

GLENORCHY PLANNING AUTHORITY

AGENDA

MONDAY, 16 JANUARY 2017



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman K. Johnston

Hour: 3.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 12 December 2016 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - PARTIAL CHANGE OF USE TO INDOOR PAINTBALL RECREATION FACILITY (SPORTS AND RECREATION) AND SIGNAGE RELYING ON PERFORMANCE CRITERIA FOR EXTENSION TO HOURS OF OPERATION AND PARKING (INCLUDING 2 HOWARD ROAD) - 8 KNOLL STREET AND 2 HOWARD ROAD, GLENORCHY

Author: Planning Officer (Chantelle Griffin)

Qualified Person: Planning Officer (Chantelle Griffin)

Property ID: 5379312

REPORT SUMMARY:

Application No.:	PLN-16-211
Applicant:	Johnstone McGee & Gandy Pty Ltd (JMG)
Owner:	J A Brooks and N A Brooks, and Royal Agricultural Society of Tasmania
Zone:	Light Industrial and Community Purpose
Use Class:	Sports and Recreation
Application Status:	Discretionary
Discretions:	Signage, noise and hours of operation (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	Extension until 17 Jan 2017
Existing Land Use:	Warehouse (inclusive of all buildings)
Proposal In Brief:	Partial change of use to Indoor Paintball Recreation facility (Sports and Recreation)
Representations:	11
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL:**PROPOSAL**

The proposal involves the partial use of 8 Knoll Street, which includes the access, parking between the two existing buildings, and use of the large building at the rear. The existing building positioned at the front for the lot does not form part of the proposal. In addition the proposal includes parking shown in the hatched area on the site plan for 2 Howard Road accessed via Knoll Street.

The proposal consists of a Paintball Recreation Facility in the large building at the rear with administration and reception located inside and partitioned from the majority of the building that is to be used as a recreation facility.

Reports

- | | |
|--------------|--|
| 16 September | Planning Report by JMG Engineers & Planners dated September 2016.

Noise Report by JMG Engineers & Planners dated September 2016.

Car Parking and Traffic Impact Assessment by ML Traffic Engineers dated September 2016. |
| 24 October | Noise Impact Report by JMG Engineers & Planners dated October 2016.

Addendum to Traffic Impact Assessment by Milan Prodanovic dated 11 October 2016. |
| 28 November | Noise Impact Assessment Addendum by Noise Vibration Consulting dated 25 November 2016. |

Description

The 'main open area' of the building 'will be used as the rifle range and will be fitted out with props and a freestanding removable wall to separate it from the foyer area. Netting will be placed above the arena to prevent paintballs from hitting the roof or light fittings. Rifles will be stored in a secure room when not in use...'

'The length of paintball games will vary depending on the customers. However it is expected that the average session will be approximately 1.5-2 hours.'

'Parking for up to five vehicles (including one accessible parking space) will be provided at 8 Knoll Street.'

*Signage**Existing*

- | | |
|------------------|---|
| 8 Knoll Street – | Three existing signs will be updated for the proposed business. |
|------------------|---|

Proposed

- | | |
|-----------------|--|
| 2 Howard Road – | 'Contact Indoor Paintball' sign 0.7m long x 0.5m high. |
|-----------------|--|

Agreement

The applicant has given written agreement that the use would not operate if access was not available to car parking on 2 Howard Road, Glenorchy.

Staff/Customers

The proposal would operate with a maximum of two staff and fourteen customers for each session.

Hours of Operation

The proposed indoor paintball recreation facility would have the following hours of operation:

Monday-Friday	9:00am to 8:00pm
Saturday	10:00am to 9:00pm
Sunday	10:00am to 9:00pm
Public Holidays	10:00am to 7:00pm

The proposed hours of operation would include additional hours for groups by booking only for 'occasional private functions'. This was amended in the additional information provided in the noise report by Noise Vibration Consulting submitted on 28 November 2016:

Friday	8:00pm to 10:00pm
Saturday	9:00pm to 10:00pm

Noise

As stated by Council's Environmental Health Officer, the final report (Noise Impact Assessment Addendum by Noise Vibration Consulting dated 25 November 2016) is summarised from page five:

- *Predicted maximum noise levels and continuous equivalent noise levels are below criteria at the closest residences, so acceptable;*
- *Predicted continuous noise levels are marginally higher during the evening. However are based on "worst case scenario" paint ball gun activity, with the maximum number of guns firing simultaneously and continuously. The ambient noise level in the evening is greater than the proposed activity*
- *A noise survey must be carried out, should the application be approved, to assess emissions during operation. This advice has been recommended as a condition.*

The report concludes that "The activity is...deemed to comply with the relevant Performance Criteria under the Planning Scheme." (p.6).

SITE and LOCALITY

8 Knoll Street, Glenorchy

The subject site is located on the south-west side of Knoll Street, approximately 134m to the east of Elwick Road, Glenorchy. The property has a front boundary of 16.47m a depth of 101.99m and a total area of 1484.69m².

The existing buildings are located at the front and to the rear of the property with vehicular access via an existing crossover and driveway along the south-east side.

Both buildings have the approved use of Warehouse. The front building was approved for office ancillary to the warehouse use of the rear building.

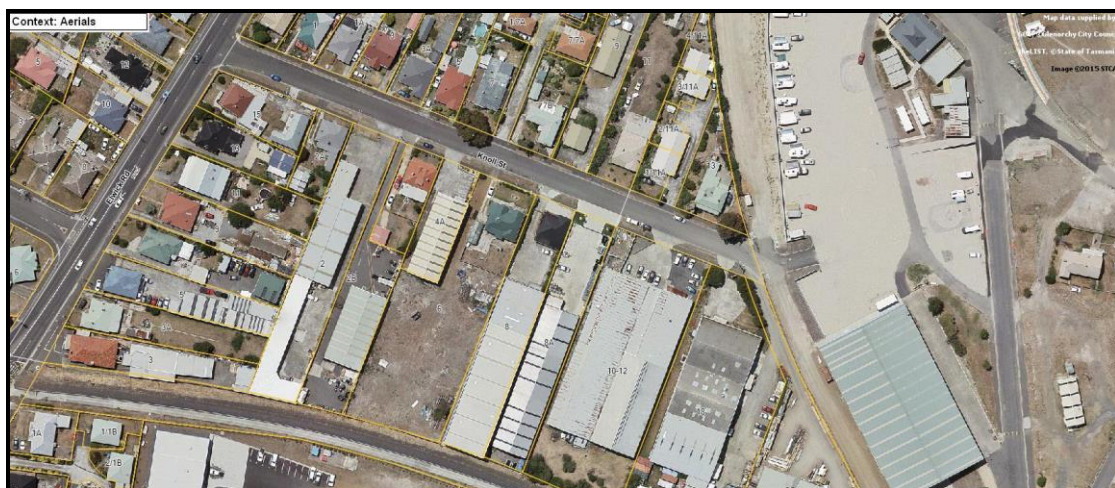


Figure 1: Aerial photo of 8 Knoll Street, Glenorchy

2 Howard Road, Glenorchy

The showground consists of a large number of buildings along the western and south-eastern sides with a large oval in the centre bordered by an outdoor stadium. The property is host to the Royal Hobart Show and similar events, such as the Sunday market, warehousing and clearance sales.

The site is bordered by the Brooker Highway to the north-east, the General Industrial zone to the south-east, a railway to the south, and the Light Industrial zone and residential zones to the west.

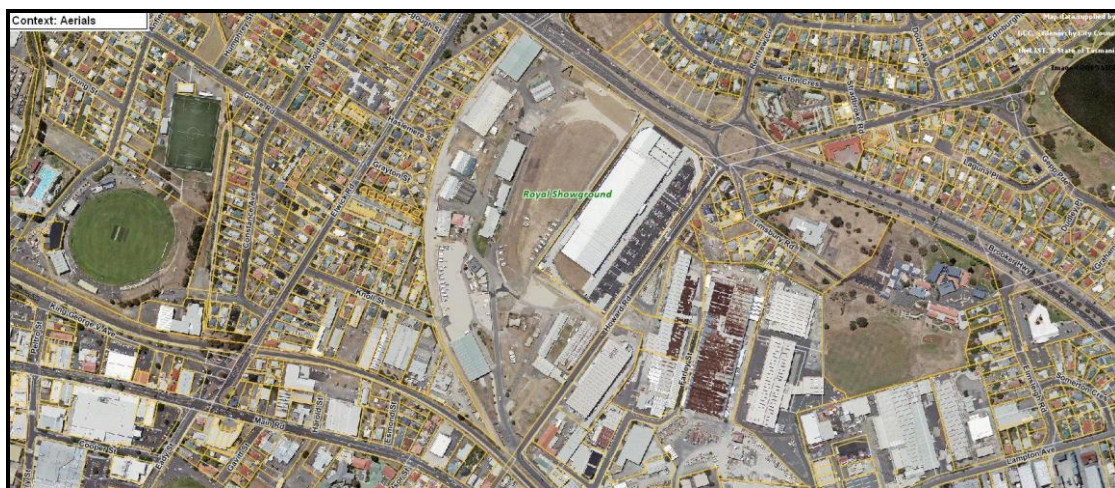


Figure 2: Aerial photo of 2 Howard Road, Glenorchy

Knoll Street

The south side of Knoll Street is a mixture of single dwellings which have non-conforming existing use rights and industrial undertakings that are commensurate with the Light Industrial zone that covers almost all the properties on this side of the street. On the north side of Knoll Street there is a mixture of single dwellings and multiple dwellings commensurate with the General Residential zone applying to that land. Knoll Street ends at the western boundary of the Royal Hobart Showground. The rear boundary adjoins the railway line reservation.

ZONE

8 Knoll Street

The subject property is within the Light Industrial Zone.



Figure 3: Zone over 8 Knoll Street, Glenorchy

2 Howard Road

The subject property is within the Community Purpose Zone and subject to the F7 Hobart Show Ground Specific Area Plan.

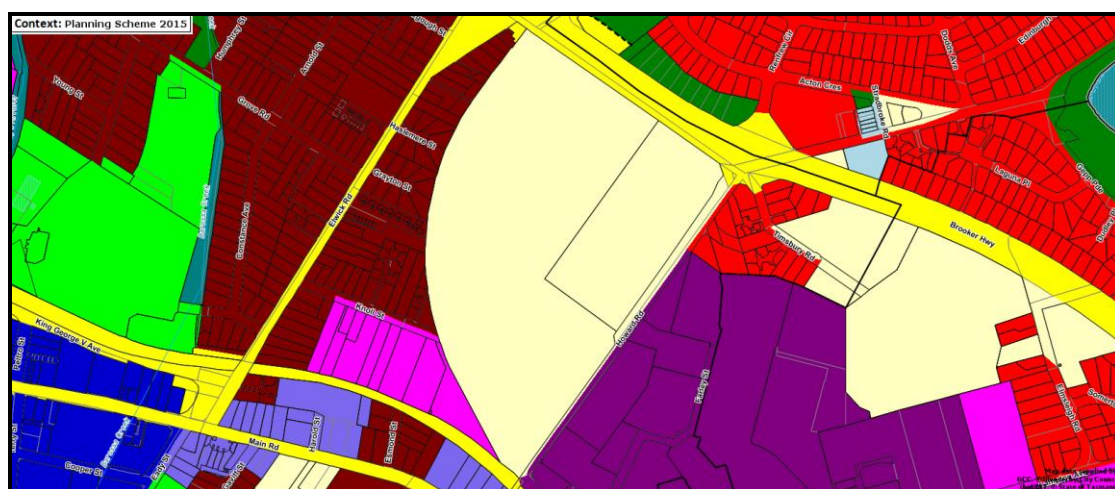


Figure 4: Zone over 2 Howard Road, Glenorchy

BACKGROUND

Extent of planning application:

The applicant provided written confirmation that the application does not include the proposed use of the building at the front for a Single Dwelling. This use would not be permissible in the Light Industrial zone. The building at the front of 8 Knoll Street has been approved and used for an office ancillary to the warehouse at the rear since 1988. Any use rights for the former use of a single dwelling have long since lapsed. The traffic impact assessment submitted by the applicant states that the building at the front is being used as a single dwelling. This matter will be followed up separately.

It should be noted that the building at the front is linked to the approved Warehouse use of the building at the rear. When the use of Warehouse ceases in the rear building, the use of the front building will also cease under the existing permit.

Discussions

After the application was received, Council organised a meeting with the applicants to discuss the requirements under the Scheme to provide detailed information on how the proposal may or may not impact the adjacent residential zoned area and issues that may arise from noise and traffic.

Noise

The Noise Report by JMG Engineers & Planners submitted on 24 October was peer reviewed by Vipac Consulting at Council's request. The following issues were raised with the applicant and additional information was requested:

- Further information about the types of paint ball gun proposed and likely number of shots per hour;
- Predictions of noise levels for multiple paint ball guns in use at the same time, in addition to vocalisation from players;
- Provide predictions of noise levels from multiple paint balls hitting the walls, roller doors and roof simultaneously;
- Details of any sound effects and music played inside the venue;
- Calculations and adjustments for reverberation time, tonality and impulsiveness.

As stated by Council's Environmental Health Officer, the applicant has been made fully aware of their obligation to ensure noise or other emissions from the business premises do not cause an environmental nuisance as defined by the *Environmental Management and Pollution Control Act 1994*. 'Council has taken the step of commissioning a review of the noise report by an acoustic professional who is a Member of the Australian Acoustical Society.' 'The applicant addressed these matters fully.'

A Noise Impact Assessment Addendum by Noise Vibration Consulting was submitted on 28 November and addressed the issues raised by the peer review. This is discussed in greater detail by Council's Senior Environmental Health Officer.

Permits

8 Knoll Street

The following permits have been issued for the subject property at 8 Knoll Street:

- PLN-02-01172 – Increase in operating hours for existing Warehouse – Approved 24 May 2002 – Restrictions were placed on the hours of operation.

The Warehouse use was for all the buildings on site, the small building at the front was approved as part of the warehouse use as an ancillary office. The approved hours of operation for the warehouse are:

Monday to Friday	7:00am to 8:00pm
Saturday	7:00am to 4:00pm
Sunday	10:00am to 2:00pm

2 Howard Road

The following permits have been issued for the subject property at 2 Howard Road in relation to the proposed car parking area:

- DA 173-99 – Indoor Sports Facility – Approved 8 May 2000 – Restrictions were placed on the hours of operation for the use at 10-12 Knoll Street and parking at 2 Howard Road.

The use required twelve car parking spaces on site at 10-12 Knoll Street and the remainder to be located at the Royal Hobart Showground at 2 Howard Road, Glenorchy. The approved hours of operation for the use are:

Monday to Thursday	10:00am to 8:00pm
Friday and Saturday	10:00am to 10:00pm
Sunday	10:00am to 8:00pm

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 or Code provisions conflict with the zone provisions in the assessment. However, it should be noted that the use is permitted in the Community Purpose Zone and is discretionary in F7 Hobart Show Ground Specific Area Plan.

Use Class Description (Table 8.2):

The Indoor Paintball Recreation Facility falls within the Sports and Recreation use class description of the Glenorchy Interim Planning Scheme 2015.

Other relevant definitions (Clause 4.1):

The definition of “amenity” in Clause 4.1 Planning Definitions and Terms of the Scheme states the following:

‘means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.’

Part C: Special Provisions

Not applicable provisions.

Part D: Zones

8 Knoll Street

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.

2 Howard Road

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

Zone Purpose Statements

8 Knoll Street

The Light Industrial zone purpose statements in Clause 24.1.1 is as follows:

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.

The proposed Indoor Paintball Recreation Facility would utilise an existing building and would therefore be similar in scale and appearance to the surrounding industrial properties. The proposed traffic generated would be similar to the industrial uses that can be considered in the zone. The use would not have an unreasonable impact on the surrounding industrial uses. The proposal would not preclude the use of adjoining land industrial activity and is consistent with the size and scale of the use.

The applicant has submitted a total of three noise reports to address the potential for impact on sensitive land uses in adjacent zones. As stated below the reports are supportive of the proposal and state the use would not have an unreasonable impact based on the background ambient noise.

2 Howard Road

The Community Purpose zone purpose statements in Clause 17.1.1 is as follows:

17.1.1.1

To provide for key community facilities and services where those facilities and services are not appropriate for inclusion as an associated activity within another zone.

17.1.1.2

To ensure land required for future public use is protected from inappropriate use or development.

17.1.1.3

To encourage multi-purpose, flexible and adaptable social infrastructure to respond to changing and emerging community needs.

The proposed Indoor Paintball Recreation Facility would encourage multi-purpose, flexible and social infrastructure for the purpose of a paintball facility. The proposal would provide for a recreational activity and would be similar to the existing use of car parking for other recreational activities located on the site.

Use Table

8 Knoll Street

The proposed use of 'Indoor Paintball Recreation Facility' is a discretionary use without qualifications in accordance with the use table in Clause 24.2.

2 Howard Road

The proposed use of 'Indoor Paintball Recreation Facility' is a permitted use without qualifications in accordance with the use table in Clause 17.2 of the Glenorchy Interim Planning Scheme 2015. However, the proposed use of 'Indoor Paintball Recreation Facility' is a discretionary use without qualifications in accordance with the F7 Hobart Show Ground Specific Area Plan.

Use Standards

8 Knoll Street

Clause 24.3.1 Hours of Operation

The proposal would require the following hours of operation to be in accordance with the acceptable solution Clause 24.3.1 – Standard 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 proposal would provide for hours of operation for the use of Indoor Paintball Recreation Facility for the property at 8 Knoll Street, Glenorchy.

Reliance on performance criteria may be considered in accordance with the performance criteria in Clause 24.3.1 – P1 as follows:

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

The definition of "amenity" in Clause 4.1 Planning Definitions and Terms of the Scheme states the following:

'Amenity means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.'

The performance criteria in Clause 24.3.1 – P1 is for the use of the Indoor Paintball Recreation Facility on the property at 8 Knoll Street.

The proposed hours would exceed the hours of operation prescribed in the acceptable solution during the following times:

Mon-Thurs: 7pm to 8pm

Friday: 7pm to 10pm (between 8pm and 10pm by appointment only)

Saturday: 6pm to 10pm ((between 9pm and 10pm by appointment only)

Sunday: 10am to 9pm

Public Holidays: 10am to 7pm

The final report (Noise Impact Assessment Addendum by Noise Vibration Consulting dated 25 November 2016) submitted by the applicant states the following:

'The ambient noise levels (Leq) during this period is 46dBA, which is greater than the predicted noise level from the proposal.'

'The predictions assume the number of guns firing shots simultaneously and continuously. This will be a significantly stronger noise level than would realistically occur (there will be times with no firing and with only a few guns firing), and as such the predicted maximum level is considered a definite worst-case scenario.'

'Ambient noise levels currently exceeded 65dBA an average of 19 times during the period of 1900 to 2200 hours.'

'The facility is only to operate until 10:00pm twice a week, on Friday and Saturday evenings.'

'The activity is therefore unlikely to cause environmental harm, and is thus deemed to comply with the relevant Performance Criteria under the Planning Scheme'

In summary the noise reports submitted by the applicant are supportive of the hours of operation for the Indoor Paintball Recreation Facility at 8 Knoll Street. In addition an independent assessment of an earlier noise report was undertaken by Council and this together the report Noise Vibration Consulting was supportive of the hours of operation. On this basis, the proposal is considered to comply with the performance criteria in Clause 24.3.1.

2 Howard Road

Clause 17.3.1 Hours of Operation

The proposal would require the following hours of operation to be in accordance with Clause 17.3.1 – Standard A1:

Hours of operation of a use within 50 m of a residential zone must be within:

- (a) 8.00 am to 8.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 6.00 pm Saturdays;
- (c) 10.00 am to 5.00 pm Sundays and Public Holidays;

except for office and administrative tasks.

Reliance on performance criteria may be considered in accordance with the performance criteria in Clause 17.3.1 – P1 as follows:

'Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.'

The definition of “amenity” in Clause 4.1 Planning Definitions and Terms of the Scheme states the following:

‘means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.’

The performance criteria is restricted to the use of car parking located on 2 Howard Road for an Indoor Paintball Recreation Facility. This precludes the use of the public road and the use of 8 Knoll Street for the purpose of considering the hours of operation specific to the Community Purpose zone in the Scheme.

The proposed use of car parking for an Indoor Paintball Recreation Facility would exceed the hours of operation during the following times:

Friday: 8pm to 10pm

Saturday: 6pm to 10pm

Sunday: 5pm to 9pm

Public Holidays: 5pm to 7pm

The final report (Noise Impact Assessment Addendum by Noise Vibration Consulting dated 25 November 2016) submitted by the applicant states the following:

‘During the evening time industrial use of the area surrounding the proposed site has generally ceased, and as such the background is likely to be dominated by traffic noise.’

‘Ambient noise levels currently exceeded 65dBA an average of 19 times during the period of 1900 to 2200 hours.’

The report indicates that the primary source of noise would be from the operation of the paintball facility in the existing building at the rear of 8 Knoll Street and general traffic noise on public roads. It should be noted that the Traffic Impact Assessment states that the 5 car parking spaces on 8 Knoll Street will be allocated for customers. If approved, a condition has been recommended to reduce the potential for noise from customers.

In summary the noise reports submitted by the applicant are supportive of the hours of operation for the Indoor Paintball Recreation Facility and car parking at 2 Howard Road. In addition, an independent assessment of an earlier noise report was undertaken by Council and this together the report Noise Vibration Consulting was supportive of the proposal. On this basis, the proposal is considered to comply with the performance criteria in Clause 17.3.1 of the Glenorchy Interim Planning Scheme 2015.

Development Standards for Buildings or Works

8 Knoll Street

The proposal complies with the development standards set out in Clause 24.4. Please see Appendix 1.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

Clause E6.6.1 – Standard A1

The proposal provides space for sixteen car parking spaces in accordance with Clause E6.6.1 – standard A1. Five spaces are proposed at 8 Knoll Street and the remaining eleven car parking spaces at 2 Howard Road. Please refer to the report by Council's Transport Engineer and Development Engineer below.

E17.0 Signs Code

2 Howard Road

The proposal includes a new wall sign for the use with the words 'Contact Indoor Paintball' and dimensions of 0.7m long x 0.5m high.

Clause E17.6.1 – Standard A1

The proposal would include a wall sign that would be discretionary in Table 17.3. Whereas clause E17.6.1 – standard A1 requires the wall sign to be permitted. The performance criteria state the following:

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

The proposed wall sign is discretionary in Table E17.3. Therefore the proposed signage is considered to accord with the performance criteria in Clause E17.7.1 – P2 of the Scheme.

Clause E17.7.1 – Standard A1

The proposal would include a wall sign that would be discretionary in Table 17.3. Whereas clause E17.7.1 – standard A1 requires the wall sign to be permitted. The performance criteria state the following:

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

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

The proposed wall sign is for the purpose of locating car parking associated with the use for 8 Knoll Street. This would be have an area of 0.35m and would not cause an unreasonable impact on the streetscape. Therefore the proposed signage is considered to accord with clause E17.7.1 – P2 of the Scheme.

PART F: Specific Area Plans

F7 Hobart Show Ground Specific Area Plan

The proposed car parking on the property at 2 Howard Road is subject to the F7 Hobart Show Ground Specific Area Plan under the Scheme.

F7 Use Standards

2 Howard Road

The proposal complies with the development standards set out in Clause F7.4. Please see Appendix 4.

F7 Development Standards for Buildings or Works

2 Howard Road

The proposal complies with the development standards set out in Clause F7.5. Please see Appendix 4.

INTERNAL REFERRALS

Development Engineer

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

Traffic, Access & Parking

There is no change to the existing access and it is proposed to provide five parking spaces within the site boundary one of which as an accessible parking space. Development Engineer recommends that the parking area to be constructed and line-marked to AS 2890.1: 2004 as a condition of approval.

Please refer to Transport Engineer Referral addressing the impact to Traffic network matter.

GCC Services (Stormwater)

There is no change to the existing drainage and Stormwater system.

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

Transport Engineer

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

I have reviewed the proposed change of use to Indoor Paintball Recreation Facility (Sports and Recreation) with variation to parking relying on performance criteria at 8 Knoll Street & 2 Howard Road, Glenorchy. The application documentation included a Traffic Impact Assessment (TIA) prepared by ML Traffic Engineers (dated September 2016) and a subsequent Addendum to Traffic Impact Assessment (the Addendum) prepared by Milan Prodanovic (dated October 2016).

The subject site is located at 8 Knoll Street, Glenorchy. The site contains 2 buildings – a small single level brick and tile at the front, and a warehouse at the rear. The building at the front is a reception/office associated with the warehouse. However, current tenancy arrangement has the front building leased as a residence, and the rear warehouse to a business. There is currently informal parking for three to five on-site parking spaces.

The proposal is to change the use of the rear building from a warehouse to an indoor recreation facility. The following characteristics apply:

- *Opening hours: 9am to 8pm Monday to Thursday, 9am to 10pm Friday, 10am to 10pm Saturday, 10am to 9pm Sunday, and 10am to 7pm Public Holidays.*
- *At any one time, there will be a maximum of 14 participants comprising two teams, each with five to seven people, and two staff, i.e. 16 people.*
- *Weekday daytime patronage will be minimal. The majority of trade will occur during evening hours (5pm to 9pm/10pm) and during daytime and evening hours on weekends.*
- *Formalise five on-site spaces located within the existing hardstand between the two buildings. One (of these five spaces) will be configured as a disabled space.*

In terms of traffic generation by the proposed development, the TIA states that worst case traffic generation during weekday evenings and weekend daytime and evenings is around 50 trips an hour, assuming a mixture of drive and park, and drop off and pick-ups. The report concludes that this level of traffic generation can be accommodated along Knoll Street and the intersection of Knoll Street and Elwick Road.

I agree that the traffic generated by the proposed development will not adversely impact upon the surrounding road network in terms of traffic efficiency or road safety.

Based on the Glenorchy Interim Planning Scheme 2015, the parking requirement for Sports and Recreation use other than Bowling Green, Fitness Centre, Golf Course, Swimming Pool, Squash Court and Tennis Court is subject to traffic and parking impact assessment. The TIA states that under a worst case scenario where every person drives and parks, the proposed indoor paintball centre requires 16 car parking spaces. The report, then, indicates that with five spaces provided on-site, the proposed use has a shortfall of 11 spaces.

However, the TIA argues that weekday daytime parking demand will be considerably lower than 16 spaces, as the target customers will be at work or at school. The report, then, concludes that the car parking shortfall can be fully accommodated on Knoll Street during weekday daytime and evening hours. The report also indicates that on weekends, the shortfall of 11 spaces will need to be accommodated:

- On Knoll Street.
- Within the Royal Showgrounds compound which has a capacity of around 100 cars.
-

In addition, parking surveys were undertaken in Knoll Street and relevant off-street car parking areas in October 2016 to address the particular concerns about parking supply and demand. The Addendum report states that there is potential for up to 39 cars to legally park in Knoll Street; however, there are several lengths of kerb space between driveways that are only just sufficient to accommodate two cars. The Addendum also notes that if one car does not park up to one of the driveways at either end, the second car cannot legally park within the remaining space. The Addendum, then, indicates that in a worst case situation, this would reduce the parking supply to 31 spaces along the street, but in reality it was mostly around 35 spaces.

In terms of the results of the parking surveys, the Addendum report states that the parking surveys were undertaken at different times of the day during the last week of the school holidays between 6 October 2016 and 11 October 2016. The report also notes that the times were mostly chosen around the Woody's skating business due to the popularity of the business for school children with the busiest times being around 12:00noon to 2:00pm, according to the staff; however, the survey times also included late morning on the weekday as well as evenings on weekdays and weekends, including a disco evening held at Woody's on a Friday night.

The results of the surveys show that the peak parking demand occurred on Thursday, 6th October at 2:15pm and on Saturday, 8th October at 2:30pm when 24 cars parked on Knoll Street. In this regard, the Addendum report also indicates that with the mixed land use activities in the street, there are some resident cars as well as cars belonging to workers that are parked on-street all day or for extended periods of the day, while many of the cars at the eastern end of the street belonged to visitors at Woody's.

The Addendum report, then, concludes that there would be at least 10 car parking spaces available along Knoll Street for people visiting the development site and the car parking shortfall associated with the development application will be easily accommodated along Knoll Street and within the Showground car parking area. The report also notes that the arrival and departure of people participating in the paintball games will not all be car drivers which will result in lower demand for on-street parking.

It should be noted that parking on Knoll Street has a long history and Council is aware of the parking issues in this road. Council parking officers patrol the area regularly and parking occupancy surveys are undertaken if required. The latest parking occupancy survey on Knoll Street was undertaken on July 2014. The results of the survey were approximately similar to the results of the survey undertaken by the applicant's Transport Engineer. To manage on-street parking on Knoll Street, Council has a plan for the installation of parking bays on Knoll Street in 2017 in order to facilitate access to driveways along Knoll Street.

Based on the above discussions, as the proposed development is not expected to have any significant detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety, I have no objection to the development of the proposed change of use to Indoor Paintball Recreation Facility (Sports and Recreation) with variation to parking relying on performance criteria at 8 Knoll Street & 2 Howard Road, Glenorchy on traffic engineering or road safety grounds.

Environmental Health Officer

The proposal was referred to Council's Environmental Health Officer who provided the following:

The applicant wishes to have hours of operation approved which sit outside the Light Industrial Zone's acceptable solution. A noise report was submitted in support of their initial application. This report was written by JMG Engineers & Planners, titled *For Southern Services Tasmania, Change of Use Indoor Paintball Facility 8 Knoll Street Glenorchy* (September 2016).

Environmental Health reviewed this report and researched other paint ball activities around Australia. This research included speaking to Launceston City Council about the paint ball business which operates in their municipality, the only operating paint ball business in the State at the time of the application. Further information was requested from the applicant in order to ascertain the full extent and impact of noise generating activity at the site. This included:

- Further information about the types of paint ball gun proposed and likely number of shots per hour;
- Predictions of noise levels for multiple paint ball guns in use at the same time, in addition to vocalisation from players;
- Provide predictions of noise levels from multiple paint balls hitting the walls, roller doors and roof simultaneously;
- Details of any sound effects and music played inside the venue;
- Calculations and adjustments for reverberation time, tonality and impulsiveness.

Noise emission requirements for this location were discussed with the applicants at a meeting held jointly by Planning, Traffic and Environmental Health. A site visit by Environmental Health was undertaken to experience the site first hand.

The Performance Criteria requires the applicant to show "Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone" (23.3.2 Noise, Glenorchy Interim Planning Scheme 2015).

The definition of "Environmental Harm" in the *Environmental Management and Pollution Control Act 1994* is as follows

"...any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance (5(1))".

"Environmental Nuisance" is defined as:-

The emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment".

Following the meeting, a subsequent report was submitted by JMG Engineers & Planners titled, *For Southern Services Tasmania, Change of Use Indoor Paintball Facility 8 Knoll Street Glenorchy* (October 2016).

Environmental Health reviewed the material presented in the report dated October 2016 and decided to consult Vipac Engineers and Scientists to obtain a third party review of the JMG October 2016 report and specialist noise advice. This was because we were of the opinion that the further information request had not been fully addressed. The Vipac report provided expert professional opinion about deficits in the JMG report (October 2016). These concerns were then raised with JMG who provided a subsequent report from Noise Vibration Consulting (25 November 2016) titled, *8 Knoll Street Paintball – Noise Impact Assessment Addendum*.

In summary, there are four noise reports associated with this proposed development. Three were submitted by the applicant and one an independent review done on behalf of Council.

1. *For Southern Services Tasmania, Change of Use Indoor Paintball Facility 8 Knoll Street Glenorchy* (JMG, September 2016);
2. *For Southern Services Tasmania, Change of Use Indoor Paintball Facility 8 Knoll Street Glenorchy* (JMG, October 2016);
3. Review of *For Southern Services Tasmania, Change of Use Indoor Paintball Facility 8 Knoll Street Glenorchy* (Vipac);
4. *8 Knoll Street Paintball – Noise Impact Assessment Addendum* (Noise Vibration Consulting, 25 November 2016).

This final report (Noise Vibration Consulting, 25 November 2016) satisfied Environmental Health's further information request fully. The report states in the summary on page five:

- *Predicted maximum noise levels are below criteria at the closest residences, so acceptable;*
- *Predicted continuous equivalent noise levels are below criteria at closest residences during the day time, so are acceptable;*
- *Predicted continuous noise levels are marginally higher during the evening, however are based on "worst case scenario" paint ball gun activity, with the maximum number of guns firing simultaneously and continuously. The ambient noise level in the evening is greater than the proposed activity. Additionally, ambient noise levels in this area exceed 65 dBA an average of 19 times during the period 1900 to 2200 hours. As such, intermittent noise from the proposal is unlikely to have a significant effect on the existing auditory environment.*
- *A noise survey must be carried out, should the application be approved, to assess emissions during operation. There is scope to use absorptive material within the shed to reduce the reverberation time and further reduce noise emissions. This advice has been recommended as a condition.*

The report dated 25 November 2016, concludes that "The activity is therefore unlikely to cause environmental harm, and is thus deemed to comply with the relevant Performance Criteria under the Planning Scheme." (p.6).

The representations for this proposal state that it would create an unreasonable amount of noise; and the increase in hours of operation "would have an unreasonable impact on residential amenity on land within a residential zone".

- The applicant has been made fully aware of their obligation to ensure noise or other emissions from the business premises do not cause an environmental nuisance as defined by the *Environmental Management and Pollution Control Act 1994*. They have provided a professionally written noise impact assessment, inclusive of noise mitigation strategies, to ensure that the business is not heard in homes. Council has taken the step of commissioning a review of the noise report by an acoustic professional who is a Member of the Australian Acoustical Society. Further information was requested from the applicant due to the review report to ensure all noise mitigation strategies were reliable and valid. The applicant addressed these matters fully.
- There will be no “commercial vehicle movements” as defined by the Glenorchy Interim Planning Scheme 2015 (the “Scheme”) outside of acceptable hours. Licenced vehicles operating on a public road are not able to be considered under the Scheme.
- People who leave the premises and potentially make noise on a public street are not able to be considered under the Scheme. Anti-social behaviour is a matter that must be reported to and addressed by Tasmania Police.

A condition is recommended which will require a noise verification report to be undertaken with remedial noise mitigation actions to follow, should any be required. This would be used to verify that the use is able to take place without causing any unreasonable noise problems. Should the use be found to cause noise problems, action may be taken under the *Land Use Planning and Approvals Act 1993* or *Environmental Management and Pollution Control Act 1994*. The applicant is aware of possible consequences of failing to comply with the Acts should the proposal be approved.

EXTERNAL REFERRALS

TasWater

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

Tas Rail

The application was referred to Tas Rail which was supportive of the proposal.

REPRESENTATIONS

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

1. Noise

The representors state that the proposal would create an unreasonable amount of noise. The increase to the hours of operation ‘would have an unreasonable impact on residential amenity on land within a residential zone’ and would be outside the acceptable solution in the Scheme.

Planner’s Comment:

The applicant was requested to provide a noise report by a suitably qualified person to verify if the proposal would comply with the acceptable standards in Clause 24.3.2 (and Clause 17.3.2) of the Scheme.

Three noise reports were submitted, the last provided a response to an independent assessment undertaken on behalf of Council. As stated by Council's Environmental Health Officer:

'The applicant has been made fully aware of their obligation to ensure noise or other emissions from the business premises do not cause an environmental nuisance as defined by the *Environmental Management and Pollution Control Act 1994*.' 'Council has taken the step of commissioning a review of the noise report by an acoustic professional who is a Member of the Australian Acoustical Society.' 'The applicant addressed these matters fully.'

'The final report (Noise Impact Assessment Addendum by Noise Vibration Consulting dated 25 November 2016) is summarised from page five:

- *Predicted maximum noise levels and continuous equivalent noise levels are below criteria at the closest residences, so acceptable;*
- *Predicted continuous noise levels are marginally higher during the evening. However are based on "worst case scenario" paint ball gun activity, with the maximum number of guns firing simultaneously and continuously. The ambient noise level in the evening is greater than the proposed activity*
- *A noise survey must be carried out, should the application be approved, to assess emissions during operation. This advice has been recommended as a condition.*

The report concludes that "The activity is...deemed to comply with the relevant Performance Criteria under the Planning Scheme." (p.6).'

This issue has been previously addressed under the heading "Use Standards".

2. Use

The representor states that the proposed use is discretionary therefore Council can refuse the application.

Planner's Comment:

The applicant has applied for consideration for the use and an increase to hours of operation with reliance on the performance criteria. This is the subject of the planning assessment.

As part of the assessment Council must take into consideration the following as states in Clause 8.10.2:

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

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

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

Council has the ability to consider the proposal in relation to the above and has the ability to approve with or without conditions or refuse the application. This is the basis of the report.

3. Parking

The representors state that the proposal would create an unreasonable impact on traffic for the following reasons:

- Difficulty with access to driveways for surrounding properties during 'from 6am' and 'all throughout the day'.
- The parking area as shown at 2 Howard Road is already used by the existing business at 10-12 Knoll Street.
- There is no available on street parking because the existing businesses use it all, including the areas adjacent the residential properties. People visiting the residences have nowhere to park on the street.
- The increased 'parking and vehicle movements would greatly adversely affect residential amenity'.

Planner's Comment:

The proposal would provide car parking in accordance with the acceptable solution. The Traffic Impact Assessment submitted by the applicant included consideration for parking associated with 10-12 Knoll Street when addressing car parking area at 2 Howard Road. Council's Transport Engineer stated that this was consistent with regular monitoring of Knoll Street. This is addressed in Council's Transport Engineer report.

As a separate matter to the planning application, Council's Transport Engineer has provided the following comments in relation to on-street parking in Knoll Street:

It should be noted that parking on Knoll Street has a long history and Council is aware of the parking issues in this road. Council parking officers patrol the area regularly and parking occupancy surveys are undertaken if required. The latest parking occupancy survey on Knoll Street was undertaken on July 2014. The results of the survey were approximately similar to the results of the survey undertaken by the applicant's traffic engineer. To manage on-street parking on Knoll Street, Council has a plan for the installation of parking bays on Knoll Street in 2017 in order to facilitate access to driveways along Knoll Street.

Any existing issues of on-street parking will be dealt with separately to this application.

4. Parking access

The representors state that the application relies on access to the showgrounds for additional parking in addition to no. 4 Knoll Street (Skate Park) and 'the gates are always closed' preventing access to the additional parking area at 2 Howard Road. In addition the showgrounds have a 'no parking' sign on the fence near the gates.

Planner's Comment:

The general parking issues for Knoll Street were discussed in depth with the applicants, including what would occur in the event that the gates are closed to the showgrounds at 2 Howard Road. The applicant has provided confirmation in writing that the use will cease if the gates area closed during the proposed hours of operation. If approved a condition has been recommended.

5. Responsibility

The representors state that the residents 'have been neglected' even though they 'pay rates' and 'do not get any advantages because Council have already allowed more than enough business into the street'. The 'almighty dollar' is 'taking precedence over people'.

Planner's Comment:

In regards to the 'neglect' shown by Council, as stated by the Council's Transport Engineer, the concerns relating to traffic have been closely monitored. Council staff and Alderman have paid particular interest to the issues raised in Knoll Street and have visited the area.

In this respect the concerns raised have been treated with due diligence. However, as stated below in the report, the Scheme allows consideration of a range of industrial and similar activities in the Light Industrial Zone. The industrial properties have a history of similar uses approved along Knoll Street. Council, as a Planning Authority, is required to take into consideration the industrial zoning of the land and potentially compatible uses.

CONCLUSION

The application is for a partial change of use to Indoor Paintball Recreation Facility (Sports and Recreation) and signage relying on performance criteria for extension to hours of operation and parking (including 2 Howard Road) at 8 Knoll Street and 2 Howard Road, Glenorchy. As stated in the report, the Indoor Paintball Recreation Facility is a discretionary use (the hours of operation and new sign are also discretionary), and is considered to accord with the standards of the Light Industrial Zone of the Scheme.

The reliance on performance criteria for hours of operation for the use has been supported by three noise reports, of which the final report covered an extensive array of potential issues raised by Council. The proposed reliance on performance criteria is considered to accord with the use standards of Part D Zones – 24.0 Light Industrial Zone (and 17.0 Community Purpose Zone) in the Scheme.

The application was notified for the statutory 14-day notification period, and eleven representations were received.

The representors raised concerns relating to operating hours, car parking, and access, noise and Council's responsibility. As stated in the report, the proposed hours of operation were supported by three noise reports and an independent report was also done on behalf of Council. Therefore, the proposed hours of operation is considered to accord with the performance criteria of the Light Industrial Zone (and Community Purpose Zone) in the Scheme.

Council's Development Engineer, Transport Engineer and Environmental Health Officer are supportive of the proposal subject to recommended conditions.

Recommendation:

That a permit be granted for the proposed use and development of change of use to Indoor Paintball Recreation Facility (Sports and Recreation) and signage relying on performance criteria for extension to hours of operation and parking (including 2 Howard Road) at 8 Knoll Street, Glenorchy and 2 Howard Road, Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-211 and Drawing No. P1 submitted on 16 September, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
3. This permit allows the use of the land only by **Southern Services Pty Ltd**. If **Southern Services Pty Ltd** ceases to use the land, this permit will expire.
4. The use of Indoor Paintball Recreation Facility at 8 Knoll Street, Glenorchy must cease when access to the car parking area at 2 Howard Road via Knoll Street is closed during the hours of operation. The use can only recommence when access is available to the car parking area via Knoll Street during the hours of operation.
5. This permit does not include any use of the existing building located at the front of 8 Knoll Street, Glenorchy.
6. Approval is for an indoor paintball recreation facility catering for up to fourteen (14) customers and two (2) staff. Any increase in staff and/or customers numbers on the site may necessitate separate planning approval.
7. The car parking spaces at 8 Knoll Street must be for customer use only. The car parking spaces must be labelled for customer use only prior to commencement of the use, and must remain in situ and maintained for the life of the use.

Please note: 2 Howard Road is for both staff and customer car parking

8. The use must operate only between the hours of 9.00am to 8.00pm Monday to Friday inclusive, 10.00am to 9.00pm Saturday and 10.00am to 9.00pm Sunday, and 10.00am to 7.00pm on Public Holidays.
9. The use must operate only between the hours of 8.00pm to 10.00pm Friday and 9.00pm to 10.00pm Saturday for private occasional functions by appointment.

Engineering

10. The loading and unloading of goods, including building materials and equipment, from vehicles must only be carried out on the land.
11. The proposed parking area on 8 Knoll Street must be constructed to a sealed finish and 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.

Detailed drawings showing the driveway areas mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted prior to the issuing of the Building Permit or the occupancy of the new use and be approved by Council's Development Engineer.

12. Appropriate 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. Parking must be provided for vehicle circulation roadways and pedestrian paths serving five or more car parking spaces, used outside daylight hours. To satisfy the requirement, the applicant must submit on the site plan lighting details prior to the issuing of the Building Permit or the occupancy of the new use and be approved by Council's Development Engineer.
13. 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.

Environmental Health

14. Commercial vehicle movements, the loading and unloading of vehicles on the land and the transportation of any materials to or from the land must only take place between the following hours:

Monday through to Saturday	0700 to 1800
Sunday and Public Holidays	Nil
15. The discharge of liquids, other than unpolluted rainwater, to Council's stormwater system, receiving water bodies or water courses is strictly prohibited.

Any area where liquid wastes (including spills) are generated must be suitably graded and bunded to direct the liquid waste to sewer.
16. All solid wastes must be managed in accordance with the hierarchy of waste management summarised below, unless otherwise approved in writing by the Senior Environmental Health officer:
 - a) waste must be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - b) waste must be re-used or recycled to the maximum extent that is reasonable and practicable; and
 - c) any residual waste must be disposed of only at a site and in a manner approved by the Senior Environmental Health Officer.

17. A noise level from an activity/building must enable compliance with the following:

The equivalent continuous A-weighted sound pressure level measured over 15 minutes (LAeq15min) emitted from a noise source must not exceed 5dB above the background (LA90) noise level at any time when assessed at the boundary of an affected receiver. The background noise level must be measured in the absence of noise emitted from the proposed use in accordance with *AS 1055.1-1997 Acoustics – Description and Measurement of Environmental Noise General Procedures*.

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.

18. Netting or other suitable barrier must be installed to prevent paint balls hitting the roof and roller doors within the facility.
19. A verification report must be submitted by the applicant to the Senior Statutory Planner within six weeks from commencement of the use. The report must be written by a suitably qualified and experienced acoustics consultant. The report is to certify the development and use is complying with acceptable noise levels as required in the Planning Permit; and operating without causing a noise environmental nuisance, as defined by the *Environmental Management and Pollution Control Act 1994*. The verification report must include measurements, data and evaluation of both day and evening hours to closing. Should the verification report show noise above the allowable limit, further mitigation measures must be recommended by the acoustic consultant in the report, in order to achieve compliance.

The recommended noise mitigation measures contained in the verification report must be installed and operational within eight weeks of the date of the initial verification report and be maintained satisfactorily for the life of the use.

A further noise verification report is required to show that the proposed development and use complies with the noise requirements in the Planning Permit. This report must be provided to the Senior Statutory Planner no later than four weeks following installation of the noise mitigation measures and be written by a suitably qualified and experienced acoustic consultant.

Advice to Applicant

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

- This permit is for the properties of 8 Knoll Street and 2 Howard Road, Glenorchy. In the event that enforcement action may be required, this will be taken against both owners and properties for which the use applies.
- When the use of Warehouse ceases in the rear building, the use of the front building for ancillary to the Warehouse will also cease under the existing permit PLN-02-01172 approved on 24 May 2002. Any use of the front building will require separate planning approval.

- The former use rights for the front building as a single dwelling lapsed prior to the current planning scheme.
- 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.

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 2000 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**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.	To 8pm Monday to Thursday and to 10pm on Friday and Saturday, 10am to 9pm Sunday, and 10am to 7pm public holidays.	No Please refer to discussion in the report.
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) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	Noise report submitted and verification condition recommended.	Yes, a condition has been recommended.

Standard	Acceptable Solution	Proposed	Complies?
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.	None.	Yes.
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.	No additional light is proposed.	Yes
24.3.4 Commercial Movements Vehicle	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.	Condition applied to ensure compliance.	Yes.
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.	None.	Yes.
24.4 Development Standards for Buildings and Works			
24.4.1 Building Height	A1 Building height must be no more than: 9m.	Not applicable.	N/A
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
24.4.2 Setback	A1 Building setback from frontage must be parallel to the frontage and must be no more than: (a) 10 m; or (b) the alignment of the adjoining buildings whichever is the lesser.	Not applicable.	N/A
	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 in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
	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.	Not applicable.	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;	Not applicable.	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which 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.		
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.	Not applicable.	N/A
	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;	None.	Yes.

Standard	Acceptable Solution	Proposed	Complies?
	(b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.		
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.	Not applicable.	N/A

APPENDIX 2**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.	5	Transport Engineer agreed with the TIA
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.	Proposed 1	Yes
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	N/A	

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.	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.	No change	
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.	No change	
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;	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(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: (a) it serves no more than two dwelling units; (b) it meets a road carrying less than 6000 vehicles per day.	N/A	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.	Provided	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following: (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Existing condition	

Standard	Acceptable Solution	Proposed	Complies?
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.	Will condition	Will condition
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.	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.	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; (b) be located within 30 m of the main entrance to the building.	N/A	

Standard	Acceptable Solution	Proposed	Complies?
	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.	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.	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.	Provided	Yes
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.	N/A	

Standard	Acceptable Solution	Proposed	Complies?
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	No change	

APPENDIX 3**E17.0 Signs Code**

Standard	Acceptable Solution	Proposed	Complies?
E17.6 Use Standards			
E17.6.1 Use of Signs	A1 A sign must be a permitted sign in Table E17.3	The proposal would include be for a sign listed as discretionary in Table E17.3.	No Refer to discussion in the report.
	A2 A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.	Complies. The proposed signs would be associated with the sale of goods and services directly related to the use of the building.	Yes
	A3 A sign must not contain flashing lights, moving parts or changing messages or graphics, except if a Statutory Sign	Complies. The proposed signs would not contain any flashing lights.	Yes
	A4 An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.	Not applicable.	N/A
E17.7 Development Standards			
E17.7.1 Standards for Signs	A1 A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.	The proposal would include be for a sign listed as discretionary in Table E17.3.	No Refer to discussion in the report.
	A2 The number of signs per business per street frontage must comply with all of the following: (a) maximum of 1 of each sign type; (b) maximum of 1 window sign per window; (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3; (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6.	Complies. The proposal is for a maximum of 1 wall sign.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	except for the following sign types, for which there is no limit; (i) Building Site, (ii) Name Plate, (iii) Newspaper Day Bill, (iv) Open/Closed, (v) Real Estate, (vi) Street Number, (vii) Temporary Sign.		
	A3 Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	Complies. The proposed signs would not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.	Yes
	A4 Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	Complies. The proposed signs would not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.	Yes
	A5 For properties that have a common boundary with Brooker Avenue, any advertising sign must be located at least 5m from that boundary.	Not Applicable.	N/A
E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precinct or Cultural Landscape Precincts	A1 No acceptable solution	Not Applicable.	N/A

APPENDIX 4**F7 Hobart Show Ground Specific Area Plan**

Standard	Acceptable Solution	Proposed	Complies?
F7.4 Use Standards			
F7.4.1 Discretionary Uses	A1 The following uses must not, in aggregate, occupy a gross floor area greater than 30,000 m2: (a) Bulky goods sales; (b) Clearance sales outlet; (c) Food services; (d) Hotel industry; (e) Service Industry.	Not applicable.	N/A
	A2 No acceptable solution.	Not applicable.	N/A
F7.4.2 Manufacturing and Processing	A1 No acceptable solution.	Not applicable.	N/A
F7.5 Development Standards for Buildings and Works			
F7.5.1 Building Height and Siting	A1 Buildings must be consistent with the envelopes defined in Figure F7.1 Hobart Showground Master Plan.	Not applicable.	N/A
F7.5.2 Building Façade Design	A1 Facades identified as Significant Facades, Highway Facades and Entry Facades in Figure F7.2 Hobart Showground Urban Design Plan must not: (a) contain blank walls that are wider than 5.0m.		N/A

F7.5.3 Crime Prevention through Environmental Design	A1 Buildings that have Passive Surveillance Facades in Figure F7.1 Hobart Showground Urban Design Plan must be designed and sited in accordance with all of the following: (a) the envelopes defined in Figure F7.2 Hobart Showground Master Plan; (b) Passive Surveillance Facades identified in Figure F7.1 Hobart Showground Urban Design Plan must include ground floor windows capable of viewing either pedestrian/cycle routes or roads within or adjacent to the site boundary.	Not applicable.	N/A
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Attachments/Annexures

- 1  Attachment - 8 Knoll Street and 2 Howard Road, Glenorchy

6. PROPOSED USE AND DEVELOPMENT - EXTENSION OF HOURS FOR GYM (SPORTS AND RECREATION) - 51-53 CHAPEL STREET, GLENORCHY

Author: Planning Officer (Peter Coney)

Qualified Person: Planning Officer (Peter Coney)

Property ID: 2734198

REPORT SUMMARY:

Application No.:	PLN-16-222
Applicant:	Akjj Pty Ltd
Owner:	Jjaki Pty Ltd
Zone:	Light Industrial
Use Class	Sports and Recreation
Application Status:	Discretionary
Discretions:	24.3.1 (P1) Hours of Operation (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	17/01/2016
Existing Land Use:	Gymnasium (Sport and Recreation)
Proposal In Brief:	Extension of hours for Gym (Sports and Recreation)
Representations:	1
Recommendation:	Approval Subject to Conditions

REPORT IN DETAIL:

PROPOSAL

The proposal is for an extension to the hours of operation for the gymnasium, located at 51-53 Chapel Street Glenorchy. This extension is to include Sundays and Public Holidays, so that the total weekly operating hours of the Gymnasium will be

7am - 7pm; Monday to Friday

7am - 8pm; Saturday, and

8am - 7pm on Sundays and Public holidays.

The proposal is relying on the performance criteria for 24.3.1 (P1) Hours of Operation, to meet the objective of that standard. This is owing to the proposal being outside of the prescribed hours in the acceptable solution, while being within 100m of a residential zone.

In support of the application, the applicant has submitted a noise report which has been relied upon to determine the level of noise emissions measurable at the boundary of the nearest residential zone.

The proposal is assessed to comply with all of the other Acceptable Solutions for the applicable standards of the Light Industrial zone, Road and Railway Assets code, and the Parking and Access code, as outlined in the Appendices to this report.

SITE and LOCALITY

The site is situated on the corner of Chapel Street and Massey Street. Present improvements on the land consist of a dwelling, gymnasium, and car parking area (see Figure 1). The locality is characterised by a mixture of single dwellings, workshops and warehouses, as well as local shops (see Figure 2).



Figure 1. Approved plans which show the existing gymnasium and car parking arrangement, relative to the existing dwelling.



Figure 2. Indicating the site and locality (note this photograph is out of date and the current gymnasium on site is not shown though constructed)

ZONE

The site is situated within the Light Industrial Zone, and adjoins similarly zoned properties on all boundaries. Within approximately 52m there are two properties zoned Local Business and within approximately 70m, a significant expanse of the General Residential zone begins at 1 Pitcairn St. Within 80m, a significant expanse of the Inner Residential zone begins at Balmain Street, on the other side of Humphreys Rivulet. It is owing to the proximity to these two zonings that the proposal does not meet the acceptable solutions (see Figure 3).

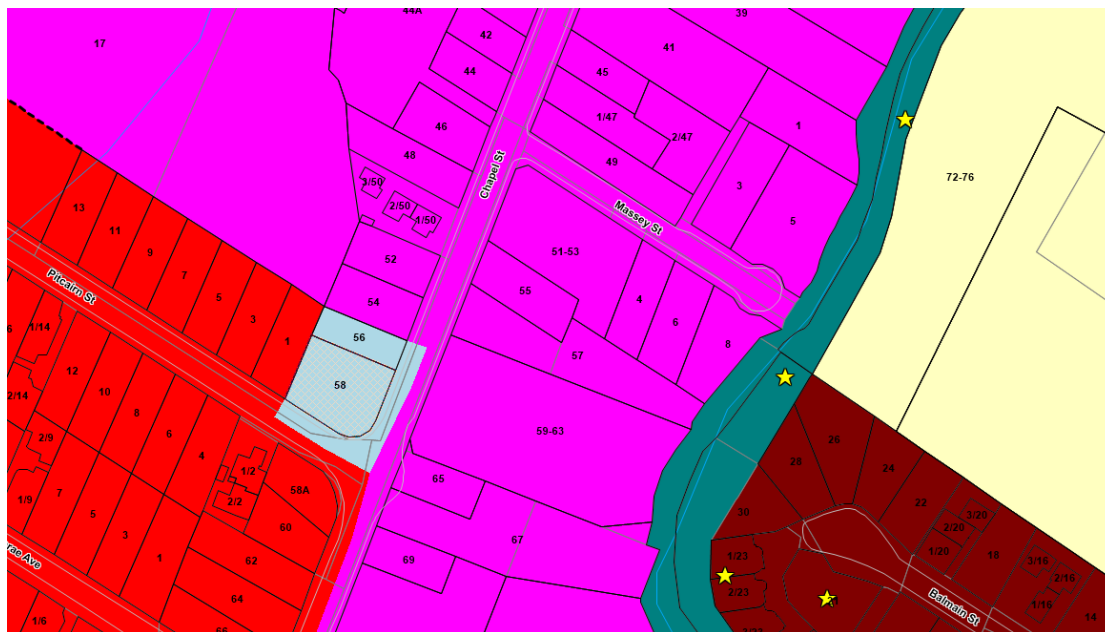


Figure 3. View indicating the Light Industrial zone (Fuchsia), Local business zone (light Blue) General Residential zone (red), Environmental Management Zone (Teal) the Inner Residential Zone (Maroon) and the Community Purpose zone (Light Yellow).

BACKGROUND

The use of the land as a gymnasium (Sports and Recreation) currently has a permit PLN-13-090 for operating hours between 7am-7pm Monday to Friday and 7am-8pm on a Saturday. The validity of the permit had been extended pursuant to section 53 (5A) of the *Land Use Planning and Approvals Act 1993*, prior to the substantial commencement.

This application is for an extension to the operating hours approved as part of PLN-13-090.

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

Use Class Description (Table 8.2):

Sports and recreation: means use of the land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground.

Other relevant definitions (Clause 4.1):

Amenity: means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

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.

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

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal:

Part D: Zones

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

24.1.1 Zone Purpose Statements**24.1.1.1**

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

24.1.1.2

To promote efficient use of existing industrial land stock.

24.1.1.3

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

24.1.1.4

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

Comment

The proposal is considered to be consistent with the zone purpose statements, owing to being a use of the land which is not in conflict with any existing industrial activity

As well, owing to the conclusions of the noise assessment submitted as part of the application, it is considered that the use protects the amenity of sensitive uses in adjacent zones.

24.2 Use Table

Sports and Recreation is a discretionary use within the Light Industrial Zone.

24.3 Use Standards

The proposal complies with all of the use standards for the Light Industrial Zone, except where reliant on the performance criteria for 24.3.1 (P1) Hours of Operation.

24.3.1 Hours of Operation

The application for an extension to the hours of operation does not meet the acceptable solution for the standard, as the use is proposed to be undertaken outside of the prescribed hours for a Sunday, which if within 100m of a residential zone, are nil. The proposal is therefore reliant on performance criteria which require,

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

In order to demonstrate that the proposal does not have an unreasonable impact on the residential amenity of land within the nearby residential zone, the applicant has supplied a noise report. Council's response to this noise report is outlined in the internal referrals section of this report. In brief, as a result of the advice of Council's Environmental Health Officer, there are recommended conditions for the use of the land, which ensure the proposal will continue to satisfy the performance criteria.

With regard to any other emissions, as the nearest residential zone is 70m away, it is not anticipated that there will be any emissions caused by an extension to the hours of operation, which would affect these residences to the point which would be considered unreasonable.

Development Standards for Buildings or Works

There is no proposed development on site.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Railway Assets Code

Though the proposed development will intensify the existing access to Massey Street, the proposal complies with the acceptable solution E5.5.1 (A3), for an access to a road with a speed limit of 60km/h or less. This is because the increase to the Average Annual Daily Traffic (AADT) is less than a 20% increase to the existing number of vehicle movements per day. This figure has been calculated in accordance with the NSW RTA's *Guide to Traffic Generating Developments*, where a gymnasium will generate 10 vehicle movements per car parking space daily.

Based on the car park providing 37 spaces, this would be 370 movements per day, or an AADT of 316. The increase to operating hours to seven days a week would provide an AADT of 370. This increase of 54 vehicle movements is less than 20% of the current AADT estimate, and so complies with the acceptable solution.

E6.0 Parking and Access Code

The proposed extension to the use of the land will rely on the existing car parking as approved under PLN-13-090. The extension to the hours of operation is not assessable as requiring further car parking spaces pursuant to *Operation of Table E6.1 (b)* where if,

An existing use or development is extended or intensified, the additional number of car parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of parking spaces is not reduced.

The amount of extension is in duration only, and so cannot generate a requirement for additional spaces which are calculated on floor space.

E7.0 Stormwater Management Code

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

INTERNAL REFERRALS

Environmental Health Officer

The proposal has been referred to Council's Environmental Health Officer the following comments were made.

Comments:

The applicant has requested hours outside of the Acceptable Solution for the Light Industrial zone. To evaluate their application a noise impact assessment was requested by Council. Noise Measurements: Glenorchy Health and Fitness, 51-53 Chapel Street, Glenorchy (11 November 2016, Pitt & Sherry) was provided to demonstrate the increased hours would comply with the scheme requirements. The report states (p2)

It is concluded that noise from the proposed extension in operating hours of Glenorchy Health and Fitness is very unlikely to exceed noise levels outlined in the Glenorchy Interim Planning Scheme 2015 (55dB(A) LAeq 7.00 am to 7.00 pm.

A representation received opposing the application has been investigated and assessed by Environmental Health. The representor claims they are disturbed by the noise in their home and cannot enjoy their environment and object to the proposed extension of operating hours.

Site visits were undertaken on 04/12/2016 and 09/12/2016 to assess the acoustic environment. A discussion was held with the author of the noise report from Pitt and Sherry. A subsequent meeting was held at Council with the gym owner who has proactively worked to remedy any noise associated complaints with the gym.

The gym owner is aware of the business' obligations under the Environmental Management and Pollution Control Act 1994. Should a breach of this Act be identified it will be dealt with under the provisions of the Act.

This report supports the application, which is recommended with conditions.

EXTERNAL REFERRALS

No external referrals were required to be made to assess this application

REPRESENTATIONS

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

1. Noise

The representor states that the gym opens at 6:00am, 7 days a week. The noise and music continues until 8:00pm/9:00pm at night and that the classes can be heard within their home. As well, there is noise from the additional traffic generated by Sunday operations.

Planner's Comment:

The use standards of the Light Industrial zone require noise be at a certain level measured at the boundary of a Residential zone.

The noise impact assessment submitted as a part of the application demonstrates that the acceptable solutions of this standard are complied with.

Any noise issues for residential uses in the locality, irrespective of the zoning are dealt with under the *Environmental Management and Pollution Control Act 1994*. This is the result of the non-conforming nature of the residential uses in the Light Industrial zone.

2. Lack of privacy

The representor states that the front of their residence faces toward the car park of the gym and that patrons of the gym are able to make visual contact into that residence, intruding on their privacy.

Planner's Comment:

There are no applicable use standards regarding privacy. As well, the majority of residential uses are separated from the car park of the proposal by a public road. The location and design of the car park has been previously assessed and found to be acceptable for the purpose of the zone. .

3. Traffic

The representor states that traffic is a major problem, citing consistent use of on street parking, as well as danger in the preclusion of adequate vision caused by so many cars parked in Chapel Street.

Planner's Comment:

The proposal is assessed to comply with the acceptable solutions of the standards for the Road and Railway Assets code regarding traffic generation. As well, the proposal is reliant on existing car parking arrangements which were approved under a previous development application PLN-13-090, where on street parking and sight distances was considered and found to be acceptable. Given that the proposal is an extension to operating hours only, and as the gross floor area is not being extended, there is no requirement for additional spaces.

CONCLUSION

The proposal for the extension to the hours of operation on site relies on the performance criteria to comply with the hours of operation standard. The proposal is assessed as satisfying the performance criteria, and so complies with the applicable standard. The proposal is assessed as complying with all other use standards in the Light Industrial Zone, as well as the applicable standards of the Road and Railway Assets code. Though the Parking and Access code applies to all use and development, there are considered to be no applicable standards owing to the extension to the use not generating the requirement for additional spaces. The application was publicly advertised for the statutory 14-day period with one representation received. 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 Extension of hours for Gym (Sports and Recreation) at 51-53 Chapel Street, Glenorchy subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-222 and Drawing No. P1 submitted on 28/09/2016, except as otherwise required by this permit.
2. The use of the gymnasium must operate only between the hours of
 - 7:00am to 7:00pm Monday to Friday
 - 7:00am to 8:00pm Saturday
 - 8:00am to 7:00pm Sundays and Public Holidays

Environmental Health

3. A noise level from an activity/building must enable compliance with the following:
 - i. The equivalent continuous A-weighted sound pressure level measured over 15 minutes (LAeq15min) emitted from a noise source must not exceed 5dB above the background (LA90) noise level at any time when assessed at the boundary of an affected receiver. The background noise level must be measured in the absence of noise emitted from the proposed use in accordance with AS 1055.1-1997 Acoustics – Description and Measurement of Environmental Noise General Procedures.
4. The loading and unloading of vehicles on the land and the transportation of any materials to or from the land must only take place between the following hours:
 - Monday through to Saturday 0700 to 1900
 - Sunday and Public Holidays 0900 to 1700.
5. A verification report must be submitted by the applicant to the Senior Statutory Planner within six weeks from commencement of the use. The report must be written by a suitably qualified and experienced acoustics consultant. The report is to certify the development and use is complying with acceptable noise levels as required in the Planning Permit; and operating without causing a noise environmental nuisance, as defined by the Environmental Management and Pollution Control Act 1994. The verification report must include measurements, data and evaluation of both day and evening hours to closing. Should the verification report show noise above the allowable limit, further mitigation measures must be recommended by the acoustic consultant in the report, in order to achieve compliance.

The recommended noise mitigation measures contained in the verification report must be installed and operational within eight weeks of the date of the initial verification report.

A further noise verification report is required to show that the proposed development and use complies with the noise requirements in the Planning Permit. This report must be provided to the Senior statutory Planner no later than four weeks following installation of the noise mitigation measures and be written by a suitably qualified and experienced acoustic consultant.

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 2000 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.**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: (d) 7.00 am to 7.00 pm Mondays to Fridays inclusive; (e) 9.00 am to 5.00 pm Saturdays; (f) nil Sundays and Public Holidays. except for office and administrative tasks.	Proposal is for the operation of the use on a Sunday to be 8am-7pm. These hours of operation outside of the acceptable solutions owing to the site being within 100m of a residential zone.	No – See Report
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) (LAmx) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.	Proposal is for noise levels measured at the boundary (1 Pitcairn St) being between 29 and 32 dB (A). this is below the acceptable solutions and so complies.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	Noise levels are to be averaged over a 15 minute time interval.		
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.	There is no proposed externally amplified music	Yes
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.	There is no proposed external lighting within 50m of a residential zone.	Yes
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: (c) 7.00 am to 7.00 pm Mondays to Saturdays inclusive; (d) 9 am to 5.00 pm Sundays and public holidays.	There are no proposed Commercial vehicle movements	Yes
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.	N/A	N/A

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.	N/A	N/A
	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.	N/A	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.	Proposed increase to the AADT of the existing access to Massey Street is <20%	Yes

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.	N/A	N/A

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: (c) 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.	There is no proposed change to the number of car parking spaces provided. Though, the Table E6.1 requires 4.5 spaces per 100m². the operation of Table E6.1 is that, <i>Where an existing use or development is extended or intensified, the additional number of car parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of parking spaces is not reduced.</i> As the proposal is an extension to operating hours only, and as the gross floor area is not being extended, there is no requirement for additional spaces pursuant to the table.	N/A
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.	There is no proposed change to the number of car parking spaces provided	N/A

Standard	Acceptable Solution	Proposed	Complies?
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.	There is no proposed change to the number of car parking spaces provided	N/A
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.	There is no proposed change to the number of car parking spaces provided	N/A

Attachments/Annexures

- 1  Attachment - 51-53 Chapel Street, Glenorchy

7. PROPOSED USE AND DEVELOPMENT - CHANGE OF USE TO CAR SALES (BULKY GOODS SALES) AND SIGNAGE, RELYING ON PERFORMANCE CRITERIA - 13 DERWENT PARK ROAD, MOONAH

Author: Planning Officer (Peter Coney)

Qualified Person: Planning Officer (Peter Coney)

Property ID: 7855087

REPORT SUMMARY:

Application No.:	PLN-16-165
Applicant:	North Hobart Investments Pty Ltd
Owner:	KM & M Pty Ltd and North Hobart Investments Pty Ltd
Zone:	Light Industrial
Use Class	Bulky Goods Sales
Application Status:	Discretionary
Discretions:	24.2 Use Table E6.6.1 (P1) Number of Car Parking Spaces E6.7.7 (P1) Lighting of Parking Areas E6.7.8 (P1) Landscaping of Parking Areas (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	17 Jan 2017
Existing Land Use:	Storage
Proposal In Brief:	Change of use to car sales (bulky goods sales) & signage, relying on performance criteria.
Representations:	0

Recommendation: Approval subject to conditions
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REPORT IN DETAIL:**PROPOSAL**

The proposal is for a change of use of the land at 13 Derwent Park Road to motor vehicle sales (Bulky Goods sales), with associated signage and delineation of seven (7) car parking spaces. The motor vehicle sales use is proposed to operate between 7:30am-6:00pm Monday to Friday and between 7:30am to 4:00pm on Saturdays.

The proposal is assessed to comply with all of the acceptable solutions for use in the Light Industrial zone, though is discretionary owing to being reliant on the performance criteria for E6.6.1 (P1) Number of Car Parking Spaces, E6.7.7 (P1) Lighting of Parking Areas and E6.7.8 (P1) Landscaping of Parking Areas. How the proposal meets the objectives of these standards through the performance criteria is outlined in the body of this report.

SITE and LOCALITY

The subject site is located at the end of a subdivision road on the southern side of Derwent Park Road (see Figure 1). The total site area is calculated at approximately 2388m². There is an existing warehouse and offices on site with a combined gross floor area of 1652m². Of this space, 1428m² is proposed to be used for vehicle display. There are presently imperviously surfaced areas where vehicles park, however these are not delineated and so the number is unclear. The existing use of the land is for wholesale of plasterboard (Warehouse, Glenorchy Planning Scheme 1992).

The locality is characterised by warehouses and show rooms and can be broadly defined as highly commercialised.



BACKGROUND

PLN-35-93 – An approval was granted for the use of the land as a plasterboard wholesaler with associated signage in 1993.

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

Pursuant to 5.10, signs exempt under clause E17.4 of the Signs code are generally exempt. Therefore, the proposed replacements to the existing awning fascia signage do not require a permit.

Limited Exemptions

Nil

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

No

Use Class Description (Table 8.2):

Bulky goods sales: means, the use of land for the sale of heavy or bulky goods which require a large area for handling, storage and display. Examples include garden and landscape suppliers, rural suppliers, timber yards, trade suppliers, showrooms for furniture, electrical goods and floor coverings, and motor vehicle, boat or caravan sales.

Other relevant definitions (Clause 4.1):

Access: Means land over which a vehicle enters or leaves a road from land adjoining a road.

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.

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.

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

Road: means land over which the general public has permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.

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

Part C: Special Provisions

No special provisions of the Scheme apply to this proposal:

Part D: Zones

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

24.1.1 Zone Purpose Statements

24.1.1.1

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

24.1.1.2

To promote efficient use of existing industrial land stock.

24.1.1.3

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

24.1.1.4

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

Comment

The proposal is considered to be consistent with the zone purpose statements, owing to being a use of the land which is not in conflict with any existing industrial activity, as well as not reducing the amenity of any other use.

24.2 Use Table

Bulky goods sales is a discretionary use within the Light Industrial zone.

24.3 Use Standards

The proposal is assessed to comply with the acceptable solutions of all of the use standards of the Light Industrial zone, owing to the site being in excess of 100m from any Residential zone.

24.4 Development Standards for Buildings & Works

There is no proposed development to be assessed against the standards of this section of the planning scheme. The proposed use is to be undertaken in the existing warehouse and offices.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E5.0 Road and Rail Asset Code

The applicant has provided a Traffic Impact Assessment (08/12/2016) which in section 3.2 *Traffic Generation*, estimates within Table 2 (see Figure 3) the anticipated use of the land will generate 26 vehicle movements daily across the existing access. This is within the acceptable solutions of the Road and Railway assets code, (see Appendix 2).

Table 2 Estimated traffic generation

Movements	Daily trips	Estimated Peak Hour
Staff	6	3
Visitors	16	2
Car movements (sales and restocking)	4	1
Total	26 trips per day	6 trips per peak hour

Figure 3. Table of estimated traffic generation (GHD Traffic Impact Assessment 08/12/2016)

E6.0 Parking and Access Code

The Parking and Access code is an applicable code for all use and development. The proposal indicates provision for seven (7) car parking spaces to be delineated on existing hardstand surfaces, and does not provide any additional landscaping or lighting. The proposal therefore is reliant on the performance criteria for E6.6.1 (P1) Number of Car Parking Spaces, E6.7.7 (P1) Lighting of Parking Areas and E6.7.8 (P1) Landscaping of Parking Areas. With respect to these standards, there are recommended conditions to ensure the respective objectives can be satisfied. As well, it is a recommended condition that any design or works required to be undertaken to facilitate the provision of car parking, such as providing wheelstops etc, be undertaken in accordance with the Australian Standard. The proposal has been referred to Council's Development Engineer and they have made comment within the Internal Referrals section of this report.

E6.6.1 Number of Car parking spaces.

Pursuant to the table E6.1 Number of Car Parking Spaces Required, where 1428m² is proposed to be used for vehicle display, the number of car parking spaces required is 1 per 100m² or fourteen.

The seven car parking spaces proposed to be provided are of a number less than that required, and so the proposal cannot meet the acceptable solution. The proposal therefore is reliant on the performance criteria which require,

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

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

Comment

In order to demonstrate that the objective of the standard for the proposed number of car parking spaces can be met through the performance criteria, the applicant has supplied a Traffic Impact Assessment which supports the proposal.

With regard to the criteria (a) through to (d), Section 4.5.4 of the submitted Traffic Impact Assessment (08/12/2016) states,

The estimated traffic generation discussed in Section 3.2 provides an indication as to the true parking demand for the site. The three parking spaces allocated for staff use will satisfactorily cater for the staff parking demand. With the expected generation of approximately 8 visitors per day... the allocation would be sufficient to manage the expected visitor demand.

This is further supported by the availability of on-street parking on Derwent Park Road and the close proximity of the site to walking and cycling facilities and public transport.

It is considered that as the Traffic Impact Assessment indicates that the proposal is able to satisfy those performance criteria (a) through to (d), particularly owing to the low anticipated demand, the proposal should be supported. With regard to (e) to (h) the proposal does not specifically address these criteria, though this is not considered to prevent the proposal from meeting the objective, owing to the demonstrated low demand. (i) through to (m) are considered not applicable.

As well, the proposal and accompanying Traffic Impact Assessment (TIA) have been referred to Council's Development Engineer, who has made comment in the referrals section of this report. In brief and with regard to this standard, Council's Development Engineer states,

I agree with the above conclusion (TIA) and therefore consider that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

E6.7.7 (P1) Lighting of Parking Areas

The proposal does not indicate any additional lighting for the proposed parking areas. It is a recommended condition of approval that Lighting must be provided for the proposed car park in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to the commencement of the use.

E6.7.8 (P1) Landscaping of Parking Areas.

The proposal does not indicate any additional landscaping is to be provided. There is presently a small portion of landscaping on site along the north facing warehouse wall. As well, there is a space set aside for landscaping with an existing mature tree in proximity to where the staff parking is proposed.

As this area is less than 5% of the car parking area, the proposal is reliant on the performance criteria which require,

Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following:

- (a) relieve the visual impact on the streetscape of large expanses of hard surfaces;*
- (b) soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape;*
- (c) reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings.*

Owing to the site's location and existing expanse of impervious surfaces, which are not landscaped, the visual impact to the site by converting these surfaces to delineated parking areas is negligible. As well, existing landscaping in the road reserve, which provides access to the site off Derwent Park Road is considered sufficient to provide relief to the visual impacts of the site, and contribute to a positive view.

Therefore, the conversion of the existing hardstand area to car parking presently meets the objective through the performance criteria based on the existing landscaping. It is considered that the existing landscaping must therefore be retained and so it is a recommended condition of the granting of approval that,

A landscaping plan, prepared by a suitably qualified person, is to be submitted and approved prior to the undertaking of the use of the land for motor vehicle sales. This landscaping plan is to be approved by Council's Senior Statutory Planner. Particular attention is to be paid to the retention of existing vegetation on site and must be maintained for the life of the use. The landscaping plan is to be prepared at a suitable scale, and indicate the following:-

- (a) outline of buildings;
- (b) existing trees and any to be removed;
- (c) any proposed driveways, paths, car parking, retaining walls and fencing (indicating the materials and surface finish);
- (d) any proposed planting (including expected mature height and plant size);

It is anticipated that the approval of the landscaping plan will ensure the objective of the standard will be satisfactorily met.

E7.0 Stormwater Management Code

There are no new impervious surfaces proposed to facilitate the use and as such, the standards of this code are not applicable.

E8.0 Electricity Transmission Infrastructure Protection Code

The proposed delineation of car parking spaces is within 5m of an existing substation facility. As there is no proposed works to facilitate the provision of car parking in this area, though the code applies to the land, it is considered that the standard for E8.7.3 Development for uses other than sensitive uses within 65m of a substation facility, is not applicable as delineation is not development.



Figure 5. View indicating existing works, which are to be used for the provision of car parking.

E17.0 Signs Code

The proposed signage is to replace existing awning fascia signage (see Figure 4). Pursuant to E17.4.3 of the Glenorchy interim Planning Scheme,

Changes to the graphics of a legally existing sign, including text, graphic design and colour is exempt from requiring a permit under this planning scheme.

As it is stated under the General Exemptions 5.10 signs, that any signage exempt under E17.4.3 is generally exempt, a permit is not required to commence or carry out that development.



Figure 4. View indicating existing Awning Fascia signage.

INTERNAL REFERRALS

Development Engineer

The proposal has been referred to Council's Development Engineer who has made the following comments.

Comments

The development application seeks an approval for Change of Use to vehicle sales yard and Signage at the subject site. A Traffic Impact Assessment has been received and accepted.

Traffic, Access & Parking

There is no change to the existing access arrangement. The development requires 14 parking spaces in accordance to the Glenorchy Interim Planning Scheme while the proposal only provides 7 parking spaces. The TIA concludes that the parking supply falls short of the Scheme requirements however based on the estimated traffic generation of the site, the availability of on-street parking on Derwent Park Road and the close proximity of the site to walking and cycling facilities and public transport satisfactorily meets the performance criteria. I agree with the above conclusion and therefore considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

GCC Services (Stormwater)

There are no GCC stormwater mains affected by this application.

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.

EXTERNAL REFERRALS**TasWater**

The proposal has been referred to TasWater. Pursuant to the *Water and Sewerage Industry Act 2008 (TAS)* Section 56P(1), TasWater does not object to the proposed development and no conditions are imposed.

REPRESENTATIONS

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

CONCLUSION

The proposal is for a change of use for the land at 13 Derwent Park Road to Motor vehicle sales (Bulky Goods Sales). The proposal is assessed to comply with the zone purpose statements, use standards and the development standards of the Light Industrial zone, where applicable, as well as the relevant codes. The proposal is discretionary owing to being a discretionary use within the Light Industrial zone, as well as relying on performance criteria to comply with the applicable standards of the Parking and Access code E6.6.1 (P1) Number of Car Parking Spaces, E6.7.7 (P1) Lighting of Parking Areas, E6.7.8 (P1) Landscaping of Parking Areas

Recommendation:

That a permit be granted for the proposed use and development of Change of use to car sales (bulky goods sales) and signage, relying on performance criteria. at 13 Derwent Park Road, Moonah subject to the following conditions:

Planning

1. Use and development shall be substantially in accordance with planning permit application No. PLN-16-165 and Drawings No P1 (sheets 2-5 only) submitted on the 3/8/2016 and P3 submitted on 14/12/2016, except as otherwise required by this permit.
2. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit
3. The use of Motor Vehicle sales must operate only between the hours of
7:30am to 6:00pm Monday to Friday, and
7:30am to 4:00pm on Saturdays

4. A landscaping plan, prepared by a suitably qualified person, is to be submitted and approved prior to the undertaking of the use of the land for motor vehicle sales. This landscaping plan is to be approved by Council's Senior Statutory Planner. Particular attention is to be paid to the retention of existing vegetation on site and must be maintained for the life of the use. The landscaping plan is to be prepared at a suitable scale, and indicate the following:-
 - (a) outline of buildings;
 - (b) existing trees and any to be removed;
 - (c) any proposed driveways, paths, car parking, retaining walls and fencing (indicating the materials and surface finish);
 - (d) any proposed planting (including expected mature height and plant size);It is anticipated that the approval of the landscaping plan will ensure the objective of the standard will be satisfactorily met.

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 design and construction of the 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. Detailed engineering drawings showing the driveway and manoeuvring areas, internal service lines and connections to service mains, surface drainage collection, pavement composition and finished levels must be in accordance with the Australian Standard AS 2890.1 – 2004 Off-Street Parking and submitted with any Building Application for approval by Council's Development Engineer.

The proposed driveway, access and parking must comply with the following:-

- (a) All runoff from paved and driveway areas must be discharged into Council's stormwater system;
- (b) Each parking spaces must be clearly line-marked and kept available for these purposes at all times;
- (c) Lighting must be provided for the proposed car park in accordance with Australian Standard AS 1158.3.1 – Lighting for roads and public spaces and completed prior to the commencement of use as approved.

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 Building Permit.

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 2000 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 01**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.	7.30 am to 6pm weekdays. 7.30am to 4pm Saturdays. Not within 100m of Residential Zone.	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) (LMax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	The nearest Residential zone is 400m	Yes

Standard	Acceptable Solution	Proposed	Complies?
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.	Not within 50 metres of a residential zone.	Yes
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.	Not within 50 metres of a residential zone.	Yes
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.	Not within 50 metres of a residential zone.	Yes
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.	Not within 50 metres of a residential zone.	Yes

APPENDIX 02**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.	N/A	N/A
	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.	N/A	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.	Estimated daily vehicle movements is <40 vehicle movements per day.	Yes

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.	N/A	N/A

APPENDIX 03**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.	The proposed car display area is 1428m ² . This area generates a car parking requirement of 14 spaces pursuant to the table E6.1.	No – Refer Report
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.	There is no requirement for the provision of car parking spaces for persons with a disability	Yes

Standard	Acceptable Solution	Proposed	Complies?
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.	N/A	N/A
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.	N/A	N/A
E6.7 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.	There is no proposed change to the number of access points	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;	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(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.		
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.	There is sufficient room for vehicles to pass along the existing access	Yes
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.	There is sufficient On-site turning available.	Yes

Standard	Acceptable Solution	Proposed	Complies?
E6.7.5 Layout of Parking Areas	A1 The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	The layout of car parking spaces is proposed to comply with the Australian standard.	Yes
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.	Proposal is for the parking to be delineated on an existing paved area.	Yes
E6.7.7 Lighting of Parking Areas	A1 Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.	Proposal does not indicate any additional lighting	Conditioned

Standard	Acceptable Solution	Proposed	Complies?
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.	There is no new landscaping proposed as part of this development	No – refer report
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.	N/A	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; (b) be located within 30 m of the main entrance to the building.	N/A	N/A
	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.	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
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.	N/A	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.	N/A	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; (b) the use is not primarily dependent on outward delivery of goods from the site.	The proposed use is not dependant on outward delivery of goods.	Yes
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.	There is no proposed change to the access	Yes

APPENDIX 04**E8.0 Electricity Transmission Infrastructure Protection Code**

Standard	Acceptable Solution	Proposed	Complies?
8.6 Use Standards			
E8.6.1 Sensitive Use Within 65m of a Substation Facility	A1 No Acceptable Solution	Proposal is not for a sensitive use	Yes
E8.6.2 Use Other Than Sensitive Use Within 65m of a Substation Facility	A1 A use must not result in materials stored or handled within the site becoming airborne contaminants which transmit into a substation facility.	The proposal is not anticipated to generate airborne contaminants.	Yes
E8.7 Development Standards for Buildings and Works			
E8.7.1 Development within the Electricity Transmission Corridor	A1 Development is not within: (a) an electricity transmission corridor; or (b) a registered electricity easement	Proposal is not within an ETC or easement	Yes

Standard	Acceptable Solution	Proposed	Complies?
E8.7.2 Development for Sensitive Uses Within 65m of a Substation Facility	A1 No acceptable solution.	Proposal is not a sensitive use	Yes
E8.7.3 Development for Uses Other Than Sensitive Uses Within 65m of a Substation Facility	A1 Development must be located no less than 5m from substation facility.	Proposed delineation of car parking areas is within 5m of the existing substation facility; this delineation is not considered development.	N/A
E8.7.4 Development Within 55m of a Communication Station	A1 No part of the development: (a) is located less than: i) 5 m to any security fence associated with a communications station or the boundary of a site within which a communications station is located; or ii) 20 m to the communications station; whichever is the lesser; (b) has a building height more than the height of the facility's antennae/disk when measured in horizontal plane.	Development is not within 55m of a communication station	Yes

Standard	Acceptable Solution	Proposed	Complies?
E8.8 Development Standards for Subdivision			
E8.8.1 Subdivision	A1 Subdivision of a lot, all or part of which is within the inner protection area must be for the purpose of one or more of the following: (a) separation of existing dwellings; (b) creation of a lot for public open space or reserve; (c) creation of a lot in which the building area, access and services are outside of the inner protection area.	N/A	N/A
	A2 A lot, any part of which is located within 65 m of a substation facility, and which is intended for sensitive use must: (a) identify a building area; (b) show that the building area can accommodate a dwelling with a setback no less than 65 m from a substation facility.	N/A	N/A

Attachments/Annexures

- 1**  Attachment - 13 Derwent Park Road, Moonah