

**GLENORCHY PLANNING AUTHORITY
AGENDA
MONDAY, 15 OCTOBER 2018**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

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

Tony McMullen
General Manager

10 October 2018

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

Chairperson: Alderman K. Johnston

Hour: 5.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 13 August 2018 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - SHED ADDITION TO SINGLE DWELLING - 21 CAMMERAY ROAD, CLAREMONT

Author: Planning Officer (Gill Newman)

Qualified Person: Planning Officer (Gill Newman)

Property ID: 5305703

REPORT SUMMARY:

Application No.:	PLN-18-187
Applicant:	Steeline Roofing
Owner:	M P Thompson and D R Thompson
Zone:	General Residential zone
Use Class	Residential (Single Dwelling)
Application Status:	Discretionary
Discretions:	10.4.2 Setback and Building Envelope (P3) 10.4.3 Private Open Space for All Dwellings (P2) (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	16 October 2018 (extension of time agreed)
Existing Land Use:	Residential
Proposal In Brief:	Shed addition to single dwelling
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal involves the construction of a shed at 21 Cammeray Road, Claremont. The proposed shed has dimensions of 5m x 8m and height of 2.84m. The proposed shed is to be 1.5m from the rear boundary, 6m from the eastern boundary and 2.42m from the existing dwelling.

In addition, the proposed shed is to be located where the existing private open space is situated.

Therefore, the proposal relies on performance criteria to comply with 10.4.2 Setbacks and Building Envelope for All Dwellings (P3) and 10.4.3 Site Coverage and Private Open Space for All Dwellings (P2) standards of the General Residential zone.

SITE and LOCALITY

The site is located at 21 Cammeray Road, Claremont (Fig. 1). The site has an existing residential dwelling.

The site slopes up to the southwest with a gradient of 1:5. The figure shows many outbuildings in the vicinity with similar rear setbacks to the proposed shed.



Figure 1. An aerial view of the site outlined in green and pink, showing the single dwelling in an established residential area.

The site is an irregular shape and has a 7.7m frontage to Cammeray Road, to the north of the site. The eastern side boundary extends 32.1m, western side boundary extends 39.2m and the rear boundary to the south is 29.6m. The site has an area of 607m².

ZONE

The site is situated within the General Residential zone (Fig. 2).



Figure 2. A snapshot of the zoning of the locality with the General Residential zone in red, Community Purpose zone in yellow, associated with Austins Ferry School and Open Space zone in green, owned by Glenorchy City Council.

BACKGROUND

There is no background on file relevant to the assessment.

ASSESSMENT

STATE POLICIES, OBJECTIVES of 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.

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

Nil

Limited Exemptions

Nil

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

No SAP or code provision override the zone provisions in this assessment.

Use Class Description (Table 8.2):

The use class is Residential, which means the use of land for self-contained or shared living accommodation.

Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

Other relevant definitions (Clause 4.1):

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

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

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.

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

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

Habitable room means any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, hallway, lobby, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.

Private Open Space means an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling.

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

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

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

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

10.1.1.3 To provide for the efficient utilisation of services.

The proposal is consistent with the purpose of the zone, by being for an existing single dwelling use that is fully serviced.

Use Table

The outbuilding is in association with a single dwelling, which fits within the Residential Use Class, that is a no permit required use within the zone. However, the proposal requires discretionary consideration owing to the reliance on performance criteria to comply with applicable standards.

Use Standards

The use standards are not applicable to the assessment.

Development Standards for Residential Buildings & Works

10.4.2 Setbacks and building envelopes for all dwellings (P3)

The proposed shed is to be within 4m of the rear boundary. Consequently, the proposal relies on the performance criteria of this standard, which requires the siting and scale of a dwelling to:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

The proposed shed is to be in the south of the site and to the rear of the existing dwelling. The proposed shed is low in scale with a maximum height of 2.84m above natural ground level and 2.4m at 1.5m from the rear boundary. The proposed setback of 1.5m from the rear boundary provides for reasonable separation of 1.5m from private open space and 14.7m to the dwelling associated with 10 and 12 Bradfield Street, adjacent to the south. Given the proposed shed siting and its relatively low scale, any potential shadow cast from the proposal is not expected to unreasonably overshadow or cause a reduction in sunlight to the private open space or habitable rooms of the dwellings on an adjoining lot.

There are several other single dwellings in the surrounding area that have sheds with similar separations between dwellings on adjoining lots. Therefore, the proposed rear boundary setback is considered to be compatible with that prevailing in the locality.

Therefore, the proposal is consistent with the performance criteria and is assessed to comply with the standard.

10.4.3 Site coverage and private open space for all dwellings P2

The acceptable solution requires private open space that is directly adjacent to a habitable room, other than a bedroom. The rear door of the existing dwelling connects a kitchen to the existing private open space adjacent to the south of the existing dwelling, in the back yard. The proposed shed is in the existing area of private open space and therefore the private open space can no longer meet the acceptable solution of being adjacent to habitable rooms, other than bedrooms. Therefore, the proposal relies on performance criteria, that a dwelling must have private open space that:

(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:

- (i) conveniently located in relation to a living area of the dwelling; and
- (ii) orientated to take advantage of sunlight.

There is an area available adjacent to the east of the proposed shed which meets the performance criteria (a) above.

Therefore, the proposal is consistent with the performance criteria and is assessed to comply with the standard.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The proposal is assessed as satisfying the acceptable solutions of the Parking and Access Code.

E7.0 Stormwater Management Code

The proposal is assessed as satisfying the acceptable solutions of the Stormwater Management Code.

PART F: Specific Area Plans

No Specific Area Plan applies to this assessment.

INTERNAL REFERRALS

No internal referral was required for this assessment.

EXTERNAL REFERRALS

No external referral was required for this assessment. The proposal was not referred to TasWater as it is not expected to result in an increase in demand for/on TasWater infrastructure.

REPRESENTATIONS

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

1. Noise from the dog barking

The representor states that the proposed shed in the small yard will result in the existing noise from the onsite dog barking to echo twice as loudly as it already does.

Planner's Comment:

The representor refers to the size of the yard being diminished by the proposed shed resulting in an increase of the echo of the noise from the dog barking at the site. The issue is not a planning matter as noise is not regulated for residential use in the General Residential zone and is generally dealt with separately under the *Environmental Management and Pollution Control Act 1994* (EMPCA). However, this matter has been referred to Council's Animal Management section, who deal with such complaints.

It is accepted that the proposed shed will displace the existing private open space in the back yard. This issue has been addressed under 10.4.3 Site Coverage and Private Open Space for all dwellings (P2) of this report and found to comply with the standard. The proposed development is assessed as meeting the requirements of the discretionary provisions for this standard.

CONCLUSION

The proposal is relying on the performance criteria to comply with the 10.4.2 Set Backs and Building Envelope For All Dwellings (P3) and 10.4.3 Site Coverage and Private Open Space For All Dwellings (P2) standards of the General Residential zone. The proposal is assessed as satisfying the performance criteria and complies with these applicable standards. The proposal is assessed as complying with all other use and development standards in the General Residential zone, as well as the relevant standards of applicable Codes. The application was publicly advertised for the statutory 14-day period and one representation was received. The representor raised concerns regarding noise from the dogs barking at the site. This concern cannot be given any determining weight in the assessment of the proposal. It is concluded that the proposal is consistent with the Scheme's zone purpose statements and is satisfactory.

Recommendation:

That a permit be granted for the proposed use and development of Shed addition to single dwelling at 21 Cammeray Road, Claremont subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-187 and Drawing No. P1 submitted on 25/7/18, except as otherwise required by this permit.

2. This permit allows the use of the land as a single dwelling, with a class 10a non-habitable shed.

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

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.		NA
10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		NA

	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.		NA
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (ii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	Setback 1.5m to rear boundary	No
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m ² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	a) Yes b) Yes c) Yes	Yes

	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.	a) Yes, 24m² b) Yes, 4m c) No, the proposed POS is not directly accessible from, and adjacent to, a habitable room, other than a bedroom d) Yes, receives adequate sunlight. e) NA, not in frontage f) Yes, not steeper than 1 in 10 g) Yes, not used for vehicle access or parking	No
10.4.4 Sunlight and overshadowing of all dwellings	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).		NA
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and		NA

	(ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		NA
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).		NA

10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.		NA
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or		NA

	(ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (c) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.		NA
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).		NA
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and		NA

	(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.		
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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.		NA
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.		NA
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.		NA

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		NA
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.		NA
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.		NA
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.		NA

Standard	Acceptable Solution	Proposed	Complies?
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.		NA
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.		NA
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.		NA
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.		NA
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.		NA
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following:		NA

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.		
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.		NA
	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.		NA
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.		NA
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.		NA
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		NA

Standard	Acceptable Solution	Proposed	Complies?
	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.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		NA

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.		NA
	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
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		NA

Attachments/Annexures

- 1** Attachment - 21 Cammeray Road, Claremont



6. PROPOSED USE AND DEVELOPMENT - VISITOR ACCOMMODATION - 10 MORETON CRESCENT, CLAREMONT

Author: Planning Officer (Gill Newman)

Qualified Person: Planning Officer (Gill Newman)

Property ID: 5336793

REPORT SUMMARY:

Application No.:	PLN-18-189
Applicant:	D J Hudepohl and C H J Hudepohl
Owner:	D J Hudepohl and C H J Hudepohl
Zone:	General Residential
Use Class	Visitor Accommodation
Application Status:	Discretionary
Discretions:	Planning Directive 6: Visitor Accommodation (P1) E6.0 Parking and Access Code (E6.6.1) (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	16 October 2018 (extension of time agreed)
Existing Land Use:	Residential (Single Dwelling)
Proposal in Brief:	Visitor Accommodation
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for a change of use of a single dwelling at 10 Moreton Crescent, Claremont to visitor accommodation.

The floor area of the proposed visitor accommodation is 340m². Therefore, the proposal relies on performance criteria to comply with Planning Directive No. 6 'Exemption and Standards for Visitor Accommodation in Planning Schemes'. The proposal also relies on performance criteria of the Parking and Access Code (E6.6.1) due to an excess in parking capacity for the proposed use as a Serviced Apartment.

SITE and LOCALITY

The site is located at 10 Moreton Crescent, Claremont. The existing dwelling includes four bedrooms, three bathrooms, kitchen, family room, dining room, lounge room, laundry and foyer. The site slopes down to the east towards the River Derwent, 34m to the northeast of the site.



Figure 1. An aerial view of the site, showing the existing dwelling in an established residential development with the banks of the Derwent River adjacent northeast of the site.

The site has a 16m frontage to Moreton Crescent to the south of the site. The rear boundary is 31m, eastern side boundary is 51m and western side boundary is 46m. The site has an area of 1047m².

ZONE

The site is situated within the General Residential zone (Fig. 2). The land adjacent to the northeast in the Environmental Management zone, incorporating the banks of the River Derwent and the River Derwent, 34m to the northeast of the site.

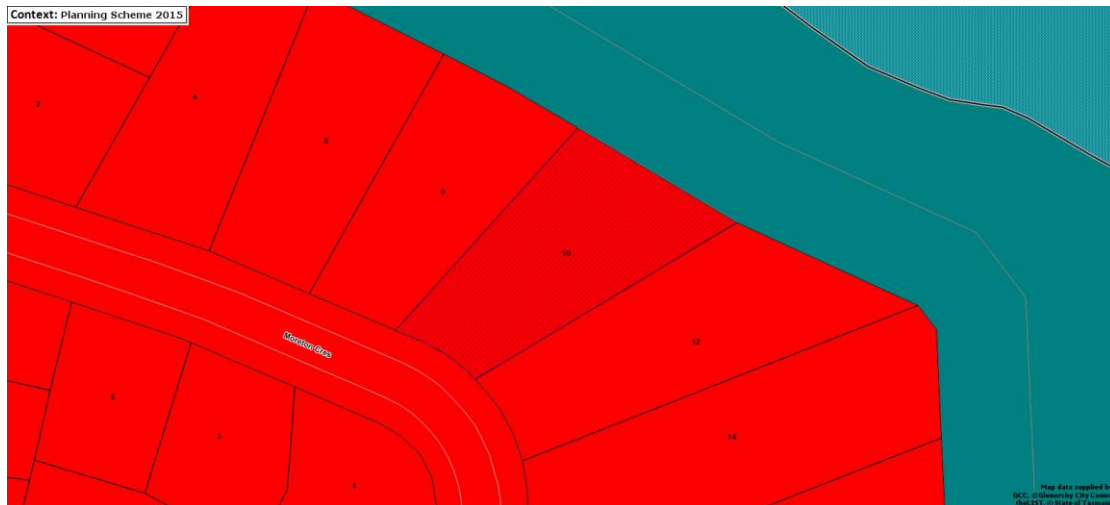


Figure 2. A snapshot of the zoning of the locality with the General Residential zone in red. The land in teal green is in the Environmental Management zone (in association with the banks of the River Derwent (teal green) and the River Derwent, 34m northeast of the site (blue)).

BACKGROUND

There is no background on file relevant to the assessment.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No SAP or code provisions override the zone provisions in this assessment.

Use Class Description (Table 8.2):

The proposed use class is Visitor Accommodation, which is defined under Interim Planning Directive No. 6 to mean use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.

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.

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

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

Serviced apartment means use of land to provide accommodation for persons, who are away from their normal place of residence, in a furnished, self-contained room or suite of rooms designed for short-term and long-term stays, which provides amenities for daily use such as kitchen and laundry facilities.

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal.

Part D: Zones

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

Zone Purpose Statements

The purpose of the General Residential zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided; to provide for compatible non-residential uses that primarily serve the local community; and to provide for the efficient utilisation of services.

The proposal is consistent with the purpose of the zone, by being for Visitor Accommodation use, which provides for development of a range of dwelling types, that is fully serviced.

Use Table

The proposed use is for Visitor Accommodation, which is Permitted within the General Residential zone in accordance with 3.1(c) of Planning Directive 6.

Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes

The visitor accommodation standard for Planning Directive number 6: Exemption and Standards for Visitor Accommodation in Planning Schemes, which came into effect on the 1 August, 2018, supersedes the visitor accommodation use requirements in the General Residential zone of the planning scheme.

As the proposed visitor accommodation has a gross floor area of more than 200m², it is a discretionary use in the Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes.

Therefore, the proposal relies on performance criteria (Visitor Accommodation P1): Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:

- (a) the privacy of adjoining properties;
- (b) any likely increase in noise to adjoining properties;
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;
- (d) retaining the primary residential function of an area;
- (e) the impact on the safety and efficiency of the local road network; and
- (f) any impact on the owners and users rights of way.

As the whole dwelling will be rented out singularly it is likely to attract single groups and families. Therefore, it is not expected that the use of the dwelling, as a serviced apartment would cause an unreasonable loss of residential amenity regarding the scale of the use and its compatibility with the surrounding character and uses within the area. Consequently, it is expected that the proposal will retain the primary residential function of the area. In addition, as it is likely to be single groups travelling in single or few vehicles, the proposed use is unlikely to impact the safety and efficiency of the local road network or any impact on the owners and users rights of way.

There are privately owned residential dwellings on either side of the subject site. During a site visit it was identified that the private open space of adjacent properties was visible from the back yard of the subject site. To ensure the proposed use of visitor accommodation at the site does not cause an unreasonable loss of residential amenity regarding the privacy of adjoining properties, a condition has been recommended.

The condition incorporates measures that screening must be erected, or vegetation provided to ensure privacy to neighbour's habitable rooms and private open space.

To ensure the proposed use of visitor accommodation at the site does not cause an unreasonable loss of residential amenity regarding any likely increase in noise levels affecting adjoining properties, a condition has been recommended. The condition incorporates measures that signage within the building is to be used to encourage visitors to be mindful of reducing noise levels.

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

Use standards

The acceptable solution for noise is applicable to non-residential uses and is:

A1

Noise emissions measured at the boundary of a residential zone must not exceed the following:

- (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
- (c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

To ensure the proposed use of visitor accommodation at the site does not cause noise levels to exceed above limits, a condition has been recommended. The condition incorporates the measure that signage within the building is to be used to encourage visitors to be mindful of reducing noise.

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

Development Standards

No development is proposed and the development standards are not applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The use standard determine the number of car parking spaces (E6.6.1) that should be available as no less or not more than 10% greater than in table E6.1 relative to the given use.

For serviced apartments under the use class of Visitor Accommodation, there is a requirement of one parking space and the existing dwelling has two spaces in an existing double garage. Therefore, the proposal relies on performance criteria, which require the number of on-site car parking spaces, with regard to the existing surplus car parking at the site, must be sufficient to meet the reasonable needs of users, in relation to:

- (a) car parking demand; and
- (g) any car parking deficiency or surplus associated with the existing use of the land.

It is deemed that the provision of two car parks is acceptable to meet the reasonable needs of the users in this instance.

The proposal is assessed as satisfying the performance criteria and complies with the standard and meets all other requirements of the Parking and Access Code (Appendix).

PART F: Specific Area Plans

No Specific Area Plan applies to the proposal.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer has made the following comments and recommended conditions.

Comments

E5.0 Road and Railway Assets Code

This Code applies to use or development of land:

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

No additional traffic movements will be generated by the proposed development. The number of traffic movements will be the same from the previous approved use of residential dwelling requiring two car parking spaces under the planning scheme.

E6.0 Parking and Access Code

This code applies to all use and development.

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

Two car parking spaces are proposed for this application and two were required from the previous approved use.

The proposed number of car parking spaces is in excess of the 10% required by the acceptable solution of clause E6.6.1 Number of Carparking Spaces. Two car parking spaces are proposed where only one car parking space is required by the planning scheme. The additional parking proposed on-site is not expected to create any major issues and is considered to satisfy the Performance Criteria of Clause E6.6.1 P1 Number of Car Parking Spaces.

Council received a representation with the representor raising concerns about the number of vehicles the proposed visitor accommodation would attract, due to the number of bedrooms within the existing dwelling. The number of carparking spaces proposed is greater than the one required by clause E6.6.1 Number of Carparking Spaces of the planning scheme. Council has no mechanism to control the amount of parking visitors may occupy, either on site or on-street parking. However, Council has powers to enforce any illegal on-street parking, including obstructing driveways and maintaining distances for the public to negotiate the street.

E7.0 Stormwater Management Code

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

The stormwater management code is not applicable to this application.

Other

E3.0 Landslide Code

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

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

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

E15.0 Inundation Prone Areas Code

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

EXTERNAL REFERRALS

There are no external referrals required for this proposal.

REPRESENTATIONS

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

1. Visitor Parking

The representor states that house is large and is positioned on the waterfront of the Derwent River. They are concerned any large number of visitors that the house could accommodate would create parking issues in the street, if there were more than two visitor vehicles. The house has a single drive with room for two vehicles.

Otherwise, parking for visitors is in the Street, which would create an issue with local residents. Moreton Crescent has been recently renewed by Council and is a very narrow and windy, short street. If visitors were to park in the street, local residents would find it very difficult to negotiate or enter or exit their driveways. The representor is concerned that there will be parking restrictions in the street and would prefer alternatives to restrict visitor parking to on site with designated marked parking spots.

Planner's Comment:

This issue has been previously addressed under the heading "E6.0 Parking and Access Code". The proposed use of the site for a serviced apartment under the use class of visitor accommodation, requires one parking space and the existing dwelling has two spaces in a double garage. The proposal has met the performance criteria as the provision that two car parks is acceptable to meet the reasonable needs of the users in this instance.

This being the case, it is not expected that the proposal will result in any parking issues on Moreton Crescent.

CONCLUSION

The proposal is relying on the performance criteria to comply with the Visitor accommodation standards of Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Scheme's and the Parking and Access Code. The proposal is assessed as satisfying the performance criteria and complies with these applicable standards. The proposal is assessed as complying with all other use and development standards in the General Residential Zone, as well as the relevant standards of applicable Codes. The application was publicly advertised for the statutory 14-day period and one representation was received. The representor raised concerns about visitor parking effecting parking on Moreton Crescent. This concern cannot be given any determining weight in the assessment of the proposal.

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

Recommendation:

That a permit be granted for the proposed use and development of Visitor Accommodation at 10 Moreton Crescent, Claremont subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-189 and Drawing No. P2 submitted on 26/8/18, except as otherwise required by this permit.
2. Screening must be erected or vegetation provided to ensure privacy to neighbours habitable rooms and private open space. These privacy measures must be maintained for the duration of the use as approved.

3. Signage within the building is to be used to encourage visitors to be mindful of reducing noise to ensure the amenity of neighbours is protected.

Engineering

4. Two (2) car parking spaces must be provided generally as shown on the proposal plan, and kept available for these purposes at all times. The car parking spaces and associated driveway must be provided in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking. Driveways and car parking areas must be constructed and sealed with an approved impervious surface prior to use.

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**10.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.		Yes
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (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.		Yes
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.		NA

	A4 Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of: (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.		NA
10.3.2 Visitor Accommodation	A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .		Superseded by Directive
10.3.3 Local Shop	A1 A local shop must have a gross floor area no more than 200m ² .		NA

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.	2	No
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.		NA
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.		NA
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.		NA

Attachments/Annexures

- 1** Attachment - 10 Moreton Crescent, Claremont



7. PROPOSED USE AND DEVELOPMENT - ALTERATIONS TO EXISTING DWELLING AND CONSTRUCTION OF AN ADDITIONAL DWELLING - 37 GARDEN ROAD, MOONAH

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 5427206

REPORT SUMMARY:

Application No.:	PLN-18-113
Applicant:	Oramatis Studio
Owner:	Z J Mcloughlin and C R Mcloughlin
Zone:	General Residential
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 A3 Setbacks and building envelopes for all dwellings: 10.4.4 A1 Sunlight and overshadowing of all dwellings E5.5.1 Existing road accesses and junctions E6.7.3 A1 Vehicular Passing Areas Along an Access (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	15 Oct 2018
Existing Land Use:	Single Dwelling

Proposal In Brief:	Alterations to existing dwelling and construction of an additional dwelling
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application proposes an additional dwelling at a site with an existing dwelling, as well as alterations of the existing dwelling and demolition of an outbuilding. The proposed dwelling would be a three-bedroom brick dwelling, partially double storey, capped with a hipped roof. The walls would have light grey render and the roof would be charcoal. The first floor provides for open plan living, two bedrooms, bathrooms and an integrated double garage. There would be a third bedroom and rumpus room under the dwelling. Private outdoor space would be provided at the rear with access from the rumpus room. The garage would be located on the western boundary with the remainder of the wall being setback 1.8m. The setback on the eastern boundary would be 1.2m for the lower section and 1.8m and 4.2m respectively for the higher section. The maximum height would be 7.3m. The existing dwelling would be altered to reduce the width of the dwelling to make way for a new driveway. There would be also a new sliding door at the front of the existing dwelling to give access to private outdoor space. An existing outbuilding would also be demolished to give access to the rear. The new driveway would be located along the western boundary and gives access to two parking spaces between the dwellings and a further two within the double garage. The site layout is shown in Figure 1.



Figure 1: Proposal Plan - Oramatis Studio

SITE and LOCALITY

The subject property is known as 37 Garden Road, Moonah and is described in title reference CT63338/3. The property is located on the southern side of the road, between Fletcher Avenue and Bowen Road. The property is a rectangular lot of 736m², which contains a single dwelling towards the front of the property, as well as an outbuilding. The lot has a moderate slope that falls towards the rear, with the front portion of the land being reasonably level.

The property adjoins five other residential properties, which contain a single dwelling each, except for the property adjoining the rear boundary that is occupied by multiple dwellings. The subject property is shown in Figure 2.



Figure 2: Subject Property – Council Database 2016

ZONE

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



Figure 3: Zoning Map - GIPS 2015

BACKGROUND

There is no background information relevant to the assessment of this application.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil.

Limited Exemptions

Nil.

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

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

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

Use Class Description (Table 8.2):

The application proposes a second dwelling on site which falls under the use class Residential (Multiple Dwellings) as defined in Table 8.2 as follows:

Residential

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

Other relevant definitions (Clause 4.1):

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

Multiple Dwelling

means 2 or more dwellings on a site.

Dwelling

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

Outbuilding

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

Discretionary Use or Development

The application is discretionary under Clause 8.8, which is as follows:

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

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

The proposal is discretionary under (b) above as it relies on Performance Criteria because it does not meet the following Acceptable Solutions:

- 10.4.2 A3 Setbacks and building envelopes for all dwellings:
- 10.4.4 A1 Sunlight and overshadowing of all dwellings
- E5.5.1 Existing road accesses and junctions
- E6.7.3 A1 Vehicular Passing Areas Along an Access

Part C: Special Provisions

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

Demolition

The application includes the demolition of an outbuilding, which may be approved as part of this application, pursuant to Clause 9.4.1 Demolition. The proposed demolition does not raise any issues.

Part D: Zones

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

Zone Purpose Statements

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

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

- *To provide for compatible non-residential uses that primarily serve the local community.*
- *To provide for the efficient utilisation of services*

Comment

The proposal accords with the above purpose as it is for residential development utilising serviced land. In addition, the proposal would provide for an alternative housing type to the predominant single dwellings in the location.

Use Table

The use class Residential (Multiple Dwellings) is 'permitted' within the General Residential Zone in 10.2 Use Table.

Use Standards

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

Development Standards for Residential Buildings & Works

10.4.2 A3 Setbacks and building envelopes for all dwellings:

The proposal does not accord with the Acceptable Solution in 10.4.4 A3 with respect to the Building Envelope. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.2 P3 Setbacks and building envelopes for all dwellings:

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
 - (ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*
 - (iii) *overshadowing of an adjoining vacant lot; or*
 - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*
- (b) *provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

Comment

The proposed dwelling invokes discretions with regards to the side boundary setbacks on both sides, so that various portions of the dwelling are outside the building envelope. The eastern wall is stepped back in three sections so that the sections are further away from the boundary with increased wall height.

The first section relates to a bedroom, bathroom and laundry; the second section to a bathroom, dining room and stairway; and the third section to the living room. The western wall is stepped back in two sections, the first section relates to the garage wall and the second section relates to a bedroom, kitchen and lounge room.

Eastern Boundary

The first section would have a setback of 1.2m from the eastern boundary. This section is 8.215m long and the wall varies in height between 2.5m and 4.3m. The Acceptable Solution requires a 1.5m setback for this section. This section would be marginally outside the building envelope. The neighbouring property has a dwelling that is roughly aligned with the existing dwelling on the subject property and has outbuildings on the boundary opposite the first section.

The second section would have a setback of 1.8m from the eastern boundary. This section is 6.11m long and the wall varies in height between 4m and 5.6m. The Acceptable Solution would require a setback of between 1.5m and 2.6m, depending on the wall height. The second section is mostly adjacent to the rear boundary of 22 Bowen Road.

The third section has a setback of 4.2 from the eastern boundary. This section would be 3.905m long and varies in height 5.6m to 5.9m. The Acceptable Solution would require a setback between 2.6 and 2.9m so that this section is within the building envelope on the eastern side and complies with respect to this boundary. This section is adjacent the rear boundary of 22 Bowen Road.

Overall, it is considered that the proposal satisfies the Performance Criteria on the eastern boundary for the following reasons:

- The dwelling on the neighbouring property at 39 Garden Road is to the north of the proposed dwelling and would therefore not receive any shadows. The property adjoining the eastern boundary in Bowen Road would be separated by approximately 17m and would not receive shadows until after 3pm on June 21. Therefore, there would be no reduction of sunlight to habitable rooms.
- In terms of overshadowing of private open space there would be some impact to the neighbouring property at 39 Garden Road and the properties at 22 and 20A Bowen Road. The submitted shadow diagrams do not show the boundaries of the properties in Bowen Road. The rear boundary of 39 Bowen Road is in line the end of the second section of the proposed dwelling. The properties in Bowen Road would not receive any shadows until approximately 2.30pm on June 21 when the shadows would cross the rear boundary of the Bowen Street properties. Therefore, it is not considered that there would be any unreasonable impact on the amenity of private outdoor space of the Bowen Street properties. In terms of neighbouring property at 39 Bowen Street, the dwelling on that property already creates shadows to the private outdoor space for most of the day in winter, as the backyard is located directly south. The proposed dwelling would not create any shadows onto this property until after 1pm. The proposal will reduce sunlight between 1pm and 2pm to the southwest corner of the backyard, which is mainly behind the row of outbuildings and over a tree.

By 3pm all the neighbouring backyard would be in shadows of which nearly all is caused by the dwelling on that site. Nevertheless, the largest section outside the building envelope is the second half of the middle section, where the dining room would be. Shadows from this section would fall on the Bowen Street properties. The first section of the proposed dwelling is between 2.5 and 4.3m in height and would therefore not cause significant shadows.

- In terms of visual bulk, the design of the dwelling is single storey height for the front portion and the eastern wall is stepped in to break up the expanse of the wall, which reduces the visual impact. Furthermore, the maximum height would be 7.3m, which is not considered significantly high.
- In terms of dwelling separation, there is no other dwelling adjacent on the side boundaries so that this criterion is not applicable.

Western Boundary

The garage would be situated on the boundary with nil setbacks. The garage would have a length of 6.5m and a wall that varies in height between 2.8m and 4.2m. The Acceptable Solution requires 1.5m, where a garage is higher than 3m. The neighbouring property has a backyard adjoining the common boundary.

The second section would have a setback of 1.8m and a length of 10.02m. The wall height varies between 4.2m and 5.9m. The Acceptable Solution requires a setback between 1.5m and 2.9m. The neighbouring property has a backyard adjoining the common boundary.

The shadow diagram is shown in Figure 4.

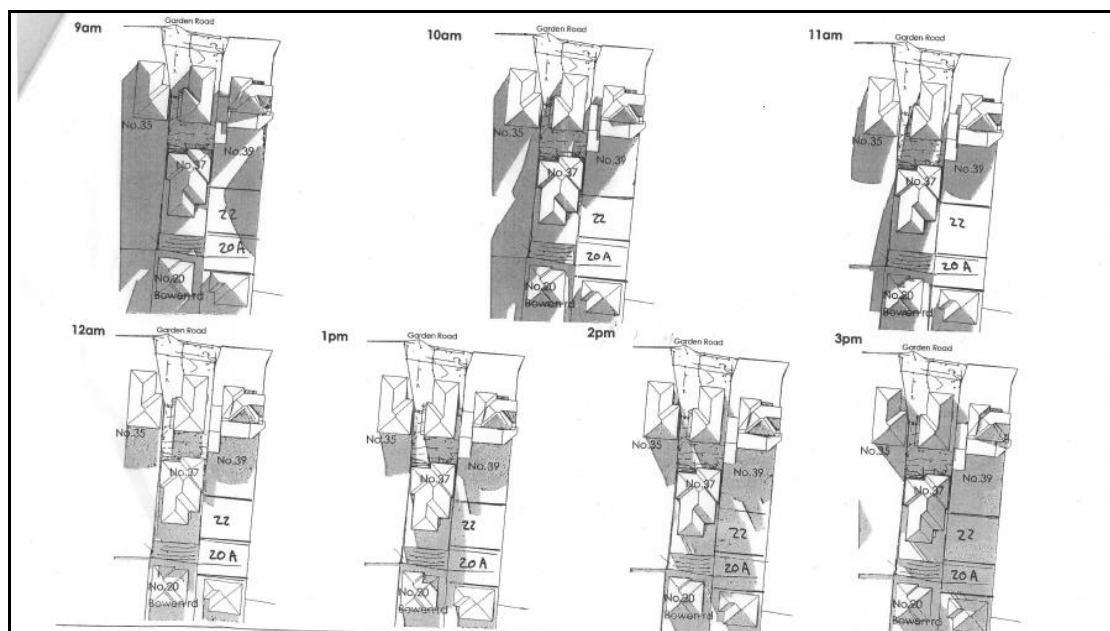


Figure 4: Shadow Diagram - Adapted from diagram of Oramatis Studio

Overall, it is considered that the proposal satisfies the Performance Criteria on the western boundary for the following reasons:

- The dwelling on the neighbouring property at 35 Garden Road is to the north of the proposed dwelling and would therefore not receive any shadows. Therefore, there would be no reduction of sunlight to habitable rooms.
- The private outdoor space would only be affected until 12noon on 21 June, after which there would be no shadows from the proposed dwelling. Again, the dwelling on site would cast significant shadows on the backyard. However, this property does not have any large outbuildings which reduces the shadows and has a longer backyard than the neighbour on the eastern side. As a result, the private outdoor space would receive plenty of afternoon sun.
- In terms of visual bulk, the design of the dwelling is single storey height for the front portion and the eastern wall is stepped in to break up the expanse of the wall, which reduces the visual impact. Furthermore, the maximum height would be 7.3m, which is not considered significantly high. The proposed dwelling would not be adjacent to any other dwelling and is a significant distance from the dwelling at 39 Garden Road, which also reduces visual impact.

Conclusion

Overall, it is considered that only shadows to the private outdoor space of the property at 39 Garden Road required closer examination. Whilst the private outdoor space of this property already receives minimal sunshine during the winter months, the proposed dwelling setbacks would not significantly reduce the amount of available sunlight that is received, because the bulk of the shadows of the higher sections would fall outside 39 Garden Road. In addition, the area that receives sunlight is in a corner behind a shed and contains a tree so that there is unlikely to be a benefit in increasing boundary setbacks.

Given the above, the proposal complies with the standard through the Performance Criteria. A condition is recommended to clarify the setbacks.

10.4.4 A1 Sunlight and overshadowing of all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.4 A1 with respect of the window angle. The living room areas face due east, west and south, whereas the Acceptable Solution requires at least one window to face within 30° east or west of north. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.4 P1 Sunlight and overshadowing of all dwellings

A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

Comment

The proposed dwelling would be situated on a lot with a north-south orientation, at the rear of an existing dwelling. As such, it is the garage and a bedroom window that faces due north.

The living room areas are at the rear where there is more width available and sufficient room to have private outdoor space on the side of the dwelling facing east. Window placement of the living areas is therefore restricted to facing 90° east and west of north, as well as to the south. There will be one large window (1.8m x 2.2m) available on the eastern side of the lounge room that will receive a reasonable amount of sunlight. In addition, there would be a second window to the east and a window to the west which will be opaque to a height of 1.7m, but will still allow for some sunlight to enter. Furthermore, there would be also three windows facing south. Overall, it is considered that the overall number of windows would allow for plenty of sunlight to enter the living areas, with the eastern window receiving the most.

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

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

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

E5.5.1 Existing road accesses and junctions

The proposal does not accord with the Acceptable Solution in E5.5.1 A3 as there would be an increase of traffic of more than 20%. Therefore, the application relies on the related Performance Criteria as follows:

E5.5.1 P3 Existing road accesses and junctions

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Comment

The proposal accords with the Performance Criteria as there would be no safety or efficiency impacts as a result. Therefore, the proposal complies with the standard through the Performance Criteria

For further comments, please refer to the Engineering Assessment under the Referrals section of this report.

E6.0 Access and Parking Code

The proposal provides for four parking spaces which complies with the Acceptable Solution in E6.1 Number of Car Parking Spaces Required.

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

E6.7.3 A1 Vehicular Passing Areas Along an Access

The proposal does not accord with the Acceptable Solution in E6.7.3 A1 with respect to providing a passing bay at the frontage. The Acceptable Solution requires the provision of passing bays if the driveway is more than 30m long. Therefore, the proposal relies on the related Performance Criteria as follows:

E6.7.3 P1 Vehicular Passing Areas Along an Access

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

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

Comments

The driveway would be approximately 33.5m long from the kerb to the proposed garage and there would be no provision of a passing bay at the kerb. However, the proposal would not result in any impact on traffic flow or create any other issues, according to the Engineering Assessment later in this report. Therefore, the proposal complies with the standard through the Performance Criteria.

For further comments please refer to the Engineering Assessment under the Referrals section later in this report.

E7.0 Stormwater Management Code

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

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Development Engineer

Comments

The application is for construction of an additional dwelling and alterations to an existing dwelling.

E5.0 Road and Railway Assets Code

This Code applies to use or development of land:

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

The additional traffic movements generated by the development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety and therefore is considered to satisfy the Performance Criteria of Clause E5.5.1 P3 Existing Road Accesses and Junctions.

E6.0 Parking and Access Code

This code applies to all use and development.

Access to the development is from Garden Road via an existing access.

The spacing of vehicular passing areas for the proposed driveway is not in accordance with minimum spacing to satisfy the acceptable solution of clause E6.7.3 (Vehicular passing areas along an access) of the Glenorchy Interim Planning Scheme 2015. The access length is slightly greater than 30-meter-long that requires a passing bay at the road frontage to meet the acceptable solution of this clause. The applicant has not shown this; however, the first passing bay at the kerb is not considered to be necessary as the proposed development is not expected to interfere with the flow of traffic if vehicles are required to use this section of Garden Road for passing to/from the proposed development and is considered to satisfy the performance criteria of this clause.

The application satisfies all the other acceptable solutions of clause E6.0 Parking and Access Code of the Glenorchy Interim Planning Scheme 2015.

E7.0 Stormwater Management Code

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

The applicant has demonstrated that stormwater from all impervious areas can gravitate to Councils infrastructure and is considered to satisfy the acceptable solution of clause E7.7.1 Stormwater Drainage and Disposal.

Other*E3.0 Landslide Code*

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

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

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

E15.0 Inundation Prone Areas Code

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

Waste Management Officer

Waste Services to the proposed multiple dwelling development would be Council's standard bin service collected fortnightly.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling, collected fortnightly.
- Please note that this property would have a total of four (4) bins, two (2) Waste bins and two (2) Recycling Bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

EXTERNAL REFERRALS**TasWater**

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

REPRESENTATIONS

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

1. Overshadowing, loss of sunlight and visual bulk

The representor states that the building is inappropriately close to adjoining properties. The proposed development causes unacceptable loss of amenity by:

- overshadowing of neighbouring properties, as well as blocking out a large amount of our current outlook.
- substantial loss of direct sunlight to the private open spaces of both adjoining properties to the east and west boundaries.
- visual impacts caused by the excessively large scale, visual bulk (both height and footprint) and a design lacking any sensitivity to nearby Federation and pre-war era dwellings. In particular, the height/elevation at southern end. In addition, with the existing dwelling is already approximately 1.5m from our side boundary for its full length, the proposed dwelling exacerbates this loss of visual amenity, in effect boxing in the eastern boundary

Planner's Comment:

This issue has been previously addressed under the heading 10.4.2 A3 Setbacks and building envelopes for all dwellings. In summary, it is concluded that the shadows of the proposed dwelling would mainly fall onto the properties at 20A and 20 Bowen Road, which would receive sunlight prior to 1pm. The area affected at 39 Garden Road would be the area behind the shed and in the vicinity of the tree after 1pm on the shortest day of the year, after which the dwelling on site would nearly overshadow all of the backyard. Therefore, the shadows caused by the proposed dwelling would not exacerbate the situation

2. Overlooking

The representor states that the proposed development causes unacceptable loss of amenity by overlooking of neighbouring properties.

Planner's Comment:

This issue is related to the privacy standard of the planning scheme in 10.4.6 A2 Privacy for all Dwellings. This standard requires windows to a habitable room to be screened to a height of 1.7m, if within 3m of a boundary and if there is a floor level of more than 1m above natural ground level. The proposal plans show frosted windows and a condition is recommended.

3. Property Values

The representor states that this proposal will significantly affect the value of the representor's property.

Planner's Comment:

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

CONCLUSION

The application is for an additional dwelling at a site with an existing dwelling, as well as alterations of the existing dwelling and demolition of an outbuilding. The application invokes various minor discretions, as well as discretion relating to the building envelope, which have been addressed within the report.

One representation was received and raised concerns related to the building envelope, privacy and property values. In terms of privacy, there would be frosted windows to a height of 1.7m so that privacy would be protected. In terms of the building envelope, it is considered that the proposed dwelling would not significantly affect the neighbouring property in Garden Road and that the properties in Bowen Road would still receive significant sunlight to the respective private open space areas.

In terms of conditions, various conditions are recommended for clarity.

In conclusion, the proposal is assessed to substantially comply with the requirements of Schedule 1 of the *Land Use Planning and Approvals Act 1993* and the *Glenorchy Interim Planning Scheme 2015*, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Alterations to existing dwelling and construction of an additional dwelling at 37 Garden Road, Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-113 and Drawing No. P5 submitted on 15/08/18, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No.TWDA 2018-GCC, dated 05/07/18, form part of this permit.
3. The proposal must have setbacks not less than the setbacks scaled from the approved plan as follows:
 - (a) Eastern Boundary 1.2m, 1.8m and 4.2m
 - (b) Western boundary: 0m (garage) and 1.8m

These setbacks must be shown on plans submitted with the Building Permit Application to the satisfaction of Council's Senior Statutory Planner.

4. The dwelling alterations as proposed must be carried out prior to a Certificate of Occupancy for the second dwelling. Alterations must be made to have a sliding door for access to the private outdoor space; to reduce the dwelling width to accommodate a 3m wide driveway; and to have bedroom windows with a sill height of no more than 1.7m adjacent to the driveway.

These requirements must be shown on plans in association with a Building Permit Application to the satisfaction of Council's Senior Statutory Planner.

5. All windows within 3m of a side boundary that have a floor level more than 1 m above the natural ground level, must be screened to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%, as shown on the approved plans . This requirement must be shown on plans submitted with the Building Permit Application to the satisfaction of Council's Senior Statutory Planner.
6. Private outdoor space for the existing dwelling must be screened with a 1.8m high fence with a solid portion up to 1.2m in height followed by a timber batten section with no more than 30% transparency, as shown on the approved plans. The fence must be in place prior to a Certificate of Occupancy of the existing dwelling and must then remain for the duration of the approved use to the satisfaction of Council's Senior Statutory Planner.

Engineering

7. Prior and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
8. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
9. A stormwater connection must be constructed to Council's existing stormwater infrastructure, as shown on the proposal plan, prior to Building Approval, by Council at the developer's cost.
10. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition and finished levels must be submitted with the Building Application for approval by Council's Development Engineer.
11. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to occupancy of the second dwelling unit. 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.

12. Four (4) clearly marked car parking spaces must be provided 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.

Advice to Applicant

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

Other Permits

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

Other Services

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

Waste Management

Waste Services to the proposed multiple dwelling development would be Council's standard bin service collected fortnightly.

- The Council's Standard Bin Service includes one (1) x 140L wheelie bin for Waste and one (1) x 240L wheelie bin for recycling to each of the dwelling, collected fortnightly.
- Please note that this property would have a total of four (4) bins, two (2) Waste bins and two (2) Recycling Bins.
- This property has an existing kerbside/nature strip area for placement of the bins therefore the dwellings would have their own individual bins.
- All bins are to be placed on the kerbside for collection.
- Council's Waste Management Contractor collection trucks will not enter the property to collect and empty the wheelie bins.

APPENDIX**10.0 General Residential Zone.**

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings.	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Land 736m ² /2 = 368m ²	Yes
10.4.2 Setbacks and building envelopes for all dwellings:	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or	Frontage setback is as existing – no change	NA

	(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	Setback 29m	Yes
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling:	Various portions of the dwelling would be outside the building envelope with respect to the side setback. The front and rear setbacks comply.	Discretion – Please see report

	(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	• Site Coverage 36% • At least 60m² • Pervious area 36%	Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or	Each dwelling would have an area of POS of at least 24m² with a minimum width of 4m and s grade not more than 1:10. The existing dwelling would have the private outdoor space at the front of the dwelling where the front wall will be altered to install a new sliding door to give access to the private outdoor space. The POS will be north facing and accords with (e). The POS for the proposed dwelling will be accessible from the rumpus room. There will be a retaining wall to achieve a grade no steeper than 1:10. The space will be oriented towards the west.	Yes

	(ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight overshadowing dwelling	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	The living room windows are east, west and south facing at angles of 90° and 180°.	Discretion – Please see report
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and	The proposed dwelling is to the south with more than 8m separation.	Yes

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

	horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Not within 12m	Yes
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	None proposed	NA
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):	There would be windows within 3m of the eastern and western boundaries with a floor level more than 1m above NGL. The windows would be frosted to a height of 1.7m above FFL, which satisfies (b) (iii).	Yes

	(a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site. (b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.		
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or	The existing dwelling would have two windows 2.130m above the driveway which would comply, with (b) (i). There is also small lounge room window that would be 1.925m from the shared driveway. This window would be frosted, which is obscured glazing. This complies	Yes

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

APPENDIX**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.		No – Performance criteria satisfied

Standard	Acceptable Solution	Proposed	Complies?
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not an applicable standard.	
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Not an applicable standard.	
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.		
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	Not an applicable standard.	
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes

APPENDIX**E6.0 Parking and Access Code**

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.		Yes
E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability	A1 Car parking spaces provided for people with a disability must: (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance.	Not an applicable standard.	
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).	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
	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.		
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.	Not an applicable standard.	
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

Standard	Acceptable Solution	Proposed	Complies?
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.		No – Performance criteria satisfied.
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.	Not an applicable standard.	
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.		Yes - conditioned
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following;		Yes - conditioned

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
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.	Not an applicable standard.	
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.	Not an applicable standard.	
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not an applicable standard.	
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following;	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
	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.	
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;	Not an applicable standard.	

Standard	Acceptable Solution	Proposed	Complies?
	(b) the use is not primarily dependent on outward delivery of goods from the site.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		Yes

Attachments/Annexures

- 1** Attachment - 37 Garden Road, Moonah



**8. PROPOSED USE AND DEVELOPMENT - MULTIPLE DWELLINGS
X 21 - 1 MILLINGTON COURT, GLENORCHY**

Author: Planning Officer (Sylvia Jeffreys)

Qualified Person: Planning Officer (Sylvia Jeffreys)

Property ID: 3591440

REPORT SUMMARY:

Application No.:	PLN-18-156
Applicant:	Prime Design
Owner:	Roman Catholic Church Trust Corporation of The Archdiocese
Zone:	General Residential Zone
Use Class	Residential
Application Status:	Discretionary
Discretions:	10.4.2 A3 Setbacks and building envelopes for all dwellings 10.4.4 A1 Sunlight and overshadowing of all dwellings 10.4.6 A2 Privacy for all dwellings 10.4.6 A3 Privacy for all dwellings 10.4.7 A1 Frontage Fences for all dwellings 10.4.8 A1 Waste Storage for multiple dwellings. E5.5.1 A3 Existing road accesses and junctions (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	15 October 2018

Existing Land Use:	Four dwellings under construction
Proposal In Brief:	Multiple Dwellings x 21
Representations:	2
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:

PROPOSAL

The application is for twenty-one dwellings on a large lot at the former Brent Street Primary School Site. Another four dwellings have been previously approved for the site and are under construction. The proposed dwellings will be arranged around an internal circular road, which is to branch off the end of a cul-de-sac that is Millington Court. The site layout is shown in Figure 1.



Figure 1: Proposed Site Layout - Prime Design

There would be ten double storey dwellings and eleven single storey dwellings. There would be four double storey buildings that would comprise of conjoined dwellings. One dwelling would be a single double storey dwelling. The eleven single storey dwellings would be free standing, but eight of the dwellings would be connected with a double carport. The dwellings would be constructed from brick and lightweight cladding, with iron roofs. There would be various types of dwellings as shown in Figure 2.



Figure 2: Dwelling Types – Prime Design

All the dwellings would provide for two bedrooms, open plan living areas, bathrooms and laundry facilities. There would be private outdoor space of at least 24m² adjacent to each dwelling. The double storey dwellings would have single integrated garages, whilst the other dwellings would have a carport each. There would be a total for forty-six parking spaces.

SITE and LOCALITY

The subject property is known as 1 Millington Court, Glenorchy and is described in title reference CT174937/38. The lot is part of a new subdivision situated between Kenbrae Avenue and Brent Street, which was the site of the former Brent Street Primary School. Access to the lot is at the turning head of the cul-de-sac that is Millington Court. The location of the property is shown in Figure 3.



Figure 3: Subject Site – Council Database 2016

The property has an irregular shape of 2753m² and is vacant. The property has a gentle slope falling towards the east and is occupying the former sports oval, which had been graded at the time. The property adjoins residential development to the northeast and southeast. Adjoining properties to the northwest and southwest are vacant. The area is urban in nature and is characterised by single dwellings, interspersed with multiple dwellings.

ZONE

The property lies within the General Residential Zone, which also applies to the surrounding properties as shown in Figure 4.

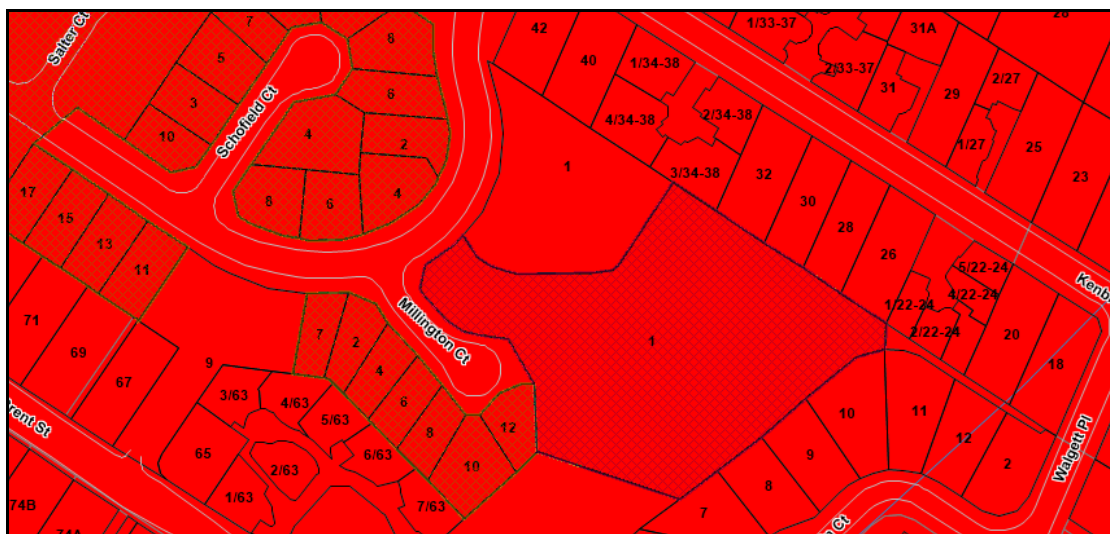


Figure 4: Zoning Map - GIPS 2015

BACKGROUND

The following permits are relevant to this proposal:

- PLS43A-14/02.03- Section 43A combined amendment request and planning permit application - Rezoning of land from Community Use to Urban Residential and 55 lot staged subdivision - Brent Street (CT 160551/1), 44 Kenbrae Avenue (CT 6377/29) & 46 Kenbrae Avenue (CT 6377/30) - Approved 04/03/2015
- PLN-18-041–Multiple Dwellings (4) - Approved 27/04/18. This permit approved the other four dwellings on the same site.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

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

Nil.

Limited Exemptions

Nil.

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

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

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

Use Class Description (Table 8.2):

The application proposes twenty-one dwellings on site which falls under the use class Residential (Multiple Dwellings) as defined in Table 8.2 as follows:

Residential

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

Other relevant definitions (Clause 4.1):

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

Multiple Dwelling

means 2 or more dwellings on a site.

Dwelling

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

Outbuilding

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

Natural Ground Level

means the natural level of a site at any point

Part C: Special Provisions

Nil.

Discretionary Use or Development

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (b) above as it relies on Performance Criteria because it does not meet the following acceptable solutions:

10.4.2 A3 Setbacks and building envelopes for all dwellings
10.4.4 A1 Sunlight and overshadowing of all dwellings
10.4.6 A2 Privacy for all dwellings
10.4.6 A3 Privacy for all dwellings
10.4.7 A1 Frontage Fences for all dwellings
10.4.8 A1 Waste Storage for multiple dwellings.
E5.5.1 A3 Existing road accesses and junctions

Part D: Zones

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

Zone Purpose Statements

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

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

Comment

The proposal accords with the above purpose as it is for residential development utilising serviced land. In addition, the proposal provides a good mix of dwelling types as there would be a range of building designs.

Use Table

The use class residential, if not a single dwelling, is a *permitted* use within the General Residential Zone in 10.2 Use Table.

Use Standards

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

Development Standards for Residential Buildings & Works

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

10.4.2 A3 Setbacks and building envelopes for all dwellings

The proposal does not accord with the Acceptable Solution with respect to the building envelope for Unit 16, all other dwellings comply. Proposed Unit 16 invokes a discretion of 0.4m with respect to the rear boundary setback, so that a small portion of the building is outside the building envelope as shown in Figure 5 .



Figure 5: Building Envelope for Unit 16 - Based on elevation by Prime Design

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

10.4.2 P3 Setbacks and building envelopes for all dwellings

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
 - (ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*
 - (iii) *overshadowing of an adjoining vacant lot; or*
 - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and*

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

Comment

Proposed Unit 16 would be a double storey dwelling that would be setback from the rear boundary by 6.878m and the rear wall would be 5.2m in height above natural ground level.

The representations raised the fact that the oval was graded when it was created and as a result the ground is higher than it would otherwise have been. It is considered that the current conditions are natural ground level, prior to any excavation or fill for this proposal. Council's database shows the sports oval in its current condition on an aerial photo in 2002, it is likely to be much older. If it was considered that natural ground level was on level ground, i.e. at the level of the fences on the boundary, then the ground would have been 0.3m lower at the 4m mark, where the extent of the building envelope is. As it is, a small portion of the dwelling is a maximum of 0.5m in height outside the building envelope, which would be increased to 0.8m if the built-up ground was added. Although, there is no way of really knowing at what level the ground was many years ago. In any event, the applicant submitted shadow diagrams that show that there would be no unreasonable overshadowing.

There would be no reduction in sunlight to any habitable room, prior to approximately 2.30pm. proposed Unit 16 would cast a shadow to part of the rear wall of the dwelling at 7 Cronin Court at this time. This means that there would be sunlight available for more than three hours between the hours of 9am and 5pm, so that the overshadowing is not considered unreasonable.

In terms of shadows to the private outdoor space, there would be only a small portion of the backyard at 7 Cronin Court affected prior to 2pm. The affected portion would be to the west of the vegetable garden at that property. Even if the shadows were longer (by adding an extra 0.3m), there would be no significant overshadowing prior to 2pm because of the narrow width of proposed Unit 16. The remainder of the property would be unaffected. By approximately 3pm the shadow would extend over the eastern side of the house. Given that most of the backyard would receive more than three hours of sunlight between the hours of 9am and 5pm, it is not considered that the overshadowing caused by Proposed Unit 16 would be unreasonable.

Number 7 Cronin Road would only receive shadows after 2pm from proposed Units 14 and 15, which comply with the rear setback and are within the building envelope. These Units would be only single storey and would still comply even if 0.3m was added. Therefore, any overshadowing caused, would not be considered unreasonable.

In terms of visual bulk, it is considered that proposed Unit 16 would not cause any unreasonable visual impact. The proposed dwelling is well back from the common boundary with 7 Cronin Court and would be relatively narrow in width. The wall height of 5.2m facing the boundary would not be considered large in scale, especially considering the wall would be 6.878m from the boundary.

In terms of separation from other dwellings, the proposed Unit 16 complies with the separation between the dwellings on either side and has a similar setback to properties at the rear.

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

10.4.4 A1 Sunlight and overshadowing of all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.4 A1 with respect to the window angle. The Acceptable Solution requires that at least one window of a living area is facing within 30° east or west of north. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.4 P1 Sunlight and overshadowing of all dwellings

A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

Comment

The proposed dwellings have window angles as follows:

- Units 10, 11, 7, 17, 18, 19 22 and 23, have a living room window within 30° east of north, which complies.
- Units 12, 13, 14, 15, 16 20 and 21 have a living room window which faces 40° east of north, which is discretionary.
- Units 3, 4, 5 and 6 have a living room window 50° west of north, which is discretionary.
- Units 8 and 9 have a living room window 90° west of north, which is discretionary.

Of the above window angles, it is considered that 40° would be still sufficient to receive reasonable amounts of sunlight as the proposed windows are of a reasonable size. Proposed Units 3 and 4 have a window on both sides of the living areas to increase sunlight entry. Units 5 and 6 have windows at the front and the side to the living areas, which would also increase sunlight entry. Proposed Unit 8 and 9 also have windows at the front and the back to increase sunlight entry. As such, it is considered that sufficient sunlight would enter the living areas.

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

10.4.6 A2 Privacy for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.6 A2 with respect to window separation from neighbouring private outdoor space. The Acceptable Solution requires separation of at least 6m. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.6 P2 Privacy for all dwellings

A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- (a) window or glazed door, to a habitable room of another dwelling; and

- (b) *the private open space of another dwelling; and*
- (c) *an adjoining vacant residential lot.*

Comment

Proposed conjoined double storey Units 3 and 4; 8 and 9; and 20 and 21 each have one small bedroom window on the second floor that is not 6m from the neighbouring private outdoor space. The windows are located near the boundary separating the two adjoining private outdoor space areas. It is considered that this would be acceptable in this instance, as there would be no direct overlooking because the line of sight to enable overlooking would be sideways, rather than straight ahead. In addition, the windows are designed to be small bedrooms windows, which would also reduce overlooking opportunity as the rooms would be occupied less often than the main living areas. Therefore, it is not considered that screening would be necessary.

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

10.4.6 A3 Privacy for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.6 A3 with respect to window separation from an internal road. The Acceptable Solution requires 2.5m separation unless there is a screen that reduces the requirement to 1m. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.6 P3 Privacy for all dwellings

A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

Comment

The proposed window setbacks from the shared internal road would be as follows:

- Units 3, 4, 5, 6, 8, 9, 10, 11, 17, 18, 19 and 21 have a setback from the internal road of more than 2.5m, which complies;
- Unit 7 has a setback of 2m from each side – on the front elevation there is one large kitchen window and a bedroom window at 1.7m above the driveway level and on the western elevation there is only a bathroom window, which is not a habitable room which is discretionary;
- Units 22 and 23 have a setback of 2.2m, have one large living room window and a bedroom window each which is 1.7m above the driveway level, which is discretionary;
- Units 12, 13, 14 and 15 have a setback of 1.2m and have one large Livingroom window and a bedroom window each which is 1.7m above the driveway level, which is discretionary.

It is considered that the proposed units with 2m and 2.2m separation are designed to minimise detrimental impacts from vehicle noise and lights. These units have bedroom windows at 1.7m above the driveway and only have the living room or kitchen window facing the road.

The kitchen or living room windows would be at 90° to the road. As such, there would be no significant impact and screening would not be required.

Proposed Units 12, 13, 14 and 15 have setbacks of only 1.2m from the internal road. Again, bedroom windows would be 1.7m above the road level and the living room window would face the road at roughly a 90° angle. In this instance it is considered that there is no sufficient separation and an external screen should be installed to provide separation. A condition to this effect is recommended.

10.4.7 A1 Frontage Fences for all dwellings

The proposal does not accord with the Acceptable Solution in 10.4.7 A1 with respect to fence height. The application proposes a 1.8m high solid fence at the road frontage, whereas the Acceptable Solution requires 1.2m. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.7 P1 Frontage Fences for all dwellings

A fence (including a free-standing wall) within 4.5 m of a frontage must:

- (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and*
- (b) be compatible with the height and transparency of fences in the street, taking into account the:*
 - (i) topography of the site; and*
 - (ii) traffic volumes on the adjoining road.*

Comment

The application proposes a 1.8m high solid timber fence at the road frontage for Unit 8 over approximately 8m. Proposed Unit 8 faces the internal road so that the private outdoor space is along the road frontage. This portion of the road frontage is situated at the end of the cul-de-sac and is separated by a nature strip, approximately 6m wide. The proposal states that the fence is required for security and privacy. Traffic volumes would be low, so as not necessitate the fence. The other lots in the vicinity do not have fencing because this is a new subdivision. Given that the private outdoor space is located adjacent to the proposed fence, it is considered that the fence would provide for privacy. The location of the fence is not likely to be incompatible with future fences in the street.

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

10.4.8 A1 Waste Storage for multiple dwellings.

The proposal does not accord with the Acceptable Solution in 10.4.8 A1 with respect to separation of the bin enclosure. The application proposes 4.01m, whereas the Acceptable Solution requires 4.5m. Therefore, the proposal relies on the related Performance Criteria as follows:

10.4.8 P1 Waste Storage for multiple dwellings.

A multiple dwelling development must provide storage, for waste and recycling bins, that is:

- (a) *capable of storing the number of bins required for the site; and*
- (b) *screened from the frontage and dwellings; and*
- (c) *if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.*

Comment

There would be a bin enclosure to the northeast of proposed Unit 8 at a distance of 4.01m, with landscaping along the southern wall. Proposed Unit 8 would have a wall facing the bin enclosure with a bedroom window at ground level, 1.5m above the finished surface level. As such, the bin enclosure would be screened and is sufficiently separated from the unit. A condition is recommended for the landscaping. Therefore, the proposal complies with the standard through the Performance Criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

The proposal does not accord with the Acceptable Solution in E5.5.1 A3 with respect to an increase in traffic of more than 20%. Therefore, the proposal relies on the related Performance criteria as follows:

E5.5.1 P3 Existing road accesses and junctions

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Comment

The proposal accords with the Performance Criteria as there would be no safety or efficiency impacts as a result. Therefore, the proposal complies with the standard through the Performance Criteria

For further comments, please refer to the engineering assessment under the Referrals section of this report.

E6.0 Access and Parking Code

The proposal provides for forty-six spaces which complies with the Acceptable Solution in E6.1 Number of Car parking Spaces Required.

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

E7.0 Stormwater Management Code

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

PART F: Specific Area Plans

Nil.

INTERNAL REFERRALS

Development Engineer

The development application seeks an approval for twenty (21) residential units on a vacant site that has received a previous permit for 4 units.

Traffic, Access & Parking

The site will be accessed off Millington Court frontage.

It is confirmed that the traffic assessment undertaken by Midson Traffic Pty. Ltd. in relation to the access and parking configuration addresses any concerns related to traffic generation and parking demands satisfactorily.

The proposal to install a one-way system within the development will result in a relatively highroad safety element.

The 46 parking spaces proposed will adequately service the development.

A representor has questioned the configuration of the carports adjacent to their property, which are in an elevated position and are concerned that vehicles might be running off the end of the carport.

This has been addressed with a condition that the construction be compliant with AS 1170.1, which will require barriers or wheel stops to prevent vehicles running off the end of any proposed carport.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application; and the stormwater connection is available in the northeast corner of the property.

Other*Geoscience issues*

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

Flooding/Inundation issues

There have been flooding impacts identified and have been addressed in the recommended permit conditions.

Waste Management Officer

Waste Management Services to the proposed multiple dwelling development would be Council's shared bin service, collected weekly. The wheelie bins should be stored in a bin enclosure within the property boundary and are not to be taken to individual units. Wheelie bins will be collected from the internal bin enclosure which will be situated at the front entrance of the property. Conditions and advice are recommended accordingly.

EXTERNAL REFERRALS**TasWater**

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

REPRESENTATIONS

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

1. Proximity of Unit 16 and Building Envelope

The representation states that the main issue is the elevation and proximity of proposed Unit 16 to the rear boundary. The additional height created by the dwelling being constructed on higher ground than our property would create shade across our property for extended periods of time. Whilst it was expected that the land would be developed, it was not expected that the development would be potentially obtrusive to neighbouring properties.

Planner's Comment:

This issue has been previously addressed under the heading Setbacks and Building Envelopes for all Dwellings. In summary, whilst there will be shadows from proposed Unit 16, the private outdoor space of 7 Cronin Court would still receive more than 3 hours of sunlight to more than 50% of the private outdoor space on the shortest day of the year. This is considered reasonable in terms of the planning scheme requirements.

2. Landfill, Building Envelope (Unit 14), Views and Privacy

The representor states that when the property was purchased in 1980 it was adjacent to the primary school, which was a factor in choosing the property. After the school had closed, the building company had an information session showing plans that were different to the advertised plans. There was going to be further consultation if plans changed, which did not happen. The main concern is that the proposed building (Unit 14) will be built at the height of the old school oval. This is landfill that raised the land well above the natural contours of the site for the oval. Having buildings on that landfill will have an unreasonable impact on our property as follows:

- Firstly, the proposed buildings are to be built on an artificial elevation which is to be exacerbated by further land fill right next to our property
- The fact that the proposed buildings are so close to the back boundary fence will have a significant impact because it is as a row of buildings that is proposed in this development, rather than a single dwelling

In summary, due to the close proximity of the buildings and the height of the elevation of the proposed construction it will completely block our existing view, it will significantly reduce the sunlight into our property; it will eliminate our privacy for our property and it will create additional noise.

Planner's Comment:

These concerns were raised with respect to proposed Units 14 and 15. Proposed Unit 14 would be directly opposite the representor's property and proposed Unit 15 would cast some shadows onto that property. Proposed Unit 14 would have a rear boundary setback of 4.574m and Unit 15 of 5.779m. Both dwellings would be single storey and would be within the building envelope even if extra height was added. Therefore, there is no discretion in this regard.

In terms of loss of views, there are no provisions in the planning scheme regulating this issue.

In terms of privacy, the planning scheme requires windows to be setback from the rear boundary by 4m. All dwellings comply with this requirement.

3. 3. Vehicle Safety

The representor states that the design of the development will have the base of a double carport level with the top of the boundary fence and only 4.5 metres from the fence. This configuration is extremely dangerous and has the very realistic potential for a vehicle to be accidentally driven into our yard/house at speed and from a height.

Planner's Comment:

The application includes an elevated double carport for proposed Units 13 and 14. The issue of vehicle safety was referred to the Development Engineer, which recommends a condition that would require barriers or wheel stops to prevent vehicles running off the end of the proposed carport, if the relevant Australian Standard requires it.

CONCLUSION

The application is for twenty-one dwellings on a large lot where four dwellings of a previous approval are currently under construction. The application invokes various minor discretions and received two representations. The discretions and issues have been addressed within the report.

The issue that is most significant to the representors is loss of amenity along the rear boundary, in particular overshadowing and privacy. In terms of discretions, it is only Unit 16 that has a small portion of the dwelling outside the building envelope. There would be some loss of sunshine as there were previously no buildings in this location. However, shadow diagrams show that properties adjoining the rear boundary would still receive at least three hours of sunlight to the private outdoor space. In terms of privacy, none of the dwellings would have windows within 4m of the rear boundary, which complies with the planning scheme requirements.

There are a number of conditions recommended for clarity.

In conclusion, the proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Interim Planning Scheme 2015, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Multiple Dwellings x 21 at 1 Millington Court Glenorchy, subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-156 and Drawing No. P2 submitted on 22/08/18 (pages 1 to 57), except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/01089-GCC, dated 11/09/16, form part of this permit.
3. The bin enclosure must be screened from the road and from Unit 18 with landscaping. The landscaping must have a mature height of at least 1.5m and must be planted prior to the use of the bin enclosure to the Satisfaction of Council's Senior Statutory Planner or at completion of Unit 8, whichever occurs first.
4. All private outdoor space areas of at least 24m² and a minimum width of 4m must have a grade of no steeper than 1:10.
5. Units 12, 13, 14 and 15 must have a screen adjacent to any window within 2.5m of the internal road that is less than 1.7m above the level of the shared internal road to provide for privacy. The screens must be at least 1.7m in height and must be shown on the plans submitted with the Building Permit Application.

The screens must be installed prior to occupancy of the unit they relate to and must then remain for the duration of the approved use to the satisfaction of Council's Senior Statutory Planner

Engineering

6. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition or the issuing of approved engineering drawings (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

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

7. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
8. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor. Any alterations or works to Council mains shall be undertaken by Council at the developer's cost. The developer is required to contact Council's Development Engineer on to organise for Council to provide a quote to perform the stormwater connection works, prior to the issuing of a Building Permit or the commencement of works on site.
9. The design and construction of the driveway, parking, access and turning areas must generally comply with the Australian Standard, Parking facilities, Part 1: Off-Street Car parking, AS 2890.1 — 2004, to the satisfaction of the Council's Development Engineer. Drawings showing the driveway details must be in accordance with the Australian Standard and submitted with the Building Application for approval by Council's Development Engineer prior to the commencement of works on site. The proposed driveway and parking must comply with the following:-
 - (a) Be constructed to a sealed finish and the finished gradient shall not exceed the maximum gradient of 25%;

10. A minimum of forty-six (46) clearly marked car parking spaces are to be provided and kept available for these purposes at all times;
 - (a) The parking areas as proposed are to be clearly marked as car parking spaces and must be provided in accordance with the approved plan and kept available for these purposes at all times;
 - (b) All runoff from paved and driveway areas must be discharged into the proposed stormwater system;
 - (c) The gradient of any parking areas must not exceed 5%; and
 - (d) Minimum carriageway width is to be no less than 3.0 metres.

All works required by this condition must be installed prior to the occupancy of the associated dwelling.

11. A minimum of three (3) clearly marked motor bike/bicycle parking space must be provided and kept available for these purposes at all times;
12. Prior to the commencement of works, an earthworks plan must be submitted to the satisfaction of Council's Development Engineer demonstrating that no impediment to the natural flow of water has been created.
13. A typical cross section of the proposed driveway construction is to form part of the engineering design and is to be submitted to Council for approval.
14. Barrier compliant with the Australian Standard AS 1170.1 must be installed to prevent vehicles running off the edge of a carriageway, raised platform or deck where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit. All works required by this condition must be installed prior to the occupancy of the dwelling.
15. The stormwater design drawings must show all proposed connections, including grated pits, subsoil drains and roof drainage.
16. Lighting is to be provided to all car parking and driveways areas in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car parks" of AS/NZ 158.3.1: 2005. The illumination of the proposed light standards is to be activated prior to the occupancy of the dwelling units.
17. Stormwater runoff management must be designed and implemented to the satisfaction of Council's Development Engineer. All proposed connections to this system must be detailed in an engineering design lodged and approved as part of the plumbing application for stage two (2) of the development. The construction and the appropriate maintenance of the system will be required prior to the issuing of any building approval and must then be appropriately maintained.

Waste Management

18. The design for the bin enclosure must comply with the following:
- (a) must be built on a flat surface with a concrete base/pad and surround of a brick or painted block enclosure or other suitable material to Council's approval,
 - (b) must have concrete at the entrance to the bin enclosure;
 - (c) must suit 18 X 240L wheelie bins of size 1100 height x 600mm wide x 800mm deep and must allow for 300mm space in between each bin;
 - (d) minimum height of the enclosure is to be 1200mm and minimum depth 930mm;
 - (e) the front of the enclosure must face the internal access driveway, and be left open throughout the length of the bin enclosure to enable the bins to be removed, and returned in a safe and efficient manner;
19. there must be no lip on the concrete slab of the bin enclosure; The bin enclosure must be constructed prior to the issue of a Certificate of Occupancy for the first dwelling to the satisfaction of Council's Waste Services Co-ordinator.

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.

Waste Management

- A Deed of Release and Indemnity must be signed prior to Council's contractor service vehicles entering the property to empty the shared wheelie bins.
- Twenty three dwellings will be eligible for a maximum of 9 x 240L waste wheelie bins and 9 x 240L recycling bins collected weekly to be shared by all twenty-three dwellings. Collection of bins will be from the internal bin enclosure, due to there being no room within the cul-de-sac for the placement of wheelie bins on the kerbside.

The bins will be stored in a bin enclosure to be built opposite the letter boxes.

The bin enclosure must be built within the property boundary preferably at the entrance of the property allowing a 4.5 metre distance from the entrance to prevent impacting on sight distances for vehicles leaving the site.

It is recommended that no bin enclosure be built closer than a minimum of 4.01m metres to any residence to avoid odour and nuisance issues arising.

Council's Waste Management Contractor would not enter the property to collect and empty bins.

APPENDIX**10.0 General Residential Zone.**

Standard	Acceptable Solution	Proposed	Complies?
10.4 Development Standards for Residential Buildings and Works			
10.4.1 Residential density for multiple dwellings.	A1 Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Land area 8330m ² / 25 (21+4 existing) = 333.2m ²	Yes
10.4.2 Setbacks and building envelopes for all dwellings:	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or	Units 8, 9 and 10 adjoin a public road. Unit 8: frontage setback 4.5m Unit 9: frontage setback 4.5m Unit 10: frontage setback 5.64m	Yes

	(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.		
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	Units 8 and 9 have an integrated garage facing the internal driveway so that the rear wall is 4.5m from the frontage. The building is double storey and the wall of the garage is the same as for the upper storey.	Yes
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling:	1. Frontage setback 4.5m - complies 2. Side setback: - Units 10 and 11 (single storey) 3.95m - Units 3 and 4 (double storey 6m and 15.2m - Unit 17 (double storey) 13.415m - Unit 16 13.817m All side setbacks comply 3. Rear setback - Unit 12 (single storey) 4.259m - Unit 13 (single storey) 4.775m	Discretion – Please see report

	(iii) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (iv) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	- Unit 14 (single storey) 4.574m - Unit 15 (single storey) 5.779m - Unit 16 (double storey) 6.878m All rear setbacks comply, except for Unit 16 that has a small portion outside the building envelope. For more details please refer to report  Red = Front Boundary Yellow = Side Boundary Blue = Rear Boundary	
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished	- Site coverage is 29% - Total POS: More than 60m² for each dwelling. Unit 22 has the smallest area of 60m². - Pervious area: 38%	Yes

	ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.		
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least: (i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (c) 4 m; or (i) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (d) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (e) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (f) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (g) has a gradient not steeper than 1 in 10; and	Each dwelling has POS of at least 24m², with minimum width of 4m, and a grade of no steeper than 1:10. Each of the space is accessible from a living area. Unit 16 would have the POS to the southeast but satisfies (e) as shown on the submitted shadow diagrams.	Yes

	(h) is not used for vehicle access or parking.		
10.4.4 Sunlight overshadowing dwelling	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	- Units 10, 11, 7, 17, 18, 19 22 and 23, have a living room window within 30° east of north, which complies - Units 12, 13, 14, 15, 16 20 and 21 have a living room window which faces 40°east of north, which is discretionary - Units 3, 4, 5 and 6 have a living room window 50°west of north, which is discretionary - Units 8 and 9 have a living room window 90°west of north, which is discretionary	Discretion – Please see report
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B): (i) at a distance of 3 m from the window; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21 st June. That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or	The dwellings in closest proximity are: - Unit 7 is to the north of Unit 23, separation is 5m - Unit 9 is to the north of Unit 10, separation is at least 5m	Yes

	(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
	A3 A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c): (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C): (i) at a distance of 3 m from the northern edge of the private open space; and (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal. (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June. (c) That part, of a multiple dwelling, consisting of: (i) an outbuilding with a building height no more than 2.4 m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.	Only Unit 7 is to the north of the private outdoor space. Unit 7 is north of the POS of Unit 23. Unit 23 has an area of 48m², so that the minimum area for POS of 24m² is offset from Unit 7. Shadow diagrams demonstrate accordance with (b) as the POS would receive sunlight between 10am and 1pm to more than 50% of the required area.	Yes
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	None of the garages face the primary frontage	NA
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural	The proposal does not include balconies decks, roof terraces or elevated parking spaces. Units 13, 14 and 15 each have a carport	Yes

	ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	with a finished surface just over 1m above natural ground level, however each of the carports has a rear setback between 4.775m and 5.779m, which complies. Unit 16 has a landing at the rear door with a finished surface of 1.2m above natural ground level, which is 5.878m from the rear boundary, which complies.	
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) The window or glazed door: (i) is to have a setback of at least 3 m from a side boundary; and (ii) is to have a setback of at least 4 m from a rear boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6 m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be at least 6 m from the private open space of another dwelling on the same site.	<u>Side Boundaries</u> Units 9, 10, 11, 16, 17, 3an 4 are facing a side boundary and are all more than 3.95m away from a side boundary, which complies. <u>Rear Boundary</u> Units 12 to 16 are facing a rear boundary and have a setback of at least 4.259m, which complies. <u>Multiple Dwelling – Window Separation</u> • Units 9 and 10: separation 4.2m – no windows SE Unit 9 • Units 9 and 10: separation 5.8m - no windows • Units 15 and 16: separation 5m – Unit 16 has two windows 1.7 above FFL and one hallway window less	Discretion – Please see report

	(b) The window or glazed door: (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or (iv) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.	than 1.7m facing unit 15 - Units 19 and 20: separation: separation 3m – Unit 19 has two windows more than 1.7m above FFL and one hallway window facing Unit The above window separations comply, all other units have separation of more than 6m <u>Multiple Dwelling – POS Separation</u> - Units 5, 6, 7, 10,11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23 comply. It is noted that the window of Unit 15 has a floor level of 1m. Conjoined double storey Units 17, 18, 19 have bathroom and hallway windows (which are not habitable rooms) facing the neighbouring POS - Conjoined double storey Units 3 and 4; 8 and 9; and 20 and 21 each have one small bedroom window on the second floor that is not 6m from the neighbouring POS, which is discretionary	
	A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5 m; or (b) 1 m if: (i) it is separated by a screen of at least 1.7 m in height; or (iii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above	- Units 3, 4, 5, 6, 8, 9, 10, 11, 17, 18, 19 and 21 have a setback from the internal road of more than 2.5m, which complies - Unit 7 has a setback of 2m from each side – on the front elevation there is one large living room window and a bedroom window 1.7m above the driveway level and on the western elevation there is only a bathroom window, which is discretionary - Units 22 and 23 have a setback of 2.2m, have one large living room	Discretion – Please see report

	the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.	window and a bedroom window each which is 1.7m above the driveway level, which is discretionary. Units 12, 13, 14 and 15 have a setback of 1.2m and have one large Livingroom window and a bedroom window each which is 1.7m above the driveway level, which is discretionary	
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	There would be a 1.8m timber paling fence between Unit 8 and the street frontage.	Discretion – Please see report
10.4.8 Waste Storage for multiple dwellings.	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	There would be a communal storage area 4.5m from the frontage, but only 4.01m from the sidewall of Unit 8.	Discretion – Please see report

Attachments/Annexures

- 1** Attachment - 1 Millington Court, Glenorchy



**. PROPOSED USE AND DEVELOPMENT WAREHOUSE (STORAGE)
- 5-15 PEARL STREET, DERWENT PARK**

Author: Planning Officer (Bhavna Gungabison)
 Qualified Person: Planning Officer (Bhavna Gungabison)
 Property ID: 5440830

REPORT SUMMARY:

Application No.:	PLN-18-212
Applicant:	Gary Reed Building Design
Owner:	P J Fergusson
Zone:	Light Industrial Zone
Use Class	Storage
Application Status:	Discretionary
Discretions:	E5.5.1 Existing road accesses and junctions E6.6.1 Number of car parking spaces E6.7.1 Number of Vehicular Accesses (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	15 Oct 2018
Existing Land Use:	Vacant (partly) and Warehouse
Proposal In Brief:	Warehouse (Storage)
Representations:	0
Recommendation:	Approval, subject to conditions.

REPORT IN DETAIL:**PROPOSAL**

The application is for the construction of a warehouse, with ancillary offices for storage use at 5-15 Pearl Street, on the western half of the site. The proposed warehouse is to be of similar scale and design as the existing warehouse on the eastern half of the site.

The building is proposed to be setback 11.50m from the frontage with a maximum height of 7.9m, a width of 22m and an overall length of 48m. The building will be built directly onto the rear boundary and will be co-joined to the existing warehouse on the site, with internal separations. The proposed warehouse will be setback 14.6m from the western side boundary.

The building has a total lower floor area of 987m² with 756m² for the warehouse use and 231m² of ancillary office space and an upper floor area of 189m² for ancillary office use. The total floor area of the development is 1176m².

Twenty-five car parking spaces are proposed to be located along the frontage, as shown in figure 1 below, with twenty-one being open for all users and four spaces being reserved for sales managers and will be located behind an auto sliding security fence for limited access.

The western section of the site consists of a fork lift operation zone for goods delivery and collection. Outdoor storage space along the western boundary is screened by a 2.1m high screen. The car parking is illuminated by baffled bollard lighting which will prevent light spill off site and landscaping is proposed along the frontage.

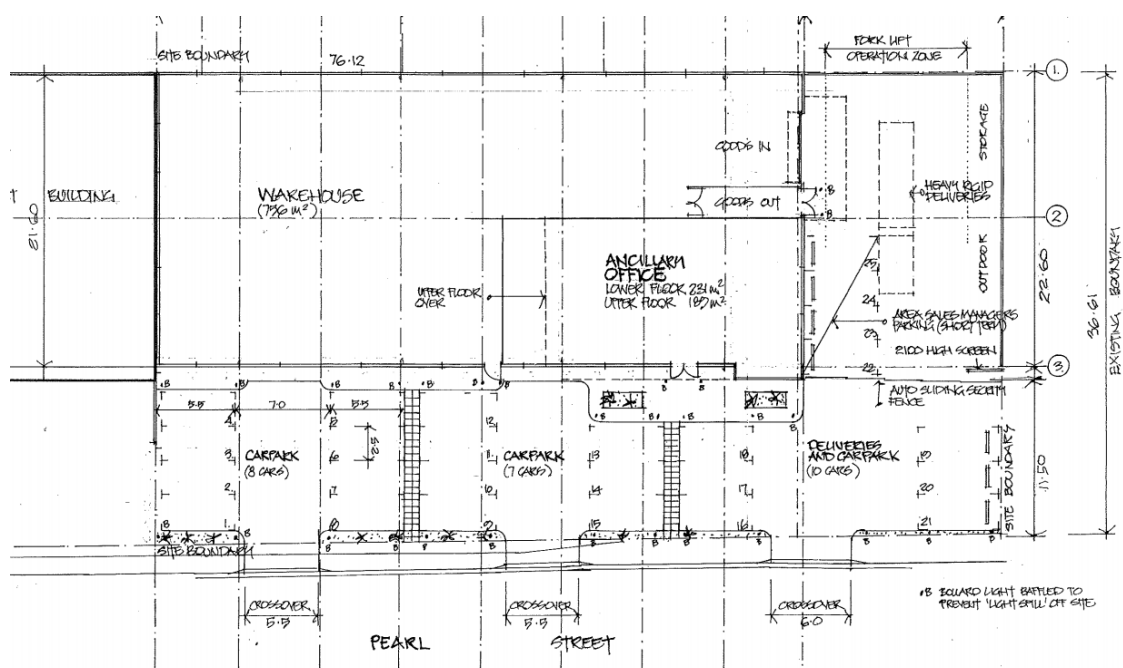


Figure 1: Proposed development site plan – 5-15 Pearl Street, Derwent Park.

SITE and LOCALITY

The subject site is located on the southern side of Pearl Street, approximately 70m from Gormanston Road, Derwent Park. The property consists of three titles, with a combined frontage of approximately 107m, an average depth of 43.5m, and a total area of 3747m².

The site is generally flat and falls toward the north-east, with an average gradient of 1 in 30. The land has an existing warehouse on the eastern half of the site, which will be retained. The warehouse on the western half of the site as encircled in figure 2 below, has been demolished to make way for the new proposed warehouse.

The surrounding locality consist of a mix of industrial, commercial and residential uses.



Figure 2: An aerial view of 5-15 Pearl Street and surrounding locality.

ZONE

The subject property is within the Light Industrial zone and is surrounded by a combination of uses within the Light Industrial zone to the west, north and east, with the Commercial zone to the south.

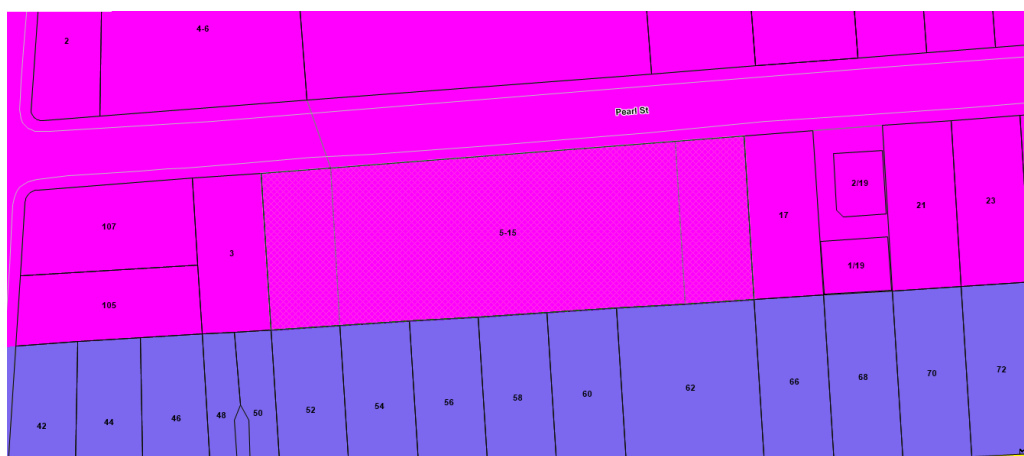


Figure 3: A snapshot of zoning of the subject site (Fuchsia - Light Industrial zone; Purple – Commercial zone).

BACKGROUND

PLN-00018 - Existing warehouse and workshop – approved 14/02/00

PLN-00805 - Change of Use to Equipment Sales & Hire Premises – approved 13/09/01

PLN-05-03647 - Use and construction of warehouses and extension of existing Equipment Sales and Hire Premises – approved 30/01/06

PLN-17-325 - Partial Demolition of existing buildings - A permit was issued for the demolition of the building on the western half of the subject site – approved 13/12/17

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

6.4 Fences

Clause 6.4.2 (b) provides exemption for the boundary fences adjoining a road but must not exceed a total height of 1.2m above natural ground level. The auto sliding security fence is likely to exceed 1.2m in height and therefore does not meet the exemption. The fence is being assessed against the development standards 24.4.7 fencing of the Light Industrial zone and a condition has been recommended.

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

No SAP applies.

The E5.0 Road and Railway Assets Code, E6.0 Parking and Access Code and E7.0 Stormwater Management Code apply, and therefore prevail over the zone provisions, where there is any conflict.

Use Class Description (Table 8.2):

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

Other relevant definitions (Clause 4.1):

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

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

Part C: Special Provisions

No special provision of the Scheme applies to this proposal.

Part D: Zones

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

Zone Purpose Statements

- 24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.
- 24.1.1.2 To promote efficient use of existing industrial land stock.
- 24.1.1.3 To minimise land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones.
- 24.1.1.4 To provide industrial activity with good access to strategic transport networks.

Comments:

The proposed Warehouse would provide for storage of an industrial nature and would use existing industrial land, with good access to transport networks. The proposed traffic generated would be similar to the industrial uses that can be considered in the zone. The use is assessed as not having an unreasonable impact on the surrounding industrial, commercial and residential uses and is compatible with the zone purpose.

Use Table

Storage is a permitted use in the zone, as per Use Table 24.2. However, the application is discretionary owing to reliance on performance criteria for E5.0 Road and Railway Assets Code and E6.0 Parking and Access code.

Use Standards

The subject site is located more than 50m away from the nearest residential zone. Therefore, the Use standards pertaining to external lighting, commercial vehicle movements and outdoor work areas do not apply.

The hours of operation for the use is proposed to be between 8:00am to 6:00pm during the week and between 10:00am to 2:00pm on Saturdays. The warehouse is not proposed to operate on Sundays and Public holidays. The hours of operation comply with the acceptable solution as per Clause 24.3.1 of the Scheme.

Furthermore, given the proposal is for warehousing and office use, it is assessed that the acceptable solution for noise standard is being complied with.

Development Standards for Buildings or Works

The proposal complies with the acceptable solutions of the applicable development standards of the zone. Please refer to the Appendix section.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Rail Asset Code

Clause E5.5.1 – Standard A3, Existing road accesses and junctions

The proposal is assessed as causing an increase in the traffic movements per day by more than 20% or 40 vehicle movements per day since the site is currently vacant. Therefore, the proposal relies on performance criteria P3 which requires the following:

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the road, having regard to:

- a) the increase in traffic caused by the use;*
- b) the nature of the traffic generated by the use;*
- c) the nature and efficiency of the access or the junction;*
- d) the nature and category of the road;*
- e) any alternative access to a road;*
- f) the need for the use;*
- g) any traffic impact assessment; and*
- h) any written advice received from the road authority.*

Comment:

Council's Development Engineer was supportive of the proposal on the basis that the existing access and road had been designed to accommodate the increase in traffic. Furthermore, the site previously contained a storage warehouse, which has now been demolished to make way for the new warehouse. Therefore, it is considered that the proposal complies with the performance criteria and meets the standard.

E6.0 Parking and Access Code

Clause E6.6.1 - Number of Car Parking Spaces

The proposed Warehouse would require a total of 19 car parking spaces for a floor area of 1176m² (756m² for warehouse and 420m² for ancillary office) in accordance with Clause E6.6.1 – standard A1 of the Scheme. The proposal provides for a total of 25 car parking spaces on site, which is more than 10% greater than the required number. Therefore, the proposal relies on performance criteria P1, which requires the following:

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

Comment:

One car parking space is required for each 100m² of floor area of the storage warehouse and one for each 40m² of ancillary office floor area. The proposed warehouse has a floor area of 756m² attributed to storage purpose and 420m² of floor area for office space. The number of car parking is therefore eight for the warehouse activity and 11 for the ancillary office area. A total of 19 car parking spaces is required to meet the demand for the proposed development. As part of the proposal, 25 car parking spaces are proposed, which is assessed to meet the demand as the surplus will prevent regular overspill of parking onto the street.

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

Clause E6.7.1 – Number of Vehicular Accesses.

The subject site currently has a vehicular access which extends along the entire frontage as shown in Figure 4. The application proposes three well defined crossovers for the warehouse development. The Acceptable Solution A1, requires the number of vehicle access points per road frontage to be one or the existing number of vehicle access points, whichever is the greater. Even though the existing crossover is being reduced in size, it is assessed that the conversion of the existing crossover into three relies on the Performance Criteria P1.



Figure 4: Existing crossover for subject site.

The Performance Criteria P1 requires the following:

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

(a) access points must be positioned to minimise the loss of on street parking and provide, where possible, whole car parking spaces between access points;

(b) whether the additional access points can be provided without compromising any of the following:

(i) pedestrian safety, amenity and convenience;

(ii) traffic safety;

(iii) residential amenity on adjoining land;

(iv) streetscape;

(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;

(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.

Comment:

Even though the number of access points have increased from one to three, the extent of the crossover section has decreased from the one existing. This is because the existing crossover extends along the entire frontage and does not allow for well-defined vehicle access to the subject site. The proposed three crossovers will allow for on street parking between the access points, which was previously not possible and also allow car parking spaces between each access point. The proposed well-defined vehicular access points are assessed as enhancing pedestrian safety, amenity and convenience; traffic safety and streetscape.

The three proposed crossovers are assessed as complying with the performance criteria and therefore meets the standard.

E7.0 Stormwater Management Code

The proposal is not exempt under Clause E7.4 of the Glenorchy Interim Planning Scheme 2015. However, the proposal complies with the acceptable solutions in the standards in Section E7.0 of the Scheme.

PART F: Specific Area Plans

No SAP applies to this assessment.

INTERNAL REFERRALS

Development Engineer

E5.0 Road and Railway Assets Code

This Code applies to use or development of land:

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

The additional traffic movements generated by the proposal is not expected to have any significant detrimental impacts on the surrounding road network, in terms of traffic efficiency or road safety and therefore is considered to satisfy the Performance Criteria of Clause E5.5.1 P3 Existing Road Accesses and Junctions.

E6.0 Parking and Access Code

This code applies to all use and development.

Twenty-five (25) car parking spaces are proposed where nineteen (19) are required as per Table E6.1 Number of Car Parking Spaces Required. The proposed number of car parking spaces is in excess of the 10% required by the Acceptable Solution of Clause E6.6.1 Number of Carparking Spaces and therefore, the proposal relies on Performance Criteria P1. There is a significant amount of on-street parking being occupied at the time of inspections. The additional parking proposed on site is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety and therefore is considered to satisfy the Performance Criteria of Clause E6.6.1 P1 Number of Car Parking Spaces.

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 (office) and class 7b (warehouse) building in accordance with the Glenorchy Interim Planning Scheme 2015.

In accordance with table E6.2 of the Glenorchy Interim Planning Scheme 2015 (GIPS), one medium to high security (locked compound with communal access using duplicate keys or fully enclosed individual lockers) bicycle parking facility is required to be provided and proposed to be conditioned.

One on-site motorcycle parking space is proposed to be conditioned to satisfy the acceptable solution of clause E6.6.3 Number of Motorcycle Parking Spaces.

Due to the proposed development requiring commercial vehicles facilities for loading, unloading and manoeuvring, it is recommended that a condition of approval for these facilities to be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial Vehicle Facilities AS 2890.2:2002 to satisfy the acceptable solution of clause E6.7.1.13 Facilities for Commercial Vehicles of GIPS.

Three accesses are proposed to service the development. The entire frontage currently has a vehicle crossover with the existing development being accessed in an ad-hoc way. It is considered the Performance Criteria of clause E6.7.1 Number of Vehicle Accesses is required to be addressed due to the three separate accesses from the single extended accesses that currently exists. The proposed three defined access points will better identify available on-street carparking and access to the site and allow for whole car parking spaces between access points minimising the loss of available on-street parking and therefore satisfying the Performance Criteria P1(a) of this clause.

The three separate access points are not expected to compromise pedestrian safety amenity and convenience, traffic safety, residential amenity on adjoining land or streetscape and is considered adequate to satisfy the Performance Criteria of clause E6.7.1 Number of Vehicular Accesses P1 (b).

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

E7.0 Stormwater Management Code

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

Although the applicant has shown some internal stormwater being connected to public stormwater infrastructure, a condition is recommended for stormwater from all new impervious surfaces to be disposed of by gravity to public stormwater infrastructure, to meet the requirements of the acceptable solution of E7.7.1 Stormwater Drainage and Disposal. A condition is recommended that all internal hydraulic service works required for the development must be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor

There are no other applicable standards of the stormwater management code.

Other***E3.0 Landslide Code***

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

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

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

E15.0 Inundation Prone Areas Code

The entire lot is identified through Council records as being subject to 'at risk' from a Pitt and Sherry Flood Risk Investigation in 2014. Council's Stormwater Engineer has undertaken a detailed assessment of the application and concluded that the land falls towards the road, the proposed floor level of 8.20 meters is well above the street level of approximately 7.25 meters, where any major storm overland flow is expected, and that the footprint of the building is not within the risk zone. Recent stormwater infrastructure works in the area are also expected to benefit mitigating potential flooding in the area. As the land is not expected to be at risk of flooding of 1% AEP or more, it is considered that E15.0 Inundation Prone Areas Code of the Glenorchy Interim Planning Scheme 2015 does not apply, and therefore, the proposal is not assessed against E15.7.4 Riverine Inundation Hazard Areas.

There are no other inundation prone areas code matters applicable to this application.

Environmental Health Officer

Environmental health has assessed this application against the relevant sections of the Glenorchy Interim Planning Scheme 2015. This site has not been identified as potentially contaminated land or land affected by any attenuation distances; as such, assessment has been against the light industrial zoning. Based on the use as a warehouse, the proposal is not expected to generate significant noise; in addition, the closest residential zone is approximately 56 metres away on the other side of Derwent Part Road. However, to ensure that this remains the case it is

recommended that acceptable solution 24.3.2 A1 be applied to the permit as a condition.

EXTERNAL REFERRALS

TasWater

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes conditions on the permit for this application.

TasRail

The proposed development will be sited between Pearl Street and Derwent Park Road and is not backing on to the rail corridor. TasRail therefore has no objection to the proposed development, conditional on there being no discharge of water or any requirement for services to be installed within rail land.

Should the proponent require access to rail land for any purpose including for a service installation or connection under rail land, then TasRail requests that the approved permit include a TasRail condition that any access or proposed service installation/connection is subject to TasRail review and approval and requires a separate permit from TasRail.

REPRESENTATIONS

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

CONCLUSION

The application is for the construction of a warehouse (storage) with ancillary office space at 5-15 Pearl Street. The subject site currently contains an existing warehouse on the eastern half of the property, with similar scale and structure.

The proposal relies on performance criteria for compliance with E5.5.1 Existing road accesses and junctions, E6.6.1 Number of car parking spaces and E6.7.1 Number of Vehicular Accesses. The proposal is assessed as satisfying the performance criteria and complies with the standards. The proposal is assessed as complying with the development standards in the Light Industrial zone, as well as all the relevant standards of the Road and Railway Assets Code, Parking and Access Code and Stormwater Management Code.

The application was publicly advertised for the statutory 14-day period and no representation was received.

The proposal is assessed to substantially comply with the requirements of Schedule 1 of the Land Use Planning and Approvals Act 1993 and the Glenorchy Interim Planning Scheme 2015, subject to the recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of Warehouse (Storage) at 5-15 Pearl Street, Derwent Park subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-212 and Drawing No. P3 submitted on 18/09/2018 and drawing No. P2 pages 3, 4 and 6 of 6 submitted on 30/08/2018, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/01488-GCC, dated 12/09/2018, form part of this permit.
3. Fences along the frontage must be at least 50% transparent above a height of 1.2m and must not exceed 2.1 m in height.
4. The office use on-site must be directly associated with and subservient to the approved Warehouse (Storage) use.

Engineering

5. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
7. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to existing infrastructure, surface drainage collection, pavement composition, finished levels and stormwater treatment details, must be submitted with the Building Application for approval by Council's Development Engineer. All internal hydraulic service works required for the development shall be at the Developer's expense and must comply with the requirements of Council's Plumbing Surveyor.
8. Driveways, car parking and turning areas must be constructed and sealed with an approved impervious surface treatment prior to the use as approved. 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. Twenty-Five (25) clearly marked car parking spaces must be provided and kept available for these purposes at all times prior to the use as approved. 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.
10. One (1) dedicated motorcycle parking space must be provided and shall be clearly marked (delineated) in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking Clause 2.4.7 prior to the use as approved.
11. Two (2) bicycle parking spaces shall be provided within fully enclosed individual lockers or locked compounds with communal access using duplicate keys and be located in close proximity to the main entrance/exit. The spaces shall be clearly marked (delineated) and be in accordance with Australian Standard AS/NZS 2890.3 - 2004 Off-Street Parking and installed prior to the use as approved.
12. Lighting must be provided for the carpark in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to the use as approved and maintained for the duration of the use.
13. Commercial vehicles facilities for loading, unloading or manoeuvring must be provided in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002 prior to the use as approved.
14. Water sensitive urban design principles for the treatment of stormwater discharging from the site post development, must be incorporated into the development prior to the use as approved. Detailed plans to satisfy this requirement must be submitted and be approved by Council's Development Engineer prior to the issue of building approval.

Environmental Health

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

Advice to Applicant

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

TasRail

- The applicant acknowledges that the development will be sited near a railway land corridor and therefore the development may be exposed to noise and vibration issues should train or transport operations operate in the future. It is recommended that the development consider appropriate design measures to mitigate future noise emissions.
- Access to rail land is strictly prohibited without formal authorisation from TasRail.

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 A**24.0 Light Industrial Zone**

Standard	Acceptable Solution	Proposed	Complies?
24.3 Use of Standards			
24.3.1 Hours of Operation	A1 Hours of operation of a use within 100 m of a residential zone must be within: (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5.00 pm Saturdays; (c) nil Sundays and Public Holidays. except for office and administrative tasks.	The subject site is located approximately 56m from the nearest residential zone. The proposed hours of operation is between 8:00am to 6:00pm during weekdays and 10:00am to 2:00pm on Saturdays. The warehouse activity will not operate on Sundays and Public holidays.	Yes
24.3.2 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 to 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.	A condition has been recommended on permit.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.	Subject site is located more than 50m from the nearest residential zone.	N/A
24.3.3 External Lighting	A1 External lighting within 50 m of a residential zone must comply with all of the following: (a) be turned off between 10:00 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.	Subject site is located more than 50m from the nearest residential zone.	N/A
24.3.4 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 7.00 pm Mondays to Saturdays inclusive; (b) 9 am to 5.00 pm Sundays and public holidays.	Subject site is located more than 50m from the nearest residential zone.	N/A
24.3.5 Outdoor Work Areas	A1 Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans must not be located within 50 m of a residential zone.	Subject site is located more than 50m from the nearest residential zone.	N/A

24.4 Development Standards for Buildings and Works			
24.4.1 Building Height	A1 Building height must be no more than: 9m.	The proposed building has a maximum height of 7.9m.	Yes
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not applicable.	N/A
24.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no less than: (a) 10 m; or (b) the alignment of the adjoining buildings whichever is the lesser.	The building is setback 11.5m from the frontage.	Yes
	A2 Building setback from a residential zone must be no less than: (a) 10m; or (b) half the height of the wall, whichever is the greater.	Not applicable.	N/A
24.4.3 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 facade 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 facade ensure any single expanse of blank wall	a) The proposed building provides for main pedestrian entrance along the frontage to the office space which is clearly visible from the road and parking area. b) 50% of the building is proposed to have glass curtain wall with doors and windows incorporated. c) The proposed building will have 50% of concrete wall panels and 50% of glass curtain wall along the front façade. d) Outdoor storage area is proposed along the western side of the property and will be screened from view from the street and car parking space by a 2.1m	Yes

	in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade; (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; (g) not include security shutters over windows or doors with a frontage to a street or public place.	screen and an auto sliding security fence. e) No rooftop service infrastructure is proposed f) No awnings over footpath is present on the site and on adjoining lots g) No security shutters over windows or doors within the front façade is proposed	
	A2 Walls of a building facing a residential zone must comply with all of the following: (a) be coloured using colours with a light reflectance value not greater than 40 percent: (b) if within 50m of a residential zone, must not have openings in walls facing the residential zone, unless the line of sight to the building is blocked by another building.	The walls of the proposed building does not face any residential zone	N/A
24.4.4 Passive Surveillance	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 buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which	a) The proposed building provides for main pedestrian entrance along the frontage to the office space which is clearly visible from the road and parking area. b) 50% of the building is proposed to have glass curtain wall with doors and windows incorporated which faces the frontage. c) The proposed building will have 50% of concrete wall panels and 50% of glass	Yes

	amount to no less than 20 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade 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 10% of the surface area of the ground floor level facade; (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.	curtain wall along the front façade and car parking. d) The building does not allow potential for entrapment spaces around the building site. e) External lighting is proposed along the front façade to illuminate car parking areas and entrance. f) Public access to the building will be well lit from the external car parking areas which is proposed along the frontage.	
24.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has a nil setback to frontage.	Landscaping is proposed along the frontage and between the building and the car parking space	Yes
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 10m.	Not applicable.	N/A
24.4.6 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.	The outdoor storage area proposed along the western end of the subject site is located behind the building line and is screened by a 2.1m high screen and separated from the frontage and main car parking area by an auto sliding security fence.	Yes

24.4.7 Fencing	A1 Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 2.1 m must not be erected within 10 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.	Security fence and screen is proposed 11.5m from the frontage. Transparency of the fence has been conditioned.	Yes
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APPENDIX B**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Proposal relies on performance criteria – see report	No – performance criteria satisfied.
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not an applicable standard.	NA

5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Not an applicable standard.	NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Not an applicable standard.	NA
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	Road access is existing along frontage, crossovers are proposed to be better defined for the parking purpose.	NA
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	Not an applicable standard.	NA

E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes
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APPENDIX C**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.		No – Performance criteria satisfied.
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.		Yes - conditioned
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.		Yes - conditioned

Standard	Acceptable Solution	Proposed	Complies?
E6.6.4 Number of Bicycle Parking Spaces	A1 The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.		Yes - conditioned
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.		No – Performance criteria satisfied.
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.	

Standard	Acceptable Solution	Proposed	Complies?
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.	Not an applicable standard.	
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.		Yes - conditioned
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.		Yes - conditioned
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.		Yes - conditioned
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.		Yes - conditioned

Standard	Acceptable Solution	Proposed	Complies?
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		Yes - conditioned
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.		Yes - conditioned
	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.		Yes
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 D**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 - conditioned
	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.		Yes - conditioned
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	Not an applicable standard.	
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	Not an applicable standard.	

Attachments/Annexures

- 1** Attachment - 5-15 Pearl Street, Derwent Park



9. PROPOSED S.43A COMBINED AMENDMENT REQUEST AND PLANNING PERMIT APPLICATION - REZONE 115 ALLUNGA ROAD TO A GENERAL RESIDENTIAL ZONE AND 3 LOT SUBDIVISION - 115 AND 131A ALLUNGA ROAD, CHIGWELL

Author: Strategic Planner (Lyndal Byrne)
Planning Officer (Bhavna Gungabison)

Qualified Person: Strategic Planner (Lyndal Byrne)

Property ID: 3312245

REPORT SUMMARY:

To seek the Planning Authority's decision on a Section 43A combined planning permit application and amendment request number PLS43A-18/01. The request seeks a planning scheme amendment to rezone 115 Allunga Road, Chigwell from a Community Purpose Zone to a General Residential Zone combined with a planning permit application for a 3 lot subdivision of 115 Allunga Road, with easements created over 131A Allunga Road, Chigwell.

Application No.:	PLS43A-18/01
Applicant:	JMG Engineers and Planners
Owner:	Wilson Homes Tasmania Pty Ltd & Roman Catholic Church Trust Corporation of the Archdiocese of Hobart and Glenorchy City Council
Existing Zoning:	Community Purpose Zone
Existing Land Use:	School
Proposal in Brief:	Rezone the land to a general Residential Zone and 3 lot subdivision.
Representations:	Not Applicable (Proposal yet to be advertised)
Recommendation:	Initiate amendment and advertise

REPORT IN DETAIL:**PROPOSAL:** *Rezoning request*

The proposal seeks to rezone 115 Allunga Road, Chigwell from a Community Purpose Zone, to a General Residential Zone, see Figure 1. The site has an area of about 2.65ha. The zoning change would allow for a greater range of permissible residential uses on the land.



Figure 1 – proposed zoning

The proposed amendment also seeks to add a qualification to Clause 10.2 – Use Table of the General Residential Zone for the 'discretionary' use of *Educational and Occasional Care* to allow a secondary school. This would give the existing St Francis Hobart Flexible Learning Centre, a secondary school and learning facility for years 7-10 that also provides an afterhours school program and outreach school programs for teenagers, the ability to continue operating.

Subdivision

The proposed subdivision would result in a 3 lot subdivision plus road over 115 Allunga Road, with easements over Council owned land at 131A Allunga Road, Chigwell. It should be noted that Council land is not proposed to be rezoned or subdivided and only forms part of the application to enable sewer and stormwater connections. The proposed subdivision is shown in Figure 2.

The proposed lot sizes are:

Lot 1 – 8100m²

Lot 2 – 1.62ha

Lot 3 – 3580m²

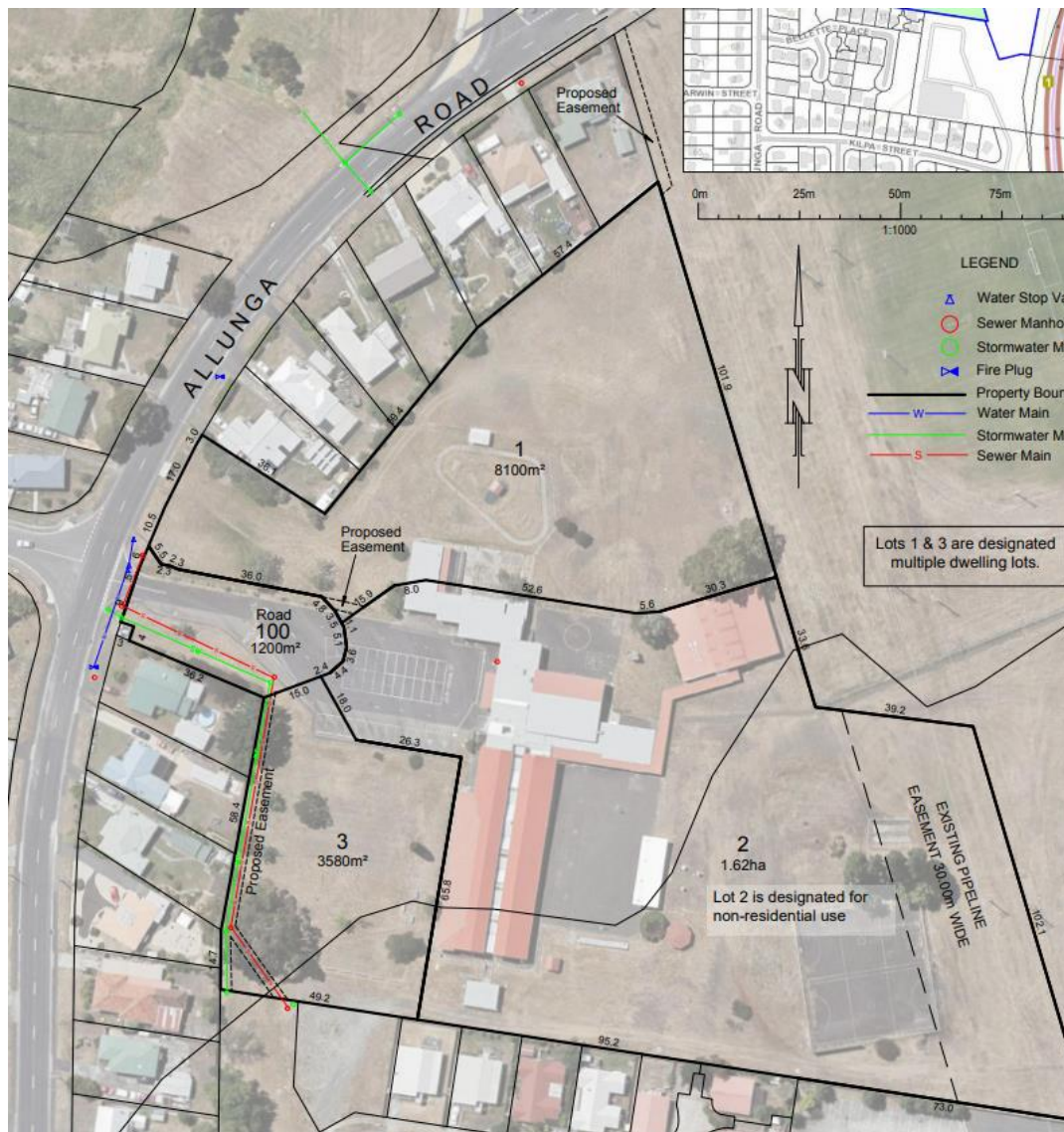


Figure 2 – Subdivision plan

SITE AND LOCALITY:

The subject site is located off Allunga Road, and between Allunga Road and the Brooker Highway. 115 Allunga is described in CT 174668/1 and 131A Allunga in CT 163317/1 (Council land). See Figure 3.



Figure 3 – Aerial view of subject land.

115 Allunga Road accommodates the former Mt. Faulkner primary school and is currently used as the St Francis Hobart Flexible Learning Centre. 131A Allunga Road provides community sporting and recreational opportunities. It is noted that wayleave easements extend north-south across both properties - basically through the centre of the site area.

The surrounding area is primarily single residential lots, with a church to the south of the land. Faulkners Rivulet runs along the northern side of Allunga Road, with land further to the west, vacant residentially zoned land.

The land at 115 Allunga Road is within a Community Purpose Zone, while Council land is split-zoned Recreation Zone and Community Purpose. Surrounding land is within a General Residential Zone, with the Brooker Highway zoned Utilities, and land around Faulkners Rivulet within an Environmental Management Zone, see Figure 4.

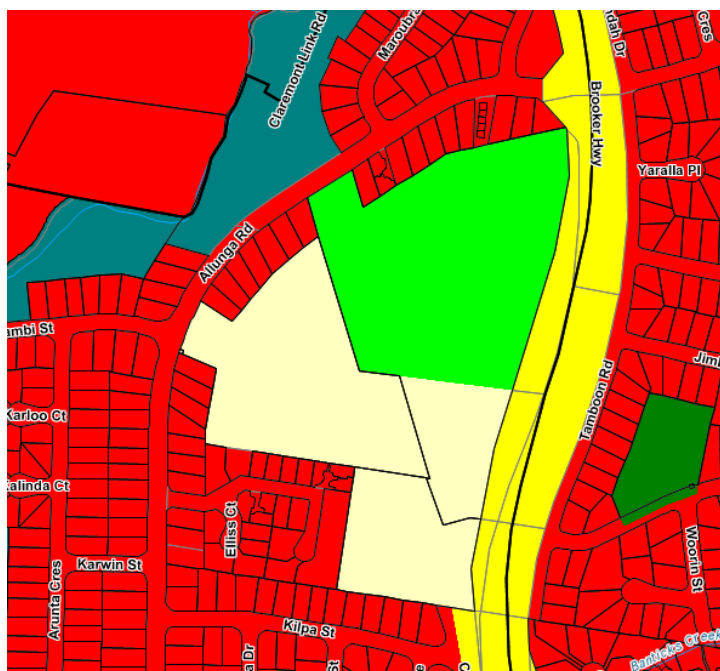


Figure 4 – Zoning of subject area and surrounds under the GIPS 2015.

There are no overlays identifying hazards or values affecting the land.

BACKGROUND: Several planning permits have been issued for 115 Allunga Road:

- PLN-17-134 – Aged care and respite care facility
- PLN-18-031 – Aged care and respite centre
- PLN-18-040 – Aged care and respite centre (this supersedes the previous applications)

No permits have been issued for 131A Allunga Road.

STATUTORY REQUIREMENTS:

Matters for consideration under the Land Use Planning and Approvals Act 1993 (the Act)

Section 20(1), former provisions, of the Act is relevant in that a planning scheme amendment is also considered to be the making of a planning scheme. Under this provision, the amendment must, in the opinion of the planning authority:

- Seek to further the objectives set out in Schedule 1 of the Act.
- Be prepared in accordance with State Policies made under [section 11](#) of the [State Policies and Projects Act 1993](#).

- Have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the [Local Government Act 1993](#) as adopted by the council at the time the planning scheme is prepared.
- Have regard to the safety requirements set out in the standards prescribed under the [Gas Pipelines Act 2000](#).

Section 33(2B), former provisions, of the Act requires that before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider: -

- whether the requested amendment is consistent with the requirements of section 32, former provisions, of the Act, i.e.
 - Must as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area.
 - Must not conflict with the requirements of section 30O, former provisions, of the Act (i.e., be to a local provision of the scheme, not conflict with a planning directive, and be, as far as practicable, consistent with the regional strategy).
 - Must have regard to the impact that the use and development permissible under the amendment will have on use and development of the region as an entity in environmental, economic and social terms.
- Any representation made under [section 30I](#), former provisions, of the Act and any statements in any report under [section 30J](#) former provisions, as to the merit of a representation, that may be relevant to the amendment.
- The advice of a person with the necessary qualifications and experience (section 65 of the Local Government Act 1993).

Section 43A, former provisions, of the Act provides:

- A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- Where a planning authority has decided to initiate an amendment under [section 33\(3\)](#), former provisions, of the Act it may consider the application for a permit under [section 43A\(1\)](#), former provisions, of the Act concurrently with the preparation of the requested amendment to the planning scheme.
- An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.

Under section 43C(1)(a), former provisions, of the Act a planning authority, in determining an application under section 43A, former provisions, must seek to further the objectives of Schedule 1 of the Act.

PART 1 - ASSESSMENT OF AMENDMENT REQUEST

Planning Assessment: A planning assessment of the merits of the proposed amendment is provided below.

Consistency with the Objectives of Schedule 1 of the Act

The “Part 1” objectives of the resource management and planning system of Tasmania are –

(a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity*

No significant vegetation is present in the site area, noting that the site has been cleared to facilitate the former use by the Mount Faulkner Primary School. The amendment will have minimal impact with regards to ecological processes and genetic diversity and accordingly satisfies Objective (a) of Part 1.

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

The proposed rezoning will increase opportunities for infill housing within Chigwell. ABS figures indicate the population of the area to be steadily increasing (refer to Attachment 1a - Applicant's Planning Report, Section 4.2.6). The site is located on the main collector road in Chigwell (Allunga Road) and is serviced with mains sewer and water infrastructure. The associated subdivision has been designed to minimise potential conflict with adjoining land uses and services. The opportunity for residential development on land that is already serviced and well connected to transport routes is considered to satisfy Objective (b) of Part 1.

The proposed amendment also seeks to add a qualification to Clause 10.2 – Use Table of the General Residential Zone for the ‘discretionary’ use of *Educational and occasional care* to allow a secondary school. This would give the existing St Francis Hobart Flexible Learning Centre the ability to continue operating beyond the limitations of existing use rights. The ability to utilise the existing school infrastructure is a sustainable approach to infrastructure and in line with this objective.

(c) *to encourage public involvement in resource management and planning*

The statutory process for a section 43A, former provisions, of the Act combined planning permit application and amendment request involves a public notification period of 28 days. Any representations received will be considered by the Planning Authority. The Planning Authority is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)

The likely increase in population resulting from new residential development in conjunction with the site's proximity to adjoining activity centres including Glenorchy and Claremont, will have a positive impact on the economic development of the area. Further, the construction of the subdivision may also create employment and economic stimulation in the local community in the short term. It is considered that this will be undertaken in accordance with objectives set out in (a), (b) and (c).

The proposed qualification to Clause 10.2 Use Table to enable a secondary school as a 'discretionary' use gives the existing St Francis Hobart Flexible Learning Centre the ability to continue operating and expand if needed. This makes for effective use of existing infrastructure / buildings and is a cost-effective option for the school.

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State

The proposed planning scheme amendment is consistent with this objective due to the process followed in assessing the application, which include referrals to relevant agencies (eg TasWater).

The "Part 2" objectives of the resource management and planning system of Tasmania are –

(a) to require sound strategic planning and co-ordinated action by State and local government

The proposal has been considered against the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) which applies at a regional level and has been declared by the Minister for Planning.

The STRLUS is a statutory planning instrument under Section 30C (3), former provisions, of LUPAA. All interim planning schemes within the Southern Region are to be consistent with and further the objectives and outcomes of the STRLUS pursuant to Section 30E (6), former provisions, of LUPAA.

The proposed amendment is consistent with the STRLUS (see discussion below) and the Glenorchy Interim Planning Scheme 2015 (GIPS 2015) (see discussion below) and will achieve this objective.

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

The proposed amendment will use the tools available to manage use and development under the GIPS 2015, by altering the zoning of the land. A detailed discussion on the impacts on the GIPS 2015 is provided below, however the proposed amendment is considered to achieve Objective (b) of Part 2.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land

The site is serviced by reticulated water and sewer infrastructure. The proposed amendment will not lead to loss of native vegetation. The social benefits of providing additional residential land within an existing urban area are significant. The additional land has the potential to contribute to long term affordability in the area, providing mixed housing choice and a strong community base for future residents. In the short term, the development of the site will create jobs and will stimulate the local economy. In the long term, the increase in population is expected to have a positive economic effect on local service providers and businesses in the neighbouring activity centres of Glenorchy and Claremont.

The proposed rezoning is considered to generate positive economic and social outcomes without causing negative environmental impacts. The proposal is therefore considered to further Objective (c) of Part 2.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels

The proposed amendment is consistent with State Policies (see discussion below), local planning scheme objectives of the GIPS 2015, and will not conflict with neighbouring planning schemes. The proposed amendment is consistent with Objective (d) of Part 2.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals

The amendment is linked with a development application for a residential subdivision through Section 43A, former provisions, of the Act.

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation

The proposed amendment is consistent with this objective. The proposed rezoning would not cause any land use conflict that might compromise people's health and there is no loss of recreational land. It is noted that the land to be rezoned is adjacent to the Chigwell Sports ground. The site is also located in proximity to Faulkners Rivulet, Karambi Street Community Garden and Bucaan Community house, which would provide options for passive recreation and social engagement. The proposal would result in more efficient use of land in an area already serviced.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value

The proposed rezoning does not apply to any place of cultural heritage significance. The applicant has also undertaken a desktop Aboriginal Heritage search and no records of identified or registered Aboriginal relics were identified. It is considered that the proposal is consistent with objective (f) of Part 2.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The existing network will be sufficient to provide services for the potential redevelopment of the land for residential uses.

A subsequent increase in population will assist in the viability of public transport, schools and local services. The proposal also provides for increased housing opportunities within the local area.

The introduction of a qualification to enable the existing St Frances Hobart Flexible Learning Centre to operate as a discretionary use, also promotes the efficient use of existing infrastructure. While the school would have existing uses rights under Section 12 of the Act, the provisions of Clause 9.1 Changes to an existing non-conforming use, only allow minor development to be considered. The qualification gives the school the opportunity to seek approval to intensify its operations; noting that this would be assessed against the use and development standards of a General Residential Zone.

The proposed amendment is considered to have an overall benefit for the community and to be consistent with objective (h) of Part 2.

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

The site is located within an existing urban area and has previously been developed. The site has no agricultural value given its size and isolation from agricultural areas. The proposed rezoning proposed is consistent with objective (i) of Part 2.

Consistency with State Policies

State Policy on Water Quality Management 1997

The proposed amendment *per se* would not result in an increase in sediment transport to surface waters.

A planning permit condition is recommended, should the proposal be approved, that appropriate water quality management measures are put in place at the time of subdivision works.

State Policy on the Protection of Agricultural Land 2000.

The proposal does not involve the conversion of prime agricultural land to non-agricultural use.

State Coastal Policy 1996.

The subject land lies within the 1km wide coastal zone. Due to the location of the subject property in a developed settlement, the proposal is consistent with the principles of the Policy, which seeks to protect the natural and cultural values of the coast; and to develop the coast in a sustainable manner.

National Environmental Protection Measures

National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the *State Policies and Projects Act 1993* and are administered by the Environment Protection Authority.

Principle 5 of the NEPM states that planning authorities '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'.

The land of the site has no history of industrial use or any other contamination issues. The land has been used as a school.

Consistency with the Glenorchy City Council Strategic Plan 2016-25

The draft amendment is consistent with the following objectives of Council's strategic plan:

- Objective 3.1: Create a liveable and desirable City.
- Objective 4.2: Priorities resources to achieve our communities' goals.

Gas Pipelines Act 2000

The site is not located near the gas secondary distributor pipeline.

Potential for Land Use Conflict with Adjacent Planning Scheme Areas

The subject land is located well within the municipality and is unlikely to cause conflict with adjacent planning scheme areas.

Consistency with the requirements of Section 300 of the Act

The draft amendment is consistent with the requirements of Section 300, former provisions, of the Act as it:

- Involves a change to the local content of the planning scheme as it seeks to rezone the land.
- Is consistent with the Southern Tasmanian Regional Land Use Strategy, 2010-2035 (STRLUS), as the change in zoning is consistent with the surrounding land use and is appropriate at a local level.

The relevant sections of the STRLUS are as follows:

Section 12 – Physical infrastructure:

PI 1 – Maximise the efficiency of existing physical infrastructure

PI 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.

The rezoning of serviced land, near major transport routes and land for residential use is consistent with this strategy.

Section 19 – Settlement and residential development

SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.

SRD 2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.

SRD 2.7 Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows:

Glenorchy LGA 40% (5300 dwellings)

Hobart LGA 25% (3312 dwellings)

Clarence LGA 15% (1987 dwelling)

Brighton LGA 15% (1987 dwellings)

Kingborough LGA 5% (662 dwellings)

SRD 2.8 Aim for the residential zone in planning schemes to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.

SRD 2.11 Increase the supply of affordable housing.

While no work has been undertaken for the region to identify figures under SRD 2.1, SRD 2.7 and SRD 2.8, the provision of additional residential land is not inconsistent with these policy objectives.

While the rezoning of the land and subdivision application will not guarantee the provision of affordable housing (SRD 2.11); provision of infill residential land that is already serviced and close to transport routes, will minimise development costs and may assist in more affordable housing being brought to the market.

Impact of Permissible Use and Development on the Region

The site abuts land in a General Residential Zone to the north, east and south, land to the west is in a Recreation Zone, and land to the south east in a Community Purpose Zone. The inclusion of additional land in a General Residential Zone is unlikely to have a significant negative impact on residential land use and development in the region – the lot is only 2.65ha in area. Further, the draft amendment is assessed as being consistent with State and Regional policy.

Consideration of any representation under section 30I and statements under section 30J, former provisions, of the Act

No representations were made regarding the subject land, and no statements as to the operation of the proposed zone, relevant to the site, were made during the exhibition and assessment of the GIPS 2015.

Consistency with the Glenorchy Interim Planning Scheme 2015?

- Is the draft amendment clear and concise and will it achieve its intended purpose?

The proposed amendment will rezone 115 Allunga Road, Chigwell to a General Residential Zone. The use of zoning provides a clear indication of the intended use of the land. The additional qualification for *Educational and occasional care* of 'secondary school', located within the use table at Clause 10.2, provides clear and transparent indication as to the permissible uses and is an appropriate use of this planning tool.

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

The draft amendment will promote and is consistent with the following objectives under Part A of the GIPS 2015:

3.0.2 – L Residential Growth: Local Objectives - outcomes

- Focussing residential zonings on suburban and inner urban densities.*
- Maintaining a sufficient supply of suitably-zoned land within the urban growth boundary to meet anticipated demand for a 15 year period and regularly monitoring the available land supply.*
- What is the effect of the proposed amendment on the status of use and development?

The following table provides a comparison of the Use Tables for the land before and after the amendment (derived from Clauses 17.2 and 10.2). The table also includes the proposed additional qualification for a secondary school, that is limited to 115Allunga Road, Chigwell and forms part of the amendment request.

Existing Zone: Community Purpose		Proposed Zone: General Residential	
No Permit Required		No Permit Required	
Use Class	Qualification	Use Class	Qualification
		Education and occasional care	Only if for home-based child care in accordance with a licence under the <i>Child Care Act 2001</i> .
Natural and cultural values management		Natural and cultural values management	
Passive recreation		Passive Recreation	
Resource development	Only if a community garden		
		Residential	Only if single dwelling. Only if home-based business with no more than 1 non-

Existing Zone: Community Purpose		Proposed Zone: General Residential	
			resident worker/employee, no more than 1 and a floor area no more than 30m ² . Only an existing residential aged care home on a title which existed or had been approved by the Council on 1 June 2013
Utilities	Only if minor utilities	Utilities	Only if minor utilities
Permitted		Permitted	
Use Class	Qualification	Use Class	Qualification
Business and professional services	Only if office for a community-based organisation		
Community meeting and entertainment	Only if an art and craft centre or a public hall		
Educational and occasional care			
Emergency services			
Hospital services			
Recycling and waste disposal	Only if a waste transfer station		
		Residential	Except if no permit required. Except if home-based business with more than 1 non-resident worker/employee, more than 1 commercial vehicle or a floor area more than 30m ² .
Sports and recreation			
Tourist operation	Only if a visitor centre		
		Visitor accommodation	
Discretionary		Discretionary	
Use Class	Qualification	Use Class	Qualification
		Business and professional services	Only if a consulting room, medical centre, veterinary surgery or child health clinic
Community meeting and entertainment	Except if Permitted	Community meeting and entertainment	Only if a church, art and craft centre or

Existing Zone: Community Purpose		Proposed Zone: General Residential	
			public hall
Crematoria and cemeteries			
Custodial facility	Only if existing		
		Education and occasional care	Except if No Permit Required; Only if a child care centre, kindergarten, primary school, or day respite facility, or secondary; Only if a secondary school at CT 174668/1.
		Emergency services	
Food services		Food services	
		General retail and hire	Only if a local shop
Residential	Only if residential aged care, respite centre or retirement village, or multiple dwellings for the aged or community housing	Residential	Except if No Permit Required or Permitted
Tourist operation	Except if permitted		
		Sports and recreation	
		Utilities	Except if No Permit Required
Vehicle parking			
Prohibited		Prohibited	
Use Class	Qualification	Use Class	Qualification
All other uses		All other uses	

Note: Determining use class status under the Use Table is only one aspect of determining permissibility of a proposal. Permissibility will also be determined based on whether the proposal meets the acceptable solution or performance criteria of any applicable use or development standard within the scheme.

The above table shows some noticeable differences between the current and proposed zoning. However, while the range of permitted uses is greater under the current zone, the types of uses the zones allow for are complementary (except for *Hospital services* and *Recycling and waste disposal*).

The loss of Community Purpose zoned land is unlikely to create significant disadvantage in the local area, given the adjacent undeveloped Community Purpose zoned on the southern portion of 131A Allunga Road (owned by Council).

The land currently operates as the St Frances Hobart Flexible Learning Centre and the proposed amendment seeks to allow for a secondary school to continue to operation on the subject land. This is unlikely to have a signification impact on the amenity of the surrounding area, given the school already exists.

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

The proposed rezoning to General Residential would be contiguous with the zoning of the surrounding land and is therefore not considered to constitute a land use conflict.

THE PROCESS FROM HERE:

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

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

Any representations received would be reported to a future meeting of the Glenorchy Planning Authority for consideration, as the Planning Authority is required to report to the Tasmanian Planning Commission as to the public notification outcomes and any recommendations leading out of them.

If no representations are received, the senior planning staff have delegation to forward a report to that effect to the Commission.

The Commission would then assess and decide upon the draft amendment and planning permit application, after considering the outcomes of any hearings it may hold.

CONCLUSION

The proposed rezoning of the land to a General Residential Zone and the addition of a site-specific qualification to allow for a secondary school to continue as a Discretionary use on the land is generally consistent with the surrounding land uses. The proposed rezoning will provide opportunities for residential infill development in an area that is services and close to transport routes.

For the above reasons, it is assessed that the proposed amendment, as shown in Attachment 2, is consistent with the objectives and other requirements of the Land Use Planning and Approvals Act 1993, the tenor of the Glenorchy Interim Planning Scheme 2015 and is not contrary to any State Policies.

PART 2 – ASSESSMENT OF PLANNING PERMIT APPLICATION**APPRAISAL: Consistency with State Policies, Objectives of the Act:**

The proposed use and development are consistent with the objectives of the Act and the relevant State Policies.

(See detailed discussion within the amendment section of the report – above).

Zone Intent:

See discussion under Consistency with Glenorchy Interim Planning Scheme 2015 (above).

ASSESSMENT:**Part B: Administration**

The following administrative provisions are relevant to this proposal:

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

No Specific Area Plan applies to the land.

The following code is applicable and will override the zone provisions where there is any conflict:

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

Part C: Special Provisions

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

9.7 Subdivision

Pursuant to Clause 9.7.2 as shown below, the application for subdivision is discretionary.

9.7 Subdivision

9.7.1 A permit is required for development involving a plan of subdivision.

9.7.2 A permit for development involving a plan of subdivision is discretionary unless:

- (a) for adjustment of a boundary in accordance with clause 9.3.1;*
- (b) the subdivision is prohibited in accordance with clause 8.9; or*

- (c) *the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.*

Part D: Zones

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

Zone Purpose Statement

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

Comment:

It is considered that the proposed subdivision accords with the purpose of the zone because the proposed lots are for residential development with multiple dwelling development capacity and an educational facility, which will serve the local community. Each of the proposed lots is capable of being efficiently serviced.

10.2 Use Table

Applicable is for subdivision, which is a development. Therefore, the use table does not apply.

10.3 Use Standards

No change is proposed to the existing non-residential use(school) on-site at this stage. Therefore, the use standards do not apply.

10.6 Development Standards for Subdivisions

10.6.2 Roads

The application involves a new 1200m² road lot for access from Allunga Road to the proposed lots 1, 2 and 3. The proposal does not meet Acceptable Solution A1, which requires subdivision to include no new road. Therefore, the application is assessed against Performance Criteria P1 which requires the following:

The arrangement and construction of roads within a subdivision must satisfy all of the following:

(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;

The proposed road layout is to the satisfaction of the Council's Development Engineer.

(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;

The road will provide direct access to the proposed lots from Allunga Road and will not compromise the future subdivision of the lots, given the location and scale of the proposed road.

(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;

The neighbouring land does not hold future subdivision potential and surrounding lots have frontage onto Allunga Road.

(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;

The proposed road will act as an extension of Karambi Street and will terminate in a cul-de-sac head, which will allow direct road frontage for each proposed lot.

(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;

The cul-de-sac is the only road proposed as part of the subdivision and therefore the use of terminated road has been kept to an absolute minimum due to the layout of the subdivision.

(f) connectivity with the neighbourhood road network is maximised;

The proposed road lot will connect directly onto the existing road network by providing an extension to Karambi Street. All proposed lots will have direct frontage onto the proposed road.

(g) the travel distance between key destinations such as shops and services is minimised;

The site is conveniently located close to shops and services, including the Claremont Plaza and Glenorchy shopping precinct. These destinations are within approximately 10 minutes' drive from the site and can also be easily access via a short bike ride on the intercity cycleway.

(h) walking, cycling and the efficient movement of public transport is facilitated;

The Intercity Cycleway is easily accessible from the site via the overpass above Brooker Highway. The site is serviced by Metro bus stops within a short walking distance.

(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;

No arterial or collector road is proposed.

(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.

No existing grid pattern of streets is available.

It is considered that the proposed road lot complies with the Performance Criteria P1.

10.6.3 Ways and Public Open Space

The scheme does not provide an acceptable solution for this provision and therefore the performance criteria applies, which requires the following:

The arrangement of ways and public open space within a subdivision must satisfy all of the following:

(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;

(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;

(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;

(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;

(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;

(f) provides for a legible movement network;

(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;

(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.

(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:

(i) the width of the way;

(ii) the length of the way;

(iii) landscaping within the way;

(iv) lighting;

(v) provision of opportunities for 'loitering';

(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).

Comment:

The requirements (a) – (g) and (i) are not applicable since no new ways are proposed as part of this subdivision.

To comply with requirement (h), Public open space must be provided in accordance with Council's Subdivisions – Public Open Space Acquisitions and Contributions Policy.

The relevant requirements under the Council's policy are as follows:

7. Public open space will be required where a subdivision involves the creation of more than one residential lot, or the creation of a lot designated for multiple dwellings, and public open space does not exist within 500 metres walking distance of any lot, unless it is impracticable to provide public open space.

9. A contribution of cash in lieu of open space will be required where:

(a) public open space exists within 500 metres walking distance of any lot and there is an opportunity to improve that open space, or

(b) it is impracticable to provide public open space as part of the subdivision.

Comment:

A public open space contribution is required for the proposed development since two lots designated to multiple dwelling development are being created. However, three public open spaces are available within 500m walking distance from each proposed lot, as shown in figure 5. The open spaces are listed below as per distance:

- 1 Bellete place – the public open space is located directly to the south of the subject site with an area of 849sqm.

- 131A Allunga Road – is located directly to the east of the subject site and currently consist of a soccer ground. The area of the open space is approximately 5ha.
- Public reserve - Arunta Crescent – the reserve is located approximately 200m from the subject site and can be accessed through Karambi street. The reserve runs along the Faulkner's Rivulet and has an area of approximately 4ha.

These public open spaces are not fully equipped or developed and present considerable potential for improvement. A condition is therefore recommended for a cash-in-lieu payment to Council.

Comments from Council's Environment Coordinator are available in the referral section of the report.



Figure 5: Location of the existing public open spaces within 500m walkable distance.

10.6.4 Services

The proposal does not comply with Acceptable Solution A4 since the proposed subdivision includes a new road. The application therefore relies on performance criteria P4, which requires the following:

The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.

Comment:

A condition has been recommended by Council's Development Engineer to ensure compliance with the requirement.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

This code applies to use or development of land that intensifies the use of an existing access.

The proposal involves a new road to be constructed through the existing access. The new road will service the three proposed lots, which are designed for multiple dwelling development and non-residential purposes (existing school).

Allunga Road has a speed limit of 50km/h and therefore acceptable solution A3 applies, which requires the following:

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

Comment:

The current application involves subdivision of three lots and does not include any development proposals for the site at this stage. The proposed lots are however designed to be able to accommodate multiple dwellings for lots 1 and 3 and still preserve the school use on lot 2. As a result, vehicle movement to and from the site, using the existing access will be intensified by more than 20%. The proposal therefore, relies on performance criteria P3 which requires the following:

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

Comment:

A traffic impact assessment (TIA) has been provided as part of the application, which responds to the above requirements. In summary, the subdivision and future development for the site is likely to create an increase in traffic of approximately 210 vehicle movements a day, in addition to the current traffic being generated by the educational facility present on site. The TIA provides an assessment of the operational impact of the proposed subdivision and future development for the site, considering the nature and efficiency of the junction at Allunga Road and Karambi Street intersection and concludes that the intersection traffic conflict will not be very high and there will not be any operational traffic issues at the intersection. The application was referred to the Council's Development Engineer, who is in favour of the development and has provided comments in the referral section below.

E6.0 Parking and Access Code

The proposal complies with the Acceptable Solutions of this code. Council's Development Engineer has provided further comments in the referral section below.

E7.1 Stormwater Management Code

The proposal complies with the Acceptable Solutions of this code. Council's Development Engineer has provided further comments in the referral section below.

PART F: Specific Area Plans

No Specific Area Plan applies for the site

INTERNAL REFERRALS**Development Engineer**

The development application seeks an approval for the total of three lot subdivision at the subject site. The works include new drainage, roads and traffic infrastructure.

Traffic, Access & Parking

It is proposed that the main access to the site is via the Allunga Road. A traffic impact assessment was submitted as part of the application.

The proposal meets the acceptable solution regarding vehicular access points (E6.7.2).

The proposed subdivision works will not create an increase in traffic, but consideration has been given to the potential of the site to accommodate 35 residential units generating an expected 210 vehicles/day.

The additional traffic to and from the proposed development will not create any operational or efficiency problems at the intersection with Allunga Road or along Allunga Road.

The available sight distances along Allunga Road for vehicles turning to and from the proposed roadway are sufficient for the speed environment.

GCC Services (Stormwater)

The stormwater arrangement is to drain to existing Council infrastructure.

The proposed infrastructure will accommodate a storm of ARI of 20 years, and there will be no increase at the subdivision stage of the pre-existing run-off.

The catchment areas and coefficients will be re-examined when a Development Application is lodged for any future development.

Other

Geoscience issues

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

Flooding/Inundation issues

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

Waste Management Officer

Council's Waste Management officer has provided the following comments:

Waste Services would require, in the event of any multiple dwellings development on lots 1 and 3, a waste and recycling services plan and drawings as per Councils Waste Services Policy and in particular addressing Appendix A, and also in accordance with GCC Planning Scheme 10.4.8.

Environment Coordinator

Council's Environment Coordinator has made the following comments:

Council have no interest in acquiring any public open space from this property. The Open Space Strategy adopted in 2015 focusses the open space needs for Chigwell around developing two community hubs at the Chigwell Barn site and the second adjacent to the Chigwell Child and Family Centre. Whilst the strategy did discuss having access to the facilities on the school site and perhaps access through the site to the soccer field behind, the proposed development would not provide opportunities to use the facilities that once existed on the site. In addition, the soccer club can still be accessed further along Allunga Road.

In this instance Council should require 5% of the current land valuation, in lieu of open space as per Councils policy titled 'Subdivisions – Public Open Space Acquisitions and Contributions Policy'. The contribution is to go into Council's 'Open Space Reserve' as per the 'Public Open Space Reserve and Expenditure Policy'.

The public open space within Chigwell is very under developed and the contribution should be used to provide facilities for this precinct in the future.

Manager Council Property

Council's Property staff have assessed this application and determined that in this instance Council should require 5% of the current land valuation, in lieu of open space as per Councils policy titled 'Subdivisions – Public Open Space Acquisitions and Contributions Policy'. The contribution is to go into Council's 'Open Space Reserve' as per the 'Public Open Space Reserve and Expenditure Policy'.

EXTERNAL REFERRALS

TasWater

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater makes the following submission(s):

TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes conditions on the permit for this application.

TasNetworks

TasNetworks has shown interest with respect to the future development of the site, but no conditions have been recommended for the current proposal.

Metro

Metro has assets at 121 Allunga Road which remain unaffected by the proposed development. Therefore, Metro is in support of the development.

CONCLUSION

The application proposes a three-lot subdivision within the General Residential Zone, at 115 Allunga Road, Chigwell. The proposed lots comply with the lot size and frontage requirements of the zone and each lot has the potential to accommodate a 10m × 15m building area.

However, given the intent of the subdivision was for multiple dwelling development and non-residential use, a building area was not required to be shown on the plan of subdivision. The proposed subdivision involves the creation of a road from the existing Allunga road Access which will service lots 1, 2 and 3. The proposal complies with all applicable acceptable solutions except where reliant on performance criteria.

The proposal is assessed to comply with the performance criteria for 10.6.2 Roads, 10.6.3 Ways and Public Open Space, 10.6.3 Services and E5.5.1 Existing road accesses and junctions.

The proposed use and development is assessed to be consistent with the requirements of the Glenorchy Interim Planning Scheme 2015, the objectives of the Land Use Planning and Approvals Act 1993, the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993 and relevant State Policies.

The application is recommended for approval subject to conditions.

Recommendation:

- A. That pursuant to Section 34(a), former provisions, of the Land Use Planning and Approvals Act 1993, the Planning Authority agree to initiate Amendment PLS43A-18/01 to the Glenorchy Interim Planning Scheme 2015, to rezone 115 Allunga Road, Chigwell to a General Residential Zone and allow for a secondary school as a discretionary use on the land, as shown in Attachment 2 to this report.
- B. That having decided to initiate an amendment, and having prepared that amendment, the Planning Authority certifies, pursuant to Section 35, former provisions, of the Land Use Planning and Approvals Act 1993, that the draft amendment meets the requirements specified in Section 32, former provisions, of the Act.
- C. That a permit be granted for a 3 lot subdivision at 115 Allunga Road and 131A Allunga Road, Chigwell subject to the conditions below.
- D. That the Planning Authority, having certified the draft amendment and granted a planning permit determines pursuant to Sections 38 and 43F, former provisions, of the Land Use Planning and Approvals Act 1993 to place the draft amendment, application documents and planning permit on public exhibition for a period of 28 days.

Attachment 1A and 1B – Applicant's Planning Report

Attachment 2 – Amendment Documents

Attachment 3 – Location plan, TasWater referral and subdivision plans

Permit Conditions

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLS43A-18/01 and Drawing No. P5 submitted on 24/08/2018 and Drawing No. P4 pages 2-4 of 4 submitted on 23/08/2018, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/00679-GCC, dated 18/09/2018, form part of this permit.
3. Council having determined not to require the subdivider to increase areas of open space before approving the plan of subdivision, requires payment of an amount to Council in accordance with Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993, to the equivalent of five percent of the unimproved value of the whole area shown on the plan of subdivision as determined by a registered valuer engaged by the subdivider.
4. An original and two copies of each of the Plan of Subdivision and Schedule of Easements must be submitted to Council for sealing.

Engineering

5. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council's Development Engineer and be installed prior to the removal of and/or disturbance of any soil or vegetation.
6. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
7. The construction details of specific components of the works must comply with LGAT Standard Drawings and accord with Tasmanian Subdivision Guidelines 2013. The developer must appoint a qualified experienced engineer who will be required to certify practical completion of subdivision construction works. The appointed supervising engineer must be the primary contact person on matters concerning the subdivision.
8. The materials used for roadworks are to be in accordance with State Growth General Specification for Roadworks.

9. Pavement depths shown on the Standard Drawings are the minimum required. Final depths will be determined by structural calculations based on actual sub-grade C.B.R. and design traffic loads and must be certified by an appropriate qualified engineer. All design plans submitted must be accompanied by pavement design calculations to demonstrate that the design is appropriate.
10. Prior to any works being undertaken within Council's road reservation (Allunga Road), the contractor must obtain a Road Opening Permit from Council's Facilities Coordinator; part of this permit will be the approval of a Traffic Management Plan that will include a public consultation process. This permit shall include items such as hours of work, road safety, reinstatement and soil and water management. Application Form is available on Council's website. Please contact Council's Development Engineer on (03) 62166439 to organise for Council to assess the application.
11. Kerb ramps must be provided at road crossings on pedestrian paths of travel, in accordance with Council's Standard Drawing GCC 11-11 and AS1428 Design for Access and Mobility, Part 4.1. Tactile ground surface indicators must be provided for kerb ramps and pedestrian refuge crossings in accordance with Council's Standard Drawing GCC 11-11 and AS1428 Design for access and Mobility, Part 4.1.
12. Driveway access for each lot must be designed and constructed in accordance with Standard Drawings TSD-RO9. Designs for the driveway must include the full extent of the formation to achieve the maximum gradient of 20% (1:5) onto the lot as well as an area for on-site turning within each lot.
13. To comply with the above requirements, the developer must submit engineering drawings, demonstrating compliance with the requirements to the satisfaction of Council's Development Engineer prior to the issuing of the Council's approved engineering drawing. All works required by this condition must be installed prior to the sealing of the Final Plan.
14. The proposed stormwater system, including overland flow paths must be sized to accommodate the estimate 1 in 100 years or 1% AEP (Annual Exceedance Probability) flow based on a possible future fully developed catchment with an allowance for predicted climate change up to the year 2100. All proposed piped mains must be sized to accommodate at least the estimated 1 in 20 year storm event based on a possible future fully developed catchment. Prior to the commencement of the work, the developer must submit hydraulic design calculations carried out by a suitably qualified engineer supporting the design, to the satisfaction of Council's Stormwater Engineer.

- (a) The stormwater drainage arrangements must comply with the following:
 - (i) All lots must be serviced with a one hundred and fifty diameter (150mm.) house connection at the lowest point to adequately drain the entire lot;
 - (ii) All house connection must be discharged into a piped system (no connections to the kerb and gutter);
 - (iii) Side entry pits for road drainage to be type four (4); and
- (b) Prior to the start of work, the developer must provide Council with a detailed engineering services plan indicating the location of all proposed easements and services, and how connection to public infrastructure is achieved to the satisfaction of Council's Stormwater Engineer, including but not limit to the followings;
 - (i) Lot connections, size and location. The lot connection must be at the lowest point of the lot;
 - (ii) A preliminary long sections along with invert levels and depths of all proposed new mains;
 - (iii) Any easement must be included and clearly identify as public or private;
 - (iv) Any proposed manholes and inspection openings must be sized appropriately; and
 - (v) The servicing plan must clearly indicate how all stormwater from the site, will be discharged to Council infrastructure with sufficient receiving capacity.

To satisfy with the above requirements, submit details demonstrating the above prior to the issuing of Council's approved Engineering drawings. All works required by this condition must be completed prior to the sealing of the Final Plan.

15. Any creation, diversion and augmentation of Council owned stormwater assets must be designed and constructed to the satisfaction of Council's Development Engineer. A twelve (12) month maintenance period will be applied to any creation, diversion and augmentation of Council owned assets after the practical completion, during which time the works must be maintained by the developer, prior to being handed over at the completion of the defects liability period. During the period all defects must be rectified at the developers cost. A further twelve (12) month maintenance period may be applied to defects after rectification.

The Council may, at its discretion, undertake rectification of any defects at the developers cost. Before the end of the maintenance period, the developer must arrange CCTV inspections of any stormwater assets subject to this permit, taken no more than one month before the end of the maintenance period, and submit the inspection reports to the requirements of the Councils' Stormwater Engineer and at full cost to the applicant. Any defect identified in the CCTV inspection must be rectified to the satisfaction of Council's Stormwater Engineer, before the Council takes over the stormwater assets.

16. The developer must provide underground electrical reticulation for power and street lighting. Underground TasNetwork cables must be used subject to any underground cables in joint use trenches complying with Council's Development Engineer and TasNetwork requirements.
17. Any proposed changes to the approved drawings must be properly documented, the construction drawings affected by any proposed change must be resubmitted for approval.
18. Prior to the issuing of Council's approved engineering drawing, Council will require a detailed estimate for the proposed works and payment of an engineering assessment fee of 1% of the value of those works.
19. The road lot on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Glenorchy City Council, all documentation in relation to discharges of any Mortgages, caveats or the like, and all relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office and stamp duty fees and charges.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

Advice to Applicant

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

The granting of this permit does not ensure compliance with the provisions of the Commonwealth Discrimination Act 1992, and the applicant will therefore be responsible for any complaints arising under that act in relation to non-compliance with the provisions of that legislation. Applicants are advised to check the current Australian Standards and seek independent advice regarding disability matters.

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

This permit does not give approval for the stormwater detention system proposed, this will be assessed when a valid application is submitted for the development of each individual site.

Waste Management

In the event of multiple dwellings development on lots 1 and 3, Waste Services would require a waste and recycling services plan and drawings as per Councils Waste Services Policy and in particular addressing Appendix A, and also in accordance with Glenorchy Interim Planning Scheme 2015 Clause 10.4.8.

APPENDIX 1

10.0 General Residential Zone

Standard	Acceptable Solution	Proposed	Complies?
10.6 Development Standards for Subdivision			
10.6.1 Lot Design	A1 The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.	Lot 1 – 8100m ² Lot 2 – 1.62ha Lot 3 – 3580m ² As per Table 10.1, the maximum lot size does not apply for lots designated for multiple dwellings and non-residential uses. Proposed lots 1 and 3 are for multiple dwelling development and lot 2 is for non-residential use (secondary school) and is the balance lot. Therefore, maximum lot size does not apply.	Yes
	A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants;	Each proposed lot are configured to be able to achieve a 10m × 15m building area which is clear from the setback requirements and easements. The subject site is not affected by any other code apart from the standard parking and access code and stormwater code. The lots are big enough to accommodate building areas which will not encroach onto the requirements of the code. The average slope on site is no more than	Yes

	(d) has an average slope of no more than 1 in 5; (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north; (f) is 10 m x 15 m in size.	1 in 5. The proposed site can accommodate a building area with the long axis facing north or within 20 degrees west or 30 degrees east of north. The building area was not required to be shown on the plan of subdivision since the intent for the lots are for multiple dwelling development and non-residential use	
	A3 The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	The frontage for each lot is as below: Lot 1: 54.4m Lot 2: 16.6m Lot 3: 15m The minimum frontage required is 15m and maximum frontage is not applicable as lot 1 and 3 are for multiple dwelling development and Lot 2 is the balance lot. The proposal therefore complies with the acceptable solution.	Yes
	A4 No lot is an internal lot.	No internal lot is proposed	NA
	A5 Subdivision is for no more than 3 lots.	No more than 3 lots is proposed	Yes
10.6.2 Roads	A1 The subdivision includes no new road.	A new road is proposed as part of the subdivision. Please see report for discussion against the performance criteria	No – relies on performance criteria. Please refer to report
10.6.3	A1	Public Open Space is required under the Local Government (Building and	No – relies on performance

Ways and Public Open Space	No Acceptable Solution.	Miscellaneous Provisions) Act 1993 and Land Use Planning and Approvals Act 1993.	criteria. Please refer to report
10.6.4 Services	A1 Each lot must be connected to a reticulated potable water supply.	Each proposed lot will be serviced with reticulated potable water.	Yes
	A2 Each lot must be connected to a reticulated sewerage system.	Each lot will be connected to reticulated sewerage system. *An easement is proposed along 131A Allunga Road for new sewer and stormwater mains to connect to Lot 3	Yes
	A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	Each lot will be connected with stormwater system. *An easement is proposed along 131A Allunga Road for new sewer and stormwater mains to connect to Lot 3	Yes
	A4 The subdivision includes no new road.	New road is proposed. Proposal relies on performance criteria. Please see report for discussion	No – Relies on performance criteria. Condition recommended

APPENDIX 2**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Allunga Road is not a category 1 or 2 road	NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Allunga Road has a speed limit of less than 60km/h	NA
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Allunga Road has a speed limit of 50km/h and the proposed subdivision will intensify the use of the existing access since a new road is proposed. The proposal therefore relies on performance criteria P3.	No – relies on performance criteria. Please see report for discussion
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	No rail network located in close proximity	NA

Standard	Acceptable Solution	Proposed	Complies?
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Allunga road has a speed limit of less than 60km/h	NA
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Allunga road has a speed limit of less than 60km/h	NA
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	The proposed new road will connect the proposed lots to Allunga road through the existing access. It will provide both entry and exit.	Yes

Standard	Acceptable Solution	Proposed	Complies?
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	No level crossings are proposed as part of this application	NA
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.		Yes

APPENDIX 3**E6.0 Parking and Access Code**

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: (iv) it serves more than 5 car parking spaces; (v) is more than 30 m long; (vi) 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.		NA
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.		NA
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.		NA

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.		NA
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.		NA
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.		NA
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.		NA

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.		NA
	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.		NA
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.		NA
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.		NA
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:		NA

	(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.		
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.		NA
	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
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		NA

Attachments/Annexures

- 1** Attachment 1A - 115 Allunga Road - Applicants Report

- 2** Attachment 1B - 115 Allunga Road - Applicants Concept Service
Report

- 3** Attachment 2 - 115 Allunga Road - Amendment Documents

- 4** Attachment 3 - 115 Allunga Road - Location Plan, TasWater Referral
and Subdivision Plans


10. PROPOSED USE AND DEVELOPMENT - ONE LOT SUBDIVISION PLUS BALANCE WITH SERVICE MAIN VIA 11 AUSTINS FERRY ROAD - 9 AND 11 AUSTINS FERRY ROAD, AUSTINS FERRY

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5300096

REPORT SUMMARY:

Application No.:	PLN-18-135
Applicant:	D Cundall
Owner:	K Plischke and D Cundall
Zone:	General Residential
Use Class	Subdivision
Application Status:	Discretionary
Discretions:	Clause 9.7 Subdivision, Clause 10.4.2 Setbacks and building envelope for all dwellings and Clause 10.6.1 Lot Design (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension granted until 16 Oct 2018
Existing Land Use:	Single dwelling
Proposal in Brief:	One lot subdivision plus balance with service main via 11 Austins Ferry Road
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal would create a one lot subdivision plus balance for an existing parcel of land that will have access via Austins Ferry Road.

The existing property consists of 930m² with a single dwelling. The original dwelling is to be retained on the front portion and form Lot 2 of 400m². A new driveway will be located along the north-east side boundary adjoining the neighbouring land and driveway at no. 11 Austins Ferry Road. This will accommodate the parking of two vehicles in tandem. Thereby preserving the garden directly in front of the dwelling.

The new internal access for Lot 1 at the rear will be located via the existing driveway. This will be sealed and upgraded to divert runoff from dwelling on proposed Lot 2. It is proposed to demolish two separate outbuildings along the south-west side boundary. The only outbuilding to remain will be attached to the rear of the single dwelling.

Proposed Lot 1 will consist of an internal access (124m²) and lot proper (420m²) providing a total area of 544m². The lot will include a sealed access along the internal driveway and an extension to the stormwater service main to provide a suitable building area to allow for the future development of the site (figure 1).

The proposal would be reliant on performance criteria for Clause 10.4.2 for setbacks and building envelope for all dwellings and Clause 10.6.1 for lot design.

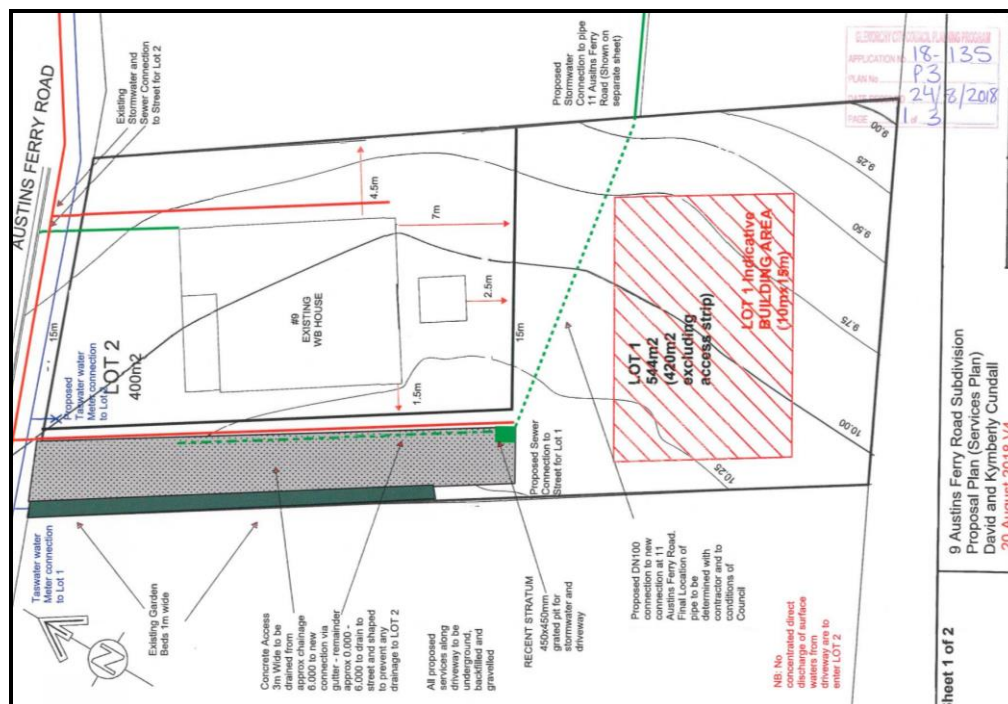


Figure 1: Site plan of 9 and 11 Austins Ferry Road, Austins Ferry.

SITE and LOCALITY

The property is located on the southern side of Austins Ferry Road, approximately 43m to the east of Harbinger Lane, Austins Ferry. The land is situated amid a row of dwellings along the southern side, opposite Austin's Cottage and James Austin Reserve.

The property has the original dwelling located on the front portion of the site. There is no significant vegetation. However, recent works have incorporated a garden between the dwelling and the street frontage. In addition, an old hedge is located along the south-west side boundary to the rear next to the two detached outbuildings. A third outbuilding is attached to the dwelling via a veranda.

The property has a moderate slope, with an average gradient of 1 in 17 falling to the north-east, east and south-east. The site is rectangular in shape, with a frontage of 20.11m, an average depth of 45.5m and a total area of 930m².

The property is surrounded by single dwellings and multiple dwellings in a residential area. The site is opposite James Austin Reserve and is in close proximity Weston Park to the west and Austin's Ferry Yacht Club to the east (Figure 2).



Figure 2: Aerial of 9 and 11 Austins Ferry Road, Austins Ferry.

ZONE

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



Figure 3: General Residential Zone 9 and 11 Austins Ferry Road, Austins Ferry.

BACKGROUND

Title

The title 92790/10 for 9 Austins Ferry Road, Austins Ferry has an area of 930m² (36.8 perches). However, the submitted plan shows the land with an area of 944m². The proposal has been assessed based on the actual area as shown on the certificate of title.

Amended Plan

A preliminary investigation was undertaken by Council's Development Engineer to explore potential options for stormwater runoff due to the slope of the land. Following discussions with the applicant an amended plan was provide showing an extension of the stormwater main via 11 Austins Ferry Road.

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?)

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

Use Class Description (Table 8.2):

Not applicable because the proposal is for subdivision.

Other relevant definitions (Clause 4.1):

Subdivision is defined as the following in Clause 4.1 of the Glenorchy Interim Planning Scheme 2015:

means the act of subdividing or the lot subject to an act of subdividing.

Subdivide is defined as the following in Clause 4.1 of the Glenorchy Interim Planning Scheme 2015:

means to divide the surface of a lot by creating estates or interests giving separate rights of occupation otherwise than by:

- (a) *a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building;*
- (b) *a lease of airspace around or above a building;*
- (c) *a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years;*
- (d) *the creation of a lot on a strata scheme or a staged development scheme under the Strata Titles Act 1998; or*
- (e) *an order adhering existing parcels of land.*

Discretionary Use or Development (Clause 8.8):

The application is discretionary under Clause 8.8 as follows:

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

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

The proposal is discretionary under (b) and (c) above as it relies on a discretion in the Special Provisions and Performance Criteria because it does not meet the following Acceptable Solutions and a provision of the Scheme:

- 9.7.2 Subdivision (for subdivision)
- 10.6.1 A2, A4 Lot design (for the long axis of the building area and an internal lot)
- Clause 10.4.2 A3 Setbacks and building envelope for all dwellings (for the existing dwelling)

Part C: Special Provisions

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

Demolition

The proposal includes demolition, therefore Clause 9.4 of the Scheme applies:

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

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

The proposal will involve demolition of the detached outbuildings on the site for the subdivision. There are no applicable local area objectives or desired future character statements. The demolition would enable the potential for residential use and development in the future and will form part of the subdivision application. Therefore, it is considered that proposal would be acceptable in this instance.

Subdivision

The proposal includes subdivision, therefore Clause 9.7 of the Scheme applies:

9.7.1

A permit is required for development involving a plan of subdivision.

9.7.2

A permit for development involving a plan of subdivision is discretionary unless:

- (a) *for adjustment of a boundary in accordance with clause 9.3.1;*
- (b) *the subdivision is prohibited in accordance with clause 8.9; or*
- (c) *the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.*

The proposed subdivision is discretionary in accordance with Clause 9.7.2.

Part D: Zones

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

Zone Purpose Statements

The General Residential zone purpose statements in Clause 10.1.1 of the Glenorchy Interim Planning Scheme 2015 are as follows:

10.1.1.1

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

10.1.1.2

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

10.1.1.3

To provide for the efficient utilisation of services.

The proposed subdivision would provide for residential development where full infrastructure services are available. Therefore, the proposal is considered to be in accordance with the zone purpose statement in Clause 10.1.1 of the Scheme.

Development Standards for Residential Buildings & Works

Clause 10.4.2 – Standard A3, Setbacks and building envelope

The new boundary for the subdivision to create an additional lot will be situated 2.5m from the outbuilding attached to the original dwelling. Ordinarily, an outbuilding would require a setback of 4m from the rear boundary. In this case, the new boundary places the outbuilding closer to the rear than is required by the acceptable solution.

The outbuilding will require a minimum setback of 4m from the new south-east rear boundary, for the building to be in accordance with Clause 10.4.2 – Standard A3. The proposal is considered in accordance with the performance criteria:

The siting and scale of a dwelling must:

- (a) *not cause unreasonable loss of amenity by:*
 - (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or*
 - (ii) *overshadowing the private open space of a dwelling on an adjoining lot; or*
 - (iii) *overshadowing of an adjoining vacant lot; or*
 - (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot;*
and
- (b) *provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.*

The existing outbuilding is single storey and located to the north-east of the internal driveway for the rear lot. The outbuilding is lower than the main dwelling and attached via a veranda. During the Winter Solstice there will be minimal overshadowing of the driveway and private open space in the morning. Therefore, the outbuilding is not considered to cause unreasonable overshadowing on habitable rooms or private open space, and will have minimal visual impact due to the height and size.

The outbuilding will be separated between 7m from the building area of proposed Lot 1. This is in keeping with the 0-5m setbacks between dwellings and outbuildings in the surrounding area. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance.

Development Standards for Subdivisions

Clause 10.6.1 – Standard A2, Lot Design

The proposal relies on James Austin Reserve to comply with the Table 10.1 Lot Size Requirements for Clause 10.6.1 – Standard A1 which allows a minimum size of 400m², not including any fee simple access strip where lots are 'adjoining or opposite public open space'.

Clause 10.6.1 – Standard A2, Lot Design

The proposal provides a lot design that will have a 10m x 15m building area with a long axis facing 43 degrees to the west of north. Whereas the long axis of the building area would be required to face north or within 20 degrees west or 30 degrees east of north, to be in accordance with Clause 10.6.1 – Standard A2. The proposal is considered in accordance with the performance criteria:

The design of each lot must contain a building area able to satisfy all of the following:

- (a) be reasonably capable of accommodating residential use and development;*
- (b) meets any applicable standards in codes in this planning scheme;*
- (c) enables future development to achieve maximum solar access, given the slope and aspect of the land;*
- (d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;*
- (e) provides for sufficient useable area on the lot for both of the following;*
 - (i) on-site parking and manoeuvring;*
 - (ii) adequate private open space.*

The proposed lot will provide a reasonable area to accommodate an average sized residential dwelling, parking and private open space. The lot would provide reasonable opportunity to maximise solar access for future development. The land will be subject to easements. However, the site is able to accommodate suitable building areas within the lot to meet the standards of the Scheme. Therefore, it is considered that reliance on the performance criteria would be acceptable in this instance and the proposal complies with the standard.

Clause 10.6.1 – Standard A4, Lot Design

The proposal provides an internal lot. Considering there is no acceptable solution in Clause 10.6.1. The proposal is considered in accordance with the performance criteria:

An internal lot must satisfy all of the following:

- (a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;*
- (b) it is not reasonably possible to provide a new road to create a standard frontage lot;*
- (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;*
- (d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;*
- (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;*
- (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;*

- (g) passing bays are provided at appropriate distances to service the likely future use of the lot;*
- (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;*
- (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.*
- (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.*

The proposed internal lot provides the following:

- (a) Access to a road existing prior to the current Scheme;
- (b) Given the size, configuration and existing services it would not be possible to provide a new road for suitable frontage;
- (c) The existing lot is constrained by the frontage and shape, leaving an internal lot the only reasonable way to subdivide the rear;
- (d) The proposal will utilise the existing infrastructure and contribute to a more efficient use of residential land;
- (e) The internal lot will have a gentle slope and provide for a building area that demonstrates a future dwelling can be designed to comply with the standards of the Scheme;
- (f) Access will be provided via an access strip with a width no less than 3.6m;
- (g) The length of the access to the road frontage would not require a passing bay in accordance with the Scheme;
- (h) The access strip will only service the relevant lot;
- (i) The access strip will be sealed, and a condition has been recommended to ensure this occurs; and
- (j) The internal lot will provide a direct line of site along the access strip to the public open space opposite the site.

Therefore, it is considered that the proposal meets the performance criteria and would be acceptable in this instance.

Clause 10.6.4 – Standard A3, Services

The amended plans demonstrate that each lot will be connected to a stormwater system able to service the building area in accordance with Clause 10.6.4 – Standard A3. Council's Development Engineer has recommended a range of conditions to ensure the design will maximise the stormwater runoff entering Council's stormwater system.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

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

E6.0 Parking and Access Code

The proposal is not exempt under Clause E6.4. However, the proposal complies with the acceptable solutions of the standards in Section E6.0. Conditions have been recommended for the driveways to each lot.

E7.0 Stormwater Management Code

The proposal is not exempt under Clause E7.4. However, the proposal complies with the acceptable solutions of the standards in Section E7.0. Conditions have been recommended to ensure the extension to the stormwater main will service a majority of Lot 1.

PART F: Specific Area Plans

No Specific Area Plans apply to this assessment.

INTERNAL REFERRALS**Development Engineer**

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

The site is to be accessed off the Austins Ferry Road frontage with existing vehicular access onto the site. The driveway proposed complies with AS2890.1:2004. It is therefore considered that the addition of an extra access will not have any significant effect on the traffic flow as the existing roadway (Austins Ferry Road) only services residents to the southern side of the road. The seasonal traffic generated by the Austins Ferry Yacht Club and the James Austins Cottage and Park will not unreasonably impact on the efficiency of the road having regard to the nature and frequency generated, the sight distance available and the nature of the road.

GCC Services (Stormwater)

There is no GCC stormwater mains available to service the new lot and an extension of the existing main through number 11 will be required at the developers cost.

Environment Coordinator

The proposal was originally referred due to an issue with disposal of stormwater. However, an amended plan was received that provided a connection via the neighbouring property to Council's stormwater main. This property has been included in the application. For this reason, further comment from Council's Environment Coordinator is not required.

EXTERNAL REFERRALS**TasWater**

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

REPRESENTATIONS

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

1. Heritage Values

The representor states that if the land were to be developed for units then it would impact the ambience of the area. The land has historic value of the area which was originally granted to Josiah and Solomon Austin. The Mollineaux family, the original owners of the property, were closely connected to the community and the history of Austins Ferry.

Planner's Comment:

The property is not a heritage listed place. Having said this, the proposed subdivision will preserve the existing dwelling and the garden between the dwelling and Austins Ferry Road. In addition, the proposal would provide a building area for a future single dwelling and this is the basis of the assessment. Therefore, this is not a planning issue that can be considered as part of this application.

2. Traffic Congestion

The representor states that parking on the road to the yacht club and boat launching facilities would be further congested during summer.

Planner's Comment:

This issue has been previously addressed by Council's Development Engineer. In summary, the additional vehicular access will not unreasonably impact the efficiency of the road. The access complies with the standards in the Scheme. Therefore, the proposed subdivision is supported.

3. Loss of Privacy

The representor states that privacy of the adjoining backyard to the east would be impacted by overlooking.

Planner's Comment:

The proposal has demonstrated that a 10m x 15m building area would be able to be provided clear of the minimum setbacks for a future dwelling. However, if the design of the future building relies on the performance criteria for privacy this would be assessed as a separate application at that time. Therefore, this is not a planning issue that can be considered as part of the subdivision application.

CONCLUSION

The proposal is relying on the performance criteria to comply with the acceptable standards of the Scheme in relation to: setbacks and building envelope for all dwellings, and lot design.

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

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

The application was publicly advertised for the statutory 14-day period and one representation was received raising concerns regarding heritage, traffic and privacy.

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

Recommendation:

That a permit be granted for the proposed use and development of one lot subdivision plus balance with service main via 11 Austins Ferry Road at 9 and 11 Austins Ferry Road Austins Ferry subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-18-135 and Drawing No. P1 (Crossover and parking for Lot 2 only) submitted on 13 June 2018, and Drawing No. P4 submitted on 24 August 2018, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Submission to Planning Authority Notice, reference No. TWDA 2018/01061-GCC, dated 29 August 2018, form part of this permit.

Engineering

3. Prior to the issuing of a Building Approval or the commencement of works on site, including demolition or the issuing of approved engineering drawing for subdivision (whichever occurs first), submit a Soil and Water Management Plan detailing proposed sediment and erosion control measures to the satisfaction of Council's Development Engineer. The approved control measures must be installed prior to any disturbance of soil or construction activity such as concrete cutting, demolition and must be regularly inspected and maintained during the construction and demolition period to prevent soil and other materials entering the local stormwater system, roadways or adjoining properties. The approved control measures must remain in place until such time as all construction activity likely to generate sediment has been completed or all disturbed areas have been stabilised using vegetation and/or restored or sealed to the satisfaction of the Council. The approved Soil and Water Management Plan (SWMP) forms part of this permit and must be complied with.

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

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

DRIVEWAY CONSTRUCTION

5. The construction details of specific components of the works must comply with LGAT Standard Drawings and accord with Tasmanian Subdivision Guidelines 2013. The developer must appoint a qualified experienced engineer who will be required to certify practical completion of subdivision construction works. The appointed supervising engineer must be the primary contact person on matters concerning the subdivision.
6. The construction of a new driveway crossover required to service lot 2 is to accord with Standard Drawing TSD-RO9.

The proposed concrete apron for Lot 2 is to be a minimum of one metre (1.00m.) from the existing apron servicing No. 11 Austins Ferry Road.

The existing stormwater connection to Lot 2 is to be relocated clear of the proposed driveway construction.

Designs for the driveways are to include the full extent of the formation. Driveways servicing both lots must be demonstrated on the design drawing as complying with standards of acceptable sight distance and the access to lot 1 is to be fully constructed to the lot proper (minimum 3.000m. wide in accordance with Standard Drawing TSD-RO9) prior to the sealing of final plan.

STORMWATER

7. The stormwater system, including overland flow paths must be sized to accommodate the estimate 1 in 100 year or 1% AEP (Annual Exceedance Probability) flow based on a possible future fully developed catchment with an allowance for predicted climate change up to the year 2100. All proposed piped mains must be sized to accommodate at least the estimated 1 in 20 year storm event based on a possible future fully developed catchment. Prior to the start of the work, the developer is required to submit Engineering hydraulic design calculations carried out by a suitably qualified engineer supporting the design, to the satisfaction of Council's Stormwater Engineer.

8. The stormwater drainage arrangements must comply with the following:

All lots must be serviced with a one hundred and fifty diameter (150mm) house connection at the lowest point to adequately drain the entire lot;

To satisfy with the above requirements, submit details demonstrating the above prior to the issuing of Council's approved drawing. All works required by this condition must be completed prior to the sealing of the Final Plan.

9. Prior to the start of work, the developer is required to provide Council with a detailed engineering services plan indicating the location of all proposed easements and services, and how they connect to public infrastructure including;
 - a) Lot connections, size and location.
 - b) Long sections along with invert levels and depths of all proposed new mains;
 - c) Any proposed manholes and inspection openings must be sized appropriately; and

- d) The servicing plan must clearly indicate how all stormwater from the site, will be discharged to Council infrastructure with sufficient receiving capacity.

To satisfy with the above requirements, submit details demonstrating the above prior to the issuing of Council's approved Engineering drawing. All works required by this condition must be completed prior to the sealing of the Final Plan.

10. Designs are to clearly distinguish between existing, proposed and public mains. Services must be entirely separate to each lot and wholly contained within the lots served. If the proposed stormwater connection is not at the lowest point of the lot, indicate on the site plan the extent of the lot which cannot be serviced, taking into account the length of the proposed driveway into consideration.
11. A minimum of 2.50m wide easements must be created in favour of Council over all public stormwater infrastructure systems located in private property.
12. The proposed public stormwater main extension through No. 11 Austins Ferry Road is to be 150 diameter at a gradient of 1% and constructed in accordance with Standard Drawings TSD-GO1 and TSD-SW25.

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 1**10.0 General Residential Zone**

Standard	Acceptable Solution	Proposed	Complies?
10.3 Use Standards			
10.3.1 Non-Residential Use	A1 Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	Not applicable.	N/A
	A2 Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAm _{ax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Not applicable.	N/A
	A3 External lighting must comply with all of the following: (a) be turned off between 6:00 pm and 8:00 am, except for security lighting;	Not applicable.	N/A

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

10.4.2 Setbacks and building envelopes for all dwellings	A1 Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.	Not applicable.	N/A
	A2 A garage or carport must have a setback from a primary frontage of at least: (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.	Not applicable.	N/A
	A3 A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:	The existing outbuilding will be setback 2.5m from the proposed rear boundary.	No Refer to discussion in the

	(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and (b) only have a setback within 1.5 m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).		report.
10.4.3 Site coverage and private open space for all dwellings	A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) a site area of which at least 25% of the site area is free from impervious surfaces.	Complies. The existing dwelling will have a site coverage of 27.5%, private open space of 120m ² and a site area of 60% free from impervious surfaces.	Yes
	A2 A dwelling must have an area of private open space that: (a) is in one location and is at least:	Complies.	Yes

	(i) 24 m²; or (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (b) has a minimum horizontal dimension of: (i) 4 m; or (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and (f) has a gradient not steeper than 1 in 10; and (g) is not used for vehicle access or parking.		
10.4.4 Sunlight overshadowing dwelling	A1 A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Not applicable.	N/A
	A2 A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):	Not applicable.	N/A

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

	(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.		
10.4.5 Width of openings for garages and carports for all dwellings	A1 A garage or carport within 12 m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the primary frontage of not more than 6 m or half the width of the frontage (whichever is the lesser).	Not applicable.	N/A
10.4.6 Privacy for all dwellings	A1 A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4 m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	Not applicable.	N/A
	A2 A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):	Not applicable.	N/A

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

	(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7 m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level.		
10.4.7 Frontage Fences for all dwellings	A1 A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than: (a) 1.2 m if the fence is solid; or (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	Not applicable.	N/A
10.4.8 Waste Storage for multiple dwellings	A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5 m ² per dwelling and is within one of the following locations: (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: (i) has a setback of at least 4.5 m from a frontage; and (ii) is at least 5.5 m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2 m above the finished surface level of the storage area.	Not applicable.	N/A

10.6 Development Standards for Subdivision			
10.6.1 Lot Design	A1 The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.	Complies. The lots are opposite public open space.	Yes
	A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities: (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north; (f) is 10 m x 15 m in size.	The proposal provides a 10m x 15m building area with a long axis facing 43 degrees to the west of north. Compliance will require the long axis of the building area would be required to face north or within 20 degrees west or 30 degrees east of north. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.
	A3 The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	Complies.	Yes
	A4 No lot is an internal lot.	The proposal includes an internal lot. Whereas compliance will require no internal lots. Therefore, the proposal relies on performance criteria.	No Refer to discussion in the report.

	A5 Subdivision is for no more than 3 lots.	Complies.	Yes
10.6.2 Roads	A1 The subdivision includes no new road.	Complies.	Yes
10.6.3 Ways and Public Open Space	A1 No Acceptable Solution.	Not applicable.	N/A
10.6.4 Services	A1 Each lot must be connected to a reticulated potable water supply.	Complies.	Yes
	A2 Each lot must be connected to a reticulated sewerage system.	Complies.	Yes
	A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	Complies. Conditions have been recommended to increase stormwater runoff the land area to be serviced by a gravity.	Yes
	A4 The subdivision includes no new road.	Complies.	Yes

APPENDIX 2**E5 Road and Railway Assets Code**

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
	A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Not applicable.	N/A
E5.5.2 Exiting Level Crossings	A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	Complies.	Yes
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	Not applicable.	N/A
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h	Not applicable.	N/A
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.	Not applicable.	N/A
E5.6.4 Sight distance at accesses, junctions and level crossings	A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	Complies.	Yes

APPENDIX 3**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	Complies. The proposal will include a new crossover and driveway for two car parking spaces.	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.	Not applicable.	N/A
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.		
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.	Not applicable.	N/A
E 6.7 Development Standards			
E6.7.1 Number of Vehicle Accesses	A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Complies.	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.	Complies.	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:	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
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: (c) it serves no more than two dwelling units; (d) it meets a road carrying less than 6000 vehicles per day.	Not applicable.	N/A
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.	Complies.	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,	Complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	unless the road from which access is provided to the property is unsealed.		
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.	Not applicable.	N/A
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.	Not applicable.	N/A
E6.7.9 Design of Motorcycle Parking Areas	A1 The design of motorcycle parking areas must comply with all of the following: (a) be located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) be located within 30 m of the main entrance to the building.	Not applicable.	N/A
E6.7.10 Design of Bicycle Parking Facilities	A1 The design of bicycle parking facilities must comply with all the following; (a) be provided in accordance with the requirements of Table E6.2;	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) be located within 30 m of the main entrance to the building.		
	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.	Not applicable.	N/A
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 applicable.	N/A
E6.7.12 Siting of Car Parking	A1 Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and 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 applicable.	N/A
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;	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) the use is not primarily dependent on outward delivery of goods from the site.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	Complies.	Yes

APPENDIX 4**E7.0 Stormwater Management Code**

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

Attachments/Annexures

- 1** Attachment - 9 and 11 Austins Ferry Road, Austins Ferry

