

GLENORCHY PLANNING AUTHORITY

AGENDA

TUESDAY, 14 FEBRUARY 2017



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman K. Johnston

Hour: 3.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 30 January 2017 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - SIGN ON A HERITAGE LISTED SITE - 518 MAIN ROAD, MONTROSE

Author: Planning Officer (Peter Coney)

Qualified Person: Planning Officer (Peter Coney)

Property ID: 5382554

REPORT SUMMARY:

<i>Application No.:</i>	PLN-15-224
<i>Applicant:</i>	Metro Signs Pty Ltd
<i>Owner:</i>	Aust Conference Assoc Ltd
<i>Zone:</i>	Community Purpose
<i>Use Class</i>	Community Meeting and Entertainment
<i>Application Status:</i>	Discretionary
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	31st January 2017
<i>Existing Land Use:</i>	Church (Community Meeting and Entertainment)
<i>Proposal In Brief:</i>	New sign on a heritage-listed site.
<i>Representations:</i>	0
<i>Recommendation:</i>	Refusal

REPORT IN DETAIL:

PROPOSAL

The proposal is for a 3.6m high by 1.15m wide illuminated sign to be erected at 518 Main Road, Montrose. The sign is to be positioned in a raised garden bed adjacent to the road reservation and frontage of the site, which is the present location of the sign to be replaced. The raised garden bed measures 0.98m in height. Therefore, the overall height of the proposed sign is to be 4.58m above the surrounding ground level. The sign is, for that portion displaying the logo, proposed to be internally illuminated. The sign includes a 1.27m high by 0.96m wide LED screen which is to display predominately static text content, with following content transitions to happen instantaneously (see Figure. 1).



Figure 1. *Illustration of the proposal.*

SITE and LOCALITY

The subject site is located on the western side of Main Road, Montrose, just south of that road's intersection with Cheltenham Street. The property is an irregular-shaped lot with frontages to both Main Road and to Cheltenham Street.

The site is recognised with heritage significance and is a heritage listed place in E13.0 Historic Heritage Code (Place Ref 0433) of the Glenorchy Interim Planning Scheme 2015 (GIPS).

There is a driveway access on the Main Road frontage, and a large parking area to the rear of the building accessed by way of Cheltenham Street. The locality is broadly characterised by single detached dwellings, though there are a number of local businesses which front Main Road, approximately 110m from the local business zone, on the south side of the intersection at Philip Avenue.



Figure 2. Aerial view of subject site and immediate surrounds, Council record, Exponare.

ZONE

The subject site is located within the Community Purpose zone, pursuant to part D, section 17.0 of the Glenorchy Interim Planning Scheme 2015 (GIPS). The site is surrounded by properties zoned General Residential, as well as adjoining Main Road, which is zoned Utilities. There is a section of land zoned Local Business, approximately 110m measured from the southern boundary of the lot where it fronts Main Road.

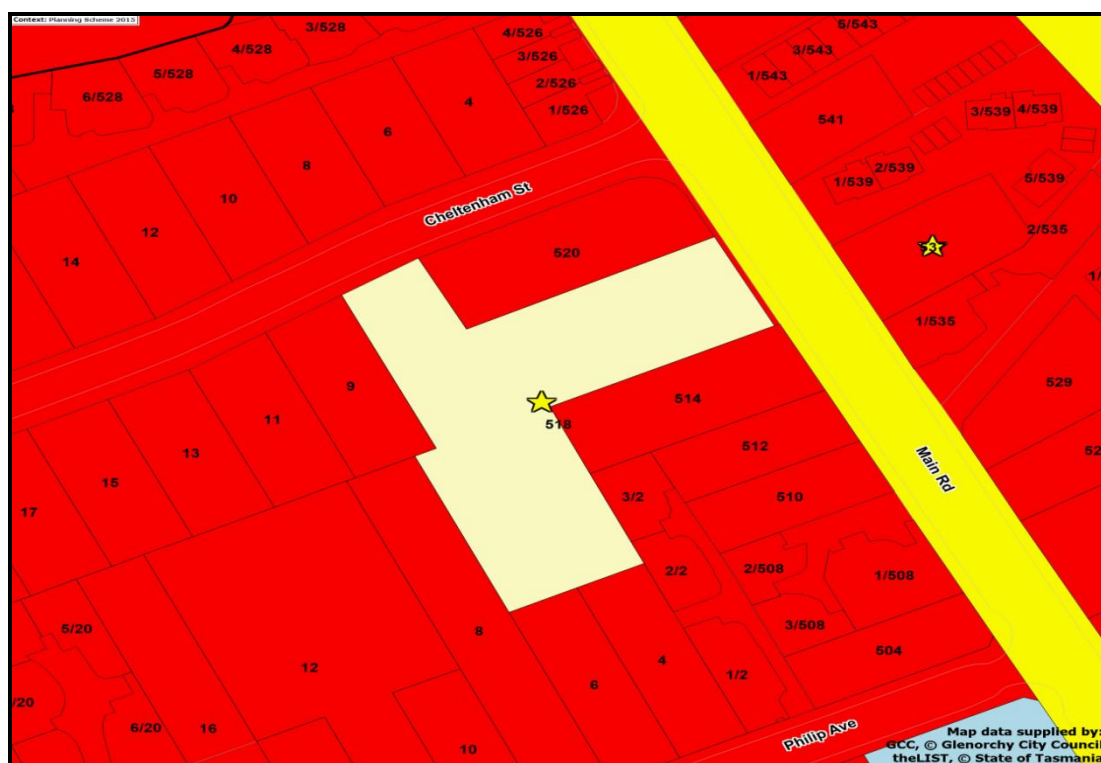


Figure 3. Extract from Council's Exponare Zoning showing the Community Purpose zone (light yellow colour) surrounded by the General Residential zone (red colour).

BACKGROUND

This application was first submitted in September of 2015 for a Ground Based Panel sign. An additional information request, dated 26 October 2015 informed the applicant that the proposed sign was prohibited owing to the sign type, and the withdrawal of the application was advised. This request suggested that the application could be amended by changing the proposed sign to a type of sign that would either be permitted or discretionary within the Community Purpose Zone. General heritage advice was included in this correspondence.

The applicant confirmed by email, dated 27 October 2015, that information would be provided to show compliance with all parameters required.

The applicant advised, via email dated 30 October 2015 that the proposed sign was a pole or pylon sign and requested that the application be assessed. This was followed up by an email from the applicant, later the same day, requesting that the proposal not be refused until the applicant sought advice from a planning consultant.

The Planning Officer assessing the application at this time, advised the applicant, via email dated 2 November 2015, that in Council's view the proposed sign was still a Ground Based Panel Sign, which is prohibited in the Community Purpose Zone. This email requested that the applicant amend the proposal to comply with the provisions of *E17.0 Signs Code*.

The applicant provided limited information via email dated 4 December 2015, regarding *E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts* and asserted that the sign is a pole or pole sign.

An additional information request, dated 9 December 2015 sought to clarify the design and classification of the proposed sign. This request required the applicant to demonstrate that the proposal would comply with the applicable standards, including *E17.7.2*, as previous information provided by the applicant addressed the criteria unsatisfactorily.

The applicant responded, via email dated 16 December 2015, seeking advice about changing the sign design.

An excerpt of *E17.0 Signs Code*, including definitions of signs and applicable standards was forwarded to the applicant on 21 December 2015, to assist the applicant to design the proposal to comply with the applicable standards.

The applicant requested a response to their email dated 16 December, via an email dated 18 January 2016.

Council responded, via email dated 18 January 2016, informing the applicant that advice was sent to the applicant on 21 December 2015 and reiterated the content of the request, and emphasised the need to design a sign that is sympathetic to the heritage values of the place, noting that Council asked for a heritage impact assessment from a suitably qualified person to accompany the application.

The applicant provided a Heritage Impact Assessment in support of discretions sought. This report was received by Council on 18 August 2016.

Council acknowledged the receipt of the Heritage Impact Assessment prepared by David Denman & Associates (22 August 2016). Council advised that the assessment was based on a Ground Based Panel Sign, and that sign type is prohibited in the Zone. In light of this, Council advised there was no discretion to be exercised, and the application was to be recommended for refusal as the sign type was prohibited.

On 29 August 2016, an amended set of plans were received by Council. These plans were considered to change the classification of the sign type proposed to a pole sign, owing to clearance from the ground to the base of the sign (415mm). The covering email to this amended set of plans as well indicated the LED component of the sign was to have a static display, though no indication was given as to the frequency of the changes of that message.

A further information request was sent on 30 August 2016, requesting a Heritage assessment of the proposed Pole sign, as well as an assessment by a suitably qualified person with regard to section *E17.6.1 Use of Signs (P3)*, which in brief requires consideration of the relevant principles of the Austroads Research Report – Impact of Roadside Advertising on Road Safety. This was owed to the LED component of the sign in proximity to Main Road Montrose displaying changing messages.

On 5 October 2016 a revised Heritage Impact Statement was supplied by the applicant. This revision was in response to the sign type changes. A follow up additional information request was sent on the 18 October 2016 requesting the outstanding information regarding consideration of the relevant principles of the Austroads Research Report – Impact of Roadside Advertising on Road Safety, be provided.

On 16 December 2016, a letter was sent to the applicant advising, in anticipation of the outstanding Traffic Impact Assessment (TIA), that irrespective of the outcome of that TIA, it was still the position of Council's Heritage officer that the sign would not be supported, owing to the objectives of the applicable standards of the Heritage Code not being met. This letter was sent as a courtesy, as it was considered that because of the applicants concerns as to the costs of a TIA, it would be fair that the applicant be made aware, that irrespective of the findings of this report with regard to traffic safety, the sign would still not be supported on Heritage grounds.

On the 16 December 2016, a response to the letter from the applicant was received which advised that they would prefer to have the application refused than procure the TIA.

Council's Planning Officer spoke to the applicant summarising that in the absence of a TIA, there would be further grounds for refusal owing to compliance with the applicable standards of *E17.6.1 Use of signs* not being demonstrated. It was passed on that it is required that there is not an unreasonable impact or undue distraction to drivers of motor vehicles by the moving or changing messages or graphics, and the extent of the operation of this sign with regard to traffic safety as yet had not been demonstrated.

A follow up email to this conversation was sent on the 20 December 2016, asking the applicant to provide a clear instruction as to how they wished for the application to proceed.

An email from the applicant received on the 21 December 2017 outlined that a TIA was to be submitted. With regard to this, a response to the letter requesting the outstanding additional information (sent 18th of October) remained outstanding.

On the 6th of January 2017, a Traffic Impact Assessment was received by Council.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Clause 5.10 makes provision to exempt signs which are replacing the graphics of a legally existing sign, exempt from assessment. The proposed sign is not exempt.

Limited Exemptions

Nil

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

There are no relevant zone provisions for the assessment of this development. E17.0 Signs code sets out the applicable standards for the development of signs. In the application of this code, there is no explicit overriding of any other standards.

Use Class Description (Table 8.2):

Signs are not listed in Table 8.2.

Assessment of an Application for Use or Development

Section 51(2) Land Use Planning and Approvals Act 1993 (the Act)

(2) In determining an application for a permit, a planning authority –

- (a) must seek to further the objectives set out in Schedule 1; and
- (b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application; and
- (c) must take into consideration the matters set out in representations relating to the application that were made during the period referred to in section 57(5);

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are
 - (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
 - (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
 - (c) to encourage public involvement in resource management and planning; and
 - (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

- (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.

2. In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 20 (2)(b) of the Act

Section 20 (2)(b) of the Act (former provisions) states a planning scheme may regulate or prohibit the use or development of any land. Division 2 – Development Control sets out the provisions to determine an application for permit, where the application is for a permitted or discretionary use and development. Division 2 Section 51(3)(a) instructs the Planning Authority to determine an application with reference to the provisions of the planning scheme or special planning order in force at the date of that decision.

Clause 8.10.1 Glenorchy Interim Planning Scheme 2015 (GIPS)

In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act,

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

Clause 8.10.2(GIPS)

In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to:

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

but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised.

Other relevant definitions (Clause 4.1):

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

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

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

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

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

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

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

Sign means a device that is intended to give information, advertise or attract attention to a place, product, service or event.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

17.1 Zone Purpose Statement

The zone purpose statements for the Community Purpose zone are:

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

Comment

The proposed sign is not considered inconsistent with the zone purpose statements, nor does it preclude the provisions of the zone purpose statement from being met.

17.2 Use Table

The proposal is in association to an existing community meeting and entertainment use class, which is permitted in the zone. However, owing to the proposal being for a sign, the application is required to be assessed under E17 Signs Code.

17.3 Use Standards

The use standards are not applicable standards for the assessment of the proposed sign. E17.0 makes provision for the assessment of all signs.

17.4 Development Standards for Buildings & Works

The development standards are not applicable standards for the assessment of the proposed sign. E17.0 makes provision for the assessment of all signs.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E13.0 Historic Heritage Code

The site is a place of heritage significance and is listed in E13.0 Historic Heritage Code (Place Ref 0433). However, E13.2.3 states that this code does not apply to the assessment of signs as signs located on a place of heritage significance are dealt with under clause E17.7.2 of the signs code.

E17.0 Signs Code

E17.1 Purpose

The purpose of the code is to provide opportunities for commercial advertising essential to support and encourage business activity; to promote the use of well-designed signs that complement and enhance the streetscape and do not exacerbate visual clutter or adversely impact on residential amenity; to promote signs which assist with way-finding and pedestrian usability as part of a coordinated interpretative and directional signage framework; and to ensure that signs do not adversely impact on the cultural heritage values of places of cultural significance.

Comment

The proposal is considered to be contrary to the signs code. This is specifically owed to the sign having an adverse impact on the heritage values of the place.

E17.2 Application

This code applies to the construction, putting up for display or erection as development, and the continuous display as use, of all signs.

E17.3 Definition of Terms

E17.3.1 Instructs each sign to be categorised into one of the definitions listed and described in the code. If a sign fits a definition of more than one defined sign, the most specific defined sign applies. If a sign does not readily fit any defined sign, it must be categorised as the most similar defined sign.

For the purpose of the code the proposal is defined as a pole sign owing to the sign being erected on a pole, independent of any building. The sign specifically has a clearance from the ground of 415mm (see Figure 4).

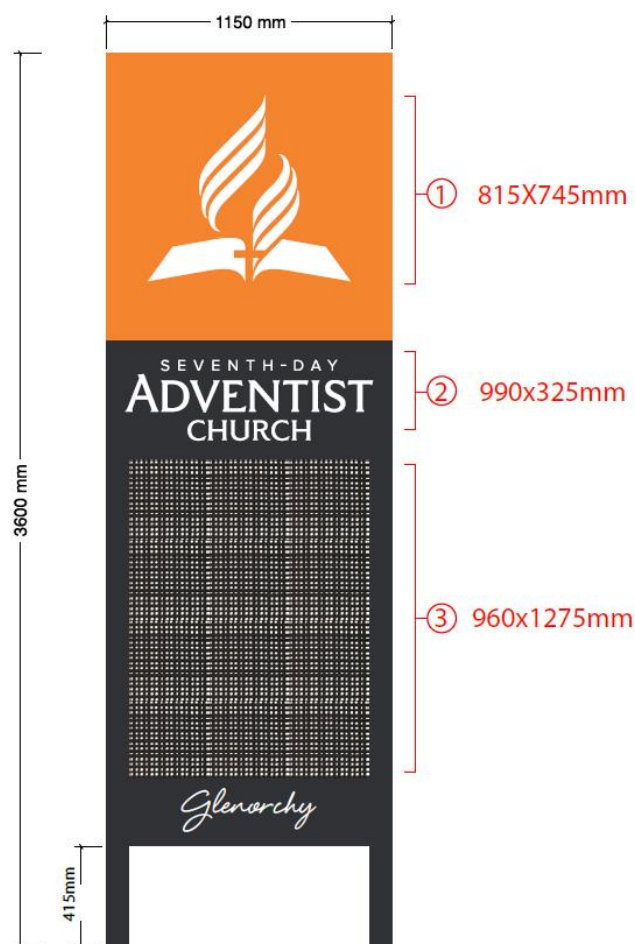


Figure 4. An illustration of the proposed sign indicating the poles which support the sign panel thus defining the sign as a pole sign.

The proposed sign, by definition, is considered to be a Pole sign. For the purpose of the code, a Pole or Pylon sign means a sign erected on a pole, poles or pylon independent of any building, provided it is not designed or used as a poster panel (billboard). It is noted that Table E17.2 requires a Pole or Pylon sign to have a clearance from the ground to the sign of no less than 2400mm. It is noted that the proposed sign does have a clearance of less than 2400mm (415mm).

E17.4 Use or Development Exempt from this Code

In the first instance, Clause E17.4.1 makes provision for signs to be exempt from assessment if the signs are listed in Table E.17.1. Pole signs are not listed in Table E17.1.

E17.5 Application Requirements

The applicant has supplied a Heritage Impact Statement from a suitably qualified person which in brief, is supportive of the proposal.

E17.6 Use Standards

E17.6.1 Use of Signs

The proposal must be assessed against the Use Standards of the Signs code owing to the code applying to the continuous display as use of a sign, pursuant to E17.2.1 (b). The proposal is considered to meet the acceptable solutions of the applicable standards, except where reliant on the performance criteria for (P1) owing to being a discretionary sign within the Community Purpose zone, (P3) for displaying changing messages and (P4), owing to being within 30m of a residential use. It is identified in the Traffic Impact Assessment supplied that the sign is to display, "Static text content, with following content transitions to happen instantaneously." This is considered to be a changing message.

E17.6.1 (P1) Use of signs

The Acceptable solution of the standard requires signs to be a permitted sign in Table E17.3. As the proposal is for a Pole sign, which is a discretionary sign within the Community Purpose zone, the proposal does not comply with the Acceptable solutions. The proposal is therefore reliant on the performance criteria which require,

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

Comment

The sign is considered to satisfy the performance criteria for this standard owing to being a discretionary sign pursuant to the Table E17.3.

E17.6.1 (P3) Use of signs

The proposal is not a statutory sign and contains changing messages. The application therefore is reliant on the performance criteria to comply with the standard, which require,

A sign contain (sic) flashing lights, moving parts or moving or changing messages or graphics must not have an unreasonable impact upon the residential amenity of a residential use caused by light shining into windows of habitable rooms, movement or visual intrusion or cause undue distraction to drivers of motor vehicles.

Comment

In demonstrating that the proposal is able to satisfy the performance criteria of the standard, the applicant has supplied a Traffic Impact Assessment (TIA), which has particular regard to the signs' design, changing messages, and whether there is any undue distraction to drivers of motor vehicles caused by this sign. In brief the TIA provides the following (abridged) to support the design and location of the sign.

1. *The proposed sign is a static electronic display which will contain a static image only. Whilst images and messages are presented successively, they will not imply motion. (p7)*
2. *The sign does not require drivers to specifically turn their head to clearly see it and it is to be located about 2m from the edge of the kerb. Drivers will typically be located approximately eight metres from the sign as they drive past. (p8)*
3. *To minimise distraction it is proposed that a maximum of two different messages are shown. (p9)*
4. *There are no signalised intersections in the immediate vicinity of the sign, it is not envisaged that the use of red as a text colour will result in causing confusion with the traffic signal aspects. (p11)*

The TIA has been referred to Council's Traffic Engineer who is satisfied with the conclusions and recommendations of that report.

It is considered that the proposal is able to satisfy the standard through the performance criteria (P3) subject to conditions.

E17.6.1 (P4) Use of signs

The proposed illuminated sign is to be located within 30m of a residential use, and so does not comply with the acceptable solution (See Figure 5). The proposal therefore relies on the performance criteria which require.

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



Figure 5. Illustration of the 20m distance (marked yellow), between the proposed sign location and approximate location of the window to a habitable room of a residential use.

Comment

The residential amenity is not expected to be unreasonably impacted upon by light shining into windows of habitable rooms, owing to the proposed internal lighting not having the capacity to deliver direct light overspill onto the nearby residences. Furthermore, it has been indicated in the TIA that it is intended that the luminance of the LED screen is to be reduced to 2200 Nit during night (40% of 5500 Nit proposed day time luminance), and that the LED screen is “fitted with an intuitive brightness sensor which automatically dims the brightness of the screen at night.” The proposal satisfies the performance criteria and complies with the standard.

E17.7 Development Standards

E17.7.1 Standards for Signs

The proposed sign does not comply with the standards listed in Table *E.17.2 Sign Standards*, owing to the clearance from the ground to the sign being less than 2.4m and the area of each face being greater than 2m². Furthermore, the proposal is a discretionary sign type within the Community Purpose zone, pursuant to the table *E17.3 Status of signs in zones*. It is for these reasons that the proposal does not comply with the acceptable solution of the standard. The proposal is therefore reliant on the performance criteria which require,

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

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape.*
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*

- (c) *be constructed of materials which are able to be maintained in a satisfactory manner at all times;*
- (d) *not result in loss of amenity to neighbouring properties; not involve the repetition of messages or information on the same street frontage;*
- (e) *not contribute to or exacerbate visual clutter;*
- (f) *not cause a safety hazard.*

Comment

It is considered that despite the sign not meeting the sign standards, the proposal is broadly integrated into the design of the premises, by being located in an existing garden bed. This location for the proposal is presently used for the display of signage, and is in a position consistent with the design of the premises. As well, the orientation of the sign as perpendicular to the façade of the building ensures that the streetscape more broadly is not dominated by the sign, satisfying (a). With regard to (b) the proposal is less than 4.2m² on each face, these dimensions are not considered to be of dominant character with regard to the size of the site. For (c) the proposal is to be constructed of materials which are able to be maintained in a satisfactory manner at all times and it considered that the sign does not contribute to, or exacerbate visual clutter, or cause repetition of messages in the same street frontage. The proposal, with regard to the recommendations of the Traffic Impact Assessment is not considered to cause a safety hazard.

The proposal is considered to met the objective of the standard, through satisfying the performance criteria.

E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts

Council's Heritage Officer has reviewed the submitted Heritage Impact Assessment and has provided an assessment of the proposal against the performance criteria. Please refer to Council's Heritage Officer assessment in the 'Internal referrals' section of this report. In summary, Council's Heritage Officer has concluded that the proposal does not satisfy (a) and (c) of the performance criteria, and does not comply with the standard.

INTERNAL REFERRALS

Heritage Officer:

The proposal has been referred to Council's Heritage Officer, and the following comments are provided;

BRIEF DESCRIPTION OF PLACE & HISTORICAL CONTEXT:

Table E13.1 REF No.	Street Address	Property Name	General Description
0433	518 Main Road, Montrose	Seventh Day Adventist Church	Church

Description of Place: A gable tile-roofed brick church with gabled tile-roofed porches, each with round arched timber doors flanking a vertically proportioned, ground-to-apex window addressing the Main Road. There is a gable-roofed hall to the rear and lawn area to the front with centrally situated brick garden feature containing existing signage. Access and car-parking is located on the northern side of the building.

518 Main Road Montrose. The sign is proposed to be installed in the circular garden feature next to the footpath.

Historical Context: Originating in Michigan, USA in 1863, the Seventh Day Adventist Church was established in Tasmania in 1888 with the first Seventh Day Adventist Church in Australia being opened at Bismarck (Collinsvale) in 1889. Church primary schools were established in Hobart, Launceston and Glen Huon by 1918, and in Moonah in 1933. Sanitarium health food shops became a well-known feature of Seventh Day Adventist promotion of a vegetarian diet, and the Sanitarium Health Food Company operated a factory at Derwent Park from 1949 to 1992. Adracafe thrift shops which were established in Ulverstone and Glenorchy supported the Church's community care programs. The church at Montrose was built in 1977 on part of 118 acres originally granted to Joseph Beresford, its modern façade contrasting with surrounding early-mid 20th century homes, belying the Seventh Day Adventist Church's long presence in the community. It is said that the congregation studied plans of churches from all over the world and pooled their ideas to design the Church.

References:

Australia ICOMOS, 2013. The Burra Charter.

Rayleen Irvine, 'The Seventh Day Adventist Church', in The companion to Tasmanian history (ed. Alison Alexander), Centre for Tasmanian Historical Studies, University of Tasmania, 2005, pp.329-29.

Building Application, file AE819/1/9613 (Tasmanian Archive and Heritage Office).

Ian Terry & Paul Davies, December 2005. Glenorchy Heritage Place Assessment Project – Inventory Heritage Conservation Areas (Collinsvale, Goodwood, Lutana, Northern Suburbs). Unpublished report prepared for the Glenorchy City Council (p. 190 of 201).

STATEMENT OF SIGNIFICANCE:

The Church is significant as it demonstrates the growth and evolution of the Seventh-day Adventist faith in the municipality. It also demonstrates the communitarian spirit of the congregation in the history of its design and construction.

SCOPE OF PLANNING PERMIT APPLICATION

The proposal is to: Install a free-standing sign within the circular 980mm high brick feature containing the existing sign out front of the Church.

The proposed sign consists of 3.6m high and 1.15m wide Aluminium Composite Material (ACM) panels incorporating illuminated lettering, prominent white-on-orange logo, and an LED screen.

The LED screen is intended to convey information on events, functions and promotions.

In total the sign will project approximately 4.58m above the existing ground level, at a point approximately 11.2m from the church façade (measurement taken centrally).

E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code

E17.7.2 Objective: To ensure the size, design and siting of signs complements and does not impact on the cultural heritage significance of places or precincts listed in the Historic Heritage Code.

No Acceptable Solution.

Performance criteria:

P1: A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:

- (a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) be placed so as to allow the architectural details of the building to remain prominent;*
- (c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*
- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

SUMMARY ASSESSMENT AGAINST APPLICABLE GIPS 2015 HERITAGE OBJECTIVES

The Applicant has submitted a Heritage Impact Statement that is supportive, in all respects, of the Application (ref: David Denman & Associates Heritage Impact Assessment dated 21 September 2016).

In reference to the applicable standards it is noted each performance criterion must be satisfied to enable approval of the Application.

The GCC Heritage Officer's assessment to each - and with response/s where at variance with the Applicant's Heritage Impact Statement - is set out below:

In their assessment that underpinned the inclusion of 518 Main Road, Montrose as a heritage-listed place in the planning scheme, Ian Terry and Paul Davies made the following statement:

“The church is representative of a late twentieth century church. Its significance is demonstrated by its setting, form and detailing including its rectangular plan and vertically proportioned glazing.”

(P1) (a) requires that signage be located in a manner that minimises impact on cultural heritage significance of the place or precinct.

The term ‘place’ is not defined in the Signs Code. It is, however, defined in the Heritage Code and means:

“a place listed in Table E13.1 that is a site, area, landscape, building or other work, group of building or other works, with any associated views, spaces, and surroundings such as historic plantings or landscape features, or evidence of past land use.”

Based on the definition, ‘place’ includes the setting of the Church.

Based on Terry and Davies work (cited above), the setting is implicit in the listing of the Church.

The term ‘setting’ is not defined in the Signs Code (nor the Heritage Code). It is, however, a term commonly used in heritage contexts and is defined in Article 1.12 of the Australia ICOMOS Burra Charter 2013, as follows:

“Setting means the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character.”

The design of the proposed sign - comprised of ACM panels, back-lit logo and LED screen - has perhaps its closest parallel in contemporary service station style signage.

Whilst the existing circular garden feature out front of the Church is the most appropriate location for a sign, installation of this style of sign will introduce a discordant element that by design will impact upon the cultural heritage significance of the place (eg, the Church yard setting). The sign is illustrative of Church branding that has been applied – with and without – LED panels throughout the State. There appears to have been no concession to selection of a style of sign that is sympathetic within the heritage setting and – consequently - no attempt to minimise its impact upon the cultural heritage significance of the Place, specifically the setting.

On this basis, P1 (a) is not considered to have been satisfied.

In response to this criterion, the Applicant’s Heritage Consultant contends that the proposed sign is appropriate and complies with the performance criterion because there is a strong tradition for Church signage to be prominent and at the front of churches to notify the community of upcoming events. Given this, the Consultant concludes that the proposed sign contributes highly to the social/spiritual significance cultural significance of the site as a heritage place of worship.

Heritage Officer response: It is agreed that the logical place for a sign is in a prominent position, in this case, out front of the Church. The point of difference in opinion arises with respect to the style of sign. The GCC heritage assessment finds that this style of sign is incongruous in the setting of the place.

(P1) (b) requires that signage be placed so as to allow the architectural details of the building to remain prominent.

The orientation of the sign side-on as it allows the architectural details of the building to remain as visible as practicable.

On this basis criterion (b) is considered to have been satisfied.

P1 (c) requires that signage be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct.

Two matters are relevant in consideration of this criterion. They are:

- (i) The impact of the proposed sign on the Church building, and;
- (ii) The impact of the proposed sign on the setting.

In regards to (i), above, it has been established through application of other Performance Criteria that direct adverse impacts upon the Church building are likely to be negligible owing to the orientation of the proposed sign and the degree of physical separation of the sign from the building.

In regards to (ii), above, given that the 'place' includes the setting of the Church, and setting is implicit in the listing of the Church, installation of this style of sign that by design (and most particularly through incorporation of an LED screen) will – in the opinion of Council's Heritage Officer - introduce a discordant element into a Church yard setting that will substantially diminish the cultural heritage significance of the place.

On this basis, P1 (c) is not considered to have been satisfied.

In response to this criterion, the Applicant's Heritage Consultant contends that the sign [should] be a prominent sign that – quoting Heritage Council of Victoria guidelines – is "freestanding and provides details about worship services and times, and possibly other important information associated with the place". In consideration of the criterion, the Consultant concludes simply that the proposed sign is visually separated from the Church, contributes highly to the cultural heritage significance of a Heritage Place of Worship – and is therefore an acceptable design.

Heritage Officer response: There is no direct or specific consideration of the fabric and style of the proposed sign, nor how it does not diminish the cultural heritage significance of the place, specifically the Church yard setting.

(P1) (d) requires that signage be placed in a location on the building that would traditionally have been used as an advertising area if possible.

The existing circular brick garden feature out front of the Church contains the existing signage and is the logical location for advertising.

On this basis criterion (d) is considered to have been satisfied.

(P1) (e) requires that signage not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values.

The existing signage is not integral to the building's architectural detailing and is a neutral element in the setting of the Church. [Its removal is not specified in the Application, but would be necessary to install the proposed new sign. This could be achieved by condition - and to avoid any prospect of a proliferation of signage - without compromising the intent of the criterion].

On this basis criterion (e) is considered to be 'not applicable'.

(P1) (f) requires that signage have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints.

The proposal is for a free-standing sign that has no prospect of causing a direct – physical – adverse effect upon architectural details or building fabric.

On this basis criterion (f) is considered to be 'not applicable'.

(P1) (g) requires that signage not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building.

The proposed sign at a height of 4.58m will not project above the parapet or roofline of the Church (nominally 11.5m).

On this basis criterion (g) is considered to have been satisfied.

(P1) (h) requires that signage be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character.

The proposed sign is an ACM sheet, illuminated sign. It is surmounted by a backlit – white (on orange) - proprietary logo that occupies approximately one-third of the total area of the sign. Considered in isolation, as required by the criterion, and by virtue of its separation from the Church, the logo component of the sign is not unsympathetic to heritage character. It is the incorporation of an LED panel that, in the opinion of Council's Heritage Officer, renders the sign intrusive.

On this basis, criterion (h) is considered to have been satisfied.

(P1) (i) requires that signage not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

An estimated three-quarters of the proposed sign, including white, backlit, logo-bearing panel, denominational lettering routed through ACM sheet, and messages conveyed via an LED screen, will be illuminated.

The proposed sign is likely to have a negligible impact upon the heritage character and significance of the building as far as light-spill is concerned [as distinct from its impact upon the setting – refer to the assessment against criteria (a) and (c) for this aspect].

On this basis, criterion (i) is considered to have been satisfied.

Summary GCC Heritage Assessment:

The heritage place comprises the Church building as the principal heritage item along with its setting.

There are nine elements to the P1 Performance Criteria in Clause E17.7.2 of the Glenorchy Interim Planning Scheme 2015.

Six criteria provide scope for consideration of impacts of signage upon the building, [these are, P1 (b), (d), (e), (f), (g) and (i)]. All six of these criteria are considered to either have been satisfied or are not applicable to the Application.

One criterion is limited to the assessment of the logo as a component of the sign [P1, (h)]. This criterion, also, is considered to have been satisfied.

Two criteria allow for holistic consideration of the impact of the sign upon the place [P1 (a) and (c)]. In the opinion of the GCC Heritage Officer, the proposed sign is not of a design that satisfies the criteria.

At element level, the incorporation of an LED screen coupled with ACM panels surmounted by a backlit logo and lettering gives rise to a style of signage that is incongruous in the setting.

Essentially it is a corporate branding model being rolled out throughout the country that, in this instance and in particular through inclusion of an LED screen, exhibits insufficient sensitivity by being overly intrusive in the setting of the Church.

If one accepts that this style of signage represents an inappropriate design and substantially diminishes the setting of the place (and, therefore, does not satisfy criterion c), then it must be the case that – in its proposed current form - it cannot be located in a manner that minimises impact upon the setting (and, therefore cannot satisfy criterion a).

The wording of Clause E17.7.2 requires that each of the P1 criteria must be satisfied (or not applicable) to enable a recommendation for approval.

Further, in consideration of the overall Objective of Clause E17.7.2, the design of the sign is not complementary to - and therefore impacts upon - the cultural heritage significance of the Heritage Place.

In light of the findings of the GCC heritage assessment (and noting it offers a contra-opinion to the Applicant's heritage assessment), the recommendation is for refusal of the Application.

RECOMMENDATION:

Refusal.

Reason for refusal: The Application for signage is contrary to the Objective of E17.7.2 of the Glenorchy Interim Planning Scheme 2015. In particular, Clause E17.7.2, P1 criteria (a) and (c) are not satisfied because the proposed sign is of a design style that cannot be located in a manner that minimises the impact on the cultural significance of the place, specifically the setting, and that otherwise substantially diminishes the cultural heritage significance of the place, specifically the setting.

EXTERNAL REFERRALS

TasWater

Pursuant to the *Water and Sewerage Industry Act 2008 (Tas)* Section 56P(2)(a) TasWater does not object to the proposed development.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with no representations received.

CONCLUSION

Pursuant to the *Table E17.3 Status of Signs in zones*, the proposed Pole sign is of a discretionary sign type within the Community Purpose zone. The proposal is assessed to comply with the zone purpose statements, as well as the applicable use and development standards for the Signs code, except where it is considered that the proposal does not meet the objective of the standard E17.7.2 *Standards for signs on Heritage places subject to the Heritage code or within Heritage Precincts or Cultural Landscape Precincts*. This is owed to the proposal being considered to substantially diminish the cultural heritage significance of the site.

Therefore, pursuant to part 8.10.1 of the Glenorchy Interim Planning Scheme 2015, where it is required that,

In determining an application... the planning authority must... take into consideration,

(a) all applicable standards and requirements in this planning scheme;

It is recommended the proposal be refused.

As well, pursuant to 8.10.2,

In determining an application for a permit for a discretionary use the planning authority must have regard to,

(b) the purpose of any applicable code,

It is considered that the design of the sign in the context of the historical setting is as such that it is contrary to the purpose of the signs code.

The proposal is therefore recommended for refusal owing to not complying with the applicable standard E17.7.2 *Standards for signs on Heritage places subject to the Heritage code or within Heritage Precincts or Cultural Landscape Precincts* and as well, being determined as a development which is contrary to the purpose of an applicable code.

Recommendation:

That the application for the proposed use and development of a sign on a Heritage listed site, at Seventh Day Adventist Church 518 Main Road, Montrose be refused for the following reasons:

1. The proposal does not satisfy the performance criteria *E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts (P1)*. Accordingly the proposal does not comply with a standard for which discretion is sought.
2. The proposal is contrary to the purpose of the code, specifically clause E17.1.1 (d), which is to ensure that signs do not adversely impact on the cultural heritage values of places of cultural significance.

APPENDIX 01**17.0 Community Purpose Zone**

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

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

Standard	Acceptable Solution	Proposed	Complies?
	(a) be turned off between 9:00 pm and 6:00 am, except for security lighting;		
	(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.		
	A2 Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	N/A	N/A
17.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5 pm Saturdays (c) 10.00 am to 12 noon Sundays and Public Holidays.	N/A	N/A
17.3.5 Discretionary Use	A1 No Acceptable Solution	N/A	N/A
17.4 Development Standards for Buildings and Works			
17.4.1 Building Height	A1 Building height must not be more than: 10m.	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	N/A	N/A
17.4.2 Setback	A1 Building setback from frontage must be no less than: (a) 5m; or (b) the alignment of adjoining buildings; whichever is the lesser.	N/A	N/A
	A2 Building setback from a residential zone must be no less than: (a) 3 m; (b) half the height of the wall, whichever is the greater.	N/A	N/A
	A3 Building setback for buildings for sensitive use must comply with all of the following: (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
17.4.3 Design	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing façade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level façade; (c) for new building or alterations to an existing façade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the façade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots;	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(g) not include security shutters over windows or doors with a frontage to a street or public place.		
	A2 Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.	N/A	N/A
17.4.4 Passive Surveillance	A1 Buildings design must complying with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing façade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level façade; (c) for new buildings or alterations to an existing façade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level façade;	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.		
17.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.	N/A	N/A
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2 m.	N/A	N/A
17.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
17.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.	N/A	N/A

APPENDIX 02**E17.0 Signs Code**

Standard	Acceptable Solution	Proposed	Complies?
E17.6 Use Standards			
E17.6.1 Use of Signs	A1 A sign must be a permitted sign in Table E17.3	Pole Sign, which is a discretionary sign type	No - See Report
	A2 A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.	Sign does not relate to any goods or services for sale	Yes
	A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign	Sign proposes changing messages.	No - See Report
	A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.	Illumination within 30 metres of a residential use.	No - See Report
E17.7 Development Standards			
E17.7.1 Standards for Signs	A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	Pole sign in Community Purpose Zone.	No - See Report

Standard	Acceptable Solution	Proposed	Complies?
	A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6. except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.	Proposed Ground Based Panel sign would be the only sign of that type on the site.	Yes
	A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	Sign is clear of any existing statutory signs	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	Sign does not resemble a statutory sign	Yes
	A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary.	N/A	N/A
E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts	A1 No acceptable solution	Sign is proposed to be erected on a heritage place subject to the heritage code.	No – See Report

Attachments/Annexures

- 1  Attachment - 158 Main Road, Montrose

6. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO BUSINESS AND PROFESSIONAL SERVICES (COMMUNITY BASED ORGANISATION) RELYING ON PERFORMANCE CRITERIA - 16B ELMSLEIGH ROAD, DERWENT PARK

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3382577

REPORT SUMMARY:

<i>Application No.:</i>	PLN-16-278
<i>Applicant:</i>	Pitt & Sherry (Launceston)
<i>Owner:</i>	Neighbourhood Houses Tasmania Inc.
<i>Zone:</i>	Community Purpose
<i>Use Class</i>	Business and Professional Services
<i>Application Status:</i>	Discretionary
<i>Discretions:</i>	E6.6.1 A1 Number of Car Parking Spaces (The proposal meets all other applicable standards as demonstrated in the attached appendices)
<i>Level 2 Activity?</i>	No
<i>42 Days Expires:</i>	17 February 2017
<i>Existing Land Use:</i>	Educational and Occasional Care
<i>Proposal In Brief:</i>	Change of use to business and professional services (community based organisation) relying on performance criteria
<i>Representations:</i>	0
<i>Recommendation:</i>	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application is for a change of use to Business and Professional Services for a building previously connected with the Goodwood Primary School. The building housed the Birralea Indigenous Education Centre, which was under the use classification Education. The building is now located on a separate lot as a result of a recent subdivision. The change of use necessitates alterations to the car park layout that also requires the removal of a small timber structure.

The new use would be for the community based organisation Neighbourhood Houses Tasmania (NHT), which is program funded by the Tasmanian Government. The NHT supports community development work and governance of thirty-five Neighbourhood Houses across Tasmania. As the use is now detached from the school, it requires separate parking. It is proposed to provide for fifteen car parking spaces, which is one less than the standard in the acceptable solution, invoking a discretion. A report was submitted in support of the performance criteria.

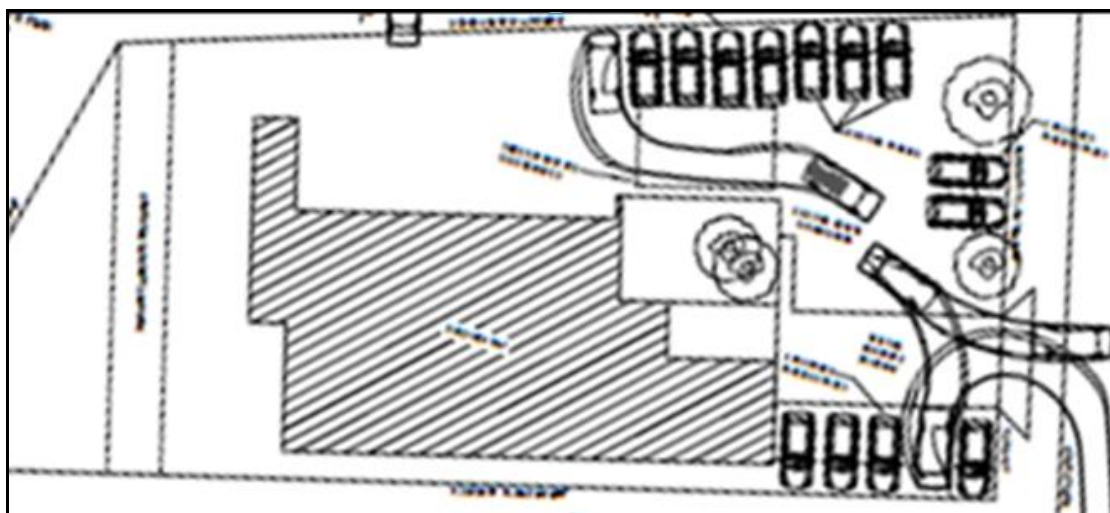


Figure 1: Proposal Plan – Car Parking Plan– Pitt & Sherry

SITE and LOCALITY

The subject property is located on the western side of Elmsleigh Road, a cul-de-sac that runs off Lampton Avenue. The lot has an irregular shape, is near level and has an area of 1958m². The lot is occupied by a large building with a floor area of 476m². There is a car park at the front of the building and a garden with trees at the rear. The properties on either side of the lot contain single dwellings. The property that adjoins on the rear contains a school sports field. The western side of Elmsleigh Road is characterised by residential development, whilst on the opposite side of the road there is a church with a large car park.



Figure 2: Locality - Council Database 2016



Figure 3: Subject Site - Council Database 2016

ZONE

The subject property is situated within the Community Purpose Zone shown in light yellow in the same zone as the school and the church. The residential properties lie within the General Residential Zone shown in red.

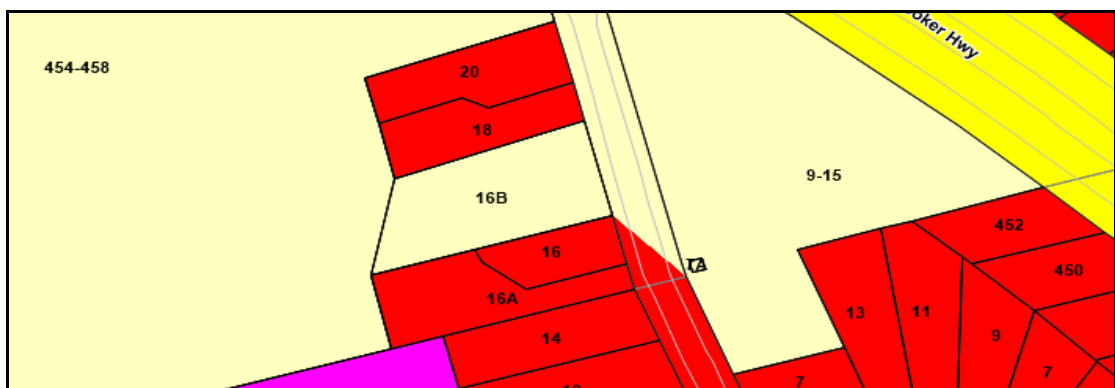


Figure 4: Zoning Map GIPS 2015

BACKGROUND

Application

The application first proposed ten car parking spaces, but revised plans were submitted later which now propose fifteen spaces as a result of negotiations with engineering.

Permits

The parent title of the subject property is the site of Goodwood Primary School. The land was subdivided off with the following permit:

- PLN-15-037 – One lot plus balance subdivision – Approved 11/02/2015

This subdivision created the subject lot. The approval was for 454-458 Brooker Highway, Derwent Park.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

There is no Specific Area Plan or Code applicable that overrides the zone. However, the following Codes apply:

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

Use Class Description (Table 8.2):

Business and Professional Services

Use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.

Other relevant definitions (Clause 4.1):**Office**

Means use of land for administration, or clerical, technical, professional or other similar business activities.

Discretionary Use or Development (Clause 8.8.1)

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

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

Discretions

The use class Business and Professional Services is *permitted* with a qualification but the application is discretionary under clause 8.8.1 (b) above as it relies on a Performance Criterion because it does not meet the following Acceptable Solution:

- E6.6.1 A1 Number of Car Parking Spaces

Part C: Special Provisions**Demolition**

The application proposes the removal of a timber structure, which may be approved as part of this proposal pursuant to clause 9.4.1 of the Scheme.

Part D: Zones

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

Zone Purpose Statements

The intent of the Community Purpose Zone is set out in clause 17.1 of the Scheme as follows:

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

Comment

It is considered that the use of Business and Professional Services would be acceptable at this location because it meets the qualification of the use which only allows the use if it is for a community based organisation. The use would utilise a vacant building that is of a size that would limit the options of its use, so that it is not considered that the proposal would impact on any other public use. Therefore, it is considered that the proposal meets the above objectives. There would be no conflict with the adjacent residential zone as operations would be during normal business hours.

Use Table

The use of Business and Professional Services is *permitted* with the qualification that it must be only for an office for a community based organisation. The appropriateness of the use at this location is discussed above with reference to the zone.

Use Standards

There are use standards for hours of operations, noise, external lighting, commercial vehicle movements and discretionary use. The proposal meets all relevant standards as demonstrated in the attached appendix.

It is noted that operating hours would be 9 – 5 Monday to Friday.

Development Standards for Non-dwelling Building & Works

These standards are not applicable as there is no building construction or works proposed.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E 6.0 Parking and Access Code

The proposal relies on the Performance Criteria in E6.6.1 P2 Number of Car Parking Spaces as it does not meet the Acceptable Solution in clause E6.6.1 A1, which refers to Table E6.1 where the standard is as follows:

Use Class: Business and Professional Services

Office	1	for each 30m ² of floor area
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The floor area of the building is 476m², which would require sixteen car parking spaces. The proposal provides for fifteen spaces. The Performance Criteria is set out in clause E6.6.1 P1 and is as follows:

Number of Car Parking Spaces

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

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

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

Comment

The application was accompanied by a report addressing the above criteria. In summary, the report states that there would be 3.5 full time equivalent employees. However, the use of the facility would vary so that there would be more people on site at times for meetings or training. The report also states that there would be some on-street parking available.

The engineering assessment agrees that a shortfall of one space can be absorbed into the available on-street parking.

Overall, it is considered that the proposal meets the relevant points of the performance criteria, in particular:

- The proposal would cater for the demand generated as there is only a shortfall of one parking space which can be absorbed into on-street parking.
- There would be public transport available within 150m of the site.
- Whilst there are no credits, surplus or previous cash-in-lieu contributions for the site to be taken into account, the shortfall is only minor.

- There would be no financial contribution required as there are no parking facilities existing or planned in the vicinity.

Further comments can be found within the engineering assessment later in this report.

E7.0 Stormwater Management Code

This code is addressed within the engineering assessment later in this report.

E17.0 Signage Code

The application states that existing signage would be repainted. Changes to graphics and colour of existing signs are exempt, pursuant to clause E17.4 Use or Development Exempt from this Code.

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Development Engineer

Traffic, Access & Parking

Fifteen car parking spaces are proposed for the change of use and are considered adequate to satisfy the Glenorchy Interim Planning Scheme 2015.

The development generates a requirement for five additional car parking spaces (476m²/30m²) so that sixteen spaces would be required under the acceptable solution. It is considered, that a shortfall of a single car parking space can be absorbed into the available on-street car parking. In addition, the applicant has provided some justification that some visitors to the proposed site, will come in shared transportation and there is public transportation available nearby.

In accordance with table E6.2 of the Glenorchy Planning Scheme 5015, two low security bicycle parking facilities are required to be provided.

An accessible car parking space is proposed to be conditioned based on the rate required by the Building Code of Australia for a class 5 building (office building used for professional or commercial purposes) in accordance with the Glenorchy Interim Planning Scheme 2015.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

Water sensitive urban design principles (stormwater treatment via bio-retention basin/swales) are required to be provided under Glenorchy Interim Planning Scheme 2015 Clause E7.1 A2 and to satisfy Clause E.6.7.8 Landscaping of Parking Areas at a rate no less than 5% of the area of car parking. It is recommended a condition of approval that this be approved by Councils development engineer and to be provided prior to use. Certification from a registered professional engineer should be provided prior to use, that the stormwater treatment system has been constructed in accordance with the approved plans.

Other*Geoscience issues*

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

Flooding/Inundation issues

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

EXTERNAL REFERRALS**TasWater**

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

REPRESENTATIONS

The application was advertised for the statutory 14-day period with no representation being received.

CONCLUSION

The application is for a change of use for Business and Professional Services for a community based organisation, which is Neighbourhood Houses Tasmania. There is no construction or works proposed other than the removal of a small structure and alterations to the car park. The use of Business and Professional Services is *permitted* within the Community Purpose Zone only if for a community based organisation. The proposal meets the qualification. The application is *discretionary* owing to a shortfall of one parking space. Nevertheless, the shortfall was assessed by Council's Development Technical Officer and it was found that it could be absorbed in the available on-street parking.

The application was advertised for the statutory 14-day advertising period with no representations received.

The proposal is assessed as acceptable and does not raise any other issues.

Recommendation:

That a permit be granted for the proposed use and development of Change of use to business and professional services (community based organisation) relying on performance criteria at 16B Elmsleigh Road, Derwent Park subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-278 and Drawing No. P1 page 2 submitted on 30/11/16 and Drawing No. P3 page 1 submitted on 13/01/17, except as otherwise required by this permit.

2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. Hours of operation must be within:
 - (a) 8.00 am to 8.00 pm Mondays to Fridays inclusive;
 - (b) 9.00 am to 6.00 pm Saturdays;
 - (c) 10.00 am to 5.00 pm Sundays and Public Holidays;except for office and administrative tasks.
4. External lighting must comply with all of the following:
 - (a) be turned off between 9:00 pm and 6:00 am, except for security lighting;
 - (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.
5. Signage must not be in addition to any alteration of existing approved signs and must not contain any lights or be illuminated unless exempt or separately approved.

Engineering

6. A minimum of 15 clearly marked car parking spaces must be provided prior to use generally as shown on the Site Plan submitted with the development application and kept available for these purposes at all times. Car parking spaces, manoeuvring areas and aisles must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking. In areas set aside for car parking, securely fixed wheel stops or kerbing must be provided to the satisfaction of Council to prevent damage to fences or landscaped areas.
7. In addition to the above, a minimum of one (1) of the 15 car parking spaces must be provided prior to use, for the exclusive use of persons with a disability and kept available for these purposes at all times. These car spaces must be provided in accordance with Australian Standard AS 2890.6 – 2009 Off-Street Parking for persons with a disability.
8. Driveways, car parking and turning areas must be constructed and sealed with an approved surface treatment prior to use commencing and to the satisfaction of the Development Engineer. All runoff from paved and driveway areas must be retained within site boundaries and discharged into Council's stormwater system. Construction details must generally be in accordance with Council's standard requirements. The driveway, parking and manoeuvring areas must be kept clear of obstructions, such as service authority infrastructure, letterboxes or bin enclosures, so that vehicle paths are not restricted.
9. Two (2) bicycle parking spaces must be provided, be well-lit, have adequate locking frame and be located in close proximity to the main entrance/exit. The spaces must be clearly marked (delineated) and be in accordance with Australian Standard AS/NZS 2890.3 - 2004 Off-Street Parking.

10. In accordance with the Glenorchy Interim Planning Scheme Clause E.6.7.8 Landscaping of Parking Areas and the Stormwater Management Code, to meet acceptable stormwater quality, water sensitive urban design principles for the treatment of stormwater discharging from the development at a rate no less than 5% of the area of the carparking must be incorporated into the development and be approved by Councils Development Engineer. Certification from a registered professional engineer must be provided prior to use, that landscaping and the stormwater treatment system has been constructed in accordance with the approved plans.
11. Lighting must be provided for the car park and operated during the hours of use in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to the commencement of use as approved.

Advice to Applicant

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

Other Permits

Please be aware that this planning permit is a planning approval issued under the Glenorchy Interim Planning Scheme 2015. You should consult with an accredited Building Surveyor prior to commencing this use or work to ensure all relevant requirements of the Building Act 2016 are complied with. In addition to this planning permit, a building permit and/or plumbing permit may also be required. If further clarification is required, please contact Council's Building Section on 62166800.

APPENDIX**17.0 Community Purpose Zone**

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

17.3.2 Noise	A1 Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am; (c) 65dB(A) (LAmix) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	The activity is not expected to generate noise	Yes
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone, except if a school system used for school announcements.	None proposed	N/A
17.3.3 External Lighting	A1 External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must comply with all of the following:	Condition	Yes

	(a) be turned off between 9:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.		
	A2 Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	N/A	N/A
17.3.4 Commercial Vehicle Movements	A1 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: (a) 7.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5 pm Saturdays (c) 10.00 am to 12 noon Sundays and Public Holidays.	N/A	N/A
17.3.5 Discretionary Use	A1 No Acceptable Solution	Permitted	N/A
17.4 Development Standards for Buildings and Works			
Not applicable as no building works are proposed			

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.	15 Proposed	Yes
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	Conditioned	Yes
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	Not an applicable standard	
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	Conditioned	Yes

Standard	Acceptable Solution	Proposed	Complies?
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.		Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.		Yes
E6.7.3 Vehicular Passing Areas Along an Access	A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day; (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30 m along the access.	Not an applicable standard	
E6.7.4 On-Site Turning	A1 On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.		Yes

Standard	Acceptable Solution	Proposed	Complies?
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.	Layout complies with AS/NZS 2890.1	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Conditioned	Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Conditioned	Yes
E6.7.8 Landscaping of Parking Areas	A1 Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.	Conditioned	Yes
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following:	Not an applicable standard (<19)	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building. (c)		
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2; (b) be located within 30 m of the main entrance to the building.	Conditioned	Yes
	A2 The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.	Not an applicable standard	
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.	Not an applicable standard	

Standard	Acceptable Solution	Proposed	Complies?
E6.7.1.13 Facilities for Commercial Vehicles	A1 Commercial vehicles facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	Not an applicable standard	
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		Yes

APPENDIX**E7.0 Stormwater Management Code**

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.		Yes
	A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	Conditioned	Yes
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		Yes

Attachments/Annexures

- 1 [Attachment - 16B Elmsleigh Road, Derwent Park](#)

CLOSED TO MEMBERS OF THE PUBLIC

7. APPEALS REPORT

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

8. COMPLIANCE REPORT

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