

GLENORCHY PLANNING AUTHORITY MEETING

AGENDA

MONDAY, 16 MARCH 2020



GLENORCHY CITY COUNCIL

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

Chairperson: Alderman Kristie Johnston

Hour: 5.00 p.m.

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

2. APOLOGIES/LEAVE OF ABSENCE

3. PECUNIARY INTERESTS

4. CONFIRMATION OF MINUTES

That the minutes of the Glenorchy Planning Authority Meeting held on 17 February 2020 be confirmed.

5. PROPOSED USE AND DEVELOPMENT - DEMOLITION AND CONSTRUCTION OF A GARAGE (RESIDENTIAL) - 106 CHARLES STREET MOONAH

Author: Planning Officer (Grace Paisley)

Qualified Person: Planning Officer (Grace Paisley)

Property ID: 5416101

REPORT SUMMARY:

Application No.:	PLN-20-034
Applicant:	Longview Design & Drafting
Owner:	M A Rogers and J E Rogers
Zone:	Light Industrial Zone
Use Class	Residential
Application Status:	Discretionary
Discretions:	9.1.1 Changes to an Existing Non-Conforming Use; 9.4 Demolition; 24.4.2 Setback; and 24.4.5 Landscaping (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	17 March 2020
Existing Land Use:	Residential (Single dwelling)
Representations:	0
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application proposes the demolition of an existing garage and construction of a garage at 106 Charles Street, Moonah.

The existing 43.2sqm garage is located in the southern corner of the site with a zero setback to the south eastern boundary and south western boundary (rear boundary). The garage would be fully demolished.

The proposed garage would be located in the same position, however, would be setback 500mm from the south eastern and south western boundaries (figure 1). The garage would have an overall area of 50.4sqm (12m x 4.2m) and would have a maximum height of 3.66m. The garage would be constructed with cement sheet painted weatherboards and a Colorbond roof, in the colours windspray and river gum (figure 2). The floor plan would consist of a toilet in the north western corner with the remainder open. The garage would be accessible via a roller door on the north eastern elevation and three doors on the north western elevation.

The application is discretionary due to relying on performance criteria to comply with Clauses 9.1.1 Changes to an Existing Non-Conforming Use, 9.4 Demolition, 24.4.2 Setback and 24.4.5 Landscaping.

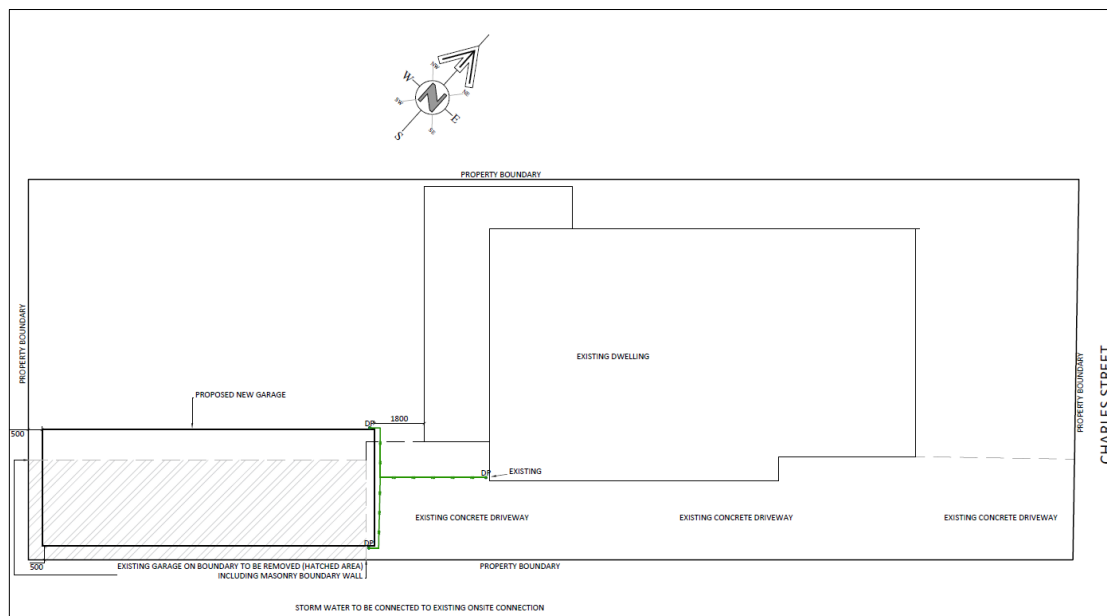


Figure 1: *Proposed site plan*

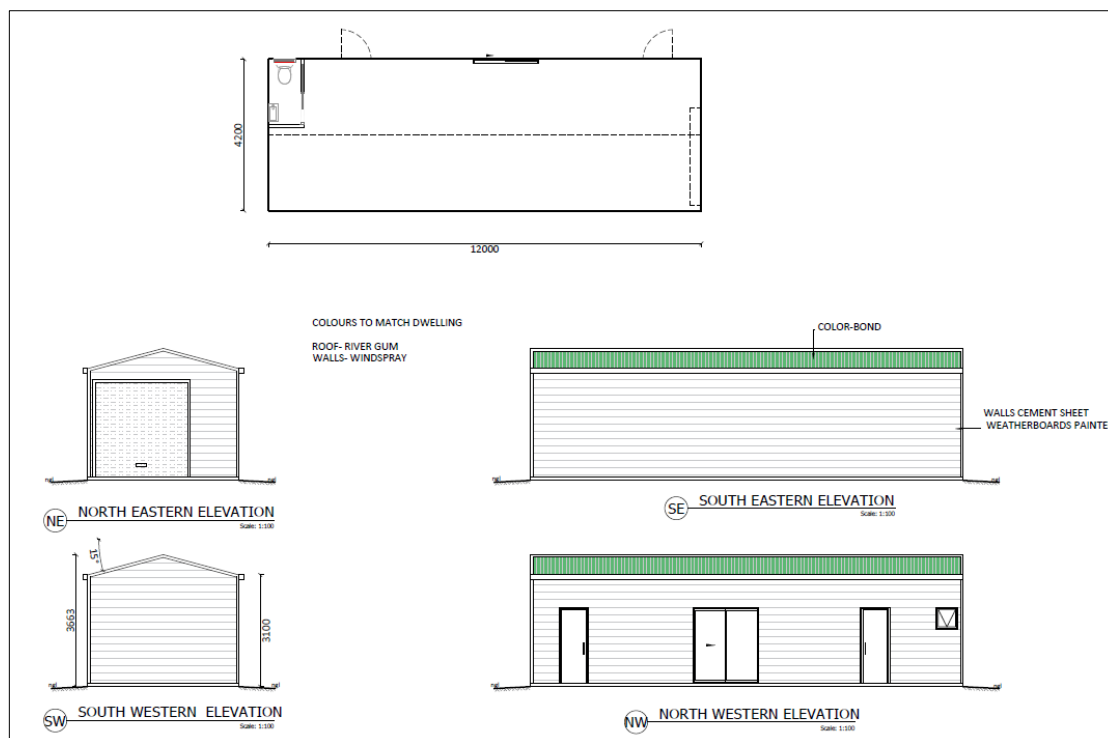


Figure 2: *Proposed floor and elevation plans*

SITE and LOCALITY

The site is located on the south western side of Charles Street and is rectangular in shape with an overall area of 518sqm. The site has a frontage of 13.3m onto Charles Street and a depth of 36.6m. The site is relatively flat and contains a single dwelling, and an outbuilding in the southern corner (figure 3).

The surrounding area is characterised by a mixture of land uses due to the proximity of the site to the Moonah shopping strip. The land to the rear of the site is within the Inner Residential Zone and is generally developed with single dwellings. The land to the east is within the Commercial Zone and is the start of the Moonah shopping strip. The site is located approximately 165m from Main Road.

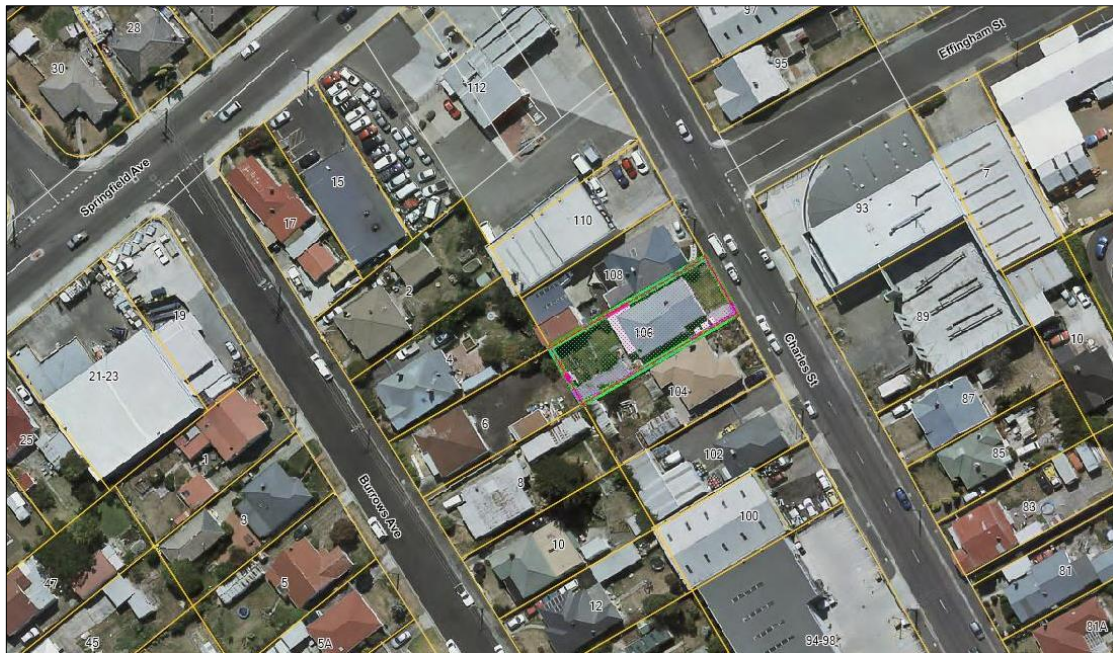


Figure 3: Aerial image of the subject site and surrounds

ZONE

The site is located in the Light Industrial Zone. The land to the south west is within the Inner Residential Zone and the land to the east is within the Commercial Zone (figure 4).

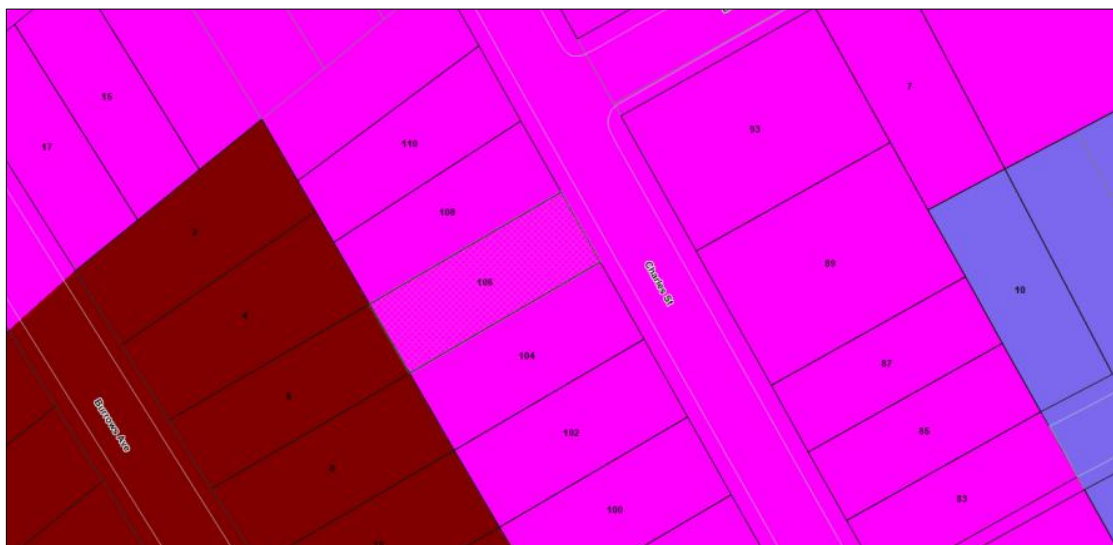


Figure 4: Zoning map of the subject site and surrounds

BACKGROUND

The application is required to be determined by the Glenorchy Planning Authority as the proposal is associated with a non-conforming use. Council records indicate the site has been used as Residential since construction in 1960.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

5.9 Demolition of exempt buildings

Clause 5.9.1 provides an exemption for the demolition in whole or in part of a building, the erection of which would be exempt under this planning scheme. The construction of the garage was not exempt due to the size, and therefore the demolition does not meet the above exemption.

Limited Exemptions

Nil.

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

There are no SAP or Code provisions that override Zone provisions in this assessment.

Use Class Description (Table 8.2):

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

Other relevant definitions (Clause 4.1):

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

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

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

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

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

Part C: Special Provisions

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

Changes to an Existing Non-Conforming Use

The proposed extension is in association with an existing non-conforming Residential use; therefore, Special Provision 9.1.1 applies as follows:

Changes to an Existing Non-Conforming Use

Notwithstanding any other provision in this planning scheme, whether specific or general, the planning authority may at its discretion, approve an application:

- (a) to bring an existing use of land that does not conform to the scheme into conformity, or greater conformity, with the scheme; or*
- (b) to extend or transfer a non-conforming use and any associated development, from one part of a site to another part of that site; or*
- (c) for a minor development to a non-conforming use,*

where there is –

- (a) no detrimental impact on adjoining uses; or*
- (b) the amenity of the locality; and*
- (c) no substantial intensification of the use of any land, building or work.*

In exercising its discretion, the planning authority may have regard to the purpose and provisions of the zone and any applicable codes.

Comment:

The demolition and construction of a new garage is considered to be minor development in accordance with (c) above. The new garage is similar in size (7.2sqm larger) and shape as the existing garage, and would be located further from the residentially zoned land than the current garage.

The proposal would not result in any detrimental impact on adjoining uses considering the garage is residential and adjoins residentially zoned land and residential uses in the Light Industrial Zone on either side.

An increase in size of 7.2sqm is not considered to be a substantial intensification of the use or buildings on the land.

The proposal is in accordance with the purpose of the zone as it is associated with a long standing residential use that does not conflict with adjoining land uses. The proposal would assist in minimising conflict with nearby industrial uses and the residentially zoned land to the rear.

The proposal is considered to accord with the above criteria.

Demolition

9.4 Demolition

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

- (a) the purpose of the applicable zone;*

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

Comment:

The demolition of the outbuilding would facilitate the development of a new garage in the same location. This is in keeping with the purpose of the Light Industrial Zone in that the new garage would not result in land use conflict. There are no local area objectives, desired future character statements or specific area plan. The proposal complies with the requirements of the Stormwater Management Code as demonstrated later in this report. The proposal is in accordance with the purpose of the zone being a long standing residential use that does not conflict with adjoining land uses.

Based on the above, the demolition complies with the criteria of Clause 9.4.1 and is recommended for approval.

Part D: Zones

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

Zone Purpose Statements

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

Comment:

The proposal is considered consistent with the purpose of the Light Industrial Zone because the proposal is associated with an existing long standing residential use which adjoins residentially zoned land at the rear of the site and has no conflict with the surrounding land uses.

Use Table

Use of the land for Residential except for a home based business is prohibited within the Light Industrial Zone. However, the proposal can be considered under Special Provision 9.1.

Use Standards

The use standards relate to hours of operation, noise, external lighting commercial vehicle movements and outdoor work areas. These are not applicable to the assessment of this application.

Development Standards for Buildings or Works**24.4.2 Setback (P2)**

The acceptable solution for this standard requires the garage to be setback 10m from a residential zone. The garage is only located 500mm from a residential zone and therefore must be assessed against the following performance criteria:

Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.

Comment:

The height of the garage is compatible with the building height of existing buildings on adjoining lots as the garage has a maximum height of 3.66m, which is consistent with the height of outbuildings within the area and would be of a similar height to the existing building which is located on the boundary.

The proposal is assessed as complying with the performance criteria.

24.4.5 Landscaping (P2)

The acceptable solution for this standard requires a boundary adjoining a residential zone to have a landscaping strip no less than 10m wide. The garage would be located only 500mm from the rear boundary which adjoins the Inner Residential Zone and therefore does not have a 10m wide landscaping strip. As such, the proposal must be assessed against the following performance criteria:

Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.

Comment:

The proposed building design would ensure there is no unreasonable impact on the visual amenity of the adjoining residentially zoned land. The lot to the rear, which is within the Inner Residential Zone, would face the south western elevation (figure 5) which would be the shorter side of the building and clad in weatherboards with a low light reflectance value of 27%. The proposal would not result in any further detriment from visual impacts than the existing building.

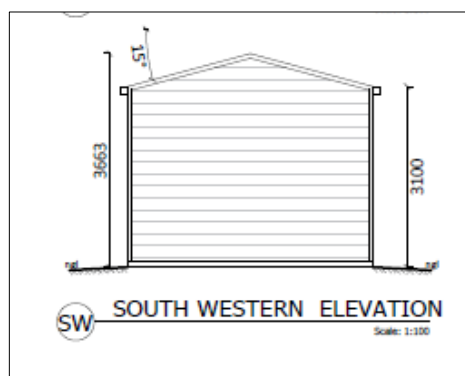


Figure 5: Elevation plan showing view of proposed garage from the residential zoned land

It is also noted that the industrial zoned lots are characterised by buildings located on the rear boundaries with the two adjoining lots also having outbuildings with a zero setback to the residentially zoned land.

The proposal is assessed as complying with the performance criteria.

Part E: Codes

The following codes of the Scheme apply to this proposal:

Parking and Access Code

The carparking requirement under the Parking and Access Code is met through the provision of the existing car parking spaces required for the dwelling. The proposed garage is replacing an existing garage of similar size and therefore does not reduce or increase the number of existing car parking spaces. No changes are proposed to the existing access to the site.

Therefore, there are no applicable standards of the Parking and Access Code.

Stormwater Management Code

The garage would be connected by gravity to public stormwater infrastructure through the existing onsite connection. The proposal meets all applicable standards of the Stormwater Management Code as demonstrated in the attached Appendix.

PART F: Specific Area Plans

No Specific Area Plan applies to the site.

INTERNAL REFERRALS

No internal referrals were deemed necessary.

EXTERNAL REFERRALS

No external referrals were deemed necessary.

REPRESENTATIONS

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

CONCLUSION

The application is for the demolition and construction of a new garage for a non-conforming Residential use at 106 Charles Street, Moonah. The property is located within the Light Industrial Zone. It is considered that the difference in size of 7.2sqm would not significantly intensify the use or have any adverse amenity impacts on the locality. The proposal is assessed as complying with all other use and development standards in the Light Industrial Zone, as well as the applicable standards of the Stormwater Management Code. The application was publicly advertised for the statutory 14-day period and no representations were 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 Demolition and construction of a garage (Residential) at 106 Charles Street Moonah subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-20-034 and Drawing No. P2 submitted on 03/02/2020, except as otherwise required by this permit.
2. Soil and water management is to comply with best practice to prevent any transfer of soil material outside of the area specifically and necessarily disturbed for construction. Particular attention is to be paid to ensure no soil material is tracked onto roads and footpaths or to enter the Council's stormwater system. All aspects and protection measures in connection with soil and water management are to comply with the requirements of Council and be installed prior to the removal of and/or disturbance of any soil or vegetation.

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

Advice to Applicant

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

Other Permits

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

Attachments/Annexures

- 1 Attachments - 106 Charles Street Moonah



APPENDIX

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.		Not applicable.
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		Not applicable.

Standard	Acceptable Solution	Proposed	Complies?
	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.		
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.		Not applicable.
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 applicable.
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 applicable.
24.3.5 Outdoor Work Areas	A1		Not applicable.

Standard	Acceptable Solution	Proposed	Complies?
	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.		
24.4 Development Standards for Buildings and Works			
24.4.1 Building Height	A1 Building height must be no more than: 9m.	The garage would have a maximum height of 3.66m.	Yes
	A2 Building height within 10 m of a residential zone must be no more than 8.5 m.	The garage would have a maximum height of 3.66m.	Yes
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.	The garage would be located behind the existing dwelling and would not affect the alignment of existing buildings.	Yes
	A2 Building setback from a residential zone must be no less than: (a) 10m; or (b) half the height of the wall,	The garage would be setback 500mm from a residential zone.	No

Standard	Acceptable Solution	Proposed	Complies?
	whichever is the greater.		
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; (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.	(a) Not applicable to an outbuilding. (b) The north eastern elevation is considered to be the front façade and is provided with a roller door which takes up more than 40% of the surface area of the façade. (c) The building does not have a single expanse of blank wall at ground level on the front faced which exceeds 50% of the length of the façade. (d) Not applicable. (e) Not applicable. (f) Not applicable. (g) Not applicable.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	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.	(a) The garage would be painted in the colour windspray which has a light reflectance value of 27%. (b) The garage would not have openings facing a residential zone.	Yes
24.4.4 Passive Surveillance	A1 Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which 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;	(a) Not applicable to an outbuilding. (b) The north eastern elevation is considered to be the front façade. Over 20% of the surface area of this elevation is made up by the proposed roller door. (c) The building does not face a public space or car park. (d) Not entrapment spaces near public spaces are created by the proposal. (e) Not applicable. (f) Not applicable.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.		
24.4.5 Landscaping	A1 Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has a nil setback to frontage.	Landscaping along the frontage is existing on the property.	Yes
	A2 Along a boundary with a residential zone landscaping must be provided for a depth no less than: 10m.	The site adjoins the Inner Residential Zone but due to the location of the proposed garage, landscaping would not be provided to a depth of 10m.	No
24.4.6 Outdoor Storage Areas	A1 Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.	The development is associated with a residential use.	Not applicable.
24.4.7	A1	No fences are proposed.	Not applicable.

Standard	Acceptable Solution	Proposed	Complies?
Fencing	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.		
24.5 Development Standards for Subdivision			
No subdivision is proposed and therefore the subdivision standards are not applicable.			

APPENDIX

E7.0 Stormwater Management Code

Standard	Acceptable Solution	Proposed	Complies?
E7.7 Development Standards			
E7.7.1 Stormwater Drainage and Disposal	A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	The stormwater would be connected into the existing stormwater connection which would dispose of stormwater by gravity to public stormwater infrastructure.	Yes
	A2		Not applicable.

Standard	Acceptable Solution	Proposed	Complies?
	A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m²; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.		
	A3 A minor stormwater drainage system must be designed to comply with all of the following: (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.		Not applicable.
	A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.		Not applicable.

**6. PROPOSED USE AND DEVELOPMENT - PARTIAL CHANGE OF
USE TO SERVICE INDUSTRY - 2 KNOLL STREET GLENORCHY**

Author: Planning Officer (Bhavna Gungabison)

Qualified Person: Planning Officer (Bhavna Gungabison)

Property ID: 5379355

REPORT SUMMARY:

Application No.:	PLN-20-025
Applicant:	Pearso's Tints
Owner:	Tascommodities Pty Ltd
Zone:	Light Industrial Zone
Use Class	Service Industry
Application Status:	Discretionary
Discretions:	E6.6.1 Number of car parking spaces (The proposal meets all other applicable standards as demonstrated in the attached appendices)
Level 2 Activity?	No
42 Days Expires:	17 Mar 2020
Existing Land Use:	Storage (Warehouse)
Representations:	1
Recommendation:	Approval, subject to conditions

REPORT IN DETAIL

PROPOSAL

The application is for a partial change of use to Service Industry (window tinting) at 2 Knoll Street.

The section of the site, subject to the change of use is tenancy 4 which is encircled in Figure 1 below. The tenancy has an area of 68.28m² with one allocated car parking space.

No buildings and works are proposed as part of this application.

The proposal relies on a car parking shortfall discretion.



Figure 1: Site plan showing Tenancy 4 which is subject to the change of use application.

SITE and LOCALITY

The subject site is located on the southern side of Knoll Street with a frontage of 18.71m, depth of 109.13 and area of 2042m². The site comprises of five warehouse tenancies with a total of ten (10) car parking spaces. The site is located within an industrial area, with residential use to the north and west of the site (Figure 2).



Figure 2: An aerial view of the site and surrounding locality (Tenancy 4 is shown with an arrow)

ZONE

The subject site is located within the Light Industrial Zone as shown in Figure 3 below.



Figure 3: A snapshot of zoning (Fuchsia – Light Industrial Zone, Maroon – Inner Residential Zone, Yellow - Utilities).

BACKGROUND

Previous approvals

PLN-06-04061 - Additions to existing warehouse with variation to side boundary setback, approved 31/07/06.

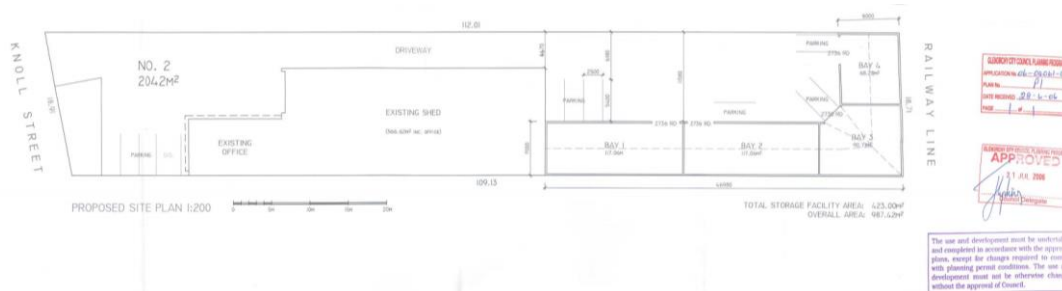


Figure 4: The approved site plan under PLN-06-04061

This permit has provided approval for the warehouse tenancies on the site and car parking spaces for each tenancy. The endorsed plan for this approval identifies tenancy four as having an area of 68.28m² and one approved parking space as shown in Figure 4 above.

Reason for GPA

A representation was received during the statutory advertising period of 14 days. An extension of time was requested to the applicant to allow for a determination at the GPA meeting scheduled on the 16/03/2020. The extension of time was approved on 6/03/2020.

ASSESSMENT

STATE POLICIES, OBJECTIVES of LUPAA

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

GLENORCHY INTERIM PLANNING SCHEME 2015

Part B: Administration

General Exemptions

Nil

Limited Exemptions

Nil

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

No SAP applies.

No conflict between zone and code provisions.

Use Class Description (Table 8.2):

Service industry means the use of land for cleaning, washing, servicing or repairing articles, machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating.

Service Industry use is considered as being the best fit for the window tinting use. This is because the use involves vehicles coming on site for the purpose of the window tinting and is considered as having a similar impact as other uses within the classification.

Other relevant definitions (Clause 4.1):

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.

Development means as defined in the Act:

Development includes –

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

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

Use means as defined in the Act:

Use , in relation to land, includes the manner of utilising land but does not include the undertaking of development;

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:

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 proposed partial change of use allows for window tinting within an existing building at 2 Knoll Street, which efficiently utilises existing industrial land stock. The building

has no window or door openings along the western and southern elevation which adjoins the residential properties and the Railway line respectively. Tenancy 4 is located on the south-eastern corner of the building and does not directly adjoin the residential property to the west. The use is proposed to have relatively low noise emission and is expected to have minimal impact on residential amenities in the adjacent zones. Additionally, the tenancy uses an established driveway and parking space and is not expected to conflict with other uses or users within the site. The use is not considered to cause unreasonable impact on the surrounding industrial uses and is expected to protect the industrial viability. The site has good access to strategic transport networks.

The proposal is assessed as being consistent with the purpose statement of the zone.

Use Table

Service industry use is a permitted use within the Use Table 24.2. The proposal is discretionary due to reliance on performance criteria for a shortfall of one car parking space.

Use Standards

The proposal is assessed as complying with the acceptable solutions of the applicable use standards as described in the Appendix section of the report.

Development Standards for Buildings or Works

No buildings and works are proposed as part of this application and therefore the development standards are not applicable.

Part E: Codes

The following codes of the Scheme apply to this proposal:

E6.0 Parking and Access Code

The Service Industry use triggers three (3) car parking spaces per 100m² of floor area as per Table E6.1 of the Code. The tenancy 4 subject to the change of use has an area of 68.28m², which triggers two (2) car parking spaces but has access to only one (1) car parking space on-site.

The availability of only one car parking space causes a shortfall of one parking space and is therefore assessed against the performance criteria P1, which requires the following:

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:

As part of the application, the applicant has provided details on the scale of the use. The business is to be of a low-scale, where the window tinting business is to accommodate only one vehicle at a time, which will be treated inside the building. The business is to have only one employee at any one time. The site is located in close proximity to public transport and the intercity cycleway which provides alternative transport modes to the employee. The one car parking space available for the tenancy can potentially be utilised by customers. The existing car parking space is assessed as being sufficient to meet the reasonable needs of the user and is considered as meeting the requirements of the performance criteria due to the low scaled operation. The proposal is assessed as meeting the standard.

E7.0 Stormwater Management Code

This code applies to development requiring management of stormwater. This code does not apply to use. Therefore, the code does not apply to the assessment of the proposed change of use.

PART F: Specific Area Plans

No SAP applies.

INTERNAL REFERRALS

Development Engineer

E5.0 Road and Railway Assets Code

The development complies with Code E5 Road and Railway Assets Code.

The proposed partial change of use is not expected to increase vehicle movements, to and from the site, over 40 vehicle movements per day and therefore complies with the

Acceptable solution A3 of E5.5.1. The site can be accessed off the existing vehicle crossing, and no new access is proposed; this complies with A2 of the E5.6.2.

E6.0 Parking and Access Code

The proposal complies with Code E6.0 Parking and Access Code and it is considered that the site is capable of being developed and the local traffic conditions are not expected to be significantly affected.

The site can be accessed off the existing vehicular access and driveway onto the site. Based on the Table E6.1 of the Planning Scheme, the proposed use requires two (2) car parking spaces. The developer provides a plan showing the existing parking arrangement showing one (1) car parking space directly outside of the building. The applicant provided a response that the customer car parking can be provided within the building as the scope of the business is window tinting and that there will always be one car for tinting at the time. This arrangement is considered to comply with the Performance Criteria, P1 under clause E6.6.1.

There is no other significant change to the parking arrangement.

E7.0 Stormwater Management Code

There is no addition or new impervious surface as part of the development application.

Other

E3.0 Landslide Code

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

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

Not applicable.

E15.0 Inundation Prone Areas Code

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

Environmental Health Officer

Environmental Health has assessed this application and does not have any conditions to recommend.

Response to Representation:

Environmental Health have reviewed the representation, the noise generated from the window tinting operations will meet the acceptable solutions of the planning scheme. Noise generated from other sources may be dealt with under the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The external application was not referred externally.

REPRESENTATIONS

The application was advertised for the statutory 14-day period with 1 representation being received. The issues raised are as follows:

1. Boundary re-survey

The representor states that part of the building, subject to the change of use is encroaching on adjoining Tas Rail property. The representor has a current building order to remove buildings encroaching onto Tas Rail property and therefore requests for property at 2 Knoll Street to undertake a full land title survey before any planning permits are issued.

Planner's Comment:

This issue is not a planning issue that can be considered as part of this application. A land survey is not warranted as part of the planning application process for partial change of use to an existing building, because there is no proposed development.

2. Noise

The representor states that the business operating on the boundary wall will produce noise and possible odour. There is also music coming from the place during work hours. The representor notes that having inner residential and industrial so close together is not ideal for general living.

Planner's Comment:

This issue has been previously addressed under the Environmental Health referral. The nature of the business being window tinting is not expected to cause an adverse or unreasonable noise or noxious smell impact to adjoining properties. Noise generated from other sources may be dealt with under the *Environmental Management and Pollution Control Act 1994* when a noise complaint is received during the operation of the window tinting business.

CONCLUSION

The proposed partial change of use to Service Industry (Window Tinting) is considered to comply with the Zone purpose statement for the Light Industrial zone and the applicable codes.

The proposal also meets all of the acceptable solutions of the Use Standards of the Light Industrial zone and the Parking and Access code, as outlined in the appendices, except where reliant on the performance criteria for E6.6.1 Number of car parking spaces. The proposal is assessed as meeting the objective of the standard through the performance criteria.

The application was publicly advertised for the statutory 14-day period with one representation which has been discussed in the report.

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

Recommendation:

That a permit be granted for the proposed use and development of Partial change of use to Service Industry at 2 Knoll Street Glenorchy subject to the following conditions:

Planning

1. Use and development must be substantially in accordance with planning permit application No. PLN-20-025 and Drawing No. P2 submitted on 24/01/2020, except as otherwise required by this permit.
2. One on-site car parking space must be provided and kept available for that purpose for the duration of the use, as approved.

Engineering

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

Advice to Applicant

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

Other Permits

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

Attachments/Annexures

- 1 Attachments - 2 Knoll Street Glenorchy



APPENDIX A

24.0 Light Industrial Zone

Standard	Acceptable Solution	Proposed	Complies?
24.3 Use of Standards			
24.3.1 Hours of Operation	A1 Hours of operation of a use within 100 m of a residential zone must be within: (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5.00 pm Saturdays; (c) nil Sundays and Public Holidays. except for office and administrative tasks.	The proposed hours of operation are to be between 9am to 5pm on weekdays and 9am and 1pm on Saturdays. The use is not proposed to operate on Sundays and Public Holidays. The hours comply with the acceptable solution A1.	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) (LAmx) at any time.	The window tinting operation is expected to generate low noise frequency and therefore meet the acceptable solution levels. This has been confirmed by Council's Environmental Health Officers, with no conditions recommended.	Yes

Standard	Acceptable Solution	Proposed	Complies?
	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.		
	A2 External amplified loud speakers or music must not be used within 50 m of a residential zone.	No external amplified loud speakers or music proposed.	NA
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 external lighting proposed.	NA
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.	Commercial vehicle movements are to occur during the hours of operation – 9am to 5pm during weekdays and 9am to 1pm of Saturdays. This meets the acceptable solution.	Yes

Standard	Acceptable Solution	Proposed	Complies?
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.	No outdoor work areas proposed.	NA

APPENDIX B

E5 Road and Railway Assets Code

Standard	Acceptable Solution	Proposed	Complies?
5.5 Use Standards			
E5.5.1 Existing road accesses and junctions	A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		NA
	A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more		NA

Standard	Acceptable Solution	Proposed	Complies?
	than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.		
	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.		Yes
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.		NA
5.6 Development Standards			
E5.6.1 Development adjacent to roads and railways	A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	No development proposed. The application is only for partial change of use to the existing building approved under PLN-06-04061	NA

Standard	Acceptable Solution	Proposed	Complies?
	A1.2 Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.		NA
E5.6.2 Road accesses and junctions	A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h		NA
	A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.		Yes
E5.6.3 New Level Crossings	A1 No Acceptable Solutions.		NA

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

APPENDIX C

E6.0 Parking and Access Code

Standard	Acceptable Solution	Proposed	Complies?
E6.6 Use Standards			
E6.6.1 Number of Car Parking Spaces	A1 The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 and no more than 10% greater than that number; except if: (i) the site is subject to a parking plan for the area adopted by Council, in which case parking		No – considers the performance criteria is met considering the nature and scale of the use.

Standard	Acceptable Solution	Proposed	Complies?
	provision (spaces or cash-in-lieu) must be in accordance with that plan; (ii) this provision was not used in this planning scheme.		
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.		N/A
E6.6.3 Number of Motorcycle Parking Spaces	A1 The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must 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.		Yes
E6.7.2 Design of Vehicular Accesses	A1 Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation		N/A

Standard	Acceptable Solution	Proposed	Complies?
	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.		N/A
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

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.		Yes - No change
E6.7.6 Surface Treatment of Parking Areas	A1 Parking spaces and vehicle circulation roadways must be in accordance with all of the following; (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway; (b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.		Yes - No change
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.		N/A

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.		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
	A2		N/A

Standard	Acceptable Solution	Proposed	Complies?
	The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 "Design of Parking Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard.		
E6.7.11 Bicycle End of Trip Facilities	A1 For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.		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.		Yes
E6.7.1.13 Facilities for E7	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:	N/A	N/A

Standard	Acceptable Solution	Proposed	Complies?
	(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.		
E6.7.14 Access to a Road	A1 Access to a road must be in accordance with the requirements of the road authority.		No change

CLOSED TO MEMBERS OF THE PUBLIC

7. APPEAL REPORT SUMMARY

This item is to be considered at a closed meeting of the Glenorchy Planning Authority by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(4) (In relation to subregulation 15(3) only, matters relating to legal (or possible future legal) action taken (or may be taken) by or involving the Council).