current form as not satisfying the performance criteria and does not comply with the standard.

C1.6.2 Illuminated Signs P1

The proposal includes 23 signs that are to be fully or partly illuminated, as detailed in Appendix 3. There is no acceptable solution for illuminated signs, therefore they must be assessed against the performance criteria which provides:

An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:

- (a) the location of the sign;*
- (b) the size of the sign;*
- (c) the intensity of the lighting;*
- (d) the hours of operation of the sign;*
- (e) the purpose of the sign;*
- (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;*
- (g) the intended purpose of the changing message of the sign;*
- (h) the percentage of the sign that is illuminated with changing messages;*
- (i) proposed dwell time; and*
- (j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.*

Comments:

Location of illuminated signs: The proposal includes a number of illuminated signs that are dispersed throughout the site. Some of these illuminated signs are located along the street frontage and would form part of the streetscape. Some are located within 2m of the adjacent residential properties along the south-east side boundary. A number of the signs are on the various building facades, that would be visible from

outside the site, and including facades that face residential properties along the south-east and south-west.

Sizes: The signs that are partly or fully illuminated are of varying sizes and types. There are number of substantial illuminated signs such as the 12 blade signs (ranging from 2.3m – 3.6m in height) and wall signs with dimensions up to 1.37m x 1.19m, and various other signs. Refer to Appendix 3.

Intensity of lighting: Details of the intensity of each illuminated sign have not been provided. While an external lighting assessment was submitted with the application, insufficient information is provided within the lighting report to determine if unreasonable loss of amenity to adjacent sensitive uses would arise from external lighting. Refer to discussion under Clause 9.3.1 (P2).

Hours of operation: The planning report states the illuminated signs will operate during the nominated opening hours, which is 6.00am – 11.00pm – Sunday-Thursday (7 hours closed per 24hrs) and 6.00am to midnight – Friday and Saturday (6 hours closed per 24hrs).

Purpose of the sign: Some signs are purposeful in that they provide for directional messaging in the dark. However, a large number of the illuminated signs or those parts of the signs that are illuminated, are purely for branding purposes with an illuminated 'M' logo.

Sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity: While it is acknowledged that the signage forms an integral part of the branding and business model of the establishment, being located in a residential zone and immediately adjoining sensitive residential uses, it is considered the number of illuminated signs for the proposed hours of operation could cause significant amenity impacts to the residences.

It is not considered the proposed illuminated signs would affect view corridors or natural environment.

Changing messages, intensity of lighting and any dwell time: Council's Transport Engineer has advised that the Transport Impact Assessment (TIA) submitted with the application assessed relevant requirements under C1.6.1 and C1.6.2 being the illuminated signs visible from the road. It is assumed the signs will be static (however this is not explicitly mentioned) so some of the other criteria for illuminated signs are not relevant, but this is not detailed in the TIA. The TIA did conclude that the signs are designed and located appropriately so as not to obstruct vehicle movements or visibility.

Signs visible from the road, and if so the proximity to and impact on an electronic traffic control device: A number of the illuminated signs would be visible from the road. However, there are no electronic traffic control devices in the immediate vicinity of the site that would be impacted. The planning report submitted with the application explains that the signs would comply with the relevant Australian Standard for lighting.

Due to concerns regarding the amenity impacts of the proposed signage and a lack of information to demonstrate compliance with the performance criteria, the application

is assessed as not satisfying the performance criteria and does not comply with the standard.

C2.0 Parking and Sustainable Transport Code

C2.5.1 Car parking numbers

Clause C2.5.1(A1) requires 30 car parking spaces based on 1 space per 15m² of the total floor area and 6 queuing spaces for the drive through. The car parking requirements under the acceptable solution are not met as detailed below. The queuing for the drive-through is met with the ability to contain 12 vehicles back from the second server window and two additional vehicles contained within the waiting bays after the server window.

The development proposes between 22 car parking spaces on-site, with one of these being a compliant accessible parking space. The on-site parking numbers are reduced by one to 21 car parking spaces when the boom gate is closed to the driveway access off Lady Clark Avenue to allow vehicles to turn. However, there is no turning facility for vehicles that turn into Lady Clark Avenue to access the driveway and find that it is closed (this is further discussed in C3.5.1). This results in a shortfall of 9 car parking spaces.

Therefore, the proposal must be assessed against the requirement of the performance criteria which provides:

P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) the availability of off-street public car parking spaces within reasonable walking distance of the site;*
- (b) the ability of multiple users to share spaces because of:*
 - (i) variations in car parking demand over time; or*
 - (ii) efficiencies gained by consolidation of car parking spaces;*
- (c) the availability and frequency of public transport within reasonable walking distance of the site;*
- (d) the availability and frequency of other transport alternatives;*
- (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*
- (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;*
- (g) the effect on streetscape; and*
- (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use*

P1.2 is not applicable as it applies to dwellings.

Comments: The planning application was referred to Council's Transport Engineer who made the following comments.

Parking Assessment: The TIA undertook a parking demand assessment to determine the anticipated car parking requirements during peak times. It reviewed 15 other restaurants with drive-through facilities and number of seats between 59 to 128, with the average number of seats being 82. Based on this data, the TIA estimates an average peak car parking of 0.27 spaces per patron/seat. This means that for this site with 75 seats, 20 car parking spaces are required during peak demand.

The data provided in the appendix of the TIA has two parking tables. It is assumed it is the latter table that is used as it has 15 sites with an average parking rate of 0.27 spaces per seat. These sites are in Victoria in which the peak parking rate varies between 0.15 to 0.38. The data collected has information missing; the data is not recent being between 1991 to 2016; no information on overflow parking is provided; and it is also unclear if parking spaces are total on-site or those occupied.

With very little information on the sites in the data, it is difficult to compare the data to this site. A better comparison would be to compare one or two similar sites including aspects such as GFA, employees, opening times, drive-through capacity and usage, driveway access, surrounding land use, surrounding parking and usage, public transport, cycling infrastructure and road network.

The TIA states that the rate of 0.27 spaces per patron includes staff, in which there will be approximately 20 staff members working at the site at any one time. It states that the staff members are predominantly younger people most of whom would be dropped off by others/parents and as such do not generate parking. It also explains there is good public transportation in the area. It is unclear in the data provided for the other site if parking occurs off-site for staff.

The planning scheme requirement is 1 space per 15m² of the total floor area, being 453m². The TIA says that a more applicable assessment is against the dining floor area to patrons which is typically between 50-60% of the restaurant layout. Based on this, the dining floor area would be 225.6m² and 271.8m² in which 15 to 18 car parking spaces are required.

The Roads and Maritime Services, Road Traffic Authority (RTA) NSW Guide to Traffic Generation Development year 2002, recommends the following on-site parking numbers being the greater of 1 space per 2 seats (internal) or 1 space per 3 seats (internal and external). Based on 75 internal seats, this means 38 car parking spaces are required on-site.

Surrounding Council Car Parking: On Main Road, the TIA notes that there would be four on-site parking spaces out the front of the site as the existing driveway crossovers would be reinstalled.

However, due to sight line requirements at the driveway on Main Road and at the junction of Main Road and Lady Clark Avenue, the parking on Main Road may be restricted. This is discussed later in the report under sight lines in Clause C3.5.1 (P1). It should also be noted that on-street parking is not guaranteed in perpetuity or for the exclusive use by this development.

On Lady Clark Avenue, the TIA has suggested that the existing car park on Council land between the road and the subject site with 8 car parking spaces could be used by this development where the demand for the site may be exceeded. The TIA notes that there are limited land uses in the area that are expected to use the parking. However, the Country Music Club at 14A Main Road has an existing license over the car park between 7pm and 6am.

The TIA states that the developer is not proposing any changes to the car park, in which there is unconventional 45-degree parking. The car park off Lady Clark Avenue is not to the current standards and poses a safety risk as four of the angle car parks directly front the road (Lady Clark Avenue). With these four parks, vehicles would be reversing directly onto the road with limited sight lines and should be removed due to the increase in traffic.

This means parking off Lady Clark Avenue would be limited to possibly four car parking spaces if the car park was redesigned. Otherwise, the car park could be removed completely.

On-street parking on Lady Clark Avenue is not mentioned in the TIA. It is assumed that parking would be prohibited on both sides of the road from Main Roads to the driveway to the site to allow uninterrupted two-way traffic. Parking may also have to be prohibited on Main Road and further along Lady Clark Avenue for sight lines out of the driveways.

If there is overflow parking from the development it is likely that vehicles may park in the car park off Lady Clark Avenue if it remains, the private road section of Lady Clark Avenue, adjoining residential streets, Main Road, and possibly the Claremont village or within Council's car park at the Cenotaph opposite the junction of Box Hill Road/Cadbury Road.

This parking could be managed with parking controls (i.e. 2hr limit, Mon-Fri, 8am-5pm) or restricted if a safety issue. The parking controls would apply to all vehicles thus affecting residents and is only possible during business hours when our officers can enforce. Any over spill parking will affect the capacity of parking within our streets and car parks.

Conclusion: Based on the TIA, it cannot be determined if there is adequate parking for the development or not. While it might be possible to recommend conditions to address some of these matters, these conditions may require a redesign of the layout, which could then require further information to address subsequent impacts. This is not an appropriate planning response. Therefore, the application is assessed as not satisfying the performance criteria and does not comply with the standard.

C2.5.3 Motorcycle parking numbers

The planning scheme requires 1 motorcycle parking space. The proposal is not providing any. Therefore the proposal does not meet the acceptable solution, and needs to be assessed against the requirements of the performance criteria which provides:

P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:

- (a) the nature of the proposed use and development;*
- (b) the topography of the site;*
- (c) the location of existing buildings on the site;*
- (d) any constraints imposed by existing development; and*
- (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.*

Comments: The planning application was referred to Council's Transport Engineer who made the following comments.

The TIA submitted with the planning application says that motorcycle parking can be catered for within one of the car parking spaces proposed or alternatively there are areas within the car parking and landscaping that could cater for motorcycle parking if required.

Given the proposed parking shortfall is not supported as per the above discussion under Clause C2.5.1, providing for motorcycle parking within a car parking space is not appropriate. However, there may be other locations at the site, such as part of the area proposed to be landscaped, to be able to accommodate one motorcycle parking space and it is possible the proposal could meet this standard subject to a revised layout.

The application, in its current form, is assessed as not satisfying the performance criteria and does not comply with the standard.

C2.6.2 Design and Layout of Parking Areas (P1)

Council's Transport Engineer (see full copy of Referrals in Appendix 4) has advised the following:

The proposal does not comply with Australian Standard AS2890.1 due to the width of the 14-parking spaces proposed to the west of the site. Therefore, the proposal does not meet the acceptable solution, and needs to be assessed against the requirements of the performance criteria which provides:

P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:

- (a) the characteristics of the site;*
- (b) the proposed slope, dimensions and layout;*
- (c) useability in all weather conditions;*
- (d) vehicle and pedestrian traffic safety;*
- (e) the nature and use of the development;*
- (f) the expected number and type of vehicles;*
- (g) the likely use of the parking areas by persons*
- (h) with a disability;*

(i) the nature of traffic in the surrounding area;

Comments: Council's Transport Engineer has advised that the parking, access ways, manoeuvring and circulation spaces were assessed in the TIA submitted with the application under AS2890.1 and the accessible parking space is to be as close as practical to the entrance and to AS2890.6. The accessible parking space meets these requirements in the planning scheme.

The TIA states that the car park meets AS2890.1 apart from the 14 parking spaces proposed on the western side of the development which are required to be 2.6m wide. The developer is proposing that these spaces would be 2.5m wide. The TIA states the cars are still able to safely access these car parking spaces, which is accepted.

The proposal did not show the following details to fully assess the car park under AS2890.1. Details required include gradients, parking area, spot levels, manoeuvring area, materials, finishing surface and drainage details. Generally, these requirements could be subject to a condition with further assessment by the Development Engineer.

Therefore, it is considered that the proposal would be capable of meeting the performance criteria, subject to permit conditions and the application is assessed as complying with the standard.

C2.6.5 Pedestrian Access (P1)

Under the acceptable solution, a footpath is required if there are more than 10 car parking spaces, and at the accessible parking space to the main entry point of the building. The proposed development includes a dedicated pedestrian zebra crossing between the drive-through, however this path is not connected to the overall parking area along the boundary which proposes to use this driveway as shared pedestrian pathways. Therefore, the proposal needs to be assessed against the requirements of the performance criteria which provides for:

P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:

- (a) the characteristics of the site;*
- (b) the nature of the use;*
- (c) the number of parking spaces;*
- (d) the frequency of vehicle movements;*
- (e) the needs of persons with a disability;*
- (f) the location and number of footpath crossings;*
- (g) vehicle and pedestrian traffic safety;*
- (h) the location of any access ways or parking aisles; and*
- (i) any protective devices proposed for pedestrian safety.*

Comments: Council's Transport Engineer has reviewed the proposal and has advised that the proposal has 22 car parking spaces. Eight of these car parks are along the main frontage of the site including the accessible space. Between these car parks and the building there is a 1.5m wide footpath.

There are 14 car parking spaces located to the west of the site which do not have a footpath. This area is assumed to be a shared zone between vehicles and pedestrians, until connecting to a pedestrian crossing that connects to the footpath at the main frontage of the site. This shared zone has not been assessed in the TIA that accompanies the planning application. The TIA does provide that the layout of the site is low speed due to two speed humps and McDonald's typically have pedestrian movements within the car parking manoeuvring area. This approach is considered acceptable.

The plans show a pedestrian zebra crossing along the frontage of the drive-through and loading bay for pedestrians to use from the western car parks. This pedestrian crossing is approximately 10m long and would be difficult for pedestrians to determine if it is safe to cross due to its length. Council's Engineers consider that the length of the crossing would need to be shortened and aligned to not conflict with the loading bay. Generally, these requirements could be subject to a condition with further assessment by the Development Engineer.

Therefore, it is considered that the proposal would be capable of meeting the performance criteria, subject to permit conditions and the application is assessed as complying with the standard.

C3.0 Road and Railway Assets Code

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction P1

While the site can be accessed off the existing vehicle crossings, based on the TIA, the traffic generation of the development is likely to be 170 vehicles per hour for the peak period. The increase in vehicle movements are over 40 vehicle trips per day so the assessment against the performance criteria is triggered. The performance criteria provides for:

P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

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

Council's Transport Engineer has reviewed the proposal and provided the following advice (refer to Appendix 4 for full referral).

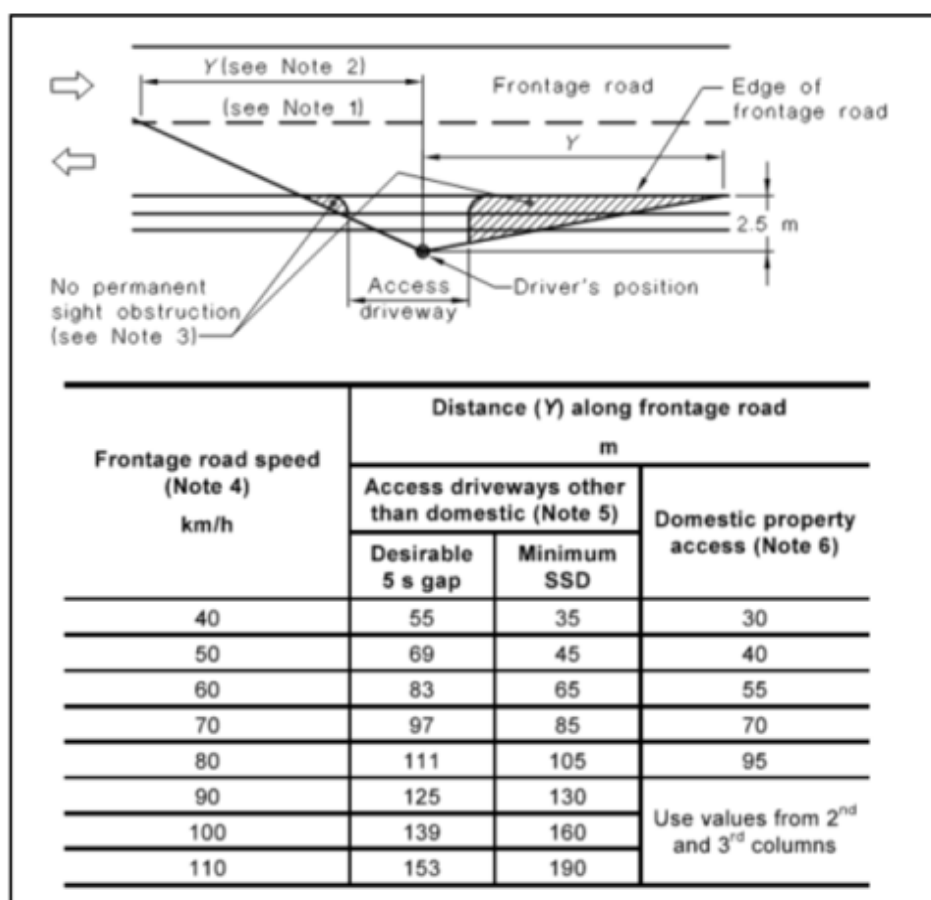
As outlined in the referral, Council's Traffic Engineer identified a number of concerns with the proposal which are particularly relevant to this standard:

- Insufficient driver sight lines at the driveway crossover on Main Road looking to the right/south.
- Increase in traffic on Lady Clark Avenue due to insufficient road width for vehicles to turn at the proposed driveway concurrently, maintain two-way traffic along the road and still to be determined in the TIA, to safely turn at the junction with Main Road.
- The car park on Council land alongside Lady Clark Avenue does not comply with the standards and has four of the car parks reversing directly onto the road which is unsafe.

Comments: Council's Traffic Engineer has considered that the elements in dot point two and three could be addressed through changes to Lady Clark Avenue, however the driver sight lines do not meet the Australian Standard AS2890.1 for a commercial driveway.

Driveway sight lines onto Main Road were assessed in the TIA. Sight lines looking left/north are met being above 90.8m. Sight distance to the right/south is not met being estimated in the TIA to be 60.1m. Sight lines at a driveway should meet AS2890.1 Off-street Car Parking (2004).

The standard for any new driveway access from AS2890.1 is shown in Figure 15. The sight lines should be measured 2.5m back from the kerb and at a driver height plus approaching car height of 1.15m above the road surface. It is unclear in the TIA if this is the case, although it appears so. The TIA takes the distance (Y) from the driver's eyes to the object instead of at right angles as shown in the diagram below. This would mean that the sight distance estimated in the TIA is slightly less than 60.1m.



Source: AS2890.1:2004 – Figure 3.2

Figure 15 – Australian Standard Sight line distances

The standard states that the value for a 5s gap is desirable or minimal stopping sight distance based on a 2-second reaction time. As the driveway will be coming out onto a Main Road with high traffic volumes, the TIA has assessed that 69m is required at a frontage speed of 50km/h which is accepted.

The TIA states that given the nature of the road, it is anticipated that traffic will travel around the corner on Main Road at lower speeds. Thus, has adopted a speed of 40km/h meaning that sight distance would be met.

The TIA has not provided any evidence that speeds are lower due to the corner, which is a large sweeping corner. Traffic data collected by Council on Main Road in October 2017 just north of Lady Clark Avenue had an average speed of 49km/h and 85th percentile speed (speed at which 85% of vehicles travel at or below) was 54 km/h.

The standard states that the speed to be used is the posted speed limit or general speed limit unless the 85th percentile speed is more than 5km/h above the limit. The data to date shows that the posted speed limit of 50km/h should be used. Thus, reducing the speed limit down is not accepted to meet sight line requirement of 69m.

Main Road Driveway – Sight Lines Austroads

Even though the driveway is not an intersection, it is viewed as having similar characteristics due to the volume of traffic and unfamiliarity of driveway using the

access. The intersection requirements do not have to be met but this would be preferable.

The TIA undertook an assessment of sight lines at the driveway onto Main Road, using Austroads Guide Road Design Part 4A – Unsignalized and Signalized Intersections with reference to Austroads Guide to Road Design Part 3: Geometric Design, to assess safe intersection sight distance (SISD), approach sight distance (ASD), minimal gap sight distance (MGSD), and stopping sight distance (SSD).

It is assumed in the TIA that the boundary fence and turret alongside the driveway have been considered. Also, to enable the actual sightline available to be achieved, parking may need to be prohibited and should have been assessed in the TIA.

Austroads under sight distance at property access says that AS2890.1 provides guidance for non-domestic accesses. Desirably sight distances at accesses should comply with the sight distance requirements for intersections. For roadways with tighter horizontal and vertical alignments, minimum sight distances at accesses should comply with the minimum gap sight distance (MGSD) and safe intersection sight distance using values given under the extended design domain (SISD EDD) criteria.

The precalculated figures in Austroads for the sight distances are provided in table 1 below with a range due to reaction time and coefficient of deceleration (d) of 0.36 (friction between the vehicle tyres and the road surface). The minimum value of 1.5 second reaction time should only be used in constrained situations where drivers will be alert which should be qualified. The coefficient of deceleration of 0.46 should only be used in very constrained locations on low volume and less important roads. The TIA numbers are also provided below in Table 1.

Table 1 – Sight Lines at Driveway onto Main Road

Sight Lines	1.5 Seconds	2 Seconds	TIA
SISD	90	97	90.8 with d 0.46
SISD EED	63	70	Not Assessed
SISD EED Trucks	89	96	Not Assessed
ASD along road	48	55	Not Assessed
ASD Driveway	-	-	14.5m
MGSD Left Turn	-	69	69m
MGSD Right Turn	-	69	Not Assessed
SSD	48	55	35 to 41m
SSD Trucks	55	62	Not Assessed

The assessment for sight lines for each case is based on driver eye being 1.1m above the ground and:

- SISD vehicles are 5m (min) back from the conflict point and approaching car height is 1.10m.
- ASD is the same as SSD on major road. On minor road object height 0m to see line marking.
- MGSD measured at conflict point and object height 0.65m indicator height.
- SSD measured at conflict point and object height of 0.2m object on ground.

- SSD in TIA used Queensland Government Transport Department studies.

The guide has the speed as the 85th percentile speed along the road, which is assumed to be 50km/h. This is 4km/h lower than that recorded to the north of the site. However, this should be quantified in the TIA.

The TIA provides a sight line from the driveway to the right/south of 60.1m assumed to be 5m back from the conflict point. In the appendix a sight line of 69m from the conflict point with a vehicle turning left and parking prohibited is shown but not mentioned in the report.

The guide says that SISD EED and MGSD is required to be met. SISD EED is measured 5m back from the conflict point and is not met being 60.1m, it should be a minimum of 63m for cars. MGSD is measured at the conflict point and is assumed to be met being 69m. AS2890.1 is measured 2.5m back from the kerb and is not met being 60.1m and should be 69m.

The existing site has a long driveway crossover about 20m wide along the frontage of the site in which it is unclear where vehicles would be exiting. It is likely the vehicles would be exiting slightly further to the north than what is proposed by this development due to the angle parking occurring along the southern property boundary. Regardless, the current application is required to meet the current standards.

Based on the TIA and this assessment, due to sight lines not being met to the right out of the driveway onto Main Road under AS2890.1 and Austroads, Council's Transport Engineer has indicated they cannot support the proposal based on road safety grounds.

Therefore, the proposal is assessed as not meeting the performance criteria and does not comply with the standard.

C12.0 Flood-Prone Areas hazard Code

C12.6.1 Buildings and works within a flood-prone hazard area P1.1 and P1.2

There is no acceptable solution for works within a flood-prone hazard area. Therefore, the proposal needs to be assessed against the requirements of the performance criteria which provides for:

P1.1 Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:

- (a) the type, form, scale and intended duration of the development;*
- (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;*
- (c) any advice from a State authority, regulated entity or a council; and*
- (d) the advice contained in a flood hazard report*

P1.2 A flood hazard report also demonstrates that the building and works:

- (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and*
- (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.*

Council's Development Engineer has indicated that while portion of the land is affected by the Flood Prone Hazard Overlay, as the area shown on the mapping is over an existing building and it does not connect to any of the flood paths there is no issue associated with the site and the proposal is considered capable of meeting the performance criteria. The application is assessed as complying with the standard.

C14 Potentially Contaminated Land Code

C14.6.1 Excavation works, excluding land subject to *Macquarie Point Development Corporation Act 2012*

Under the acceptable solution excavation must involve less than 250m³ of site disturbance. The applicant has confirmed that there will be more than 250m³ of disturbance, therefore, the proposal needs to be assessed against the requirements of the performance criteria which provide:

Excavation, excluding on land subject to the Macquarie Point Development Corporation Act 2012, must not have an adverse impact on human health or the environment, having regard to:

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

Comments: Council's Environmental Health Officer has provided the following advice (see **Appendix 4** for full referral). An Environmental Site Assessment prepared by Simon Chislett of EM&C, a Certified Environmental Practitioner (CEnvP), had previously been developed for the site. The report concludes the site is suitable for on-going 'commercial/industrial' use without an unacceptable level or risk. As the report has been created for the site by a qualified person, there is a high level of confidence that the proposed development would meet the Performance Criteria (P1) for the Potentially Contaminated Land Code C14.6.1. However, it is acknowledged, the site contamination report was prepared for Coopers Automotive as the Client. The report limitations state that the report is only suited for that Client. However, based

on the information provided in the report, it is considered that a site-specific management plan could be prepared to ensure no risk to human or environment is presented.

Generally, this type of requirement would be subject to conditions with further assessment by the Environmental Health officers.

Therefore, it is considered that the proposal would be capable of meeting the performance criteria, subject to permit conditions and the application is assessed as complying with the standard.

Conclusion on the permit request

This assessment of the planning permit application has been undertaken to provide a comprehensive assessment of the applicant's request and understand the potential implications of the proposal (See **Appendix 2** for assessment against applicable standards).

It is noted that in some instances the proposal has failed to comply with the applicable standards due to inadequate information being provided by the applicant. As noted above, Council's officers generally reissue additional information requests until all information is provided to a satisfactory standard that demonstrates a proposal can be approved, unless it is clear that the proposal would be refused (as this is considered an unreasonable burden on an applicant).

It is also noted that in respect to the subject application, that the need to address or provide additional information, or potentially modify layouts to comply with applicable standards would require further planning reports to be submitted to address such modifications and their repercussions on other aspects of the proposal. It is considered that the permit application therefore could not be supported even through conditional approval.

It is considered that the proposal would not satisfy the planning scheme controls even if they were amended as requested by the applicant. Therefore, if the planning authority were of a mind to agree to prepare the planning scheme amendment, it is recommended that the planning authority refuse to agree to the request to consider a combined planning permit application under S40T.

THE PROCESS FROM HERE

It is recommended that the planning authority refuse to prepare the draft amendment under S38 (2) (b) of LUPAA, and therefore no further decision on the planning permit application request under S40T is required.

Under Section 40B of LUPAA the applicant can, within 14 days of the notice of the Planning Authority's decision, request the Commission to determine whether it is satisfied that the planning authority took into account all relevant matters in making its decision. The Commission can then either support the decision or direct the planning authority to reconsider whether to prepare a draft amendment.

LUPAA is unclear on the process should the planning authority reconsider the amendment and refuse the amendment request again. However, the Minister for Planning does have the power under S40C of LUPAA to direct a planning authority to prepare a planning scheme amendment. If this were to occur, the amendment would need to be publicly exhibited and any representations, which could include a representation from Council, would be considered by the Planning Authority and subsequently the Commission at a public hearing.

Recommendation:

- A That pursuant to Section 38(2)(b) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority determine not to prepare the amendment for the following reasons:
- (a) The amendment is not in accordance with Section 34(2)(c) of LUPAA as the amendment does not further Part 1 (b) and (d) and Part 2 (a), (d), (c), (d), (f) and (i) of the Schedule 1 Objectives of LUPAA particularly the objectives seeking orderly and proper planning.
 - (b) The amendment is not in accordance with Section 34(2)(f) as, while the amendment considers the *Glenorchy Strategic Plan 2023-2032* it does not meet the objectives for responsible growth, and therefore cannot be considered to have adequate regard to the Strategic Plan.
- B Note that as the amendment request has been rejected, the planning permit application request under Section 40T of LUPAA cannot be considered.

Attachments/Annexures

- 1 GPA Attachment - Applicants Proposed Amendment
[⇒](#)
- 2 GPA Attachment - Applicants Planning Report & RFI
[⇒](#) Response_13Nov23
- 3 GPA Attachment - Application Plans_13Nov23
[⇒](#)
- 4 GPA Attachment - TasWater Response
[⇒](#)
- 5 GPA Attachment - Applicants Supporting Documents
[⇒](#)

APPENDIX 1- STATUTORY ASSESSMENT – RESPONSE TO LPS CRITERIA REQUIREMENTS FOR LOCAL PROVISIONS SCHEDULE UNDER LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria:

(a) contains all the provisions that the SPPs specify must be contained in an LPS

Should the amendment be prepared, a modification to GLE-9.1 under the list of SSQs of the LPS would be needed, as the amendment also seeks to include Council land at Main Road (CT 136272/1) an updated General Overlay map would be required to extend the SSQ over this land.

The proposed amendment would not affect any Code overlays, or other General overlays or LPS provisions.

(b) is in accordance with [section 32](#)

This section identifies the technical aspects of a LPS such as inclusion of zone maps and overlay, and what additional local provisions can be included if permitted to do so under the SPPs, to add to or override the SPPs.

Section 32(4) identifies that a LPS may only include these additional local provisions where:

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

The provisions require an applicant to meet only one of the tests. Therefore they could meet just the environment benefits to the local area, or just unique social qualities to require the control. Further the tests relate only to the amendment provisions. Not more broadly to an outcome.

The draft amendment seeks to amend the existing SSQ affecting 8-10 Main Road and extend it over land at Main Road (CT 136272/1). The local provision that is proposed in the amendment, that is the drive through and the signage, must therefore satisfy either 32(4) (a) or (b).

The applicant has argued that the amendment satisfies both (a) and (b) S32(4) in that:

The proposed use and development to which the SSQ will apply is of significant economic benefit to the Glenorchy municipal area.

- *The main economic contribution of the proposal is employment, and our client anticipates that if approved, this store would employ between 125-175 people (based on crew sizes of other existing Tasmanian stores), of which up to 55% of crew would be under 18 years old, and up to 75% under 21 years old.*
- *This is significant because the Glenorchy LGA has a higher unemployment rate than the national average (7.2% vs 5.1% at the 2021 Census)², and the second highest youth unemployment rate in Hobart and southern Tasmania.*
- *Noting that on average, drive-throughs account for 57% of total monthly sales across McDonald's existing Tasmanian stores, the SSQ sought in this application would translate to approximately 71 to 99 jobs being provided in the community, with a substantial proportion of those jobs being for people aged under 21 years.*
- *In the context of the current unemployment challenge faced by the region and state, this proposal represents a significant opportunity to generate local jobs which would otherwise not be supported in a store without a drive-through facility.*
- *We further note that McDonald's provides professional and business development opportunities to staff, including paid Certificate II and III in Retail Management, which directly addresses Prioritised Economic Opportunity 5.7 of the Glenorchy Socio-Economic Profile & Opportunity Assessment 2019 (GSPOA). The GSPOA identified that increased education aspirations for youth presents an opportunity to the region in terms of its economic development. If approved, the revenue generated by the drive-through will enable the proposed McDonald's store to offer the above mentioned further education opportunities to its crew. It is important to note that courses such as Certificate II and III in Retail Management provide opportunities for crew members beyond their employment with McDonald's, and accordingly we say this would be of net benefit to the community.*

Similarly, the subject site at 8-10 Main Road has particular economic and spatial qualities that in our view require the proposed SSQ provision over a modification to the SPPs:

- *The planning history of this site is relevant to its relationship with the local area. Acknowledging that it was previously zoned Local Business, and that it has been used as a mechanic/service centre since the 1950s, it is clear that there is a historical association with employment generating activity on the land, despite being mostly surrounding by land used and developed for residential purposes.*
- *The site was rezoned to Inner Residential (IRZ) as part of Glenorchy's transition to the new format LPS planning scheme in 2019. This was done in accordance with the Section 8A Guidelines issued by the Tasmanian Planning Commission which specify that single lots in a Local Business Zone (LBZ) should be included in the surrounding zone in the LPS. It was acknowledged at the time of rezoning that there was no intent from Council to change the use of the site to residential, and an SSQ allowing the use of the land for Vehicle Fuel Sales and Service was incorporated into the LPS to allow the existing use to continue. This was on the basis that the owners of the land have had an expectation that the land was appropriately zoned for the existing use.*
- *It follows, in our opinion, that the process undertaken during Glenorchy's LPS transition acknowledged that the subject site is a commercial property where there are reasonable expectations that it will continue to be used for commercial/business purposes. We submit that this is a particular economic quality of the site which is unique compared to the adjoining and surrounding properties in the IRZ. Given that the IRZ restricts the operation of Food Services on the land to an extent that the LBZ does not (i.e. that a drive-through facility is prohibited), we say that the proposal to include an SSQ that allows a drive-through is reasonable.*
- *Moreover, the site is physically capable of accommodating the proposed convenience restaurant with drive through facility in a manner in which the potential amenity impacts on adjoining and surrounding residential uses are appropriately mitigated. This is due to the size of the allotment which allows a drive-through to be situated away from the directly adjoining properties. The corner allotment arrangement also limits the number of directly adjoining sensitive interfaces and facilitates an efficient site layout for vehicular circulation, an important quality for a car based retail facility. The site's location on a main arterial road where it is not likely to be the sole generator of vehicular traffic also makes it suitable in this regard.*
- *These physical qualities (the allotment size, corner location, arterial road frontage) make the subject site uniquely suited within Claremont for food services use with a drive-through facility. There are no other individual parcels of land within the IRZ in the adjoining and surrounding area that have these same characteristics which would be suitable for a drive-through.*

The applicant has submitted that McDonalds businesses and its franchisees provide significant economic benefits to local areas and communities nationally by providing employment opportunities, particularly for young people, and supply chain support as well as community investment. The applicant identifies that the existence of a drive through component accounts for, on average, 57% of total monthly sales across McDonald's existing Tasmanian stores. Based on this the applicant has indicated that allowing the drive through would translate to approximately 71 to 99 jobs being provided in the community, with a substantial proportion of those jobs being for people aged under 21 years.

The provisions of section 34(a) require a 'significant benefit' to be demonstrated. However, there is no guidance in the legislation as to the quantum of benefit required to achieve 'significance' at a regional or municipal level. Therefore, as it is possible that the drive through facility would increase local job opportunities beyond what could be offered from a McDonalds without a Drive through this aspect of the amendment could be considered to meet Section 32 (4)(a).

With respect to the signage components of the amendment, it has not been demonstrated that the extent of the signage proposed would represent a substantial economic benefit to the local community. Therefore this component of the amendment is not considered to meet the test under section 32(4)(b).

Under section 32(4)(b) it must be demonstrated that there is an aspect so unique to the site that it requires the special SSQ controls. The applicant has argued that its physical attributes make it suitable for a drive through use. While the site is larger than the average residential lot in the area, is a corner site and has access to Main Road, properties at 94 Main Road (also an old service station site) and 1 Main Road (the Claremont Hotel) have similar attributes. It is therefore difficult to consider these qualities (site area, corner location and access to Main Road) are so unique to the site that a drive through and business signage is required.

It is considered that the proposal cannot meet the particular unique spatial requirements of Section 32(4)(b).

The applicant has also argued that due to the site's historic use for business opportunities that it has particular economic qualities. However many sites in the local area, as identified above, have had similar uses in the past. In this regard, the economic qualities of the site cannot be considered unique.

It is considered that the proposal cannot meet the particular unique economic requirements of Section 32(4)(b).

It is considered that a planning scheme amendment for a drive through facility could meet the requirements of Section 32(4)(a) and meet the substantial economic benefits test. The signage component would not satisfy any of the tests under section 32(4)

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Comment
<i>(a)</i> <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The subject land has been cleared of standing vegetation and is developed. No threatened flora or fauna species have been recorded on the site. The amendment will have no impact on ecological process and/or genetic diversity and can be considered to be consistent with this objective.
<i>(b)</i> <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The site is within a serviced urban area with access to the main collector road in Claremont (Main Road). The applicant has submitted that allowing a take away food premises with a drive through facility and associated signage at the subject site is consistent with the fair, orderly and sustainable planning of the area. The applicant considers that the proposal is located at a site with an extensively established history of non-residential uses as reflected by its historical inclusion in the Local Business Zone and that the site exhibits special qualities which make it capable of accommodating a drive through facility without unreasonably detracting from residential amenity. The applicant also claims that in the absence of any strategic policy or declared intention from Council for the site to be used for residential purposes, it is fair and reasonable to consider alternative non-residential uses which would otherwise be prohibited. The applicant claims that this is further justified as when the property was rezoned to the IRZ as part of Glenorchy's LPS transition there was no material exhibited to the public which declared a specific intention for the land to be used and developed for residential purposes in the future. Council officers note the current SSQ and previous controls in the planning scheme to enable a service station then mechanical repair garage/service industry use to operate on the site were applied to facilitate the ongoing operation of historical and existing uses of

	the land. In essence this maintained the 'status quo' of the site, and was considered to be an orderly approach. It was also considered to be a fair approach as the controls enabled these established uses to continue operating as the planning schemes changed – giving the uses a greater function than the merely existing use rights. It is considered that the applicant's claim that there was no strategic or declared intent for the site to be used as residential land is unjustified as the land is included in a residential zone – a clear intent that, if the existing mechanical repairs/service industry moves on only uses under the Inner Residential Zone are appropriate. The amendment request seeks to introduce a new element to the site (a drive through facility for a Food Services use) which is a component excluded from Food Services uses in residential zones under the State Planning Provisions, due to the generally perceived negative impacts on residential amenity. Acknowledging the Country Music club rooms on the other side of Lady Clark Avenue to the subject land, the area is primarily residential in nature. It could be considered to be unfair to introduce the changes that a drive through facility and significant business signage would bring to a residential area: increased traffic volumes, amenity impacts (particularly noise, odour and lighting impacts that require specific management). Further, it is considered that drive throughs, as they discourage walking and use of public transport, and lead to significant increases in traffic at a specific site, are inconsistent with environmental and sustainable development goals which seek to promote walkability and reduce traffic. It is considered that the amendment does not further this objective.
(c) <i>to encourage public involvement in resource management and planning</i>	The statutory process for assessment of amendments involves a public notification period. Should the amendment be prepared, it would be advertised, and any representations received will be considered by the Planning Authority. The Planning Authority is required

	to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations. The amendment is consistent with this objective.
(d) <i>to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The applicant has argued that the approval of a new Food Service use with a drive through on the land would facilitate economic development, claiming that the drive-through facility can be expected to generate around 57% of the store's revenue, facilitating a larger crew size and therefore resulting in more local job creation. The applicant has also noted that as the site may possibly be contaminated, this could create a financial constraint on other uses as they would need to remediate the site. Further, the applicant submitted that the site has no identified ecological significance, and that as the application is being made pursuant to Division 4 of Part 3B of the LUPAA which involves a public exhibition and review process, the proposal is consistent with Part 1 (d). (and noted that they also served written notice of their intention to lodge the application to adjoining and nearby property owners prior to submission). Objective (d) requires economic development to be facilitated in accordance with the objectives of sustainable development of natural values; the fair, orderly and sustainable use of land; and encouraging public involvement in the planning system. As identified above under objective (b) the significant increase in traffic and amenity impacts that a drive through would bring to the local area is not considered to be fair and orderly planning. While it is acknowledged that the McDonald's brand would likely bring jobs to the local area this must be balanced against whether the amendment can be considered fair and orderly. It is worth noting that any new project would provide employment during construction and operation. It is considered that the negative amenity impacts to the neighbouring properties, would outweigh the broader impacts of job provision. It is considered that the amendment does not further this objective.

<i>(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</i>	Should the amendment be prepared, the community, industry and other government agencies would have the opportunity to comment on the amendment controls during the exhibition process. It is noted that the proposed amendment (and combined planning permit request) was referred to TasWater. TasWater did not raise any concerns with the draft amendment, it also provided a list of conditions to be included on the planning permit should the amendment be prepared and the permit granted (see Attachment 4 - TasWater response). The amendment is consistent with this objective.
Part 2 Objectives	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government</i>	The applicant has submitted that the amendment advances sound strategic planning by facilitating employment generating activity on a site in the Inner Residential Zone which has historically been used for commercial purposes, is located on a main road and public transport corridor, is physically capable of accommodating mitigation techniques to protect the amenity of adjoining and surrounding nearby uses, and is situated at the periphery of the Claremont CBD. The amendment seeks to allow a drive through facility and signage on one particular site within a residential zone. While maximising the use of serviced land within the Urban Growth Boundary is consistent with the broad intent of State and local government policy, the introduction of development components that may have negative traffic and amenity impacts on the local residential area cannot be considered as a strategic approach. It is also important to note that while Council's Strategic Plan (local policy) supports business opportunities, this is focused on responsible growth – with the intent to <i>work constructively with the development sector and our community to enable acceptable development opportunities</i>. It is considered that the amendment does not further this objective.

<i>(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</i>	The amendment seeks to use a tool available within the suite of planning controls available. If prepared the amendment would further this objective.
<i>(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</i>	The site is serviced by reticulated water and sewer infrastructure and would be unlikely to result in any significant environmental impacts. The applicant has submitted that as they have outlined in their responses to Part 1 (a) and (b) above, the proposal will not cause unreasonable detriment to the environment through the loss of native vegetation, will facilitate fairer development outcomes with regards to residential amenity and will advance the economic development of currently underutilised commercial land which is in a residential zone. This objective requires explicit consideration of social and economic effects when decisions are made about the use and development of land. The amendment, if prepared, would be considered through a formal community consultation process, and therefore will allow for social and economic matters to be considered. However, the draft amendment is likely to cause negative amenity impacts around the site. It is considered that the amendment does not further this objective.
<i>(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</i>	The applicant has submitted that the proposal is not contrary to this objective, noting that it relates only to the rezoning of land at 8-10 Main Road, Claremont and does not seek to alter any other aspect of the Glenorchy Local Provisions Schedule. Noting that the applicant's submitted response is in error – the amendment is not a rezoning, but the application of an SSQ – the intent of the argument that the amendment is localised is still not considered consistent with this objective. It is agreed that the proposed amendment is site specific and its impacts would be localised. Therefore, the amendment is not inconsistent with higher level State and

	regional policies. However, at the local level, Council's Strategic Plan 2023 – 2032 seeks to 'value our community by delivering positive experiences' and 'encourage responsible growth', and therefore being aware of the amenity and traffic conflicts the amendment may create, it is considered that the amendment is not consistent with local policy objectives. The amendment is not considered to further this objective.
<i>(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</i>	The applicant has submitted that the proposal achieves this objective by virtue of the established process for combined scheme amendment and permit applications set out by Section 40T of the <i>Land Use Planning and Approvals Act 1993</i>. The amendment seeks to modify an existing SSQ and will not impact on the decision making or assessment process for other approvals. The amendment is considered to be consistent with this objective.
<i>(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</i>	The applicant has submitted that the proposal will facilitate a 'convenience restaurant' with a drive through facility at the site in a way that minimises its impact on the adjoining and surrounding sensitive residential uses. The applicant also submits that, as demonstrated in the supporting material to the planning application (application and landscape plans, traffic impact assessment, environmental noise assessment and contamination report), the development facilitated by this proposal will make efficient use of the site and result in an appropriate interface to adjoining and surrounding residential uses. Noting there are a number of concerns with the submitted planning permit application particularly around amenity and safety, it is considered that the introduction of a drive through in an Inner Residential Zone and the extent of business signage proposed would not create a pleasant living environment. It is considered that the amendment does not further this objective.

(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	There are no known values on the land. The amendment is not inconsistent with this objective.
(h) <i>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</i>	The site has established connections to public infrastructure which will not change as a result of this amendment. If the amendment is approved and the permit granted, any upgrades to crossovers and development of the drive through would need to be constructed to traffic engineering standards. It is considered that the amendment is consistent with this objective.
(i) <i>to provide a planning framework which fully considers land capability.</i>	The applicant has indicated that the proposal is consistent with the planning framework set out by the <i>Land Use Planning and Approvals Act 1993</i>. The applicant argues that the approval of the proposed amendment would not diminish or detract from the capability of the land and that the site would remain in the Inner Residential Zone and it would be capable of being developed for residential purposes in the future. While the site is fully serviced, and could be developed for a number of commercial uses or residential uses, the existing residential uses, and residential zoning of the subject land and the surrounding area reduces its 'capability' and suitability for a drive through and business signage, due to potential negative amenity impacts. It is considered that allowing these additional elements on the site would be inconsistent with the capability of the land. It is considered that the amendment does not further this objective.

(d) is consistent with each State policy;

Assessment of the amendment against the various policies is provided in the following table.

State Policy	Comment	
<i>State Policy on the Protection of Agricultural Land 2000.</i>	The proposal does not involve the conversion of prime agricultural land to non-agricultural use.	
<i>State Policy on Water Quality Management 1997</i> Specific outcomes to achieve water quality objectives are specified under the following divisions: ▪ Division 1 – Measure to achieve policy objectives ▪ Division 2 – Management of point sources of pollution ▪ Division 3- Management of diffuse sources of pollution.	The proposed amendment per se would not result in an increase in sediment transport to surface waters. The application is considered to be consistent with the State Policy for Water Quality Management.	
<i>State Coastal Policy 1996.</i> The key principles are: ▪ Natural and Cultural values of the coast shall be protected ▪ The coast shall be used and developed in a sustainable manner ▪ Integrated management and protection of the coastal zone is a shared responsibility.	The subject site is about 190 m from the high-water mark. As the site is within the coastal zone, an assessment against the three main principles that guide Tasmania's State Coastal Policy is provided below:	
	Principles	Response
	Natural and Cultural values of the coast shall be protected.	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 site is located away from any threatened species, coastal recreational land and any potentially unstable coastal land or dune systems. In addition, there are no known Aboriginal sites or relics on the site.
	The coast shall be used and developed in a sustainable manner.	The proposed development is within an existing residential area and will not impact on the natural and aesthetic qualities of the coastal environment. Stormwater is to be drained to existing public

		infrastructure and will not conflict with the provisions of the <i>Environmental Management and Pollution Act 1994</i> (EPMCA). The subject amendment does not relate to any marine Farming proposals or tourism related land uses.
	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.
<i>National Environmental Protection Measures</i> National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the <i>State Policies and Projects Act 1993</i> and are administered by the Environment Protection Authority. The NEPMs relate to: ▪ ambient air quality ▪ ambient marine, estuarine and fresh water quality ▪ the protection of amenity in relation to noise (but only if differences in markets for goods and services) ▪ general guidelines for the assessment of site contamination ▪ environmental impacts associated with hazardous wastes ▪ the re-use and recycling of used materials.	The site was historically used for a service station and is potentially contaminated. Council records indicate that there are several underground petroleum tanks that may not have been decommissioned or removed. However, the proposed amendment does not propose a sensitive use. It is noted that the site is included within an Inner Residential Zone that allows for sensitive use, however the provisions of C14.0 Potentially Contaminated Land Code will apply should the land be proposed for a sensitive use. There are a range of non-sensitive uses permissible within the Inner Residential Zone. With respect to the subject proposal, while the Food Services operation may result in odour and noise pollution, the amendment only relates to a drive through and signage which would not trigger any requirements under the NEPMs.	

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

(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies have not been implemented.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

The regional land use strategy for Glenorchy is the *Southern Tasmanian Regional Land Use Policy 2010-2035* (STRLUS). Comments against the relevant STRULS strategies are provided below:

Relevant STRLUS strategies	Comment
Biodiversity and Geodiversity BNV 1: Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change. BNV 1.2: recognise and protect biodiversity values deemed significant at the local level and ensure that the planning schemes:	The amendment seeks to modify controls that apply to urban land already developed with buildings and infrastructure. There are no overlays identifying natural assets relating to the land. It is considered that the amendment is consistent with these strategies.

(a) specify the spatial area I which biodiversity values are to be recognised and protected; and (b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.	
The Coast C 1: Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast. C 1.1: Use and development is to avoid or minimise clearance of coastal native vegetation.	As identified above the proposed amendment will not impact on the ability to achieve the principles under the State Coastal Policy and is not inconsistent with the Coastal policies under the STRLUS.
Managing Risks and Hazards MRH 2: Minimise the risk of loss of life and property from flooding. MRH 2.1: Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas. MRH 2.2: Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.	The subject land is partially identified as being within a Flood-Prone Hazard Area. The amendment does not seek to alter the overlay, and if the amendment was prepared, the planning permit application would be required to address the applicable standards of the Flood Prone Areas Hazard Code. It is considered that the amendment is consistent with these strategies.
Physical Infrastructure PI 1 Maximise the efficiency of existing physical infrastructure.	The proposed amendment seeks to modify existing planning controls, in order to maximise the use of serviced land within the Urban Growth Boundary. It is considered that the amendment is consistent with these strategies.

P1 1.1 Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	
Land Use and Transport Integration LUTI 1 Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner. LUTI 1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.	The site is well-serviced by Main Road. The proposed amendment will not require any changes to existing transport infrastructure at the broader level, noting that the proposed development application would require upgrades to the local road network to facilitate the increased traffic resulting from the drive through. It is considered that the amendment is consistent with these strategies.
Activity Centres AC 1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas. AC 1.2 Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.	Claremont is defined as a Minor or Neighbourhood Centre which would generally serve the daily needs of the surrounding community with a focus on day-to-day life within a community. The subject land sits outside the activity centre (i.e. the land within the General Business Zone) but is considered to be within its sphere of influence – hence the inclusion of the subject land within an Inner residential Zone. The applicant has indicated that the role of a neighbourhood centre is to serve the daily needs of the community and provide a focus for day-to-day life within a community and is therefore expected to be developed with a mix of small-scale retail and office uses as well as localised community uses. The applicant argues that the proposal to allow a food services use with a take-away drive through facility is consistent with the role that the Claremont CBD plays in the region. The applicant also considers that the proposal will not result in ‘out of centre’ development which would compromise the functionality of the Claremont CBD.

AC 1.3 Discourage out-of-centre development by only providing for in-centre development within the planning scheme.	It is accepted that a single food services activity, located outside the activity centre is unlikely to have a negative impact on the continued viability of centre or the activity centre hierarchy and it is considered that the amendment is consistent with these strategies
---	--

(f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#) , that applies in relation to the land to which the relevant planning instrument relates

The municipal strategic plan is the *Glenorchy Strategic Plan 2023-2032*. The following strategies are relevant:

Open for Business

We value our community by delivering positive experiences:

- *Build and maintain relationships with government and the private sector that create job opportunities and help our City to prosper.*
- *Work constructively with the development sector and our community to enable acceptable development opportunities.*

We encourage responsible growth for our City:

- *Maintain a progressive approach that encourages investment and jobs*

While the amendment would allow a new business to establish on the site (providing construction jobs and future jobs and skills in the service and hospitality industry) Council' Strategic Plan also requires that development and growth is undertaken responsibly. In considering whether to modify the planning scheme control, the impacts of those changes on the local area (particularly a residential area) must be considered and balanced against the benefits that a new business may bring.

A restaurant is permissible on the land under the currently controls, however the elements that have significant impacts on residential amenity – the drive through and business signage – are not. It is considered that providing for elements that may have negative impacts on the residential amenity of the local area is not consistent with the Strategic Plan.

Leading Our Community

We are a leader and partner that acts with integrity and upholds our community's best interests:

- *Make informed decisions that are open and transparent and in the best interests of our community.*

It is considered that the full assessment of the planning scheme amendment and planning permit application has enabled the proposal to be considered in a transparent manner. Should the amendment not be prepared, the applicant will have the right to request a review of the proposal by the Commission. Should the amendment be prepared (and the permit granted), the public exhibition process will enable interested parties to make representations and for those representations to be considered at a future GPA and then at hearings undertaken by the Commission.

Other Strategic documents

LUPAA does not require assessment against other strategies prepared by Council, however the applicant has submitted that the following documents are relevant.

Glenorchy Economic Development Strategy 2020-2025

The applicant has indicated that application provides an opportunity for Council to fulfill the purpose of this strategy – to create a strong economy and jobs for the future – and that potential off-site amenity impacts associated with the drive-through and signage components of the application will be appropriately mitigated. However, assessment of the planning permit application indicates that a drive through facility may result in negative amenity impacts on the adjoining properties that cannot be mitigated without causing subsequent concerns (i.e. the need for a high acoustic wall that causes overshadowing of adjoining properties). While the opportunity to create jobs and support new business is important to Council, as outlined in the Strategic Plan, this must be managed responsibly and not be to the detriment of the local community.

The Greater Glenorchy Plan (GGP), February 2021

The applicant has submitted that given the proximity of the site to the Claremont activity centre, there are aspects of the GGP that have relevance to the proposal such as job growth not clustering in central locations. The applicant considers that this suggests that the activity centres in the Glenorchy are still evolving and are not yet sufficiently mature to be considered distinct areas and that this is certainly the case for Claremont and that the proposal will not create a distortion of the activity centre hierarchy.

While the subject land is located opposite an entry gateway under the Claremont Context Plan, (GGP p. 100), there are no relevant actions in the plan that would support or conflict with the proposed amendment.

Glenorchy Socio-Economic Profile & Opportunity Assessment 2019

The applicant notes that this document provides an indication of Glenorchy's population and identifies that employment opportunities for young people should be encouraged and supported.

While the opportunity to create jobs and support new business is important to Council, as outlined in the Strategic Plan, this must be managed responsibly and not be to the detriment of the local community.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

Brighton and Clarence are the only two ‘adjacent’ municipal areas to Glenorchy that operate under the Tasmanian Planning Scheme. (Noting Derwent Valley, Huon Valley, Hobart and Kingborough are yet to implement their state planning schemes.) However, both these municipalities are across the Derwent River, nearly 900m away, and the impacts of this proposed planning scheme amendment are primarily local. As the amendment seeks to modify an existing SSQ, it is considered that there is no practical or strategic advantage in seeking to co-ordinate the controls with the Brighton and Clarence LPS controls across the river, and the amendment can be considered to satisfy this requirement.

(h) has regard to the safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#) .

The site is located outside the Declared gas Pipeline Planning Corridor – see extract from the LIST in Figure 16 below.

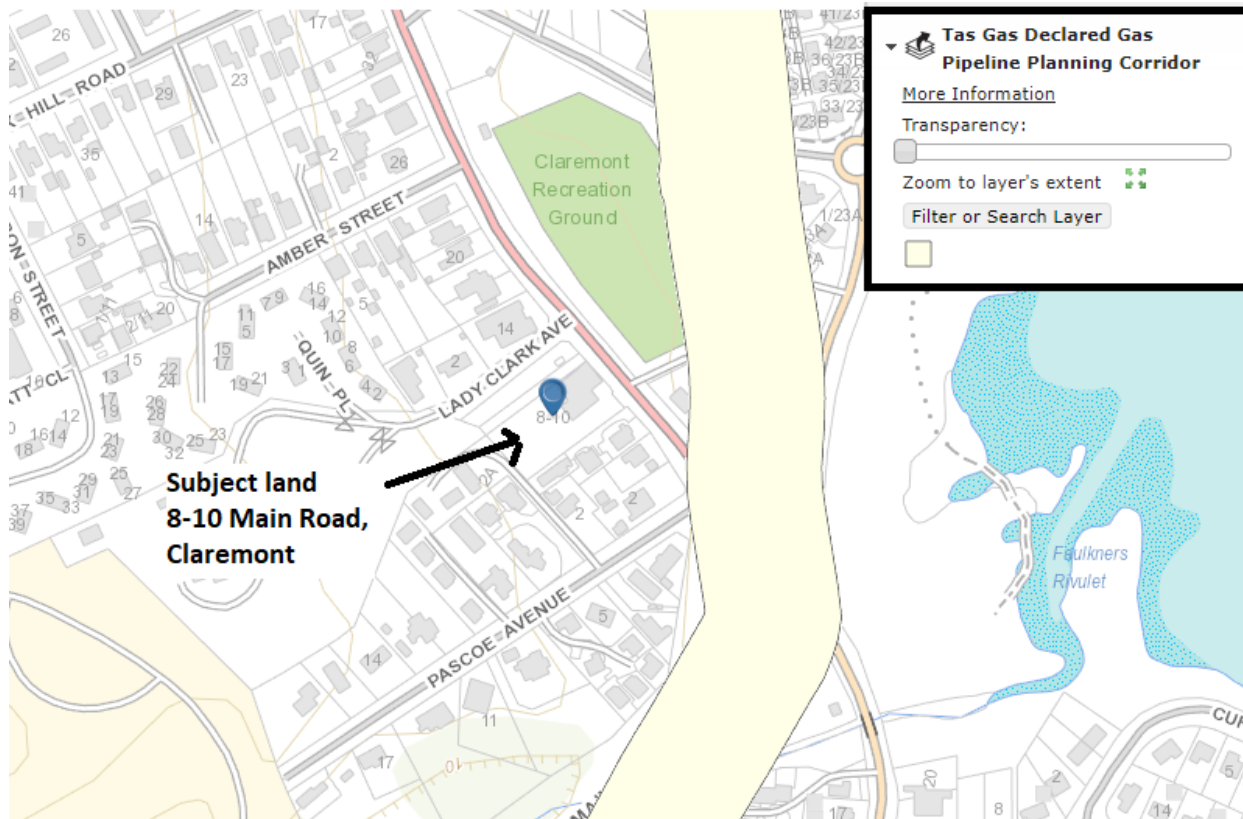


Figure 16 – Extract from the LIST showing subject land and Tas Gas Declared Gas Pipeline Planning Corridor

APPENDIX 2 – STATUTORY ASSESSMENT OF THE PERMIT REQUEST**9.0 Inner Residential Zone**

Standard	Acceptable Solution	Proposal	Complies
9.3 Use Standards			
9.3.1 Discretionary uses	A1 Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of: (a) 7.00am to 7.00pm Monday to Friday; and (b) 8.00am to 6.00pm Saturday and Sunday.	- 6.00am to 11.00pm, Sunday to Thursday; and - 6.00am to midnight, Friday and Saturday.	No – See Report
	A2 External lighting for a use listed as Discretionary: (a) must not operate within the hours of 8.00pm to 6.00am, excluding any security lighting; and (b) security lighting must be baffled so that direct light does not extend into the adjoining property.	The standard requires external lighting, with the exception of security lighting, to not operate between the hours of 8.00pm to 6.00am, and for security lighting to be baffled so that direct lighting does not extend to the adjoining property. As the site will be lighted beyond 8.00pm every day, it does not comply with the standard.	No – See Report

	A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of: (a) 7.00am to 8.00pm Monday to Friday; (b) 9.00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.	Commercial vehicles including waste collection and deliveries to the site will be limited to 7.00am to 8.00pm on weekdays and 9.00am to noon on Saturday.	Yes (but requires a condition)
	A4 No Acceptable Solution.	The proposed use meets the definition of 'Food Services', which is a discretionary use in the zone.	No - See Report
9.3.2 Visitor Accommodation	A1 Visitor Accommodation must: (a) accommodate guests in existing habitable buildings; and (b) have a gross floor area of not more than 200m ² per lot.	N/A	N/A
	A2 Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme is used for a residential use.	N/A	N/A
9.4 Development Standards for Buildings and Works		No Applicable Standards	N/A
9.5 Development Standards for Non-dwellings			

9.5.1 Non-dwelling development	A1 A building that is not a dwelling, excluding for General Retail and Hire, Food Services, garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 3m, or if the setback from the primary frontage is less than 3.0m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 2m, or if the setback from the primary frontage is less than 2.0m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining properties on the same street.	The proposal is for a Food Services use, so the standard is not applicable.	N/A
	A2 A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 9.1, 9.2 and 9.3) determined by:	<u>Proposed restaurant building:</u> The proposed restaurant would be setback a minimum of 10.24m from Main Road (primary frontage), and greater than 6.76m from the north-western boundary that abuts	No - See Report

	(i) a distance equal to the frontage setback of 3m, or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 9.5m above existing ground level; and (b) only have a setback within 1.5m of a side or rear boundary if the building: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).	Council land adjoining Lady Clark Avenue. Maximum building height is proposed to be 7.2m above NGL. <u>Acoustic fence:</u> The proposal includes acoustic fencing on a retaining wall along the length of the south-eastern and south-western boundaries which are adjoined by surrounding residential properties. The acoustic fence along the south-eastern boundary would be 68.61m in length and ranges between 2.3 – 3.8m in height above existing ground level. The acoustic fence along the south-western boundary would be 40.26m in length and ranges between 2-2.6m in height above existing ground level. Furthermore, a 2m high acoustic fence for a length of 16.45m is also proposed along the north-western boundary that adjoins	
--	--	---	--

		Council land adjacent to Lady Clark Avenue.	
	A3 A building that is not a dwelling, must have: (a) a site coverage of not more than 65% (excluding eaves up to 0.6m); and (b) a site area of which not less than 15% is free from impervious surfaces.	The gross floor area of the building area is 453m ² – but this does not include the awnings. Total site area is: 2,785m ² (excluding Council land); therefore, site coverage is approximately 16%, and with awnings included it would be less than 65%. The applicant has indicated that 519m ² (18%) of the site would be permeable.	Yes
	A4 No Acceptable Solution.	The acoustic boundary fence along the south-eastern boundary comes within 4.5m of the frontage on Main Road and is proposed to be approximately 2.4m in height above existing ground level.	No - See Report
	A5 Outdoor storage areas, for a building that is not a dwelling including waste storage must not: (a) be visible from any road or public open space adjoining the site; or	No outdoor storage areas are proposed. All facilitates, including waste storage facilitates, are contained within the building.	Yes

	(b) encroach upon parking areas, driveways or landscaped areas.		
	A6 Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback not less than 10m from a property containing a sensitive use. [S10]	All mechanical and building services, including air conditioning, refrigeration systems and compressors, are proposed to be contained to the rooftop of the proposed building and are therefore setback more than 10 metres from the adjoining residential properties to the south-east and south-west.	Yes
9.5.2 Non-Residential garages and carports	A1 A garage or carport not forming part of a dwelling, must have a setback from a primary frontage of not less than: (a) 4m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the building gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	None proposed	N/A
	A2 A garage or carport not forming part of a dwelling within 12m of a primary frontage (whether the garage or carport is free-standing) must have a total width	None proposed	N/A

	of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).		
9.6 Development Standards for Subdivision		No Applicable Standards	N/A

C1.0 Signs Code

Standard	Acceptable Solution	Proposed	Complies?
C1.6 Development Standards for Buildings and Works			
C1.6.1 Design and siting of signs	A1 A sign must: (a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and (b) meet the sign standards for the relevant sign type set out in Table C1.6, excluding for the following sign types, for which there is no Acceptable Solution: (i) roof sign; (ii) sky sign; and (iii) billboard.	Appendix 3 of this report provides a summary of the signage proposed and assessment against Table C1.6. Four signs have been excluded from this assessment as they were not included to be considered as an SSQ in the planning scheme amendment request. For the assessed signs: (a) The signs are located in the Inner Residential Zone, which is an applicable zone for the remaining proposed signs (as per the subject planning scheme amendment request);	Yes

Standard	Acceptable Solution	Proposed	Complies?
		(b) The proposed signs meet the relevant sign standards set out in Table C1.6- Refer to Appendix 3. Note that no roof, sky or billboard signs are proposed.	
	A2 A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.	Signs S8A and S8E would be located within 2m of adjoining lots in the Inner Residential Zone	No – see Report
	A3 The number of signs for each business or tenancy on a road frontage of a building must be no more than: (a) 1 of each sign type, unless otherwise stated in Table C1.6; (b) 1 window sign for each window; (c) 3 if the street frontage is less than 20m in length; and (d) 6 if the street frontage is 20m or more, excluding the following sign types, for which there is no limit:	Appendix 3 of this report provides a summary of the signage proposed, including the number of signs. (a) Does not comply- More than 1 wall sign and blade signs are proposed along the frontage; (b) Complies- No more than 1 window sign for each window is proposed. (c) Does not comply- the primary frontage is greater than 20m -more than 6 signs are proposed along the Main Road frontage.	No - see report

Standard	Acceptable Solution	Proposed	Complies?
	(i) name plate; and (ii) temporary sign.	These signs are not name plates or temporary signs, therefore not excluded.	
C1.6.2 Illuminated signs	A1 No Acceptable Solution.	Appendix 3 of this report provides a summary of the signage proposed, including details of their illumination. 23 signs are proposed to be partly/ fully illuminated.	No - See Report
	A2 An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.	None of the illuminated signs will feature flashing, movement or animation.	Yes
C1.6.3 Third party sign	No Acceptable Solution.	No third party signs are proposed.	N/A
C1.6.4 Signs on local heritage places and in local heritage precincts and local historic landscape precincts	A1 A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code, must: (a) be not more than 0.2m ² ; (b) not be an illuminated sign; and (c) there must be not more than 1 sign per site.	The proposed development site is not listed as a local heritage place, local heritage precinct or a local historic landscape.	N/A

C2.0 Parking and Sustainable Transport Code

Standard	Acceptable Solution	Proposed	Complies?
C2.5 Use Standards			
C2.5.1 Car parking numbers	A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or	Table C2.1 requires: 1 space per 15m² of floor area (including any outdoor dining areas) + 6 queuing spaces for drive through (if applicable), unless subject to Clause 2.5.5. Clause 2.5.5 does not apply to the subject proposal. Proposed GFA is 453m². Therefore, the Acceptable Solution requires as per Table C2.1 = 30 car parking spaces + 6 queuing spaces. <u>Proposal:</u> Does not comply- The proposed development includes a total of 21 -22 onsite car parking spaces – 8 spaces adjacent to the building towards the south-east and 14 spaces adjacent to the south-west side boundary. 1 of these spaces are proposed to be closed off for parking to provide for on-site turning for vehicles when the access via Lady Clark Avenue is restricted. The queuing for the drive-through is able to contain 12 vehicles back from the second server window and two additional vehicles contained within the waiting bays after the server window.	No - See Report

Standard	Acceptable Solution	Proposed	Complies?
	(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.		
C2.5.2 Bicycle parking numbers	A1 Bicycle parking spaces must:	<u>Table C2.1 requires:</u> 1 space per 75m ² of floor area. Proposed GFA is 453m ² .	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.	<u>Proposal:</u> complies- The proposed development includes 6 bicycle spaces (as addressed in the TIA). Note, the planning report submitted with the application describes that the proposal includes only 4 bicycle spaces (which would not meet the above requirement), however the TIA says 6 bicycle spaces are provided. The plans are not very clear indicating the total bicycle spaces proposed. Therefore a condition would be required on any permit issued requiring 6 bicycle spaces.	
C2.5.3 Motorcycle parking numbers <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Custodial Facility;</i> <i>Crematoria and Cemeteries;</i> <i>Educational and Occasional Care;</i>	A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.	<u>Table C2.4 requires:</u> 1 space for every 21- 40 car spaces required for a use. Therefore, the Acceptable Solution requires as per Table C2.4 = 1 motorcycle parking spaces <u>Proposal:</u> Does not comply – The proposed development includes no motorcycle parking.	No – see report.

Standard	Acceptable Solution	Proposed	Complies?
<i>Food Services;</i> <i>General Retail and Hire;</i> <i>Hospital Services;</i> <i>Hotel Industry;</i> <i>Pleasure Boat Facility;</i> <i>Residential if for a communal residence, multiple dwellings or hostel use;</i> <i>Sports and Recreation; and</i> <i>Tourist Operation.</i>			
C2.5.4 Loading bays <i>This applies to:</i> <i>Bulky Goods Sales;</i> <i>General Retail and Hire;</i> <i>Manufacturing and Processing; and</i> <i>Storage.</i>	A1 A loading bay must be provided for uses with a floor area of more than 1000m ² in a single occupancy.	The proposed development would have a GFA of 453m ² . Furthermore, this standard does not apply to the Food Services use class.	N/A

Standard	Acceptable Solution	Proposed	Complies?
C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone <i>This applies to:</i> <i>Business and Professional Services;</i> <i>Community Meeting and Entertainment;</i> <i>Educational and Occasional Care;</i> <i>Emergency Services;</i> <i>Food Services;</i> <i>General Retail and Hire;</i> <i>Sports and Recreation; and</i> <i>Utilities, if not for minor utilities.</i>	A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: (a) Food Services uses up to 100m ² floor area or 30 seats, whichever is the greater; and (b) General Retail and Hire uses up to 100m ² floor area provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.	This standard does not apply as the proposal is not within an existing non-residential building.	N/A
C2.6 Development Standards for Building Works			
C2.6.1	A1	The surface treatment of the driveway is proposed to be concrete. Surface runoff is proposed to be	Yes

Standard	Acceptable Solution	Proposed	Complies?
Construction of parking areas	All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.	captured and directed to the Council's stormwater system.	
C2.6.2 Design and layout of parking areas	A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with <i>Australian Standard AS 2890 - Parking facilities, Parts 1-6</i>; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;	Does not comply- Council's Development Engineer has advised the following: Layout and gradients are provided in accordance with AS2890.1, however the line of sight at the access is not met. Council's Transport Engineer has advised the non-conformance with AS2890.1 under this clause, is the width of the 14-parking space proposed to the west of the site.	No – see report.

Standard	Acceptable Solution	Proposed	Complies?
	(iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or (b) comply with <i>Australian Standard AS 2890-Parking facilities, Parts 1-6</i>. A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS</i>		

Standard	Acceptable Solution	Proposed	Complies?
	<i>2890.6:2009 Parking facilities, Off-street parking for people with disabilities. [S35]</i>		
C2.6.3 Number of accesses for vehicles	A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	The proposed development includes a single accessway via Main Road (primary frontage) and Lady Clark Avenue (secondary frontage).	Yes
	A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	The proposed development is within the Inner Residential Zone (IRZ).	N/A
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	A1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in <i>Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i> .	The proposed development is within the Inner Residential Zone (IRZ).	N/A

Standard	Acceptable Solution	Proposed	Complies?
C2.6.5 Pedestrian access	A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.	Does not comply- The proposed development includes a dedicated pedestrian zebra crossing between the drive-through, however this path is not connected to the overall parking area along the boundary which proposes to use this driveway as shared pedestrian pathways.	No- see report
C2.6.6 Loading bays	A1 The area and dimensions of loading bays and access way areas must be designed in accordance	Council's Transport Engineer has advised that the proposal has a loading bay located between the	Yes

Standard	Acceptable Solution	Proposed	Complies?
	with <i>Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Offstreet commercial vehicle facilities</i>, for the type of vehicles likely to use the site.	building and drive-through for deliveries and collection of waste. The services vehicle will enter, park and exit the site in a forward direction from Main Road. Thus, the requirements are met as the vehicle is allowed to reverse into the parking and the loading area. It is proposed in the TIA that a Loading Management Plan be part of the permit to ensure that vehicles use Main Road, access the site within the allowable times and that the reversing occurs in a safe manner for pedestrians and vehicles. It is also proposed that the existing island between the drive-through and the loading bay is extended to the south of the pedestrian island, to assist pedestrians crossing the loading bay and drive-through by reducing the distance.	
	A2 The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Offstreet commercial vehicle facilities</i>.	Council’s Transport Engineer has advised that it is proposed that the commercial vehicle that will be used would be a 11.5m long rigid vehicle for deliveries being just shorter than a Heavy Ridge Vehicle at 12.5m. The TIA details that the loading bay has designed in accordance with AS2890.2 (2002).	Yes

Standard	Acceptable Solution	Proposed	Complies?
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	The proposed development is within the Inner Residential Zone (IRZ).	N/A
	A2 Bicycle parking spaces must: (a) have dimensions not less than: (i) 1.7m in length; (ii) 1.2m in height; and (iii) 0.7m in width at the handlebars; (b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and (c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.	The proposed development is within the Inner Residential Zone (IRZ).	N/A

Standard	Acceptable Solution	Proposed	Complies?
C2.6.8 Siting of parking and turning areas	A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.	The proposed car parking spaces are behind the building line of the building relative to Main Road.	Yes
	A2 Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: (a) have no new vehicle accesses, unless an existing access is removed; (b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads.	The proposed development is within the Inner Residential Zone (IRZ).	N/A
C2.7 Parking Precinct Plan			
C2.7.1 Parking Precinct Plan	A1 Within a parking precinct plan, onsite parking must: (a) not be provided; or (b) not be increased above existing parking numbers.	The proposed development is not within a Parking Precinct Plan.	N/A

Footnotes

[S35] Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.

C3 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
C3.5 Use Standards			
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority. A1.4 Vehicular traffic to and from the site, using an existing	The site can be accessed off the existing vehicle crossings to the subject site. Based on the TIA, the traffic generation of the development is likely to be 170 vehicles per hour for the peak period based on data of other McDonald sites in Victoria. The increase vehicle movements are over 40 vehicle trips per day; therefore, the assessment against the performance criteria is triggered.	No – see Report

Standard	Acceptable Solution	Proposed	Complies?
	vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and jetties Act 1935 in respect to a limited access road. A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.		
C3.6 Development Standards for Buildings and Works			
C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area	A1 Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be: (a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building;	The proposal is not a habitable building for sensitive use.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) an extension which extends no closer to the existing or future major road or rail network than: (i) the existing habitable building; or (ii) an adjoining habitable building for a sensitive (c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual, 2nd edition, July 2008</i> .		
C3.7 Development Standards for Subdivision		No Applicable Standards	N/A

C12.0 Flood-Prone Areas Hazard Code

Standard	Acceptable Solution	Proposed	Complies?
C12.5 Use Standards		No Applicable Standards	N/A
C12.6 Development Standards for Buildings and Works			
C12.6.1 Buildings and works within a flood-prone hazard area	A1 No Acceptable Solution.	According to the Spectrum, the site is subject to the flood hazard overlay. However, this does not appear to be an issue with flooding as the depth shown is over the existing building and does not connect to any of the flood path.	No – See Report

Standard	Acceptable Solution	Proposed	Complies?
		Therefore, it is considered there is no flood issue associated with the site, however there is no Acceptable solution	
C12.7 Development Standards for Subdivision		No Applicable Standards	N/A

C14.0 Potentially Contaminated Land Code

Standard	Acceptable Solution	Proposed	Complies?
C12.5 Use Standards		No Applicable Standards	N/A
C12.6 Development Standards for Buildings and Works			
C14.5.1 Suitability for intended use	A1 For a sensitive use, or a specified use listed in Table C14.1, the Director, or a person approved by the Director for the purpose of this code: (a) certifies that land is suitable for the intended use; or (b) certifies a plan to manage contamination and associated risk to human health or the environment, so that the land is suitable for the intended use, or if in relation to redevelopment on land subject to the <i>Macquarie Point Development Corporation Act 2012</i> , the intended use must be in accordance with a certificate that has been or will be granted by an accredited environmental auditor.	The proposal is not for sensitive use or a specified use listed in Table C14.1.	N/A

Standard	Acceptable Solution	Proposed	Complies?
C14.6.1 Excavation works, excluding land subject to <i>Macquarie Point Development Corporation Act 2012</i>	A1 Excavation, excluding on land subject to the <i>Macquarie Point Development Corporation Act 2012</i> , must involve less than 250m ³ of site disturbance.	Does not comply- Excavation involves more than 250m ³ of site disturbance.	No- See report.
C14.6.2 Redevelopment on land subject to <i>Macquarie Point Development Corporation Act 2012</i>	A1 Redevelopment of land subject to the <i>Macquarie Point Development Corporation Act 2012</i> must be in accordance with a certificate that has been or will be granted by an accredited environmental auditor.		
C14.7 Development Standards for Subdivision		No Applicable Standards	N/A

APPENDIX 3 – COUNCIL OFFICER’S SUMMARY OF PROPOSED SIGNAGE AND ASSESSMENT AGAINST TABLE C1.6 SIGN STANDARDS

The proposed development includes an array of business identification and directional signage as summarised in the Table below.

No.	Reference on Plans	Type of Sign and No. proposed	Description	Dimensions	Location	Complies with Table C1.6 Sign Standards?
1.	B1	1 x Blade Sign	Blade sign (only with ‘M’ logo) with an area of 4.32m ² . Partly illuminated – ‘M’ logo illuminated and rest of the sign non-illuminated opaque material.	3.6m x 1.2m	Along the Main Road frontage, to the north-west of the proposed accessway via Main Road.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Max vertical dimension: 3.6m; ✓ Max horizontal dimension: 1.2m
2.	S2A & S2B	2 x Wall Signs	‘Play Place’ sign and logo with an area of 1.66m ² . Partly illuminated - Internally illuminated white letters.	2.4m x 0.69m	On the northern and south-eastern facades facing Main Road and the southern residential properties respectively.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Does not extend beyond the wall or above the top of wall;

						✓ Max area is less than 4.5 m². ✓ All the wall signs together are no more than 25% of the wall area on each façade.
3.	S3 (A-E)	5 x Wall Signs	'M' logo fixed to walls or blades affixed to walls with an area of 1.63 m². Internally illuminated 'M' logo.	<u>'M' sign:</u> 1.371m x 1.190m	A total of 5 of these signs are proposed around the building facing all the boundaries. One facing Main Road frontage, 1 facing Lady Clark Avenue, 1 facing the south-western side boundary adjoined by residential properties, and 2 facing the side south-eastern boundary adjoined by the residential properties in the south.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment</i> ✓ Does not extend beyond the wall or above the top of wall; ✓ Max area is less than 4.5 m². ✓ All the wall signs together are no more than 25% of the wall area on each façade.
4.	S4	1 x Awning Fascia Sign	Awning fascia sign over a red clip over the awning of area 0.4m².	1.81m x 0.221m excluding the red clip	The sign is proposed to be located on the canopy above the main pedestrian entrance facing the south-eastern side boundary.	Yes <i>Sign is permissible in all zones.</i>

			Wording 'McDonald's' to be internally illuminated.	attached to the building.		✓ Max vertical dimension is less than 0.25m and does not project above or below the fascia of the awning; ✓ Faces the side boundary, hence greater than 0.45m from the kerb alignment of the road; ✓ Has a minimum height of 3m above ground level.
5.	S5(A-B)	2 x Wall Signs	Circular wall button sign of area 1.13m² and wall sign over blade affixed to the wall of area 1.22m². Both signs to read 'McCafe' which is proposed to be internally illuminated.	Diameter 1.2m; 1.745m x 0.7m.	The circular sign (S5A) is proposed along the Main Road frontage. The wall sign over blade (S5B) is proposed adjacent to the main entry below the 'M' wall sign (S3B).	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Does not extend beyond the wall or above the top of wall; ✓ Max area is less than 4.5 m².

						✓ All the wall signs together are no more than 25% of the wall area on each façade.
6.	S6	1 x Horizontal Projecting Wall sign	Metal sign that would be perpendicular to the wall having an area of 0.16m². Wording 'McDelivery Collection Area' to be internally illuminated.	0.4m x 0.4m sign at 0.1m from the wall	Along the Main Road frontage to the north of the building façade.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Horizontal dimension is less than 2.7m; ✓ Vertical dimension is less than 0.5m; ✓ Width would be less than 0.3m; ✓ Greater than 0.45m from the kerb alignment of the road; ✓ Height would be less than 3m from the ground level;

						✓ Max distance from the wall is less than 0.2m; ✓ Minimum clearance above ground level is greater than 2.4m;
7.	S7 (A-B)	2 x Blade Signs	Blade signs – with single digital menu boards having a display area 0.88m². Partly illuminated – digital menu board will be internally illuminated.	Blade dimension: – 0.74m x 1.87m; Display board dimension: 0.74m x 1.26m	Located to the rear of the building facing the south-western side boundary located at the entrance to each drive through bay.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
8.	S7 (C – D)	2 x Blade Signs	Blade signs – with double digital menu boards having a display area 1.85m². Partly illuminated – digital menu board will be internally illuminated.	Blade dimension: 1.471m x 1.87m; Display board dimension:	Located to the rear of the building facing the south-western side boundary located at the point of service/order of each drive through.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i>

				1.471m x 1.26m		✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
9.	S8A	1 x Blade Sign	Directional sign of with double- sided wording reading 'Welcome' and 'M' logo with area 1.61 m². Partly illuminated – words 'Welcome' and 'M' logo to be internally illuminated and rest of the sign non-illuminated opaque material.	Blade Dimension: 0.7m x 2.3m	Located at the main entrance to the site on Main Road located to the south-east of the accessway.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
10.	S8B	1 x Blade Sign	Directional sign of with single-sided wording reading 'Drive Thru', 'any time' and 'any lane' and the 'M' logo with area 1.61 m². Partly illuminated – words to be and 'M' logo to be internally illuminated and rest	Blade Dimension: 0.7m x 2.3m	Located at the drive-through entrance to the rear of the building, facing the south-western side boundary.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i>

			of the sign non-illuminated opaque material.			✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
11.	S8C, 8D, 8H	3 x Blade Signs	Directional sign of with double-sided wording reading 'thankyou' and 'no entry' and the 'M' logo with area 1.61 m². Partly illuminated – words to be and 'M' logo to be internally illuminated and rest of the sign non-illuminated opaque material.	Blade Dimension: 0.7m x 2.3m	Located at the drive through exit on both sides (adjacent to Main Road frontage) and to the south-west of the accessway to Lady Clark Avenue.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i> ✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
12.	S8E	1 x Blade Sign	Directional sign of with double-sided wording reading 'drive thru' and the 'M' logo with area 1.61 m². Partly illuminated – words to be and 'M' logo to be internally illuminated and rest	Blade Dimension: 0.7m x 2.3m	Located along the south-eastern side boundary, adjacent to the residential properties.	Yes <i>Sign is currently not permissible in the IRZ- sought to be permissible under the subject planning scheme amendment.</i>

			of the sign non-illuminated opaque material.			✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
13.	S8G	1 x Blade Sign	Directional sign of with single-sided wording reading 'welcome' and the 'M' logo with area 1.61 m². Partly illuminated – words to be and 'M' logo to be internally illuminated and rest of the sign non-illuminated opaque material.	Blade Dimension: 0.7m x 2.3m	Located to the north-west of the accessway from Lady Clark Avenue.	Yes <i>Sign is currently not permissible in the IRZ- the planning scheme amendment request is seeking to allow 11 blade signs, however 12 blade signs are proposed. As such this blade sign is prohibited, therefore 1 blade sign is excluded from assessment. Refer to discussion under section C1.0 Signs Code in the report.</i> ✓ Max vertical dimension is less than 3.6m; ✓ Max horizontal dimension is less than 1.2m.
14.	S9 (A-B)	2 x Pole Signs	3.5m high pole sign reading 'Drive Thru' and 'M' logo, including a clearance height	3.5m x 3.5m	Located at the two drive-through entrances.	Yes

			sign at 2.7m. Face area of 0.875 m². Not illuminated.			(Not exempt as per C.1.4.2 as the signage would be visible from outside of the site due to proposed height of the sign) <i>Sign is currently not permissible in the IRZ- 2 pole signs are sought to be permissible under the subject planning scheme amendment. Note, 4 pole signs are proposed. Therefore, it is considered 2 of the 4 pole signs are prohibited, therefore 2 pole signs are excluded from assessment. Refer to discussion under section C1.0 Signs Code in the report.</i> ✓ Not located adjacent to the boundary with footpath – internal sign; ✓ Has two faces; ✓ Maximum area for each face is lesser than 5 m²;
--	--	--	--	--	--	---

						✓ Maximum height is less than 5m; ✓ Clearance from ground level is greater than 2.4m.
15.	S10 (A-B)	2 x Pole Signs	3.1m high pole sign adjacent to the pole signs described above (S9A & B signs), with words reading 'Order here'. Not illuminated.	3.1m x 2.25m	Located attached to the two drive-through canopies (pole signs S9 A & B).	Yes (Not exempt as per C.1.4.2 as the signage would be visible from outside of the site due to proposed height of the sign) <i>Sign is currently not permissible in the IRZ- 2 pole signs are sought to be permissible under the subject planning scheme amendment. Note, 4 pole signs are proposed. Therefore, it is considered 2 of the 4 pole signs are prohibited, therefore 2 pole signs are excluded from assessment. Refer to discussion under section C1.0 Signs Code in the report.</i>

						✓ Not located adjacent to the boundary with footpath – internal sign; ✓ Has no more than 2 faces; ✓ Maximum area for each face is lesser than 5 m²; ✓ Maximum height is less than 5m; ✓ Clearance from ground level is greater than 2.4m.
16.	S11 (A- N)	12 x Regulatory Signs and 2 x Ground Base Signs	14 directional signs of varying dimensions ranging in height between 1.5m – 2.3m above NGL. Includes graphics, words and symbols such as 'Parking', 'Stop', 'No Pedestrian Access' 'Caution look both ways before crossing' etc. Metal signs not illuminated.	Multiple signs of varying dimensions - Refer to Drawing A807.	Located in multiple locates around the site.	Yes <i>Regulatory signs are exempt. Ground Base Signs are permissible in all zones.</i> Regulatory signs have no sign standard requirements. <u>Ground Base signs:</u> ✓ N/A – None proposed on the frontage - while the location of

						the 2 ground base signs is not clear. However, given the location of the drive through it is not anticipated that these signs would be located along the frontage. ✓ Height of signs would be less than 2.4m above the ground; ✓ Supportive structure would of project above the face of the sign.
17.	S12 & S14	2 x flags 1 x Banner sign-horizontal	2 x Flags (1 Australia Flag & 1 McDonald's flag) of 8.5m above NGL, connected by a 3.24m ² horizontal banner sign. Not illuminated.	Flag signs: 2.8m high Horizontal banner sign connecting the two flags: 3.6m x 0.9m.	Located along the primary frontage on Main Road.	Flags – <u>exempt</u> as per Table C1.4 Exempt signs as they are: ✓ Limited to 2 flags per site; ✓ Clearance greater than 2.4m above ground level; and ✓ Area less than 2m² for each flag.

						Banner- horizontal sign: <i>This sign is prohibited in the IRZ. The subject planning scheme amendment does not seek for Banner- horizontal sign to be permissible in the zone, therefore this sign is excluded from assessment. Refer to discussion under section C1.0 Signs Code in the report.</i>
18.	S13 (A - C)	3 x Window Signs 32	3 window signs – 1 x 0.28 m ² and 2 x 0.21m ² - proposed attached to the windows reading 1 x 'pay here', and 2 x 'pick up here'. Not illuminated.	One sign of 1.180m x 0.235m and two signs of 1.190m x 0.18m.	Located along the north-western boundary, facing Council land and Lady Clark Avenue within the drive-through.	Yes. <i>Sign is permissible in all zones.</i> Proposed window signs would not occupy more than 25% of each window area.
	Total signs proposed:		33 Signs + 14 exempt signs (exempt signs: 12 regulatory signs + 2 flags)			
	Signs that are currently not permissible in the IRZ		27 Signs (Planning scheme amendment seeking to allow 23 of these signs. 4 of the proposed signs have not been addressed by the proposed planning scheme amendment) The 4 signs that have not been addressed in the planning scheme amendment request are: 1 x Blade Sign – the planning scheme amendment seeks to allow 11 blade signs, however 12 blade signs are proposed;			

		• 1 Banner- horizontal sign – the planning report mentions this sign under the description of S12 (page 37 of the Applicant’s planning report), and the submitted plans show this sign titled ‘S14 Banner’ (Drawing A808), however provides inadequate details to undertake an assessment; • 2 x Pole signs – the planning scheme amendment seeks to allow 2 pole signs, however 4 pole signs are proposed. Note: these signs are excluded from the assessment of the planning permit application as they were not sought to be considered within the IRZ under the planning scheme amendment request.
	Illuminated signs	23 Signs are proposed to be fully or partly illuminated.

APPENDIX 4 – REFERRAL RESPONSES**Transport Comments - December 2023 McDonalds, Claremont at 8-10 Main Road, PLAM-23/03****BACKGROUND**

The land is currently zoned Inner Residential with a site-specific qualification (SSQ) which allows the use of the land for the service industry, including motor repair and vehicle fuel sales and services. Under the Inner Residential code C9.1, food services are discretionary, and drive-thru and signage are prohibited.

The SSQ would mean that the signage and food services components, including both the restaurant and drive-thru, would be assessed as discretionary for inner residential under code 9.3.1, also noting the purpose of the zone in 9.1. The planning report addresses the relevant transport items under the Inner Residential Zone, specifically the purpose 9.1.3(b) and discretionary uses 9.3.1 P1(a) and P4(c) for the SSQ and proposed McDonald's permit application.

This transport report addresses the proposal in relation to the road network under the signage code C1, parking code C2, and traffic code C3 for the proposed permit application of the McDonalds site.

The signage, parking, and transport assessment below are based on the Traffic Impact Assessment (TIA) undertaken by RATIO, dated 13 October 2023. The TIA addresses codes C1, C3, and C4 with the performance criteria being undertaken for:

- C1.6.1 P1.1 (vi) design and siting of signs
- C1.6.2 P1 illuminated signs
- C2.5.1 P1.1 car parking numbers
- C2.6.2 construction of parking areas
- C2.6.5 P1 pedestrian access
- C3.5.1 P1 traffic generation at a vehicle crossing, level crossing, or new junction

PROPOSAL

The TIA notes the below proposal for the development:

- One driveway access off Main Road and one driveway access off Lady Clark Avenue.
- Access via Lady Clark Avenue driveway crossover to be restricted from 8pm to 7am, via a boom gate on their site.
- 22 on-site car parking spaces, one of which is removed when the access onto Lady Clark Avenue is closed to allow cars to turn on-site.
- Maximum of 75 patrons in the building on-site at any one time with a GFA of 453 sqm.
- Drive-thru facility with space for 12 vehicles and 2 additional waiting.
- Commercial vehicles restricted between 7 am and 8 pm weekdays and 9 am to noon Saturday.

- Illuminated signs.

The Combined Planning Scheme Amendment and Permit Application by RATIO, 10 November 2023, states that opening hours of the site are 6 am to 11 pm, Sunday to Thursday, and 6 am to midnight, Friday to Saturday. This is not mentioned in the TIA. The report also details that the access via Lady Clark Avenue driveway crossover to only be open from 7 am to 6 pm. The TIA says the access will be open between 7 am and 8 pm, with one reference to it being closed to only departure movements, which is assumed incorrect.

SITE LOCATION

The site fronts Main Road and Lady Clark Avenue. Main Road is an arterial road and Lady Clark Avenue is a local street. Main Road to the north is relatively straight with traffic lights at Box Hill Road that serve the Claremont village. Main Road to the south of the site has a sweeping bend and then connects onto Claremont Link Road.

On Lady Clark Avenue, the Council Road Reservation ends alongside the frontage of 8-10 Main Road with no turning facility, as shown below. The road continues though, onto a privately owned road with a cul-de-sac at the end that serves the Lady Clark Retirement Village and Claremont House. The Council Road is 7m wide at the junction with Main Road and then reduces to 5.6m, including kerb width.

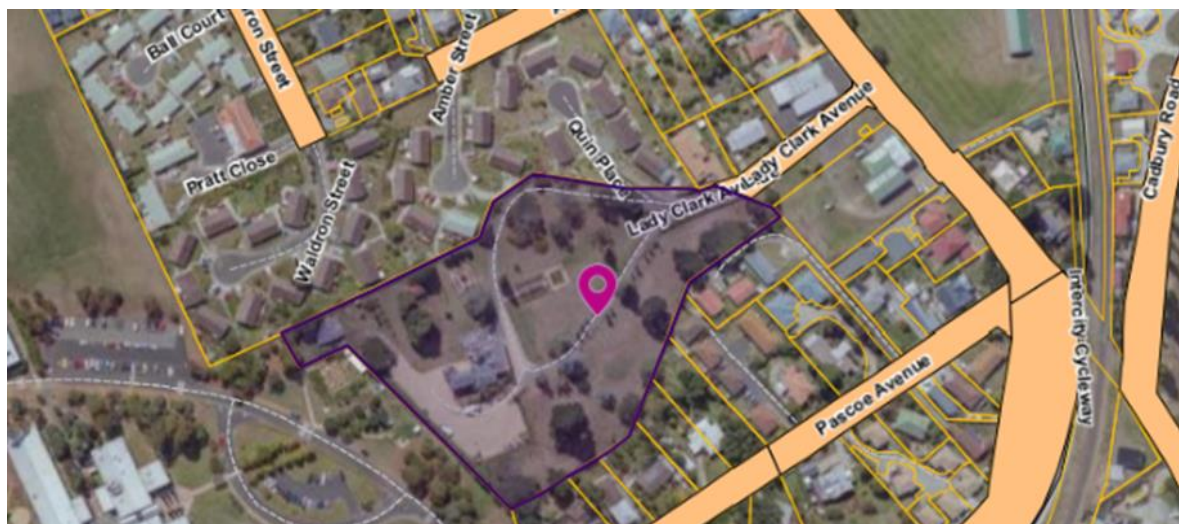


Figure 1 – Site Location and Road Network

On Lady Clark Avenue between the road and site, there is a car park within Council land and road reservation that has 8 car parking spaces. The car park is not to current standards. Council has an active license agreement with the Country Music Club at 14A Main Road, Claremont, to use the car park between 7pm and 6am. The license agreement allows for other vehicles to go through the car park to access 8-10 Main Road, Claremont.

MAIN CONCERNS

1. Insufficient driver sight lines at the driveway crossover on Main Road looking to the right/south.
2. Increase in traffic on Lady Clark Avenue due to insufficient road width for vehicles to turn at the proposed driveway concurrently, maintain two-way traffic along the

road and still to be determined in the TIA, to safely turn at the junction with Main Road.

3. The car park on Council land alongside Lady Clark Avenue does not comply with the standards and has four of the car parks reversing directly onto the road which is unsafe.
4. Closure of the driveway on Lady Clark Avenue between 8pm and 7am with no location for drivers to turn if they head onto Lady Clark Avenue to access this driveway.
5. Possible overflow of parking from the proposal onto surrounding streets and within Council's car parks.

Items 2 to 4 can be addressed through changes to Lady Clark Avenue and have been conditioned for. Item 5 could be managed with parking controls in streets and Council car parks. Item 1 is unable to be conditioned for, and if approved, would mean that driver sight distances are accepted which do not meet the Australian Standard AS280.1 for a commercial driveway.

SIGNAGE - CODE C1

Under the signage code, the transport requirements are under C1.6.1 P1.1 (vii) and C1.6.2 P1. These requirements are to ensure that the signs are safe and do not have an unreasonable effect on the safety or efficiency of a road.

The TIA assessed C1.6.1 and part of C1.6.2 being the illuminated signs visible from the road. It is assumed the signs will be static so some of the other criteria for illuminated signs are not relevant, but this is not detailed in the TIA. The TIA did conclude that the signs are designed and located appropriately so as not to obstruct vehicle movements or visibility.

The TIA should address the other criteria under C1.6.2 P1 related to the road network including view corridors, any changing messages, the intensity of the lighting, and any dwell time. The Combined Planning Scheme Amendment and Permit Application by RATIO report did mention the lighting of the signs, saying that the signs comply with the relevant Australian Standard for lighting.

A condition has been placed to ensure the illuminated signs comply with the lighting requirements and are static with no transition or dwell time.

PARKING AND SUSTAINABLE TRANSPORT - CODE C2

C2.5.1 – Car Parking Numbers (P1.1)

The planning scheme requires 30 car parking spaces based on 1 space per 15sqm of total floor area and 6 queuing spaces for the drive thru. The car parking numbers are not met. The queuing for the drive-thru is met with the ability to contain 12 vehicles back from the second server window and two additional vehicles contained within the waiting bays after the server window.

The development proposes between 21 to 22 car parking spaces on-site, with one of these being a compliant accessible parking space. The on-site parking numbers are reduced by one when the boom gate is closed to the driveway access off Lady Clark Ave to allow

vehicles to turn. However, there is no turning facility for vehicles that turn into Lady Clark Ave to access the driveway and find that it is closed, addressed in C3.5.1.

PARKING ASSESSMENT

The TIA undertook a parking demand assessment to determine the anticipated car parking requirements during peak times. It reviewed 15 other restaurants with drive-thru facilities and the number of seats between 59 to 128, with the average number of seats being 82. Based on this data, the TIA estimates the average peak car parking of 0.27 spaces per patron/seat. This means that for this site with 75 seats, 20 car parking spaces are required during peak demand.

The data provided in the appendix of the TIA has two parking tables. It is assumed it is the latter table that is used as it has 15 sites with an average parking rate of 0.27 spaces per seat. These sites are in Victoria in which the peak parking rate varies between 0.15 to 0.38. The data collected has information missing; the data is not that recent being between 1991 to 2016; no information on overflow parking; and it's also unclear if parking spaces are total on-site or those occupied and.

With very little information on the sites in the data, it is difficult to compare the data to this site. A better comparison would be to compare one or two similar sites including such things as GFA, employees, opening times, drive-thru capacity and usage, driveway access, surrounding land use, surrounding parking and usage, public transport, cycling infrastructure and road network.

The TIA states that the rate of 0.27 spaces per patron includes staff, in which there will be approximately 20 staff members working at the site at any one time. These staff members are predominantly younger people in which the TIA says a number are dropped off by others/parents and as such do not generate parking. There is also good public transport in the area. It is unclear in the data provided for the other site if parking occurs off-site for staff.

The planning scheme requirement is 1 space per 15sqm of total floor area being 453sqm. The TIA says that a more applicable assessment is against the dining floor area to patrons which is typically between 50-60% of the restaurant layout. Based on this, the dining floor area would be 225.6sqm and 271.8sqm in which 15 to 18 car parking spaces are required.

The Roads and Maritime Services, Road Traffic Authority (RTA) NSW Guide to Traffic Generation Development year 2002, recommends the following on-site parking numbers being the greater of 1 space per 2 seats (internal) or 1 space per 3 seats (internal and external). Based on 75 internal seats, this means 38 car parking spaces are required on-site.

SURROUNDING COUNCIL CAR PARKING

On Main Road, the TIA notes that there would be four on-site parking spaces out the front of the site as the existing driveway crossovers would be reinstalled. A condition will be placed on the permit for the existing driveway crossovers that are not required to be put back to kerb to allow parking.

However, due to sight line requirements at the driveway on Main Road and at the junction of Main Road and Lady Clark Avenue the parking on Main Road may be restricted. This is discussed later in the report under sight lines in code C3.5.1. It should also be noted that on-street parking is not guaranteed in perpetuity or for the exclusive use by this development.

On Lady Clark Avenue, the TIA has suggested that the existing car park on Council land between the road and site with 8 car parking spaces could be used by this development

whereby the demand for the site may be exceeded. The TIA notes that there are limited land uses in the area that are expected to use the parking. However, there is the Country Music Club at 14A Main Road which has a license over the car park between 7pm and 6am.

The TIA states that the developer is not proposing any changes to the car park, in which there is unconventional 45-degree parking. The car park off Lady Clark Avenue is not to the current standards and poses a safety risk as four of the angle parks directly front the road. With these four parks, vehicles would be reversing directly onto the road with limited sight lines and should be removed due to the increase in traffic.

This means parking off Lady Clark Avenue would be limited to possibly four car parking spaces if the car park was redesigned. Otherwise, the car park could be removed completely. The redesign or removal of the angle parking onto Lady Clark Avenue is a condition on the permit and addressed again in C3.5.1.

On-street parking on Lady Clark Avenue is not mentioned in the TIA. It is assumed that parking would be prohibited on both sides of the road from Main Roads to the driveway to the site to allow uninterrupted two-way traffic. Parking may also have to be prohibited on Main Road and further along Lady Clark Avenue for sight lines out of the driveways. A condition will be placed on the permit for parking and sight lines to be assessed as discussed in C3.5.1.

If there is overflow parking from the development it is likely that vehicles may park in the car park off Lady Clark Avenue if it remains, the private road section of Lady Clark Avenue, adjoining residential streets, Main Road, and possibly the Claremont village or within Council's car park at the Cenotaph opposite the junction of Box Hill Road/Cadbury Road.

This parking could be managed with parking controls (ie 2hr limit, Mon-Fri, 8am-5pm) or restricted if a safety issue. The parking controls would apply to all vehicles thus affecting residents and is only possible during business hours when our officers can enforce. Any over spill parking will affect the capacity of parking within our streets and car parks.

CONCLUSION

Based on the TIA, it cannot be determined if there is adequate parking for the development or not. Thus, it is concluded that P1.1 is not met at this stage. P1.2 is not applicable as for dwellings.

If the development is approved, on-street parking and within Council's surrounding car parks can be managed with parking restrictions if parking over spills from the site area.

C2.5.2 Bicycle Parking Numbers (A1)

The planning scheme requires 6 bicycle parking spaces which is what is proposed to be provided.

C2.5.3 Motorcycling Parking Numbers (A1)

The planning scheme requires 1 motorcycle parking space. The proposal is not providing any. The TIA says that any motorcycle parking can be catered for within one of the car parking spaces proposed or alternately there are areas within the car parking and landscaping that could cater for motorcycle parking if required.

As the TIA says there is room for a motorcycle parking space, a condition shall be placed on the permit for this to be undertaken. This will then meet the planning scheme requirement.

C2.5.4 Loading Bays (A1)

The planning scheme requires a loading bay, and one is provided.

C2.5.5 Number of Car Parking Spaces within the General Residential and Inner Residential Zone (not applicable as for existing non-residential buildings)**C2.6.1 Construction of Parking Areas (A1)**

The planning scheme require a durable all-weather pavement for the car park which is provided. The other requirements are related to stormwater which is outside the scope of this report.

C2.6.2 Design and Layout of Parking Areas (P1)

Parking, access ways, maneuvering and circulation spaces were assessed in the TIA under AS2890.1 and the accessible parking space to be as close a practical to the entrance and to AS2890.6. The accessible parking space met these requirements in the planning scheme.

The TIA states that the car park meets AS2890.1 apart from the 14 parking spaces on the western side of the development which should be 2.6m wide. The developer is proposing that these are 2.5m wide. The TIA states the cars are still able to safely access these car parking spaces which is accepted.

The proposal did not show the following details to fully assess the car park under AS2890.1. Details required include gradients, parking area, spot levels, materials, finishing surface and drainage details. This will be assessed by the Development Engineer and likely conditioned for.

As this code relates to the parking area, the sight lines and swept paths at the driveways are assessed in C3.5.1 and in the TIA. The non-conformance with AS2890.1 under this clause, is the width of the 14-parking space to the west of the site and this meets the performance criteria.

C2.6.3 Number of Accesses for Vehicles (A1 and A2)

The planning scheme allows one driveway access per road frontage which is met and as the development is not in a central business zone or pedestrian priority street, access is allowed.

C2.6.4 Lighting of Parking Areas within General and Central Business Zone (not applicable)**C2.6.5 Pedestrian Access (P1)**

Under the planning scheme a footpath is required if there are more than 10 car parking spaces and at the accessible parking space to the main entry point. The proposal has 22 car parking spaces. Eight of these car parks are along the main frontage of the site including the accessible space. Between these car parks and the building there is a 1.5m wide footpath.

There are 14 car parking spaces located to the west of the site which do not have a footpath. This area is assumed to be a shared zone between vehicles and pedestrians, until connecting to a pedestrian crossing that connects to the footpath at the main frontage of the site. The TIA provides that the layout of the site is low speed due to two speed humps and McDonald's typically have pedestrian movements within the car parking maneuvering area. This is considered acceptable.

The plans show a pedestrian zebra crossing along the frontage of the drive-thru and loading bay for pedestrians to use from the western car parks to the main entrance. This pedestrian crossing is approximately 10m long and would be difficult for pedestrians to

determine if it's safe to cross due to its length. Under this code and C3.5.1 the below is proposed.

To shorten the length of the crossing and assist with drivers going into the drive-thru not crossing over into the loading bay, it is proposed that the existing island between the drive-thru and the loading bay is extended to the south of the pedestrian island indicated below. The swept path movements show that this is possible with possibly a mountable kerb on the loading zone side. A condition will be placed on the permit for this.

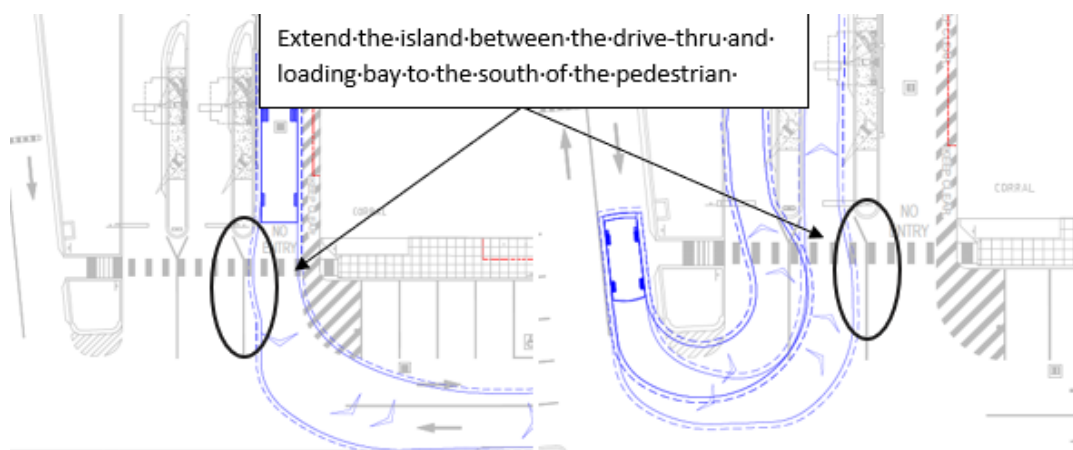


Figure 2 – proposed improvement to pedestrian crossing and load bay

C2.6.6 Loading Bays (A1 and A2)

The proposal has a loading bay located between the building and drive-thru for deliveries and collection of waste. McDonalds will use a 11.5m long rigid vehicle for deliveries being just shorter than a Heavy Ridge Vehicle at 12.5m. The TIA details that the loading bay has been designed in accordance with AS2890.2 (2002).

The services vehicle will enter, park and exit the site in a forward direction from Main Road. Thus, the planning scheme requirements are met as the vehicle is allowed to reverse into the parking and the loading area. It is proposed in the TIA that a Loading Management Plan be part of the permit conditions to ensure that vehicles use Main Road, access the site within the allowable times and that the reversing occurs in a safe manner.

Loading is restricted under the planning scheme due to clause 9.3 A3 where commercial vehicles are not allowed between 7 am and 8 pm weekdays and 9 am to noon Saturday.

C2.6.7 Bicycle Parking and Storage Facilities within General Business Zone and Central Business Zone (not applicable)

C2.6.6 Siting of Parking and Turning Areas (not assessed)

This has not been assessed in the TIA and is outside the scope of this transport report.

ROAD AND RAILWAY ASSET – CODE C3.5.1 P1

The code that is applicable to transport is C3.5.1 traffic generation at a vehicle crossing, level crossing or new junction. The development needs to address the performance criteria P1 in which there is information provided about the assessment and concerns, under this code. Code C3.6.1 is outside the scope of this report and C3.7 is not applicable as for subdivisions.

The performance criteria for C3.5.1 P1 is:

Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use;

(b) the nature of the traffic generated by the use;

(c) the nature of the road;

(d) the speed limit and traffic flow of the road;

(e) any alternative access to a road;

(f) the need for the use;

(g) any traffic impact assessment; and

(h) any advice received from the rail or road authority

Conditions have been placed on the permit under C3.5.1 due to assessment of the TIA and advice from the road authority. It should be noted that C3.5.1 can be satisfied with conditions apart from sight line from the driveway access onto Main Road.

CRASH DATA

The TIA assessed the crash data reported to the Police since 2011 in the area which included the site frontages to Lady Clark Avenue and Main Road, and the Main Road and Lady Clark Avenue junction. The data showed that there had been one crash on Main Road frontage resulting in property damage. This is not considered significant or represents an issue in the network. However, the increase in traffic from the development needs to be assessed to ensure that the road network stays safe for all road users.

TRAFFIC DATA EXISTING

The TIA undertook a traffic turning movement count survey at the junction of Main Road and Lady Clark Avenue on Friday 24 February 2023 from 7am to 10am and 4pm to 7pm and on Saturday 25 February 2023 from 10am to 2pm. The survey showed that the weekday am peak period was from 8am to 9am and the pm peak period was from 4pm to 5pm, and the Saturday peak period was from 11.30am to 12.30pm. The TIA noted that these peak periods are typically experienced not only by the road network but the restaurant itself. The results of the survey are shown below.

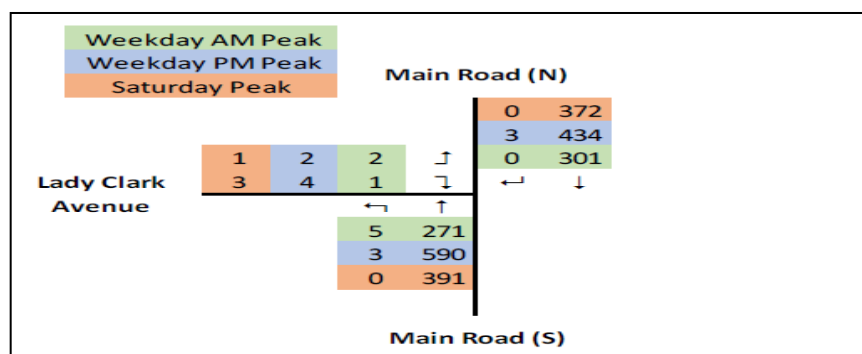


Figure 3 – Current Traffic Volumes

The peak hour traffic volumes (two-way movements) are estimated in the TIA to be approximately 1,036 vehicles for Main Road, average of 10 vehicles (am & pm peak) and a maximum of 12 vehicles for Lady Clark Avenue. The daily traffic volumes are generally

about 10% of the peak, thus being 10,000 vehicles per day for Main Road and 100 vehicles per day for Lady Clark Avenue.

The traffic data in the TIA correlates with Council's traffic counts on Main Road undertaken in October 2017 just north of Lady Clark Avenue. The data showed that the average daily traffic was 9,244 vehicles, with an average speed of 49 km/h, 85th percentile speed (speed at which 85% of vehicles travel at or below) of 54 km/h and percentage of commercial vehicles 6%.

TRAFFIC DATA PROPOSED

The TIA estimates that the average peak-hour traffic from the proposed development is approximately 170 vehicles per hour (two-way) based on data from 14 other McDonald sites in Victoria. The traffic data at these sites is available for 9 to 10 sites depending on the peak hour time. The TIA states the following regarding the estimated traffic volume to this site:

It is noted that this traffic generation rate can vary between McDonald's restaurants depending on the location, the proximity to other McDonald's or convenience restaurants (i.e. catchment area) and various other factors. However, the above total traffic generation rate is considered to represent a typical average regardless of the size of the restaurant.

Based on the sites location, in this instance, it is expected that the traffic generation for this site will be lower than the average identified above. Notwithstanding, in order to represent a conservative assessment, the average of 170 peak hour vehicle movements has been adopted for assessment purposes.

The data provided in the TIA has items missing and basic information missing such as dates of survey, and similarities to the proposed site. As mentioned with the parking comments, a better comparison would be to compare one or two similar sites.

The data has an average movement of just under 170 vehicles per hour for all peaks. However, this data can range from 64 to 323 vehicles per peak hour. The peak times in the data are also 8am to 9am, 5pm to 6pm being the road network peak, and 6pm to 7pm being the dinner time peak. The pm road traffic peak time is also different being 4pm to 5pm for this site. The peak times for this development do not consider the dinner time peak.

The RTA guide recommends for a McDonalds site an evening peak hour of 180 vehicles for average developments (mean of survey results) and a sensitivity test, assess effect of 230 vehicles per hour (maximum of survey results). The RTA surveys were undertaken in 1990 in which the RTA states if the guidelines are considered inappropriate, the application should prove why other rates might be more appropriate, preferably through comparison with other similar sites.

TRAFFIC DATA ON ROAD NETWORK

Using a peak of 170 vehicles per hour, the TIA has assessed the impact on the road network. The TIA indicates that approximately 60% of all trade is via the drive-thru with the remaining 40% being walk-ups and customers parking within the site. Based on the RTA, the proportion of passing trade is typically about 35%. These factors are considered when assessing the impact on the road network and the split in traffic.

The traffic split in the TIA is assumed on Lady Clark Ave to be 20% in from the north and 20% heading out to the north. Main Road driveway traffic in is 30% from the north and 50% from the south and traffic out is 30% to the north and 50% to the south. The split in traffic seems reasonable as 60% of the traffic is via the drive-thru, and location of parking being 8 car parking spaces located out the front entrance near Main Road and another 13 to 14 along the western boundary close to Lady Clark Avenue.

The split in traffic is shown below and the post development peak hour traffic volumes based on this split in traffic of 170 vehicles in peak hour. The pm peak 4pm to 5pm and Saturday peak 11.30am to 12.30pm, was assessed in the TIA and not the AM peak 8am to 9am, as less than pm peak.

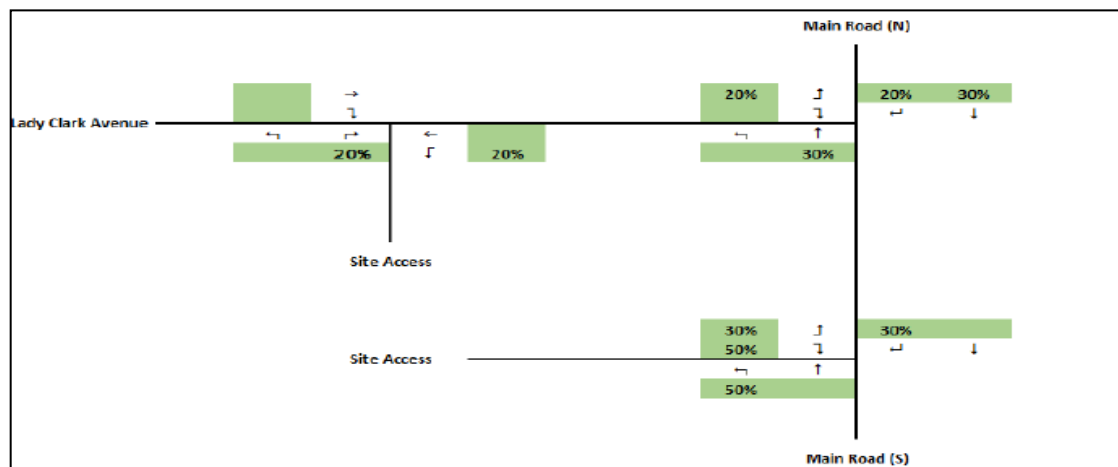


Figure 4 – Split in Traffic to the Site

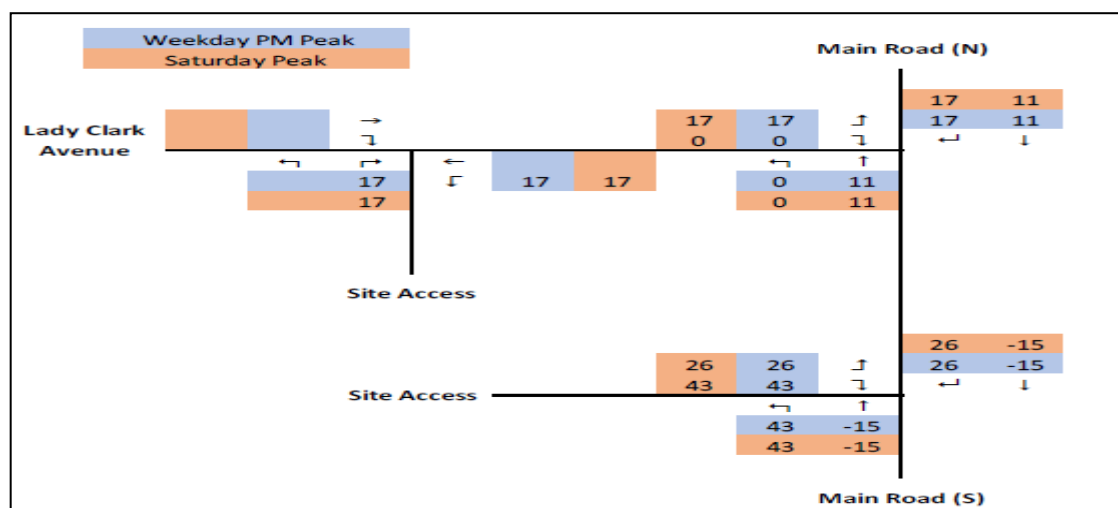


Figure 5 – Proposed Traffic to the Site from the Development

In Lady Clark Avenue 17 vehicles will be entering and 17 vehicles will be leaving per hour due to the development. Current traffic volumes in TIA on Lady Clark Ave are a maximum of 6 vehicles entering and 6 vehicles leaving per hour. This means the peak traffic will be increasing by 34 vehicles per hour to around 46 vehicles. This equates to a daily traffic volume of approximately 460 vehicles per day.

The proposed traffic after the development along Main Road is estimated in the TIA to be 1,092 vehicles in peak hour compared to 1,036 vehicles, taking into account 35% of traffic already traveling along Main Road. This equates to around 10,920 vehicles per day which is acceptable for a major arterial road.

TRAFFIC MODELLING

The TIA undertook traffic analysis using SIDRA modelling, for peak hour traffic in the pm between 4pm and 5pm and Saturday 11.30am to 12.30pm. The am peak hour was not

assessed in the TIA as it is not the critical peak period. The SIDRA modeling was at the junction of Lady Clark Ave / Main Road and the driveway onto Main Road.

The SIDRA analysis determines traffic performance at a junction considering average delays, queue lengths, and the degree of saturation. The modeling in the TIA showed that prior to and after the development, the junction of Lady Clark Ave / Main Road and the driveway onto Main Road are anticipated to operate at the highest level of service with minimal queues and delays.

TRAFFIC ON LADY CLARK AVENUE

The closure of the boom gate on Lady Clark Avenue was not assessed in the TIA as the traffic analysis is based on peak hour traffic when the boom gate is open. There was no comment in the TIA on the effect on traffic volumes with the boom gate closure, although it can be assumed that overall daily traffic volumes may be slightly lower. A condition will be placed on the permit for the boom gate to be undertaken and closed between 8pm and 7am.

The RTA Guide provides guidance on an environment performance standard, which can be used to evaluate the likely impact on residential amenity from a development. The guide has an environmental goal of 200 vehicles per peak hour with a maximum of 300, in a local residential street. The proposed development is well below this environmental goal and is considered appropriate.

However, the road width of Lady Clark Avenue is not considered appropriate for the increase in traffic to allow two-way traffic and unobstructed turn movements at the driveway and junction, along with the boom gate and Council car park off Lady Clark Avenue. This is discussed below.

LADY CLARK AVENUE – WIDTH AND SWEPHTH PATHS

As outlined in the TIA, the existing road width of Lady Clark Avenue is not in accordance with the Tasmanian Standard Drawings as the width is 5.6m and is required to be 6.9m, a difference of 1.3m. The standard width allows for two-way traffic with 3m lanes or parking on one side of the road and one lane of traffic where opposing traffic waits. The width of the road widens to 7m at the junction with Main Road.

The TIA undertook a swept path assessment at the driveways onto Main Road and Lady Clark Avenue, but not at the junction of Main Road and Lady Clark Avenue. It is, therefore, difficult to comment on the safety of the intersection of Main Road and Lady Clark as there are no swept path movements.

The swept paths of vehicles in the TIA at the driveway crossover onto Main Road are acceptable. The swept paths of vehicles at the driveway crossover onto Lady Clark Avenue, as stated in the TIA, show that access is constrained with a narrow carriageway requiring the outbound vehicles to prop in the site access while an entering vehicle makes its movement. The swept path also shows that parking is required to be banned opposite the driveway and to the east of the driveway.

The swept paths are shown below, along with details on the road, boom gate, and photo. The boom gate to the driveway is located about 14m from the road, and a sign will be placed at the driveway entrance.

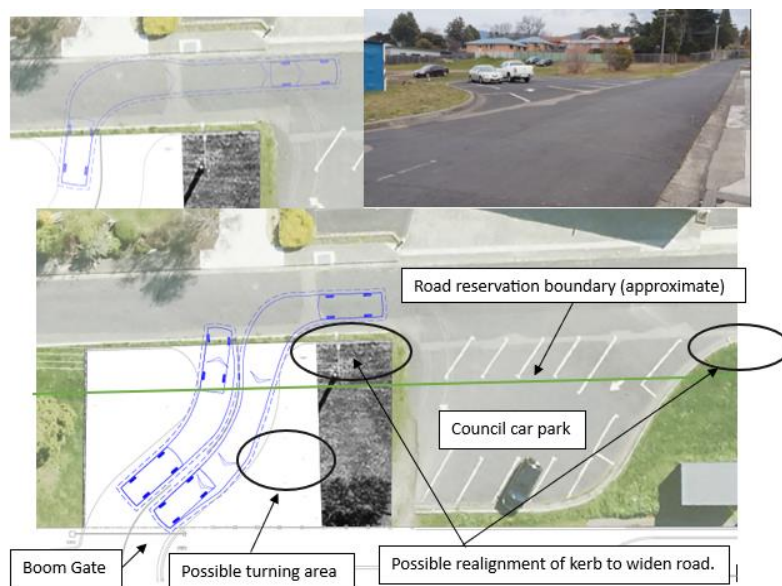


Figure 6 – Lady Clark Avenue layout and swept paths

To allow for a vehicle to be able to enter and exit the driveway concurrently, it is proposed that the road is widened to a minimum of 6.9m. The road may also need to be widened at the Main Road end to allow for vehicles to turn safely and at the Council car park. A condition will be placed on the permit to widen the road to allow vehicles at the driveway and junction to safely turn which will include swept paths at the junction not provided.

LADY CLARK AVENUE – COUNCIL CAR PARK

The Council car park alongside Lady Clark Avenue does not comply with the standards and has four of the car parks reversing directly onto the road. Currently, this does not cause a safety issue due to the low volume of vehicles traveling along the road and low usage of the car park. The development will be intensifying the volume of traffic on the road and the use of the car park.

The car park needs to be either removed or brought up to the current standards due to this development. The angle parking onto the road needs to be removed as it's a safety issue with the increase in usage. The car park could be redesigned at the developer's cost with a kerb along the road and formal driveway crossovers into a car park with compliant parking spaces. Otherwise, the car park should be removed.

In the TIA, the developer does not rely on the parking within Council's car park but does note that it is available in the unlikely scenario whereby demand may exceed the parking on-site. The developer has also proposed a footpath link from the car park to the footpath on Main Road. The path will need to meet Council's standards with a kerb ramp from the car park if it remains. A condition will be placed on the permit for the footpath and kerb ramp.

LADY CLARK AVENUE –TURNING FACILITIES AND GATE

The end of Council's Road reservation is alongside the western boundary of the proposed site. The road then continues within private property and ends at a cul-de-sac. There is currently no turn provision at the end of Council's Road, or none proposed by the development. It is assumed the traffic to the proposed site will be entering and leaving the driveway crossing and not continue along the road, although this has not been clarified in the TIA or any mitigation measures if required.

The developer has proposed to place a boom gate on the driveway access onto Lady Clark Avenue at their property boundary which is set back from the road by about 14m. There is proposed to be a sign at the start of the access on Lady Clark Avenue saying, 'no access between 8 pm and 7 am'.

Drivers are still likely to turn off onto Lady Clark Avenue to access the site not knowing that the access is closed between 8pm and 7am. This has not been assessed in the TIA, and it is recommended that a turning area is provided for drivers who discover that the access is closed, possible along the driveway. This will be a condition on the permit.

LADY CLARK AVENUE - SIGHT LINES

The sight lines at the junction of Main Road and Lady Clark Avenue were not assessed in the TIA and should be. Safe intersection sight distance is measured 5m back from the conflict point with an 85th percentile speed of 50km/h, is between 90m to 97m. This should be met looking to the left/north and to the right/south of the junction. Currently there is only one car parking space outside the frontage of 8-10 Main Road. The development will be removing the current driveway thus allowing parking which could be prohibited if required.

The sight lines at the driveway crossover onto Lady Clark Avenue were not assessed in the TIA and should be. Drivers should be able to see to the right all the way to the junction with Main Road being approximately 55m and to the left, up the private road for approximately 65m. The vegetation on the nature strip outside 4 Lady Clark Avenue may need to be removed due to sight lines.

Sight lines is considered appropriate due to the low volume and speed of vehicles on Lady Clark Avenue. However, an assessment should be undertaken like the below for Main Road as part of the TIA. A condition will be placed on the permit for this to occur and if sight lines are not met, then there is space for the location of driveway crossover onto the road to be modified due to 14m between the road and entrance to car park.

LADY CLARK AVENUE – RECOMMENDATION

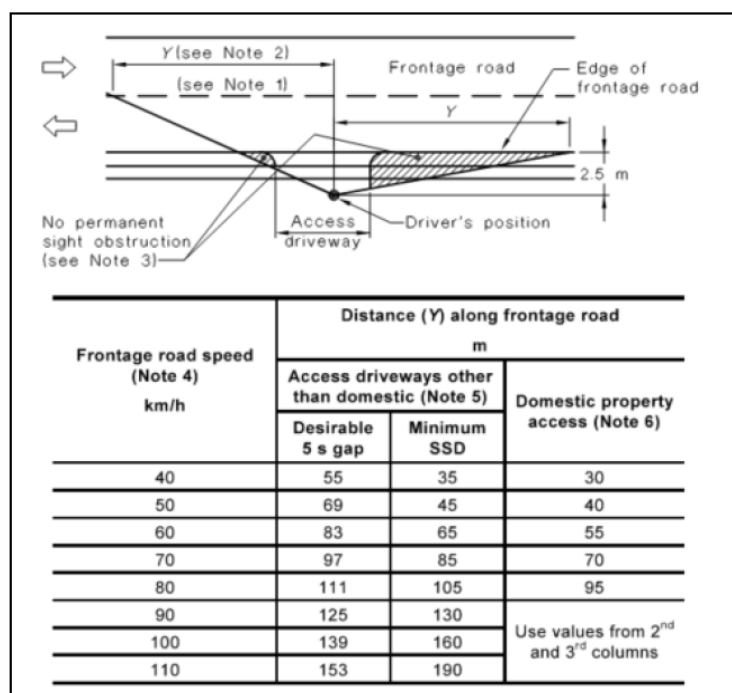
The requirement to widen the road, redo the car park to the standards with no parking reversing onto the road and put in a turning area before the boom gate is made by the Road Authority due to increase in the traffic from the development and condition placed on the permit to undertake.

Sight lines at the junction with Main Road and driveway should be assessed by the developer and parking prohibited if required in consultation with Council.

MAIN ROAD DRIVEWAY – SIGHT LINES AS2890.1

Driveway sight lines onto Main Road were assessed in the TIA. Sight lines looking left/north are met being above 90.8m. Sight distance to the right/south is not met being estimated in the TIA to be 60.1m. Sight lines at a driveway should met AS2890.1 Off-street Car Parking (2004).

The standard for any new driveway access from AS2890.1 is shown below. The sight lines should be measured 2.5m back from the kerb and at a driver height plus approaching car height of 1.15m above the road surface. It is unclear in the TIA if this is the case, although appears so. Although, the TIA takes the distance (Y) from the driver's eyes to the object instead of at right angles as shown in the diagram below. This would mean that the sight distance estimated in the TIA is slightly less than 60.1m.



Source: AS2890.1:2004 – Figure 3.2

The standard states that the value for a 5s gap is desirable or minimal stopping sight distance based on a 2-second reaction time. As the driveway will be coming out onto a Main Road with high traffic volumes, the TIA has assessed that 69m is required at a frontage speed of 50km/h which is accepted.

The TIA states that given the nature of the road, it is anticipated that traffic will travel around the corner on Main Road at lower speeds. Thus, has adopted a speed of 40km/h meaning that sight distance would be met.

The TIA has not provided any evidence that speeds are lower due to the corner, which is a large sweeping corner. Traffic data collected by Council on Main Road in October 2017 just north of Lady Clark Avenue had an average speed of 49km/h and 85th percentile speed (speed at which 85% of vehicles travel at or below) was 54 km/h.

The standard states that the speed to be used is the posted speed limit or general speed limit unless the 85th percentile speed is more than 5km/h above the limit. The data to date shows that the posted speed limit of 50km/h should be used. Thus, reducing the speed limit down is not accepted to meet sight line requirement of 69m.

MAIN ROAD DRIVEWAY – SIGHT LINES AUSTROADS

Even though the driveway is not an intersection, it is viewed as having similar characteristics due to the volume of traffic and unfamiliarity of driveway using the access. The intersection requirements do not have to be met but this would be preferable.

The TIA undertook an assessment of sight lines at the driveway onto Main Road, using Austroads Guide Road Design Part 4A – Unsignalized and Signalized Intersections with reference to Austroads Guide to Road Design Part 3: Geometric Design, to assess safe intersection sight distance (SISD), approach sight distance (ASD), minimal gap sight distance (MGSD), and stopping sight distance (SSD).

It is assumed in the TIA that the boundary fence and turret alongside the driveway have been considered. Also, to enable the actual sightline available to be achieved parking may need to be prohibited and should have been assessed in the TIA.

Austrroads under sight distance at property access says that AS2890.1 provides guidance for non-domestic accesses. Desirably sight distances at accesses should comply with the sight distance requirements for intersections. For roadways with tighter horizontal and vertical alignments, minimum sight distances at accesses should comply with the minimum gap sight distance (MGSD) and safe intersection sight distance using values given under the extended design domain (SISD EDD) criteria.

The precalculated figures in Austrroads for the sight distances are provided below with a range due to reaction time and coefficient of deceleration (d) of 0.36 (friction between the vehicle tyres and the road surface). The minimum value of 1.5 second reaction time should only be used in constrained situations where drivers will be alert which should be qualified. The coefficient of deceleration of 0.46 should only be used in very constrained locations on low volume and less important roads. The TIA numbers are also provided below.

Table 1 – Sight Lines at Driveway onto Main Road

Sight Lines	1.5 Seconds	2 Seconds	TIA
SISD	90	97	90.8 with d 0.46
SISD EED	63	70	Not Assessed
SISD EED Trucks	89	96	Not Assessed
ASD along road	48	55	Not Assessed
ASD Driveway	-	-	14.5m
MGSD Left Turn	-	69	69m
MGSD Right Turn	-	69	Not Assessed
SSD	48	55	35 to 41m
SSD Trucks	55	62	Not Assessed

The assessment for sight lines for each case is based on driver eye being 1.1m above the ground and:

- SISD vehicles are 5m (min) back from the conflict point and approaching car height is 1.10m.
- ASD is the same as SSD on major road. On minor road object height 0m to see line marking.
- MGSD measured at conflict point and object height 0.65m indicator height.
- SSD measured at conflict point and object height of 0.2m object on ground.
- SSD in TIA used Queensland Government Transport Department studies.

The guide has the speed as the 85th percentile speed along the road, which is assumed to be 50km/h. This is 4km/h lower than that recorded to the north of the site. However, this should be quantified in the TIA.

The TIA provides a sight line from the driveway to the right/south of 60.1m assumed to be 5m back from the conflict point. In the appendix a sight line of 69m from the conflict point with a vehicle turning left and parking prohibited is shown but not mentioned in the report.

The guide says that SISD EED and MGSD is required to be met. SISD EED is measured 5m back from the conflict point and is not met being 60.1m, it should be a minimum of 63m for cars. MGSD is measured at the conflict point and is assumed to be met being 69m. AS2890.1 is measured 2.5m back from the kerb and is not met being 60.1m and should be 69m.

MAIN ROAD DRIVEWAY - EXISTING

The existing site has a long driveway crossover about 20m wide along the frontage of the site in which it is unclear where vehicles would be exiting. It is likely the vehicles would be exiting slightly further to the north than what is proposed by this development due to the angle parking occurring along the southern property boundary. Regardless, the current application is required to meet the current standards.

CONCLUSION

Based on the TIA and this assessment, due to sight lines not being met to the right out of the driveway onto Main Road under AS2890.1 and Austroads, I cannot support the proposal based on road safety grounds.

Other concerns such as the width, car park and turning facilities on Lady Clark Avenue can be conditioned so as not to have a detrimental impact on the road network.

There is not adequate information to assess the parking and possible impact on the road network. However, if approved on-street parking and within Council's surrounding car parks can be managed with parking restrictions.

HYDRAULICS DEPARTMENT REFERRAL

This development concerns for the construction of a new convenience restaurant, McDonald's and associated infrastructure (carpark and access) at 8-10 Main Road, Claremont. Works include demolition of existing buildings and bitumen hardstand followed by construction of new buildings, hardstand carpark, driveways and associated infrastructure.

This lot is already serviced by two stormwater connection points to Council's underground network.

1. Referenced Documents

- a. Stormwater Management Report and concept stormwater servicing plans version 1 by JMG Engineers dated 30 October 2023
- b. DA Issue buildings and Works package preliminary plans by Timmins + Whyte Architects dated 27.10.2023

2. Stormwater Management Policy**a. Stormwater Disposal Method Requirements:**

Stormwater generated from new development areas will drain to existing stormwater systems by gravity. Also, developer proposes to remove one existing connection while upgrading the other connection to a slightly larger diameter pipe to comply with current standards.

Therefore, 4 (a) is met.

b. Stormwater Quality Management Requirements:

The stormwater system will incorporate water sensitive urban design (WSUD) principles for the treatment and disposal of stormwater given the new impervious area is greater than 500m². A combination of natural and proprietary stormwater treatment devices has been proposed to the stormwater system.

Therefore, 5 (b) is met.

c. Stormwater Quantity Management Requirements:

On site detention in form of oversized stormwater pipes has been proposed to reduce post development runoff to predeveloped levels during and up to 5% AEP design storm.

Therefore, 6(b) is met.

d. Stormwater System Design Requirements:

The major stormwater system and the minor stormwater system have been demonstrated in stormwater report and concept civil drawings by JMG engineers. Additional measures have been proposed to manage Overland

flows during a 1% AEP storm event with an allowance made to climate change.

Therefore 3 (a) and (b) are met.

Conclusion

In summary I have no objections with the proposal from a hydraulics perspective, provided the following conditions are met:

1. Engineering design drawings must be submitted and approved, prior to the construction or issue of Building Permit, whichever occurs first. The engineering drawings must:
 - a) be certified by a qualified and experienced Engineer.
 - b) show in both plan and long-section the proposed stormwater mains and detention storage, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements, and inspection openings.
 - c) Clearly distinguish between public and private infrastructure
 - d) Be substantially in accordance with the concept stormwater plans by JMG report, LGAT Standard Drawings and Tasmanian Subdivision Guidelines 2013

All work required by this condition must be undertaken in accordance with the approved engineered drawings.

2. The new stormwater infrastructure must be constructed prior to the sealing of the final plan / issue of a completion certificate.
3. An Updated MUSIC model and calculations must be provided as part of engineering drawings to verify the on-site stormwater treatment train including any natural stormwater treatment.

Advice: Please provide a readable MUSIC model file (in .msf format) and report form indicating the input parameters used as well as the outputs. It is also recommended that primary treatment method should be considered prior to including natural treatment measures into the treatment train, such as vegetated swales.

4. The development must incorporate the On-Site Detention (OSD) and Water Sensitive Urban Design (WSUD) as part of the development as presented in the Stormwater Report and civil drawings by JMG dated 30.10.2023. The onsite piped detention element and its associated components must be designed and constructed to the satisfaction of the Council's Senior Civil Engineer and completed prior to the sealing of the Final Plan / issue of a Completion Certificate.
5. A maintenance schedule for the ongoing maintenance of the on-site stormwater detention infrastructure and the WSUD infrastructure must be provided to Council's Development Engineer for approval prior to the commencement of the use. When approved, the maintenance schedule forms part of this permit.
6. The landowner must maintain the on-site stormwater detention and WSUD infrastructure in accordance with the approved maintenance schedule.
7. The new stormwater connection must be constructed, and any existing abandoned connections must be sealed by owner's expense. Please note once plans are approved,

a formal Application for New Stormwater Connection and inspection by Council's Senior Civil Engineer is required. The form is available from <https://www.gcc.tas.gov.au/council/documents-and-publications/forms/>

- (a) A minimum of three (3) business-day notice must be provided by the applicant to Council's Roads Maintenance and Stormwater Coordinator on 03 6216 6800 to arrange for the inspection prior to completion.
 - (b) Any alterations or works performed on council's stormwater system must remain uncovered until the completion of the inspection. If there is failure to provide notification in advance or to expose the stormwater manhole for the visual inspection, council may choose to expose the stormwater manhole and reinstate after the inspection at the full cost to the applicant.
 - (c) If the stormwater manhole is not to the satisfaction of council, the applicant must rectify the stormwater manhole at their cost. If the applicant does not rectify the stormwater manhole, council has the right to rectify the stormwater manhole at the applicant's cost.
8. An adequate overland flow path must be maintained through the site, such that flows are excluded from the buildings and not redirected onto third-party land, for the 1% AEP storm event as at 2100 (including climate change loading).

Environmental Health referral

Planning scheme amendment – inclusion of drive through facility for food services.

The proposed site is zoned inner residential and is surrounded by inner residential and a single community purpose zoned area (the Country Music Club of Southern Tasmania clubrooms). Food services (without a drive through) is a discretionary use for the zoning. A food service use with a drive through facility is prohibited. The proposed McDonalds site has a drive through facility that requires an amendment to the planning scheme. Currently, the planning scheme requires drive through facilities to be prohibited in residential areas. A site-specific qualification is proposed for the site.

Section 32(4) of the Land Use Planning and Approvals Act 1993 states that a Local Provision Schedule may only have a provision referred to in subsection (3) (a site-specific qualification) if:

- a) A use or development to which the provision relates is of significant social, economic, or environmental benefit to the State, a region, or a municipal area; or
- b) The area of land has particular environmental, economic, social, or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

A drive through facility operating in an inner residential area would likely to negatively impact residential amenity in relation to increased vehicular noise, customer ordering noise, increased vehicle movements and potential odour from idling vehicles.

9.3.1 (P1) Hours of operation

The proposed hours of operation for the restaurant are stated below:

- 0600-2300 – Sunday-Thursday (6am – 11pm) (7 hours closed per 24hrs)
- 0600-midnight – Friday and Saturday (6am – Midnight) (6 hours closed per 24hrs)

The proposed hours do not meet the acceptable solution (A1) therefore reliant on meeting the Performance Criteria (P1).

The Performance Criteria P1 states, the hours of operations of the use “must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions”.

Residential dwellings are located adjacent to the proposed dwelling. The proposed hours of operation, Sunday-Thursday 6am – 11pm and Friday and Saturday 6am – Midnight. The restaurant and drive through is proposed to be open for 121 hours a week (closed 47 hours per week). A noise, odour and lighting report were required for assessment to consider the likely impacts on the amenity of the adjacent sensitive uses.

Noise:

Clarity Acoustics provided an Acoustic Assessment Report initially, dated 27 March 2023, and a revised version, dated 21 September 2023. The Acoustic assessment referenced in this report is the revised version, dated 21 September 2023.

The consultant’s advice:

In respect to further information sought regarding the information provided in the Acoustic Assessment Report, dated 27 March 2023, Clarity Acoustics provided answers to the further information request and updated the Acoustic Report to address the further information request.

Acoustic Assessment

The acoustic assessment concludes the adopted assessment criteria for the site can be met with the implementation of a perimeter acoustic fence, restricting commercial vehicle movements timing, switching off the refrigeration condensers of delivery vehicles, selective mechanical plant, operating the air conditioning units in low-speed during the night period and a localised acoustic screening for the roof mounted refrigeration unit.

The adopted assessment criteria for the site are based upon background monitoring for the site plus 5dB, a sleep disturbance criterion of 60 dB Lmax and a low frequency noise threshold of C-weighted noise level minus A-weighted ≤ 15 dB.

The acoustic assessment is inconsistent to the Traffic Impact Assessment Report (TIA) (Ratio, 13th October 2023) in relation to the expected vehicle movements onsite. The TIA (page 42) has adopted an average of 170 peak hour vehicle movements comparison, the acoustic assessment (page 14) states *"noise levels from the car park and drive through have been modelled based on 80 vehicle movements per hour during day/evening peak periods and a peak of 40 vehicle movements per hour for the night period"*.

The acoustic assessment is based off 5 orders per customer order device (COD) for day and night. The TIA states an estimated 85 vehicles onsite during peak hour with 60 percent of customers using the drive through (approx. 51 vehicles). With 2 COD units in place, using the TIA estimates, there would be just over 6 orders per COD per 15 minutes during peak hour. The cumulative noise value calculated with 5 orders per COD per 15 minutes already equals the assessment criteria value therefore it is expected with potentially more orders per COD per 15 minutes, the assessment criteria may be exceeded for peak timings. The TIA concludes they are using a conservative measure.

The inconsistency in expected vehicle movements and associated impacts on predicted noise levels, a comprehensive assessment of the impacts on residential amenity in relation to noise is unable to be confirmed. In addition, the maximum noise levels are not cumulative therefore there is potential for the maximum to be exceeded if concurrent noisy events are to occur. Therefore, there is potential of the development causing an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the timing, duration, or extent of vehicle movements; and (b) noise.

It is noted, the TIA (page 21) states there will be no vehicle access to the site through Lady Clark Avenue between 8pm-7am. The vehicle access is proposed to be restricted through the installation of a boom gate and signage on the entry point.

Commercial vehicles

The acoustic assessment refers to commercial vehicles, including waste collection and deliveries, to the site will being limited to 7 am to 8 pm on weekdays and 9 am to noon on Saturday. The delivery times complies with the Acceptable Solution (A3) for commercial vehicle movements.

Odour Assessment:

The odour assessment is based on a total of 2 field assessments of 2 McDonalds sites in the north of Tasmania. The field assessments of the McDonalds occurred between 1:50pm-3:30pm on Monday the 28th of August 2023 (Invermay) and 2:45pm-4:30pm on Monday the 3rd of October 2023 (South Launceston). The proposed Claremont site has more residential dwellings in close proximity than the Invermay and South Launceston sites.

The odour report acknowledges no complaints regarding odour have been received by the Launceston Council in relation to the McDonalds sites. The level of the community

tolerance to odour is expected to be relatively high given the length of time the sites have been operational. In comparison, the proposed new Claremont site is to be located closer to a higher number of residential properties and is located within an inner residential zone where there is a potential low tolerance to new odours impacting amenity.

The peak timings for McDonalds restaurants identified in the Traffic Impact Assessment Appendix C states the morning peak is between 8am-9am, road network peak 5pm-6pm and the dinnertime peak 6pm-7pm. The timing of the odour assessment falls outside of those peak timings therefore the level of odour may fluctuate with peak timings and peak days.

More exhaustive testing would be expected to cover a broad range of weather conditions, peak timings, and days prior to concluding amenity impacts are unlikely. The subject sites used within the assessment are not considered directly comparable to the proposed Claremont site given the operation history, community tolerance and associated commercial/light industrial uses. A site-specific verification report would be expected to determine the suitability of the assessment conclusions. The odour report suggests mostly centrally located odour sources are present but more consideration to additional odour sources that may be located away from the central location of the site i.e., customer bins and other non-centralised sources should be considered in more detail.

It is noted that odour is subjective. Although the odour assessors have noted the odour present is pleasant, this may not be the case for everyone.

Lighting:

The impacts of external lighting are considered as part of the next section of this report.

External lighting

P2 "External lighting for a use listed as Discretionary, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the number of proposed light sources and their intensity; (b) the location of the proposed light sources; (c) the topography of the site; and (d) any existing light sources."

The Planning Report states, *"We defer the assessment of external lighting impacts to the lighting assessment prepared by Rubidium Light, dated 10.11.2023 which demonstrates that the proposal will not cause any light spill above the relevant Australian Standard (AS4282-2019) requirements for surrounding residential dwellings. The assessment of this report has included design recommendations which been adopted in order to achieve compliance with this standard"* (pp 43 Planning Report 10/11/23). However, insufficient information is provided within the lighting report to determine if unreasonable loss of amenity to adjacent sensitive uses would arise from external lighting. Based on the level of information provided, a comprehensive assessment cannot be made nor can the impact on residential amenity be assured. A condition requiring a verification report in accordance with AS/NZS 4282:2023 is recommended if approval is given.

The lighting assessment by Rubidium Light, dated 10th November 2023, references compliance with AS/NZS 4282:2019 however, that standard was superseded on 03 November 2023 by AS/NZS 4282:2023. The lighting report does not provide details on the external lighting of the site within the closed periods.

To note, the lighting report plan references the wrong street names on page 3 (Westbury Road & Stuart Ave).

P4: Discretionary use must not cause an unreasonable loss of amenity to adjacent sensitive uses

The proposed must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to: (a) the intensity and scale of the use; (b) the emissions generated by the use; (c) the type and intensity of traffic generated by the use; (d) the impact on the character of the area; and (e) the need for the use in that location.

Amenity is defined under the planning scheme as “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.”

Residential dwellings are located adjacent to the proposed dwelling. The proposed hours of operation, Sunday-Thursday 6am – 11pm and Friday and Saturday 6am – Midnight. To note, there are 168 hours in a week, the proposed hours of operation allow for the business to operate 121 hours per week (72% of the time) with the site being closed for only 47 hours per week. The intensity of a business operating for this period in an inner residential zone is expected to cause an unreasonable loss of amenity to adjacent sensitive uses.

The cumulative impact of light, odour and noise potentially generated from the site would be likely to negatively impact the amenity of the adjacent sensitive uses. The impacts are foreseen to impact the harmonious, pleasantness and enjoyment experience by the established sensitive uses.

The timing, duration and extent of vehicle movements accessing the proposed drive-through site with a peak hour estimated of 170 vehicles per hour (TIA) accessing the site, the amenity of the adjacent sensitive uses would likely be negatively impacted. In addition, vehicle movements can produce noise (engine, door opening/closing, drive through ordering etc), engine odour and lighting overspill which would likely negatively impact amenity.

Potentially Contaminated Land Code:

An Environmental Site Assessment prepared by Simon Chislett of EM&C; a Certified Environmental Practitioner (CEnvP) had previously been developed for the site. The report concludes, the site is suitable for on-going ‘commercial/industrial’ use without an unacceptable level or risk. As the report has been created for the site by a qualified person, there is a high level of confidence that the proposed development would meet the Performance Criteria (P1) for the Potentially Contaminated Land Code C14.6.1. However, it is acknowledged, the site contamination report was prepared for Coopers Automotive as the Client. The report limitations state that the report is only suited for the Client. However, based on the information provided in the report, a site-specific management plan is recommended to be included as a condition if the permit is granted to ensure no risk to human or environment is presented.

A condition recommending that a site-specific report be developed for the proposed site development is assumed to be supported by the applicant. The applicant advised they would be appreciative of a condition requiring this while acknowledging the report submitted is not specific to this proposal *“Whilst the report does not consider the proposed development and associated works, we kindly request Council to address the relevant development standards under this code via conditions to a permit requiring a construction management plan to be prepared by a suitably qualified person”* (pp. 55 Planning Report).

The Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020, require that the Director Environmental Protection Authority

is notified when underground petroleum storage system ceases use, and underground petroleum storage systems are decommissioned appropriately. As part of decommissioning soil and groundwater in the vicinity of the storage system must be assessed to determine whether the system has leaked and caused environmental harm. The EPA are currently undergoing an assessment of the site to formally decommission the fuel storage.

Recommendation:

The proposed application is recommended for refusal as compliance with the Performance Criteria (9.3.1 - P1, P2 & P4) is not sufficiently satisfied to ensure the impacts on residential amenity does not unreasonably occur. The residential amenity impacts of the proposal are expected to be unreasonable for the area. Amenity is defined under the planning scheme as *“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.”* The drive through facility, extended hours of operation and associated cumulative expected emissions generated from the proposal would be expected to have unreasonable impacts upon residential amenity within the adjacent sensitives uses located within the inner residential zones.

Conditions have been drafted for the permit to minimise amenity impacts. However, it is foreseen even with the below recommended conditions, the amenity impacts would be unreasonable for the adjoining sensitive uses.

Conditions:

1. Commercial vehicle movements, waste collection and the unloading and loading of commercial vehicles for a use must be within the hours of: (a) 7:00am to 8:00pm Monday to Friday; (b) 9:00am to 12 noon Saturday; and (c) nil on Sunday and public holidays.
2. The hours of operation must be within:
 - 0600-2300 – Sunday to Thursday (6am – 11pm)
 - 0600-Midnight – Friday and Saturday (6am – Midnight)
3. A site-specific Environmental Site Assessment for proposed development must be developed by a suitably qualified site contamination practitioner. The assessment must detail the nature, extent, and levels of existing contamination and the actual or potential risk to human health or the environment, on or off the site, resulting from that contamination, prepared in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 for this specific development. The Environmental Site Assessment must be submitted to the satisfaction of Councils Environmental Health department prior to any construction works occurring onsite.
4. A construction management plan must be prepared by a suitably qualified person and incorporate any recommendations from the Environmental Site Assessment. The construction management plan must be submitted to the satisfaction of Councils Environmental Health department prior to any construction works occurring onsite.
5. All refrigeration deliveries must have the refrigeration condensers unit to be switched off whilst onsite.
6. No vehicle access to the site via Lady Clark Avenue between 8pm-7am daily. A boom gate and sign required to restrict access.

7. Providing perimeter acoustic fencing to the south-western and south-eastern site boundaries and to part of the north-western site boundary as per Section 5.1 of the Clarity Acoustics Report, dated 21 September 2023.
8. Providing a 2.5 m high acoustic screen to the west and north-west of the loading bay as per the Clarity Acoustics Report, dated 21 September 2023. The inner face of the acoustic screen to the loading bay will need to be provided with an absorptive lining with a minimum NRC of 0.7
9. Mechanical plant to not exceed the permissible sound power levels outlined in Table 3 of the Clarity Acoustics Report, dated 21 September 2023.
10. Operating AC-1 and AC-2 in low-speed mode during the nighttime period i.e., between 2200-0700 hours as per the Clarity Acoustics Report, dated 21 September 2023.
11. Providing 1.75 m high localised acoustic screening to the roof mounted MAC-90 refrigeration unit. The inner face of the acoustic screen to the MAC-90 refrigeration unit will need to be provided with an absorptive lining with a minimum NRC of 0.7.
12. Verification of odour modelling must be undertaken by a suitably qualified person and submitted to Council within 6 weeks of opening. Any recommendations must be implemented as part of the verification process.
13. A verification acoustic assessment by a suitable qualified person must be undertaken and submitted to Council within 6 weeks of opening. Any recommendations must be implemented as part of the verification process.
14. External lighting must be installed in accordance with the lighting assessment prepared by Rubidium Light, dated 10 November 2023.
15. A verification report for the lighting assessment must be undertaken by a suitable qualified person and submitted to Council within 6 weeks of opening. Compliance with AS/NZS 4282:2023 must also be demonstrated. Any recommendations must be implemented as part of the verification process.

Advice to applicant:

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

Development Engineer

The application seeks an approval for a combined planning scheme amendment to a site-specific qualification to the land to allow for a drive-thru and signs. It is proposed to demolish all existing buildings, structures and paving on site and to construct a convenience restaurant (Food Services) operated by McDonald's, with associated infrastructures, vehicle accessways, car parking, landscaping and business identification signage as part of this combined scheme amendment and development application.

The Traffic Impact Assessment (TIA) by ratio: dated 13 October 2023, Stormwater Management Report and concept stormwater servicing plans version 1 by JMG Engineers dated 30 October 2023 and planning report Section 37 & 40T application by ratio: version c dated 10 November 2023 are submitted as part of the application. The application and the TIA have been referred to Council's Transport Engineer to review, provide comments and recommend the conditions as required. The application and the Stormwater report have been referred to Council's Senior Civil Engineer to review, provide comments and recommend the conditions as required.

The TIA provided assessing impacts to the local traffic network the proposed development and use may have caused including trip generation is submitted as a supporting document. The TIA addresses issues including traffic volume at junctions, sight distance from the proposed accesses, traffic safety impact, and relevant clauses under the Scheme. The TIA have been referred to Council's Transport Engineer to review, provide comments and recommend the conditions as required. Council's transport engineer has provided a thorough assessment outlining traffic generation, traffic safety, pedestrian access, sight visibility and car parking shortfall/overflow.

Runoff is proposed to be drained via the existing Stormwater system via gravity. Minor works including new upgraded stormwater connection is proposed to facilitate the runoff from the site and drains to the approved outlet. Stormwater on-site detention and water treatment are part of the proposal. These arrangements can be accepted, and the works can be conditioned accordingly.

The General Manager's consent to interfere with stormwater infrastructure can be granted. The document is available in ECM.

C2.0 Parking and Sustainable Transport Code

Council's Transport Engineer has advised the sightline at the access via Main Road cannot comply with the Australian Standard AS2890.1 and hence unable to support the development. A more comprehensive analysis can be seen in the Transport Engineer Referral document.

The followings are the assessment against the other clauses in the code. It is concluded that the rest of the code can be satisfied with and is considered to the satisfactory of Council's engineers.

The requirement under the C2.5.1 and table C2.1, A1 requires the 30 car parking spaces, plus queuing areas for 6 spaces. The applicant proposal cannot comply with the requirements providing the total of 20 spaces onsite plus waiting bays.

The accessible car parking space is provided and appropriately located near the entrance of the building. Six (6) bicycle parking spaces are required to comply with the acceptable solution; the applicant proposes to provide area for six (6) bicycle parking spaces as required. One (1) motorcycle parking space is required to comply with the scheme; and it is not proposed to provide any space dedicated to motorcycle parking.

Therefore, clauses C2.5.1, C2.5.2 and C2.5.3 are not met with the requirements in the acceptable solutions and the assessment against the performance criteria for those clauses is triggered. The TIA has addressed the shortfall and justified that this based on similar types of developments; and concluded that the shortfall is acceptable as according on the nature of the developments, the availability of public transport, the consideration of on-street parking, the frequency of public transport and other mode of transport are taken into consideration. However, Council Transport Engineer have advised that it cannot be concluded that the numbers of parking shortfall can be accepted; and that more information may be required to justify the matter. At this stage, it is considered P1.1, C2.5.1 is not met.

The layout of parking area complies with the standard AS2890.1:2004. The surface treatment of the driveway is proposed to be concrete. Surface runoff is proposed to be captured and directed to the Council's stormwater system.

According to the Planning Scheme, to comply with the acceptable solution of C2.6.5 A1, a 1-metre-wide pedestrian footpath is required where the use requires more than 10 car parking spaces. The proposed development does include dedicated pedestrian zebra crossing between the drive-thru; this path is not connected the overall parking areas as the parking along the boundary is using driveway as shared pedestrian pathways. These pedestrian pathways although cannot comply with the acceptable solution, it is acceptable as the shared arrangement is considered acceptable and it is not uncommon for this type of development to use shared areas as pedestrian paths. This can be accepted with conditions applied.

C3.0 Road and Railway Assets Code

The development is considered to comply with the code requirements and local traffic conditions are not expected to be significantly affected. However, for a more comprehensive assessment relates to traffic generation, and traffic safety, please refer to the Traffic Engineer Referral.

The site can be accessed off the existing vehicle crossings to the subject site. Based on the TIA, the traffic generation of the development is likely to be 170 vehicles per hour for the peak period based on data of other McDonald sites in Victoria. The increase vehicle movements are over 40 vehicle trips per day; therefore, the assessment against the performance criteria is triggered. The TIA has undertaken the traffic and parking assessment, site survey, traffic modelling and investigated crashes history to assess the development against the performance criteria.

The TIA then concluded that the amount of traffic expected to be generated during the peak hour periods is not acceptable, and there is sufficient capacity within the surrounding street network to absorb the extra vehicle movements, without adversely impacting other users or residential amenity. Council's Transport Engineer is supporting the TIA findings; and therefore, it is considered that, the performance criteria for C3.5.1 P1 is satisfied with for the expected increase in traffic generations.

Other

C15.0 Landslide Code

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

C7.0 Natural Assets Code

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

C12.0 Flood-Prone Areas Hazard Code

According to the Spectrum, the site is subject to the flood hazard overlay. However, this does not appear to be an issue with flooding as the depth shown is over the existing building and does not connect to any of the flood path.

Therefore, it is considered there is no flood issue associated with the site.